



Office of the City Manager

CONSENT CALENDAR
January 21, 2020

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 December 3, 2019 (special closed and regular), December 10, 2019 (special closed and regular) and December 16, 2019 (special closed).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. December 3, 2019 - Special Closed City Council Meeting
2. December 3, 2019 - Regular City Council Meeting
3. December 10, 2019 - Special Closed City Council Meeting
4. December 10, 2019 - Regular City Council Meeting
5. December 16, 2019 - Special Closed City Council Meeting

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, DECEMBER 3, 2019

4:00 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: 4:03 p.m.

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

Absent: Kesarwani, Davila, Harrison

Councilmember Davila present at 4:10 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 – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

- a. Claim (AIMS # 0196) submitted by The California Jazz Conservatory regarding a sewer backup incident on October 17, 2019.

Action: No action taken.

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

- a. Guzman, Richard vs. City Of Berkeley, WCAB Case Numbers: ADJ11422355; ADJ10835887; ADJ11758093; ADJ11657337; ADJ113628

Action: M/S/C (Wengraf/Droste) to provide direction to outside counsel and approve a stipulated settlement up to 54% (\$87,942.50) or else by compromise and release settlement up to \$250,000, as to workers compensation matter entitled Guzman, Richard vs. City Of Berkeley, WCAB Case Numbers: ADJ11422355; ADJ10835887; ADJ11758093; ADJ11657337; ADJ113628

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

OPEN SESSION:

Action: M/S/C (Wengraf/Droste) to provide direction to outside counsel and approve a stipulated settlement up to 54% (\$87,942.50) or else by compromise and release settlement up to \$250,000, as to workers compensation matter entitled Guzman, Richard vs. City Of Berkeley, WCAB Case Numbers: ADJ11422355; ADJ10835887; ADJ11758093; ADJ11657337; ADJ113628

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

Adjournment

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

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

Adjourned at 5:03 p.m.

I hereby certify that the foregoing is a true and correct record of the Closed Session meeting held on December 3, 2019.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, December 3, 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: 6:04 p.m.

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

Absent: Kesarwani, Harrison

Councilmember Kesarwani present at 6:10 p.m.

Councilmember Harrison present at 7:13 p.m.

Ceremonial Matters:

1. Recognition of Berkeley High School Girls Tennis
2. Recognition of NAACP Youth
3. Recognition of Starry Plough
4. Adjourned in Memory of Nolan Coleman, Berkeley Resident

City Manager Comments: None

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

Action: M/S/Failed (Kesarwani/Droste) to accept supplemental materials on Item 24.

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

Consent Calendar

Action: M/S/Failed (Kesarwani/Wengraf) to accept supplemental materials on Item 27a.
Vote: Ayes – Kesarwani, Wengraf; Noes – Davila, Bartlett, Hahn, Robinson, Arreguin; Abstain – Droste; Absent – Harrison.

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

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

- 1. Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,679-N.S. amending Berkeley Municipal Code (BMC) Chapter 14.52 to add the North Shattuck metered parking area to the goBerkeley parking program.
First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison (recused).
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,679-N.S.
- 2. Emergency Standby Officers for the Mayor and Councilmembers**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 68,454-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 69,190–N.S. as revised in Supplemental Communications Packet #1 to include Solomon Alpert as a Standby Officer for District 7.
- 3. Contract: Michael Arcega for San Pablo Park Measure T1 Public Art Commission**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$210,000, and any amendments thereto, with Michael Arcega for a public art commission for San Pablo Park.
Financial Implications: Measure T1 Bond Fund - \$210,000
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,191–N.S.

Consent Calendar

- 4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 3, 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 - \$2,871,500
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 5. Contract with Berkeley Food & Housing Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Berkeley Food & Housing Project (BFHP) to provide administrative services for Berkeley Mental Health (BMH) Flexible Spending Programs and the Russell Street Residence through June 30, 2021 in an amount not to exceed \$357,000.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,192–N.S.
- 6. Contract Amendment: Bay Area Hearing Voices Network for Hearing Voices Support Groups**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Bay Area Hearing Voices Network (BAHVN) to provide Hearing Voices Support Groups through June 30, 2020 in an amount not to exceed \$68,442.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,193–N.S.
- 7. Contract Amendment: Youth Spirit Artworks for Transition Age Youth (TAY) Case Management and Linkage Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Youth Spirit Artworks (YSA) to provide Transition Age Youth (TAY) case management and linkage services through June 30, 2020 in an amount not to exceed \$100,000.
Financial Implications: \$100,000
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,194–N.S.

Consent Calendar

- 8. Contract: Trip Stop Sidewalk Repair, Inc. for FY2020 Sidewalk Inspection and Shaving Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with Trip Stop Sidewalk Repair, Inc. for FY2020 Sidewalk Inspection and Shaving Services, Specification No. 20-11345-C; for an amount not to exceed \$450,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,195–N.S.
- 9. Contract No. 31900082 Amendment: Silva Business Consulting Agreement for Provision of Real Property Management Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900082 with David L. Silva d.b.a. Silva Business Consulting for provision of various real property management services, increasing the contract by \$220,000 for a total not to exceed \$270,000. If approved, the amended contract will terminate January 31, 2022 or when funding limit is reached.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,196–N.S.
- 10. Reimbursement Agreement with Wareham Development for Wareham’s Construction of Public Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a reimbursement agreement (Attachment 1) and any amendments with Wareham Development for reimbursement of City’s share of construction of a traffic signal at the intersection of San Pablo Avenue and Parker Street, and lane re-striping and associated signing and parking restrictions at the intersection of San Pablo Avenue and Dwight Street.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,197–N.S.
- 11. Transfer Tax Refund for 1638 Stuart Street**
From: Housing Advisory Commission
Recommendation: The Commission recommends that the City Council authorize the City Manager to grant a transfer tax refund of an estimated \$10,260 to the Bay Area Community Land Trust (BACLT) refund in support of the renovation of 1638 Stuart Street and BACLT’s operation of the property as affordable housing.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, (510) 981-5400
Action: Approved recommendation.

Consent Calendar

- 12. Authorization for Additional Public Works Commission Meeting in 2019**
From: Public Works Commission
Recommendation: Adopt a Resolution authorizing one additional meeting of the Public Works Commission Meeting in 2019.
Financial Implications: None
Contact: Nisha Patel, Commission Secretary, (510) 981-6300
Action: Adopted Resolution No. 69,198–N.S.

Council Consent Items

- 13. Reaffirming the Arctic National Wildlife Refuge Resolution**
From: Mayor Arreguin and Councilmembers Hahn, Wengraf, and Davila
Recommendation: Adopt a Resolution reaffirming Berkeley’s position as supporting the preservation of the Arctic National Wildlife Refuge and refrain the City from conducting business with companies that purchases, leases, or develops oil fields within the Refuge.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,199–N.S.
- 14. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**
From: Mayor Arreguin
Recommendation: Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Mosquito Abatement District for a two-year term ending on January 1, 2022.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,200–N.S.
- 15. Oppose the Transportation and Handling of Coal and Petcoke in Our Communities**
From: Councilmembers Davila, Hahn, and Harrison
Recommendation: Adopt a resolution opposing the transportation of coal through our community and send a Letter to the Richmond and Oakland City Councils, including California State Assemblymember Buffy Wicks and State Senator Nancy Skinner, in support of their efforts for a No Coal ordinance.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 69,201–N.S. as revised in Supplemental Communications Packet #2.

Council Consent Items

16. **Adopt an Ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code Requiring Legal Rights for Legal Tender** *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
From: Councilmembers Harrison, Hahn, Davila, and Bartlett
Recommendation: Adopt an ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code requiring legal rights for legal tender, requiring that all covered businesses accept cash.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted first reading of Ordinance No. 7,681–N.S. Second reading scheduled for December 10, 2019.
17. **Berkeley Public Library Foundation 18th Annual Authors Dinner: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Hahn, Wengraf, Davila, and Mayor Arreguin
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$100 from Councilmember Hahn, to the Berkeley Public Library Foundation’s 18th Annual Authors Dinner 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. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs and services of the Berkeley Public Library. Proceeds from this event will subsidize library programs and fulfill the municipal public purpose of the library.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 69,202–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$600; Councilmember Bartlett - \$100; Councilmember Robinson - \$100; Councilmember Davila - \$100; Mayor Arreguin - \$600.
18. **Urging the CPUC to Address Its Failure of Oversight and to Transform PG&E Into A Mutual Benefit Corporation**
From: Councilmembers Robinson, Harrison, Bartlett and Mayor Arreguin
Recommendation: Adopt a resolution urging the California Public Utilities Commission to address past failures of oversight and transform PG&E into a mutual benefit corporation with the long-term goal of public ownership.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted Resolution No. 69,203–N.S. as amended in Supplemental Reports Packet #1 to include missing attachments.

Action Calendar – Public Hearings

19. Adoption of the 2019 California Fire Code with Local Amendments – Second Reading

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,680-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters B (as amended by BMC 19.48.020, Amendments to the California Fire Code), D, E, F, L (as amended by BMC 19.48.020, Amendments to the California Fire Code) and O published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: David Brannigan, Fire, (510) 981-3473

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

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

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

Action: M/S/C (Robinson/Wengraf) to adopt second reading of Ordinance No. 7,680–N.S.

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

20. Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,678-N.S. repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 8 speakers.

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

Vote: All Ayes.

Action: M/S/C (Harrison/Hahn) to adopt second reading of Ordinance No. 7,678–N.S.

Vote: All Ayes.

Action Calendar- Public Hearings

21. Milvia Bikeway Project Conceptual Design

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving the conceptual design of the Milvia Bikeway Project, including installation of a protected bikeway and the removal or modification of traffic lanes and on-street parking, and specified changes from two-way to one-way traffic operations, as necessary, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 12 speakers. M/S/C (Wengraf/Davila) to close the public hearing.

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

Councilmember Hahn absent 7:44 p.m. – 7:58 p.m.

Action: M/S/C (Harrison/Robinson) to adopt Resolution No. 69,204–N.S.

Vote: All Ayes.

Recess 8:09 p.m. – 8:21 p.m.

22. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras *(Item contains supplemental materials. Item continued from November 12, 2019)*

From: City Manager

Recommendation: Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.

Financial Implications: None

Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000

Action: Item 22 held over to January 28, 2019.

Action Calendar – Old Business

23. **City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee. Continued from November 19, 2019. Item contains revised and supplemental material.)*
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to integrate the previously adopted regulations for policy committees and make associated changes to other sections; update outdated references and practices; conform to the Open Government Ordinance; make other technical corrections; and rescinding any preceding amendatory resolutions.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Item 23 held over to January 21, 2019.
24. **FY 2019 Year-End Results and FY 2020 First Quarter Budget Update** *(Continued from November 19, 2019)*
From: City Manager
Recommendation: Discuss and determine funding allocations for FY 2020 based on the FY 2019 General Fund Excess Equity and Excess Property Transfer Tax for the following: 1) the General Fund Reserves 2) the Mayor's June 25, 2019, Supplemental Budget Recommendations approved by the Council and 3) the Council's Budget Referrals approved during FY 2020 to be considered in November 2019.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
Action: 20 speakers. M/S/C (Arreguin/Hahn) to adopt the Mayor's proposed allocations listed in Supplemental Communications Packet #1; make an allocation to the budget reserves; approve the City Manager's proposed allocations; suspend the budget policy regarding excess transfer tax revenues; reserve \$2.9 million for Measure P programs.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Kesarwani.
25. **Amendment: FY 2020 Annual Appropriations Ordinance** *(Continued from November 19, 2019)*
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2020 Annual Appropriations Ordinance No. 7,669–N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments authorized since July 1, 2019, in the amount of \$136,730,924 (gross) and \$130,267,144 (net).
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,682–N.S. a revised in Supplemental Communications Packet #1 and by Council action on Item 24. Second reading scheduled for December 10, 2019.
Vote: All Ayes.

Action Calendar – Old Business

- 26. goBerkeley Residential Shared Parking Pilot Project Update** *(Continued from November 19, 2019)*
From: City Manager
Recommendation: Receive a presentation providing an update on the Residential Shared Parking Pilot project, and offer any comments to staff on the implementation of the project.
Financial Implications: None
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Item 26 held over to January 28, 2019.
- 27a. Recommendations for Allocation of FY19/20 Measure P Funds** *(Continued from November 19, 2019)*
From: Homeless Services Panel of Experts
Recommendation: Approve recommendations for the allocation of FY19/20 General Funds at least commensurate with resources accrued to date from the passage of Measure P. Refer to the City Manager to produce data regarding the percentage of those transported with County Emergency Mental Health Transport who are homeless, and other sources that could be used to cover this cost.
Financial Implications: See report
Contact: Peter Radu, Commission Secretary, (510) 981-5400

Action Calendar – Old Business

27b. Companion Report: Recommendations for Allocation of FY19/20 Measure P Funds *(Continued from November 19, 2019)*

From: City Manager

Recommendation: The City Manager recommends that Council:

1. Approve the Homeless Services Panel of Experts' recommendation for the allocation of FY20 General Funds (Measure P) in the following investment areas: a. Immediate Street conditions & Hygiene; b. Flexible Housing Subsidies; and c. Infrastructure. For any allocation of "Flexible Housing Subsidies" to families, limit eligibility to those who are imminently at-risk of homelessness, and allow the City Manager to sole-source contracts for the implementation of these subsidies.
2. Refer discussion of the recommendations pertaining to the following areas to the Council Budget & Finance Policy Committee: a. Permanent Housing, b. Shelter & Temporary Accommodations, and c. Supportive Services. The City Manager recommends that the Policy Committee consider the following pertaining to these funding areas: - Allow the "permanent subsidies" allocation to fund tenancy sustaining services, and dedicate 10% of total funding to homeless families. - Allow the "Shelter and temporary accommodations" allocation to fund the creation of new programs (including for new RV parking programs) or maintenance of existing shelter programs funded by HEAP, when that funding is exhausted. - Authorize the City Manager to award any funding for shelter expansion and tenancy sustaining services to agencies that have already responded to the FY20-23 Community Agency Request for Proposals (RFP). - Authorize the City Manager to release one or more RFPs for an RV parking program that would require a non-profit operator and for any supportive services including street medicine, substance abuse treatment or mental health outreach.

Financial Implications: See report

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

Recess 10:30 p.m. – 10:36 p.m.

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

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

Action: M/S/C (Arreguin/Harrison) to suspend the rules and expend the meeting to 12:00 a.m.

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

Action: M/S/C (Arreguin/Hahn) to call for the previous question.

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

Action Calendar – Old Business

Action: 41 speakers. M/S/C (Hahn/Harrison) to adopt the Mayor's proposal in Supplemental Communications Packet #2 amended to reduce the Safe RV Parking allocation to \$100,000 in FY 2021 and remove the Lifelong Street Medicine allocation to the February AAO process.

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

Action Calendar – New Business

28. Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City

From: Disaster and Fire Safety Commission

Recommendation: The recommendation as stated above from the Disaster and Fire Safety Commission (DFSC) to the Council includes the following seven components:

1. Allocate full funding of the Fire Department's Safe Passages Program;
2. Initiate immediate action;
3. Recognize that parking restrictions are necessary on some streets for the health and well-being of Berkeley residents;
4. Establish priorities for enacting parking restrictions;
5. Develop a departmental coordinated team effort;
6. Inform the public; and
7. Document and distribute the extent of the access and egress problem.

Financial Implications: See report

Contact: Keith May, Commission Secretary, (510) 981-3473

Action: M/S/C (Arreguin/Robinson) to hold over Item 28 to December 10, 2019.

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

Councilmember Harrison absent 10:17 p.m. – 10:36 p.m.

Councilmember Hahn absent 10:20 p.m. – 10:36 p.m.

Councilmember Droste absent 10:21 p.m. – 10:38 p.m.

Action Calendar – New Business

29a. Taxi scripts to be provided to residents of Pathways/the STAIR Center

From: Homeless Commission

Recommendation: The Homeless Commission recommends that taxi scripts be provided to persons referred to Pathways/ the STAIR Center and that continued taxi scripts be provided to Pathways/STAIR residents, during their stay, in order to insure safe, accessible transport.

Alternatively, the Commission recommends that transportation arrangements be made with ride share services such as Lyft or Uber, or a public shuttle system coordinated by the City of Berkeley and Alameda County.

Financial Implications: See report

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

29b. Companion Report: Taxi scripts to be provided to residents of Pathways/the STAIR Center

From: City Manager

Recommendation: The City Manager will ensure that STAIR Center staff are incorporating applications and access to existing community transportation programs, such as East Bay Paratransit and Berkeley Rides for Seniors and the Disabled, into routine provision of services to mobility-impaired STAIR guests.

Financial Implications: Staff time

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

Action: Item 29b moved to Consent Calendar. Approved recommendation.

30a. Public Works Commission Recommendation for the Five-Year Paving Plan

From: Public Works Commission

Recommendation: Adopt a resolution that recommends approval of the Five-Year Paving Plan for FY2020 to FY2024 as proposed by Staff and recommends the creation of a Long-Term Paving Master Plan.

Financial Implications: See report.

Contact: Nisha Patel, Commission Secretary, (510) 981-6300

Action Calendar – New Business

30b. Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan

From: City Manager

Recommendation: Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2020 to FY 2024 and refer to the City Manager consideration of a Long-Term Paving Master Plan to be started after the completion of the public process of T1 Phase 2. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Robinson) to hold over Items 30a and 30b to December 10, 2019.

Vote: All Ayes.

Council Action Items

31. Considering Multi-year Bidding Processes for Street Paving *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

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

Recommendation: 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.

2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts.

Financial Implications: See report

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

Action: Item 31 referred to the Public Works Commission.

Information Reports

32. Condominium Conversion Program – Annual Report

From: City Manager

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

Action: Received and filed.

Information Reports

- 33. Small Sites Program Update**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Received and filed.
- 34. Equal Pay: Classification and Compensation Process City Employees**
From: City Manager
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Received and filed.
- 35. LPO NOD: 1581 Le Roy/#LMSAP2019-0004**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.
- 36. LPO NOD: 2234 Haste Street/#LMSAP2016-0002**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

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

Vote: All Ayes.

Adjourned at 11:54 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council held on December 3, 2019.

Mark Numainville
City Clerk

Communications

Item 21: Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City

1. David Levy

Healthy Checkout

2. Katrina Peters, on behalf of the Alameda-Contra Costa Medical Association
3. Janus Norman, on behalf of the California Medical Association

PG&E Public Safety Power Shutoff

4. Maxina Ventura

Fair Housing Measure

5. Joel Gerwein

Cal Student Safety

6. Karen Thornton
7. Elise Wing
8. Qiang Lu
9. Ningyan Fang
10. Seema Varma
11. Alisa Bunnapradist
12. Yan Ye
13. Charleson Liu & Vicky Li
14. Mbaporia@
15. Sue-z Lopez

Police Review Commission Charter

16. Marc Staton
17. Rani Cochran

Honesty at ZAB Meetings

18. Janis Ching (2)

Indigenous Peoples Festival Grant

19. Indigenous Peoples Day Committee

#WhereDoWeGoBerk

20. Margy Wilkinson

Cashless Businesses

21. Carol Denney

Collision at Shattuck and Woolsey

22. Sallie Hannarhyne
23. Audrey Ichinose

Homelessness, Encampments and RV's

24. Summi Kaipa
25. 311 Customer Service
26. Sage Linda Spatz
27. Carole Kennerly

28. Isabelle Gaston

5G and Wireless

- 29. Meaveen O'Connor
- 30. Phoebe Anne Sorgen (2)
- 31. Arthur Stopes III
- 32. Brent Green

Community Choice Electricity

- 33. Thomas Lord

Game Day Parking

- 34. Sam Nickelsen

Harriet Tubman Terrace Safety

- 35. Harriet Tubman Tenant Council Steering Committee
- 36. Councilmember Bartlett

Telegraph Avenue Restroom

- 37. Gabriel Brugger

Housing Framework

- 38. Katharine Bierce
- 39. Josh Daniels, Chair, Measure O Bond Oversight Commission

Greenway Vision Plan

- 40. Pam Speich (2)

Criminal Checks on Rental Forms

- 41. Pam Speich
- 42. Bryce Nesbitt

ZAB – Bachesso Property

- 43. Esther Lerman

Fossil Fuel Free Berkeley

- 44. Ben Paulos

Funding for the Arts

- 45. Janice Murota

E-Bikes

- 46. Tom Lent

Codornices Creek Fence

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

Bicyclist Policy

48. George Saksa

Supplemental Communications and Reports 1

Item #18: Urging the CPUC to Address Its Failure of Oversight and to Transform PG&E Into A Mutual Benefit Corporation

49. Supplemental material, submitted by Councilmember Robinson

Item #21: Milvia Bikeway Project Conceptual Design

50. Noam Ziv-Crispel

51. Tom Cauchois

52. Lauren Mackey

Item #2: Emergency Standby Officers for the Mayor and Councilmembers

53. Revised material, submitted by the City Clerk

Item #24: FY 2019 Year-End Results and FY 2020 First Quarter Budget Update

54. Supplemental material, submitted by Budget

Item #25: Amendment: FY 2020 Annual Appropriations Ordinance

55. Revised material, submitted by Budget

Item #27b: Companion Report: Recommendations for Allocation of FY 19/20 Measure P

56. Julia Lang, on behalf of Downtown Streets Team

57. Brandy Hoang

Supplemental Communications and Reports 2

Item #15: Oppose the Transportation and Handling of Coal and Petcoke in Our Communities

58. Revised material, submitted by Councilmember Davila

59. Thomas Lord

Item #20: Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code

60. Francesca Wahl, on behalf of Tesla

61. Pierre Delforge, on behalf of Natural Resources Defense Council

62. IdaRose Sylvester, on behalf of Fossil Free Buildings

63. Walter Wood

Item #21: Milvia Bikeway Project Conceptual Design

64. Charles Siegel

65. Kester Allen

66. Cate Leger

67. Felix Thomson

68. Steve Solnit

69. Heath Maddox

70. Katy Love

- 71. Liza Lutzker
- 72. Donna Graves
- 73. Sarah Deeds
- 74. Susie Hufstader, on behalf of Bike East Bay
- 75. John Caner, on behalf of Downtown Berkeley Association

Item #23: City Council Rules of Procedure and Order Revisions

- 76. Supplemental material, submitted by Councilmember Hahn

Item #24: FY 2019 Year-End Results and FY 2020 First Quarter Budget Update

- 77. Supplemental material, submitted by Mayor Arreguin
- 78. Revised material, submitted by Councilmember Kesarwani

Item #27a: Recommendations for Allocation of FY 19/20 Measure P

- 79. Supplemental material, submitted by Mayor Arreguin

Item 30b. Companion Report: Public Works Commission Recommendation for the Five-Year Rehabilitation Plan

- 80. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 81. Stacie Degeneffe

Supplemental Communications and Reports 3

Item #21: Milvia Bikeway Project Conceptual Design

- 82. Presentation, submitted by Public Works
- 83. Dan Newman
- 84. Drew Finke
- 85. Chris Ballinger
- 86. Miles Lincoln
- 87. Joe Berry
- 88. Steve Price
- 89. Terry Taplin
- 90. Mitchell Gass

Item #23: City Council Rules of Procedure and Order Revisions

- 91. Thomas Lord

Item #24: FY 2019 Year-End Results and FY 2020 First Quarter Budget Update

- 92. Diane Weber
- 93. Robin Hollenberg
- 94. Brenda Shank
- 95. Gail Machlis
- 96. David Levy
- 97. Sue Von Baeyer
- 98. John Clarke
- 99. Nancy Rader
- 100. Richard Boyden
- 101. Laura Louis
- 102. Olga Shalygin Orloff

103. Craig Baum
104. Jean Thomas
105. Charlotte von der Hude
106. Marvin Snow
107. William Hurley
108. Ruth White
109. Bernard Marszalek
110. Corinne Haskins
111. Elle Lefebvre
112. Jacob Jianh
113. Sally Hindman
114. Steve Moros
115. Rachel Sing
116. Medhavi Goel
117. Kevin Yen
118. Britney Tran
119. Maya Facciolo
120. Seth Wachter, on behalf of the University of San Francisco
121. Sarah Abdeshahian
122. Sarah Garrett
123. Emma Murphy
124. Rev. Julie Wakeless-Lynch
125. Bryanna Lee
126. Noah Rumbaoa
127. Harrison Miao
128. Kiara Taylor
129. Valerie Johnson
130. Bobby
131. Samantha Warren
132. Wei-Li King
133. Barbara Fisher
134. Kayhill Verceles
135. Bonnie Borucki
136. Margie Cohen, on behalf of the Women's Therapy Center (2)
137. Lance Jackson
138. Rick Dishnica
139. Jesse McFarland
140. Shirley Dean
141. Laurie McWhorter on behalf of Councilmember Wengraf
142. Stuart Baker, on behalf of the Telegraph Business Improvement District
143. Jen Joynt
144. Davina Srioudom
145. Sarick Matzen
146. Jackie Dragon, on behalf of the California Nurses Association
147. Sathvik Nair
148. Nathan Mizell

149. Rolf Bell, Patrick Lerchi and Dr. Robert Girling

Item #27a: Recommendations for Allocation of FY 19/20 Measure P

150. Presentation, submitted by the Homeless Services Panel of Experts

Item #27b: Companion Report: Recommendations for Allocation of FY 19/20 Measure P

151. Presentation, submitted by HHCS

152. Marbrisa Flores

153. Marty Lynch

154. Firdows Mujir

155. John Caner, on behalf of the Downtown Berkeley Association

156. Jamie Almanza, on behalf of Bay Area Community Services

157. Maryam Eldeeb

158. Julia Lang, on behalf of Downtown Streets Team

159. Robbi Montoya, on behalf of Berkeley Community Resource Center

Item 30b. Companion Report: Public Works Commission Recommendation for the Five-Year Rehabilitation Plan

160. Liz Schultz

161. Sara Zimmerman

162. Tom Lent

163. Annie Parks

Item #34: Equal Pay: Classification and Compensation Process City Employees

164. Julie Leftwich, on behalf of the Commission on the Status of Women

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, DECEMBER 10, 2019

4:00 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: 4:03 p.m.

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

Absent: Kesarwani, Davila, Bartlett

Councilmember Bartlett present at 4:08 p.m.

Councilmember Kesarwani present at 4:09 p.m.

Councilmember Davila present at 4:13 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 REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address: 100 Seawall Drive, Berkeley, CA 94710
Agency Negotiators: Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director, Parks Recreation and Waterfront; Christina Erickson, Deputy Director, Parks, Recreation, and Waterfront
Negotiating parties: City of Berkeley and Landry's, Inc.
Property owner: City of Berkeley
Under negotiation: Price and terms

Action: No reportable action taken.

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

City of Berkeley v. Regents of the University of California, Alameda Superior Court
Case No. RG19023058

Action: No reportable action taken

OPEN SESSION:

No reportable action.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:08 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on December 10, 2019.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, December 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: 6:16 p.m.

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

Absent: Kesarwani

Councilmember Kesarwani present at 6:17 p.m.

Ceremonial Matters:

1. Recognition of the Cheeseboard Musicians
2. Recognition of Dr. Rowena Tomaneng, Berkeley City College President
3. Recognition of Stuart Baker, Telegraph BID Executive Director
4. Recognition of Youth BART Station Design Contest Winners
5. Adjourned in memory of Hampton Smith, former City of Berkeley employee

City Manager Comments: None

City Auditor Comments:

The City Auditor gave a presentation to summarize the report on completed and outstanding recommendations.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 13 speakers.

Action: M/S/C (Arreguin/Hahn) to accept an urgent item from Councilmember Harrison for the Womens Therapy Center to be added to the agenda under Government Code Section 54954.2(b)(2).

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to accept an urgent item from Mayor Arreguin for an appointment to the Berkeley Housing Authority Board to be added to the agenda under Government Code Section 54954.2(b)(2).

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

Action: M/S/C (Arreguin/Wengraf) to accept revised materials from Councilmember Hahn on Item C.

Vote: All Ayes.

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

Vote: All Ayes.

A. Adopt an Ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code Requiring Legal Rights for Legal Tender *(Reviewed by the Land Use, Housing & Economic Development Policy Committee. Continued from December 3, 2019)*

From: Councilmembers Harrison, Hahn, Davila, and Bartlett

Recommendation: Adopt second reading of Ordinance No. 7,681-N.S. adding a new Chapter 9.50 to the Berkeley Municipal Code requiring legal rights for legal tender, requiring that all covered businesses accept cash.

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

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,681-N.S.

B. Amendment: FY 2020 Annual Appropriations Ordinance *(Continued from December 3, 2019)*

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,682-N.S. amending the FY 2020 Annual Appropriations Ordinance No. 7,669–N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments authorized since July 1, 2019, in the amount of \$146,891,298 (gross) and \$140,427,518 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Action: Adopted second reading of Ordinance No. 7,682-N.S.

Consent Calendar

Urgent Item: Women's Therapy Center Debt Relief Effort: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

From: Councilmembers Harrison, Robinson, Hahn and Mayor Arreguin

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$100 from Councilmember Kate Harrison, to Women's Therapy Center's Debt Relief Effort (<http://www.womenstherapy.org>). Funds would be relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.

Financial Implications: See report.

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

Action: Adopted Resolution No. 69,205–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$300; Councilmember Harrison - \$100; Councilmember Davila - \$250; Councilmember Wengraf - \$100; Councilmember Robinson - \$200; Councilmember Bartlett - \$100; Councilmember Kesarwani - \$100; Mayor Arreguin - \$100.

Urgent Item: Appointment of Ali Kashani to the Berkeley Housing Authority Board

From: Mayor Arreguin

Recommendation: Adopt a Resolution appointing Ali Kashani to serve a four-year term on the Berkeley Housing Authority Board of Commissioners.

Financial Implications: None.

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

Action: Adopted Resolution No. 69,206–N.S.

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of November 5, 2019 (special), November 12, 2019 (special and regular), and November 19, 2019 (special closed and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

Action: Approved minutes as submitted.

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 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 - \$2,913,252

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

Action: Approved recommendation.

Consent Calendar

**3. Contract: First Alarm Security & Patrol, Inc. for Citywide Security Services
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with First Alarm Security & Patrol, Inc. dba First Security Services to provide unarmed security guard staffing services at various City locations and facilities in an amount not to exceed \$2,100,000 for 36-months commencing on or about March 1, 2020 through to February 28, 2023 and including the option to extend for two additional 1-year periods for a total of 5 years at a total not-to-exceed amount of \$3,550,000, subject to the City's annual budget appropriation process.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,207–N.S.

**4. Revenue Contract: Community Services Block Grant for Calendar Year 2020
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 20F-3001, estimated to be \$266,863 to provide services for low-income people for the period January 1, 2020 to December 31, 2020.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,208–N.S.

**5. Memorandum of Understanding for a Winter Relief Program
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a memorandum of understanding (MOU) between Alameda County and the City of Berkeley for a Winter Relief Program, consisting of \$75,000 allotted from Alameda County to the City, which will provide homeless people on the streets of Berkeley housing respite through May 31, 2020.

Financial Implications: \$75,000 (revenue)

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

Action: Adopted Resolution No. 69,209–N.S.

Consent Calendar

6. Jointly Apply for Infill Infrastructure Grant Funding for Projects Seeking City Funding through the 2019 Housing Trust Fund Request for Proposals

From: City Manager

Recommendation: Adopt two Resolutions that enable affordable housing development projects that applied for City funding through the 2019 Housing Trust Fund Request for Proposals to access State of California Infill Infrastructure Grant (IIG) funds by:

1. Authorizing the City Manager to prepare and submit a joint application with each of the following developers proposing to use IIG funds: a. Satellite Affordable Housing Associates (for Blake Apartments at 2527 San Pablo); b. BRIDGE Housing Corporation (for 1740 San Pablo); c. Resources for Community Development (for Maudelle Miller Shirek Community at 2001 Ashby); and
2. Authorizing the City Manager to take actions needed for the City's participation in the IIG program by adopting state-required terms about submitting applications, entering into the State's Standard Agreement and other documents.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,210–N.S. (Joint Application); and Resolution No. 69,211–N.S. (IIG Participation).

7. Jointly Apply for No Place Like Home Funding for Maudelle Miller Shirek Community at 2001 Ashby Avenue

From: City Manager

Recommendation: Adopt two Resolutions that enable the proposed Maudelle Miller Shirek Community project to access State of California No Place Like Home program funds by:

1. Authorizing the City Manager to prepare and submit a joint application for Maudelle Miller Shirek Community at 2001 Ashby.
2. Authorizing the City Manager to take actions needed for the City's participation in the No Place Like Home program by adopting state-required terms about submitting applications, entering into the State's Standard Agreement and other documents, and providing mental health services for tenants of the resulting housing.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,212–N.S. (Joint Application); and Resolution No. 69,213–N.S. (No Place Like Home Participation).

Consent Calendar

8. 2020 Health Plan Changes

From: City Manager

Recommendation: Adopt two Resolutions:

1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: (a) 2.58% increase for Kaiser S1 Group #60 (Active Group); (b) 2.07% increase for the HSA-Qualified Deductible HMO Plan (Active Group); (c) 6.01% increase for Pre-Medicare Eligible Retirees (Retiree Group); and (d) -0.004% decrease for Post-65 Senior Advantage (Retiree Group)
2. Approving rates for the Sutter Health Plus health plans as follows: (a) 5.37% increase for the Active HMO ML30 group; and (b) 5.41% increase for the Pre-Medicare retiree group.

The health plan premium rates will be effective for the period of January 1, 2020 through December 31, 2020.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,214–N.S. (Kaiser); and Resolution No. 69,215–N.S. (Sutter).

9. Contract No. 31900092 Amendment: Basic Pacific, Third-Party Administrator for COBRA Administration and Retiree Health Premium Assistance Plan Administration

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 31900092 with BASIC Pacific (BASIC) for COBRA Plan administration and administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police, for the period covering October 1, 2018, through December 31, 2022; for a total cost not to exceed \$405,000.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Action: Adopted Resolution No. 69,216–N.S.

10. Contract No. 10542 Amendment: ServiceNow, Inc. for Information Technology Service Management, Project Management, and Government Risk and Compliance Software Licenses

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10542 with ServiceNow, Inc., for the extension of software licenses of the IT Service Management, Business Management, and Governance Risk and Compliance (GRC) modules, for an additional amount not-to-exceed \$266,076 and a total not-to-exceed amount of \$527,832 from February 14, 2017 to June 30, 2022.

Financial Implications: See report

Contact: Savita Chaudhary, Information Technology, (510) 981-6500

Action: Adopted Resolution No. 69,217–N.S.

Consent Calendar

- 11. Waiver of City Ordinance No. 7,650-N.S. for Berkeley Tuolumne Camp Reconstruction Contracts**
From: City Manager
Recommendation: Adopt a Resolution authorizing a waiver of City Ordinance No. 7,650-N.S. (which adds Chapter 13.105 to the Berkeley Municipal Code to Adopt a Sanctuary Contracting Ordinance) for Berkeley Tuolumne Camp Reconstruction Project contracts.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,218–N.S.
- 12. Contract No. 3200082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 3200082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$241,451 plus a 20% contingency in the amount of \$48,290 for a total amount not to exceed of \$5,705,668.
Financial Implications: Measure T1 Fund - \$289,741
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,219–N.S.
- 13. Contract No. 10793 Amendment: Siegel & Strain Architects for Construction Administration for the Berkeley Tuolumne Camp Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10793 with Siegel & Strain Architects for Construction Support Services for the Berkeley Tuolumne Camp Project, increasing the contract by \$2,900,000 for a total amount not to exceed \$7,200,000, and extending the term of the contract to July 1, 2022.
Financial Implications: Camps Fund - \$2,900,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,220–N.S.

Consent Calendar

14. Adjustments to the Measure T1 Phase 1 Project List

From: City Manager

Recommendation: Adopt a Resolution authorizing the following adjustments to the Measure T1 Phase 1 project list with no additional funding: 1. Removal of the following projects: -Transfer Station Conceptual Master Plan; -West Berkeley Service Center conceptual design; 2. Change of phase from construction to planning for the following projects: -Berkeley Health Clinic; -Public Safety Building; -Hopkins Street – San Pablo to the Alameda; -Bancroft Way – Milvia to Shattuck; 3. Change of phase from design to planning for the following projects: -Berkeley Municipal Pier; -Tom Bates (Gilman) Fields North Field House / Restroom; 4. Addition of the following projects and funding to supplement existing T1 projects at the same site: -San Pablo Park – Additional Play Structure Replacement (ages 2-5); -Strawberry Creek Park – Play Structure Replacement; -Codornices Creek at Kains Avenue.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Phillip Harrington, Public Works, (510) 981-6300

Action: Adopted Resolution No. 69,221–N.S.

15. Referral Response: Telegraph Avenue Loading Zone and Customer Parking Pilot Project Evaluation and Next Steps

From: City Manager

Recommendation: Adopt a Resolution marking the successful completion of the Telegraph Avenue Loading Zone and Customer Parking pilot project, making the pilot parking changes permanent, and authorizing the City Traffic Engineer to establish similar loading zone and/or customer parking regulations in all parking meter districts citywide, based on staff parking demand analysis, at the request of adjacent merchants, and/or in consultation with local business associations.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,222–N.S.

16. Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for nine (9) Ford Super Duty F-Series Pickup Trucks with varying service body configurations with National Auto Fleet Group in an amount not to exceed \$492,284, and a subsequent purchase order for the conversion of the nine (9) Ford Super Duty F-Series Pickup Trucks to plug in hybrid vehicles in an amount not to exceed \$245,000 using XL Fleet technology when it becomes commercially available.

Financial Implications: See report

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

Action: Item held over to January 21, 2020.

Consent Calendar

- 17. Contract Nos. 31900080 and 31900205 Amendment: Edgeworth Integration, LLC for Server Storage**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute:
1. Amendment to Contract No. 31900080 with Edgeworth Integration, LLC for server storage, increasing the current contract by \$36,588 for a total not to exceed amount of \$71,588.
2. Amendment to Contract No. 31900205 with Edgeworth Integration, LLC for server storage, increasing the current contract by \$17,972 for a total not to exceed amount of \$35,028.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,223–N.S. (Contract No. 31900080); and Resolution No. 69,224–N.S. (Contract No. 31900205).
- 18. Contract No. 9893B Amendment: ABM Industries for Expanding Electric Vehicle Charging Station Operations and Extended Maintenance Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9893B with ABM Industries to extend the term by three years, purchase additional Electric Vehicle (EV) charging stations, and provide network operations and maintenance, including extended warranty services, in the amount of \$131,556 for a total Contract not to exceed \$557,552 through June 30, 2026.
Financial Implications: Various Funds - \$131,556
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,225–N.S.
- 19. Contract: Pacific Trenchless, Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Dwight Way, Fourth Street, Camelia Street, Seventh Street, Heinz Avenue, University Avenue, Dana Street, Ward Street, Dover Street, Haskell Street, and Seawall Drive; accepting the bid of the lowest responsive and responsible bidder, Pacific Trenchless, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$3,821,569 which includes a 10% contingency of \$347,415.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,226–N.S.

Consent Calendar

- 20. Contract: Precision Engineering Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on San Pablo Avenue at University Avenue, Parker Street, Carleton Street, Derby Street, and from Grayson Street to South City Limit; accepting the bid of the lowest responsive and responsible bidder, Precision Engineering Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$2,246,219, which includes a 10% contingency of \$204,202.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,227–N.S.
- 21. Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Neilson Street Backline, Thousand Oaks Boulevard Backline, Portland Avenue Backline, Peralta Avenue, San Lorenzo Avenue/Washington Avenue, Capistrano Avenue, Miramar Avenue Backline, The Alameda Backline, Arlington Avenue Backline, Michigan Avenue Backline, Alamo Avenue Backline, San Diego Road and Backline, Santa Barbara Road and Backline, San Luis Road Backline, Henry Street Backline, Berryman Street and Backline, Grizzly Peak Boulevard and Backline, Cypress Street/Buena Avenue, Rose Street, Grant Street, Edith Street, and Milvia Street Backline; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$3,654,358, which includes a 10% contingency of \$332,214.
Financial Implications: Sanitary Sewer Fund - \$3,654,358
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,228–N.S.
- 22. Contract No. 10396A Amendment: Du-All Safety, LLC for Safety Consulting and Training Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10396 with Du-All Safety, LLC for continued safety training and consulting services up to \$100,000 for a total contract amount not to exceed \$300,000, and to extend the contract term through December 31, 2022.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,229–N.S.

Consent Calendar

**23. Contract No. 31900124 Amendment: B Bros Construction Inc. for Adult Mental Health Services Center Renovations Project at 2640 Martin Luther King Jr Way
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900124 with B Bros Construction, Inc. to complete renovation and seismic upgrade work at the Adult Mental Health Services Center (Center), increasing the current contract amount of \$4,886,293 by \$500,000 for a total amount not-to-exceed (NTE) of \$5,386,293.

Financial Implications: T1 Fund - \$500,000

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

Action: Adopted Resolution No. 69,230–N.S.

Consent Calendar

24. 2019 Housing Trust Fund Request for Proposals Funding Reservations

From: Measure O Bond Oversight Committee

Recommendation: Adopt a Resolution to:

1. Reserve Measure O bond revenues and other available funds for the following proposals at the following levels, for a total reservation of \$36,002,640: a. Satellite Affordable Housing Associates' Blake Apartments development (2527 San Pablo) at \$11,500,000; and b. BRIDGE Housing Corporation's 1740 San Pablo Avenue development at \$7,500,000; and c. Northern California Land Trust's (NCLT) Anti-Displacement Project (2321-2323 10th Street) at \$1,570,640; and d. Resources for Community Development's (RCD) Maudelle Miller Shirek Community (2001 Ashby) at \$15,432,000.
2. Fund the projects in the priority order listed above. If the available funds are insufficient to support all four proposals in full, forward commit funds from the next planned issuance of Measure O funds.
3. Consider funding 2321-2323 10th Street/Anti-Displacement Project (NCLT) using general funds such as those received pursuant to Measure U1.
4. For the NCLT Project at 2321-2323 10th Street: a. Waive the HTF Guidelines requirements listed below to allow funding for this project: i. Threshold for developer experience; and ii. City subsidy limit equal to 40% of total development costs.
b. Condition this new funding on NCLT's demonstrated compliance with the Council-mandated requirements of its 2017 development loan agreement. c. Apply Small Sites Program development and operating budget standards to NCLT's project.
5. Authorize the City Manager to execute all original or amended documents or agreements to effectuate this action.

Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, (510) 981-5400

Action: Adopted Resolution No. 69,231–N.S. amended to add an additional recommendation as written below.

6. After funding the priorities listed above, establish housing for Berkeley Unified School District employees under the Teacher Housing Act of 2016 (Health and Safety Code Section 53570 et seq.) as the first priority for any remaining funding from the next planned issuance of Measure O funds; and the City Council will consider, after review and recommendation from the Measure O Bond Oversight Committee, forward committing funding once the Berkeley Unified School District presents the Measure O Bond Oversight Committee with a proposal with sufficient specificity as to reasonably enable such a forward commitment.

Consent Calendar

- 25. Support for Non-Violent Activists and Protections of Animals in Commercial Operations**
From: Peace and Justice Commission
Recommendation: Adopt a resolution supporting non-violent activists and protecting animals in commercial operations.
Financial Implications: Minimal
Contact: Erin Steffen, Commission Secretary, (510) 981-7000
Action: Adopted Resolution No. 69,232–N.S. as revised in Supplemental Communications Packet #1 and further revised on the record at the Council meeting.

Council Consent Items

- 26. Ninth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin and Councilmembers Davila and Bartlett
Recommendation:
1. Adopt a Resolution co-sponsoring the 9th Annual Martin Luther King Jr. Celebration Breakfast on January 20, 2020.
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 9th Annual Martin Luther King Jr. celebration, with funds 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 Fund - \$500
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,233–N.S. (Sponsorship); and Resolution No. 69,234–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Harrison - \$100; Councilmember Davila - \$250; Councilmember Wengraf - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$200; Mayor Arreguin - \$500.

Council Consent Items

- 27. February 2020 Berkeley Black History Month organized by Berkeley Juneteenth Association: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmembers Bartlett and Davila
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$500 from Councilmember Bartlett, for Black History Month and the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)(3). The funds should be relinquished to the City's general fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 69,235–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$200; Councilmember Harrison - \$250; Councilmember Davila - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$500; Mayor Arreguin - \$250.

Action Calendar – Public Hearings

- 28. 2019 Local Hazard Mitigation Plan**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt a Resolution adopting the 2019 Local Hazard Mitigation Plan (LHMP); and
2. Adopt a Resolution amending the General Plan to incorporate the LHMP.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Wengraf/Droste) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Wengraf/Droste) to:
1. Adopt Resolution No. 69,236–N.S. (Local Hazard Mitigation Plan)
2. Adopt Resolution No. 69,237–N.S. (General Plan)
Vote: Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Harrison.

Councilmember Davila absent 11:23 p.m. – 11:25 p.m.

Councilmember Harrison absent 11:23 p.m. – 11:25 p.m.

Action Calendar – Public Hearings

29. Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Lincoln Street

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25N by adding a subsection to implement Residential Preferential Parking (RPP) on the 1500 block of Lincoln Street in RPP Area N.

Financial Implications: General Fund - \$2,000

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

Action: M/S/C (Arreguin/Wengraf) to hold over Item 29 to January 21, 2020.

Vote: All Ayes.

Action Calendar – Continued Business

C. Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City (Continued from December 3, 2019)

From: Disaster and Fire Safety Commission

Recommendation: The recommendation as stated above from the Disaster and Fire Safety Commission (DFSC) to the Council includes the following seven components:

1. Allocate full funding of the Fire Department's Safe Passages Program;
2. Initiate immediate action;
3. Recognize that parking restrictions are necessary on some streets for the health and well-being of Berkeley residents;
4. Establish priorities for enacting parking restrictions;
5. Develop a departmental coordinated team effort;
6. Inform the public; and
7. Document and distribute the extent of the access and egress problem.

Financial Implications: See report

Contact: Keith May, Commission Secretary, (510) 981-3473

Action: Moved to Consent Calendar. Adopted recommendation as revised in materials accepted for consideration at the meeting with further amendments noted below.

Revise the item to add that the City will help residents/property owners problem solve for unusual circumstances where new red striping of curbs will significantly curtail the ability of residents to access their homes through non-conforming applications or other approaches. Circumstances to be considered:

- 2. Unusual property configurations that render parking alternatives difficult or impossible.*

Action Calendar – Continued Business

Da. Public Works Commission Recommendation for the Five-Year Paving Plan

(Continued from December 3, 2019)

From: Public Works Commission

Recommendation: Adopt a resolution that recommends approval of the Five-Year Paving Plan for FY2020 to FY2024 as proposed by Staff and recommends the creation of a Long-Term Paving Master Plan.

Financial Implications: See report.

Contact: Nisha Patel, Commission Secretary, (510) 981-6300

Db. Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan *(Continued from December 3, 2019)*

From: City Manager

Recommendation: Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2020 to FY 2024 and refer to the City Manager consideration of a Long-Term Paving Master Plan to be started after the completion of the public process of T1 Phase 2. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.

Financial Implications: See report

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

Action: Items Da and Db held over to January 21, 2020.

Action Calendar – New Business

30. Urgency Ordinance Amending Accessory Dwelling Unit (ADU) Ordinance to Comply with New State Law and Establish Interim Limits on Development; Amending BMC Chapter 23C.24

From: City Manager

Recommendation: Adopt an Urgency Ordinance amending Berkeley Municipal Code Chapter 23C.24 (Accessory Dwelling Units) to comply with new State law and establish interim limits on ADU development pending further analysis, deliberation and adoption of local regulations, in order to help ensure public safety.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopted Ordinance No. 7,683–N.S.

Council Action Items

31. **Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group From: Mayor Arreguin, and Councilmembers Bartlett and Kesarwani Recommendation:**

1. Approve a Memorandum of Understanding (MOU) between the City of Berkeley and the Bay Area Rapid Transit District (BART) to establish a process for cooperatively pursuing the implementation of Assembly Bill 2923 (AB 2923, Stats. 2018, Chp. 1000) at the Ashby and North Berkeley BART Stations. This action is pursuant to unanimous City Council direction on May 9, 2019, to direct the City Manager to “engage with BART to develop an MOU that outlines the project planning process including feasibility analysis, project goals, and roles and responsibilities; and direct that the MOU return to Council for adoption.”
2. Establish a Community Advisory Group (CAG) for the purposes of providing input:
-To the City Planning Commission as it considers zoning standards that will be consistent with the City’s obligations under AB 2923 for the Ashby and North Berkeley BART station areas; and -To the City and BART as the parties establish a joint vision and priorities document that will be incorporated in eventual Requests for Proposal/Requests for Qualifications for potential developers of the BART Properties.

Financial Implications: See report

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

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

Pass the recommendation in the item, authorizing the Mayor and City Manager to execute a Memorandum of Understanding between the City of Berkeley and the Bay Area Rapid Transit District to establish a process for cooperatively pursuing the implementation of Assembly Bill 2923 at the Ashby and North Berkeley BART Stations;

And correct inadvertent omissions in the drafting of the MOU, including a reference to General Plan policy LU-32 on page 2, and noting that the MOU will need to be updated with final language of the Adeline Corridor Specific Plan once it is adopted by Council, and clarify wherever there is a reference to developer to notate “parenthesis – s – end parenthesis”;

And to establish a Community Advisory Group, with members recommended by the Council and appointed by the Mayor and Councilmembers Kesarwani and Bartlett, for the purposes of providing input to the Planning Commission as it considers

Council Action Items

zoning standards that will be consistent with the City's obligations under Assembly Bill 2923 for the Ashby and North Berkeley BART station areas;

And to refer issues arising from tonight's Council discussion, including requesting a broader access study contingent on funding, seeking additional affordable housing funds, and requiring that the Joint Vision and Priorities Document and the Access Study return to Council for approval, to the City Manager and the Planning Commission process.

Vote: All Ayes.

Information Reports

- 32. City Council Short Term Referral Process – Monthly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 33. Examination of Department Directors Transition Procedures Follow-Up Audit - Status Report**
From: City Manager
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Received and filed.
- 34. Recommendation Status Reports: Credit Card Audit, Cash Handling, Business License Tax, and Contracts Review Audits**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
- 35. Public Health Division Strategic Plan Update**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Received and filed.
- 36. Report on Workers' Compensation Annual Program Review FY18-19**
From: City Manager
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Received and filed.
- 37. goBerkeley Parking Management Program - Recommended Adjustments for February 1, 2020**
From: City Manager
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Received and filed.

Information Reports

38. Recommendation Follow Up Report, December 2019

From: Auditor

Contact: Jenny Wong, Auditor, (510) 981-6750

Action: Received and filed.

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

Adjournment

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

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

Adjourned at 11:25 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council held on December 10, 2019.

Mark Numainville
City Clerk

Communications

Item #14: Modification of Measure T1 Phase 1 Project List

1. MiSoon Yang (2)

Item #25: Support for Non-Violent Activists and Protections of Animals in Commercial Operations

2. Shawna Hamilton

Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group

3. Mary-Louise Hansen

Women's Therapy Center

4. Margie Cohen

Kids Art Contest – North Berkeley BART

5. Beth Gerstein, on behalf of Councilmember Kesarwani

Trash Pick Up at University and Highway 80

6. Diana Bohn

Pedestrian Protection at Shattuck and Woolsey

7. Ashleigh Kanat

UC Berkeley/Citywide Security Concerns

8. Marianna Bacher

Public Safety Power Shutoffs

9. Thomas Gregory

Nutrition Standards at Checkout

10. Darya Minovi, on behalf of the Center for Science in the Public Interest

11. Xochitl Castaneda, on behalf of the Health Initiative of the Americas

12. Amanda Nube

13. Juan Garay

Support YSA's Tiny House Village Project

14. Sara Fread

15. Helen Toy

16. Eunice Orfa Bonfil Tapia

2710 Shattuck Apartment Building

17. Hector Salgado

5G/Cell Antenna Regulation

18. Meaveen O'Connor

19. Carol Pinson

20. Beth Jerde

21. Councilmember Harrison

22. Gar Smith

23. T. Tobey

24. Regina DiMaggio

25. Tom Luce

26. Susan Griffin

27. Vivian Warkentin

Opportunity Zones

28. Margy Wilkinson

Police Review

29. Linda Franklin

Affordable Housing Framework

30. Linda Franklin

Here/There Encampment

31. Pedro Alvarez, Jr.

Supplemental Communications and Reports 1

Item #24: 2019 Housing Trust Fund Request for Proposals Funding Reservations

32. Ranil Abeysekera

Item #25: Support for Non-Violent Activists and Protections of Animals in Commercial Operations

33. Revised material, submitted by Councilmember Davila

Item #30: Urgency Ordinance Amending Accessory Dwelling Unit (ADU) Ordinance to Comply with New State Law and Establish Interim Limits on Development; Amending BMC Chapter 23C.24

34. Berkeley Neighbors Council Executive Committee

Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group

35. Libby Lee-Egan

36. Phyllis Orrick

37. Adam Rogers

38. Gerry Tierney

39. Victoria Eisen

40. Lee Bishop

41. Alfred Twu

42. Jonathan Singh

43. Kim Thompson

44. Will Travis

45. Tedi Siminowsky

46. Andrew Doran

47. Janice Murota

48. North Berkeley Now!

49. Valerie Knepper

50. Betsy Thagard

51. Joann Sullivan

52. 10 identical form letters

Supplemental Communications and Reports 2

Item #28: 2019 Local Hazard Mitigation Plan

53. Bentham Paulos, Commission, Berkeley Energy Commission

Item #C: Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City

54. Supplemental material, submitted by Councilmember Hahn

Item #Db: Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan

55. Amber Menzies

Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group

56. Theo Posselt

57. Alice Philipson

58. Sara and Kathy Dwight

59. Alicia Telford

60. Riti Dhesi

61. Walter Wood

62. Michael Katz

63. Paul Bickmore

64. Pablo Diaz-Gutierrez

65. Jenn Guitart

66. Mark

67. Watson Ladd

68. Teresa Clarke on behalf of South Berkeley Now!

69. Denise Keller

70. Laura Mason, on behalf of Engage

71. Elaine Hutsinpillar

72. Charles Siegel

73. Shawn Drost

74. Laura Klein

75. Liza Lutzker

76. Neal Donnelly

77. Charis Baz

78. Laura Leticia

79. Pamela Montanaro

80. Iris Starr

81. Laura Magnani

82. Barbara Fisher

83. Laura Garcia-Moreno

84. Howard Goldberg

85. Cindi Goldberg

86. Mary Ann Brewin

87. Eileen Hughes

88. Corey Smith, on behalf of Bay Area Housing Advocacy Coalition

89. Tony Corman

90. Paola Laverde, on behalf of the Berkeley Tenants Union

91. Kathleen Tuttle

- 92. Sophia DeWitt, on behalf of East Bay Housing Organizations
- 93. Jane Scantlebury
- 94. Phyllis Orrick
- 95. Claudia Valas
- 96. Sean Gibson
- 97. Chimey Lee
- 98. Sean Kennedy

Item #28: 2019 Local Hazard Mitigation Plan

- 99.0 (zero) Communications submitted via Berkeley Considers, included summary information.

Supplemental Communications and Reports 3

Appointment of Ali Kashani to the Berkeley Housing Authority Board

- 100. Urgency item, submitted by Mayor Arreguin

Women's Therapy Center Debt Relief Effort: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

- 101. Urgency item, submitted by Councilmembers Harrison, Robinson, Hahn and Mayor Arreguin
- 102. Women's Therapy Center

Item# 16: Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations

- 103. Dave Margulius
- 104. Kelly Hammargren

Item #24: 2019 Housing Trust Fund Request for Proposals Funding Reservations

- 105. Marissa Ashkar
- 106. Alexes Link

Item #25: Support for Non-Violent Activists and Protections of Animals in Commercial Operations

- 107. Anne Greene
- 108. Holly Zappala
- 109. Angela Pitkin
- 110. Robbi Norman
- 111. Sabrina Harbison
- 112. Donna Beck
- 113. Robert Bulger
- 114. Mary Jaimes
- 115. Jan Dykema

Item #29: Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Lincoln Street

- 116. Nathan Tsuizaki

Item #C: Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City

117. Proposed revision, submitted by Councilmember Hahn

Item #Db: Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan

118. Ben Gerhardstein

Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group

119. Tobey Wiebe (2)
120. Liat Zavodivker
121. Phil Sanders
122. Mary Law
123. Noah Budnick
124. Ross Esters Blum
125. Elisa Mikiten
126. Elizabeth Horowitz
127. Rebecca and Peretz Wolf-Prusan
128. Kyle Lian
129. Jodi Levin
130. Kevin Burke
131. Jennifer Price Wolf
132. Lois Cantor
133. Elana Naftalin-Kelman
134. Quentin Freeman
135. Samantha Warren
136. Katharine Bierce
137. Dmitriy Ryaboy
138. Janice Schroeder
139. Margy Wilkinson
140. Soula Culver
141. Varsha Sarveshwar, on behalf of the Associated Students of Cal
142. Nathan Tsuizaki
143. Julieta Pisani McCarthy
144. Gramma Grass
145. Fran Wicker
146. Jacqueline Erbe, on behalf of Walk Bike Berkeley
147. Rudabeh Pakravan
148. Richard Barber
149. Vicki Sommer (2)
150. Teresa Clarke
151. Ellen Woods

152. Marcia Poole
153. Friends of Adeline
154. Anna Weinstein
155. Davina Srioudom
156. Ann Rogers
157. Jonathan Sklute
158. Elliott Schwimmer
159. Scot Conner
160. Alan Mitchell Siebuhr
161. Atticus Liu
162. Susan Overton
163. Diego
164. Barak Gila
165. Carole Cool
166. Katy Love
167. Avram Gur Arye
168. Christine Schwartz
169. Patrick Journey
170. Todd Darling
171. Meredith Gold
172. Sarah Abdesahian, on behalf of the Cal Berkeley Democrats
173. Cora Johnson-Grau
174. Michael Caplan
175. Daniel Rosenthal
176. Charles Deuter
177. Aaron Stein-Chester
178. Manuel Hurtado
179. Sarah Bancroft
180. Sara Doudreau
181. Sarah Garrett
182. Lindsay Brothers
183. Elena Topete
184. Karen Roekard
185. Miranda Ewell
186. Theo Posselt
187. Toni Stein
188. Betsy Thagard

Item #38: Recommendation Follow Up Report, December 2019

189. Presentation, submitted by the Auditor
190. Berkeley City Auditor

Street Light Installation Report

191. Tanko Lighting

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

MONDAY, DECEMBER 16, 2019

4:00 P.M.

**2180 Milvia Street, Berkeley, CA 94704 – Redwood Room, 6th Floor
TELECONFERENCE LOCATION – 1543 Timberlake Manor Pkwy, Chesterfield, MO**

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: 4:05 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 4:07 p.m.

Public Comment - Limited to items on this agenda only – 7 speakers

CLOSED SESSION:

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

1. 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.

Employee Organizations: Berkeley Police Association, SEIU 1021 Community Services/PTRLA.

Action: No reportable action.

OPEN SESSION:

No reportable action.

Adjournment

Adjourned at 7:17 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on December 16, 2019.

April Richardson, Assistant City Clerk