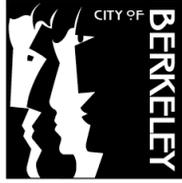


**REVISED AGENDA
(ADDED CONTINUED ITEMS FROM JULY 16, 2019)**



BERKELEY CITY COUNCIL MEETING

Tuesday, July 23, 2019

6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

Preliminary Matters

Roll Call:

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar – Continued Business

- A. Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language** *(Continued from July 16, 2019)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,670-N.S. revising the Berkeley Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the Berkeley Municipal Code and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.
First Reading Vote: All Ayes.
Financial Implications: General Fund - \$600
Contact: Mark Numainville, City Clerk, 981-6900

Consent Calendar – Continued Business

- B. Lease Amendment: Police Department Substation, 841 Folger Street/3000 Seventh Street** *(Continued from July 16, 2019)*
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,671-N.S. authorizing the City Manager to execute an amendment to the lease agreement with Sasha Shamszad for real property located at 841 Folger Street/3000 Seventh Street for the purpose of leasing office and parking space to the Berkeley Police Department Traffic and Parking Enforcement Units for the six months following approval of this amendment by the Berkeley City Council. A holding over clause in the amendment will also allow the City to continue to lease the property on a month to month basis if needed after the expiration of the six month extension.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
- C. Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 16, 2019)*
From: Councilmembers Harrison, Davila, Bartlett, and Hahn
Recommendation: Adopt second reading of Ordinance No. 7,672-N.S. adding a new Chapter 12.80 to the Berkeley Municipal Code (BMC) prohibiting natural gas infrastructure in new buildings with an effective date of January 1, 2020.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Consent Calendar

- 1. 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 first reading of an Ordinance 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.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, 981-6950; Kelly Wallace, Housing and Community Services, 981-5400

Consent Calendar

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of June 4, 2019 (special closed), June 11, 2019 (special closed, special, and regular), June 18, 2019 (special closed and special), and June 25, 2019 (special closed and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

3. Establish 2020 City Council Meeting Schedule

From: City Manager

Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2020, with starting times of 6:00 p.m. and providing for ceremonial items to be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

4. Voting Delegates – League of California Cities Annual Conference

From: City Manager

Recommendation: Designate Councilmember Kate Harrison as the voting delegate and Councilmember Rigel Robinson as the alternate for the business meeting of the Annual League of California Cities meeting to be held on Friday, October 18, 2019, at the Long Beach Convention Center.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

5. Affordable Housing Projects; Federal Tax Law Reimbursement Resolution

From: City Manager

Recommendation: Adopt a Resolution allowing the City to pay certain costs of affordable and moderate income housing projects prior to the date of execution, delivery or issuance of tax-exempt bonds, and to use a portion of the proceeds of the tax-exempt bonds for reimbursement of expenditures for the projects that are paid before the date of execution, delivery or issuance of the obligations. The maximum principal amount of the obligations is expected to be \$175,000,000.

Financial Implications: See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

6. Animal Care Services Providing Mutual Aid in Disasters

From: City Manager

Recommendation: Adopt a Resolution approving Berkeley Animal Care Services (BACS) Mutual Aid Agreement policy to provide animal services in disaster and emergency situations.

Financial Implications: See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

Consent Calendar

- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 23, 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 - \$1,860,000
Contact: Henry Oyekanmi, Finance, 981-7300
- 8. Contract No. 10631A Amendment: Resource Development Associates for HOTT Evaluation Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10631A with Resource Development Associates (RDA) to build a database for the Mental Health Division's Homeless Outreach and Treatment Team (HOTT), in an amount not to exceed \$6,500, for a total contract amount not to exceed \$54,500.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 9. Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update, which provides information on current and proposed uses of funds on mental health programming, and forwarding the MHSA FY20 Annual Update to appropriate state officials.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 10. Contract No. 9888A Amendment: Merritt Hawkins for Recruitment Services: Psychiatrist**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 9888A adding \$100,000 to the expenditure contract with Merritt Hawkins for Recruitment for Psychiatrist III for a total contract limit of \$149,990 for the period beginning March 2, 2015 and ending on June 30, 2021.
Financial Implications: Various Funds - \$100,000
Contact: Kelly Wallace, Housing and Community Services, 981-5400

Consent Calendar

11. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

From: City Manager

Recommendation: Adopt seven Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and Community Services and Supports (CSS) increasing the contract amounts as outlined below, and extending the contracts through June 30, 2020:

1. Increasing PEI Contract No. 8573I with Albany Unified School District (AUSD) by \$64,192 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$566,508 for services to Asian Pacific Islander, Latino, and African American youth;

2. Increasing PEI Contract No. 8801H with Center for Independent Living (CIL) in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$256,584 for supports for senior citizens;

3. Increasing PEI Contract No. 8560I with G.O.A.L.S. For Women, Inc. in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total amount not to exceed \$283,104 to serve African American women and their families;

4. Increasing PEI Contract No. 8516J with Pacific Center for Human Growth in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;

5. Increasing PEI Contract No. 8606I with Covenant House California-YEAH! Program, in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 for support groups for Transition Age Youth (TAY);

6. Increasing PEI Contract No. 8975G with Berkeley Unified School District (BUSD) in the amount of \$55,000 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$435,000 for elementary school youth; and

7. Increasing CSS Contract No. 9553E with Covenant House California-YEAH! Program by \$122,856 from Mental Health Services Act Fund Account #: 315-51-503-526-2017-000-451-636110 for a total contract amount not to exceed \$755,286 for services for transition age youth.

Financial Implications: See report

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

Consent Calendar

- 12. Contract: AMCS for Zero Waste Management Software System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with AMCS for software hosting, implementation, maintenance and related services for a Zero Waste Management Software System for an amount not to exceed \$1,363,735 for the period commencing on July 24, 2019 through June 30, 2024.
Financial Implications: Various Funds - \$1,363,735
Contact: Savita Chaudhary, Information Technology, 981-6500
- 13. Contract: Assetworks for Fleet Management Software & Implementation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Assetworks for software hosting, implementation, maintenance and related services for a Fleet Management Software, for an amount not to exceed \$487,249 for the projected period commencing on July 24, 2019 through June 30, 2024.
Financial Implications: Various Funds - \$487,249
Contact: Savita Chaudhary, Information Technology, 981-6500
- 14. Contract Amendment 11005: Communication Strategies for Consulting Services for Voice Over IP (VoIP) Support and Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend a contract with Communication Strategies for Consulting Services for developing requirements and conducting needs assessment for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$42,216 for a total not-to-exceed amount of \$76,811 from July 1, 2017 to June 30, 2020.
Financial Implications: See Report
Contact: Savita Chaudhary, Information Technology, 981-6500
- 15. Special Use Permit for Berkeley Tuolumne Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Special Use Permit, and any amendments thereto, with the United States Forest Service to construct, operate, maintain, and improve Berkeley Tuolumne Camp located in the Stanislaus National Forest for a period of thirty years.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

16. **Contract: Left Coast Land Clearing for Berkeley Tuolumne Camp Sun City Hazard Mitigation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Left Coast Land Clearing in an amount not to exceed \$365,000 to provide hazard mitigation services for the Berkeley Tuolumne Camp Sun City Project for the period July 24, 2019 through July 24, 2020.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
17. **Contract: Leslie Heavy Haul, LLC for Berkeley Tuolumne Camp Tree Hazard Mitigation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Leslie Heavy Haul, LLC in an amount not to exceed \$584,354 to provide tree hazard mitigation services for the Berkeley Tuolumne Camp Project for the period July 24, 2019 through July 24, 2020.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
18. **Contract: McNabb Construction, Inc. for George Florence Park Playground Renovation**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the George Florence Park Playground Renovation project, Specification No. 19-11301-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, McNabb Construction, Inc.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with McNabb Construction, Inc., for the George Florence Park Playground Renovation project at 2121 Tenth Street, Berkeley, CA 94710, in an amount not to exceed \$538,706, which includes a contract amount of \$468,706 and a 15% contingency in the amount of \$70,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

19. **Grant Application: Prop 84 Urban Greening Grant Program – Trees Build Communities Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a Prop 84 Urban Greening grant application for the “Trees Build Communities: A Berkeley Urban Forest Expansion Project” in the amount of \$725,878; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
20. **Contract No. 31900125 Amendment: First Serve Productions for Additional Asphalt Repairs and Resurfacing at City Parks**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900125 with First Serve Productions for additional asphalt repairs and resurfacing at City parks by increasing the construction contract amount by \$55,000 for a not-to-exceed amount of \$250,000.
Financial Implications: Parks Tax Fund - \$55,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
21. **Contract: Contract for John Hinkel Park Improvement Project ***Item Removed by the City Manager*****
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
22. **Authorizing the modification of the Measure T1 Phase 1 project list: removal of the King School Park Bioswale project and addition of alternate Green Infrastructure projects**
From: City Manager
Recommendation: Adopt a Resolution authorizing:
1. Removal of the King School Park Bioswale project from the list of approved Measure T1 projects ; and
2. Addition of the following priority sites as T1 Phase 1 projects, identified by the Green Infrastructure (GI) plan at the Council worksession on June 18, 2019 and the Public Works Commission: Page Street between Fourth Street and the RR Tracks; Jones Street between Fourth Street and RR Tracks; Channing Way at the RR Tracks; Heinz Avenue near RR Tracks; Dwight Way between Fourth Street and the RR Tracks; Grayson Street near the RR Tracks; Tenth Street at Codornices Creek; Ninth Street at Codornices Creek; Piedmont Avenue Median between Durant Avenue and Channing Way; Piedmont Avenue Traffic Circle; San Pablo Park at Ward Street; and the evaluation of the Sacramento Street center median.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 23. Revenue Grant: California Office of Traffic Safety (OTS) for the 2020 "Selective Traffic Enforcement Program (STEP)" Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept the "Selective Traffic Enforcement Program (STEP)" Grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety. The approved OTS grant is for \$200,000 for the period of October 1, 2019 through September 30, 2020 which is Federal Fiscal Year 2020.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
- 24. Revenue Grant: Fiscal Year 2019-20 Alcoholic Beverage Control Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, and/or the Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$64,000 for one fiscal year, July 1, 2019 through June 30, 2020.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
- 25. Contract No. 9635 Amendment: Restoration Management Company for On-Call Remediation and Restoration Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9635 with Restoration Management Company, to increase the current contract by \$50,000 for a total not to exceed amount of \$100,000 and to extend the contract term to June 30, 2021.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 26. Purchase Order: Stockton Tri Industries, Inc. for Front Loading and Rear Loading Container Purchase**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a bid from Stockton Tri Industries, Inc. for front-loading and rear-loading containers and execute a purchase order in an amount not to exceed \$450,000 for fiscal years FY 2020 – FY 2023.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

27. **Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services ***Item Removed by the City Manager*****
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
28. **Contract No. 121345-1 Amendment: W.A. Rose Construction, Inc. for Exterior Stucco Demolition Work at the Central Library**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 121345-1 with W.A. Rose Construction, Inc. to complete exterior stucco demolition work at the Central Library, increasing the amended contract amount of \$320,156 to a not to exceed amount of \$351,317 plus an allowable contingency amount of \$6,000 and to extend the term of the contract to December 31, 2019.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300; Elliot Warren, Library, 981-6100
29. **Agreements: Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and Defendants' Side Agreement to Facilitate Consent Decree Compliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute the Joint Exercise of Powers Agreement with the City of Alameda, City of Albany, City of Berkeley, City of Emeryville, City of Oakland, City of Piedmont, the Stege Sanitary District, and East Bay Municipal Utility District, establishing and governing operation of the Collection System Technical Advisory Committee and the Defendants' Side Agreement to facilitate Consent Decree Compliance.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
30. **Residential Preferential Parking (RPP) Program: Summer 2019 Update**
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, 981-6300

Council Consent Items

- 31. Implementing Vision Zero: Prioritizing High Collision Streets**
From: Mayor Arreguin, Councilmembers Droste, Hahn, and Wengraf
Recommendation: As street lights are being replaced and transportation infrastructure improvements are made throughout the City, and as work plans and schedules are developed, priority should be given to high-collision streets, as identified in the Pedestrian Master Plan and Vision Zero program. Examples include but are not limited to improving lighting, updating signage, and painting of crosswalks.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
- 32. Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts**
From: Mayor Arreguin
Recommendation: Adopt a Resolution authorizing the transfer of \$550,000 for Fiscal Years 2020 and 2021 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense and various other anti-displacement services to low and moderate-income Berkeley residents.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
- 33. Designating Berkeley's portion of Ohlone Greenway and the West Street Bike Path as linear City parks**
From: Councilmember Kesarwani
Recommendation: Adopt a resolution designating the Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway as linear City parks and formally dedicate these sites for permanent recreational use. The City-owned portion of the West Street Bike Path begins adjacent to the basketball courts at Virginia Gardens and travels southward ending at Delaware Street. The City-owned section of the Ohlone Greenway begins northwest of the North Berkeley BART station at Cedar Street and continues north to the City's border with Albany.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, 981-7110
- 34. Letter of Support for California Bill SB 464, the Dignity in Pregnancy and Childbirth**
From: Councilmembers Bartlett and Davila
Recommendation: That the Mayor and Berkeley City Councilmembers support the Senate Bill 464 (SB 464) otherwise known as the California Dignity in Pregnancy and Childbirth Act and write a letter of support to Senator Holly J. Mitchell. Senate Bill 464 would attempt to find data relating to implicit bias and racial disparities in maternal mortality rates and institute measures to ensure equal treatment of all pregnant patients.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

- 35. Resolution in Support of AB 1279 – Planning and zoning: housing development: high-resource areas**
From: Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett
Recommendation:
1. Adopt a resolution in support of AB 1279, which requires that housing development projects be issued a by-right use permit in designated high resource areas and mandate that they include a percentage of affordable units. If these affordability requirements are not met, developers would be charged fees that would be deposited in a local affordable housing fund.
 2. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.
- Financial Implications:** None
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Action Calendar

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

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

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

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

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

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar - Public Hearings

36. **Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12**
From: Fair Campaign Practices Commission
Recommendation: Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Elections Reform Act, Berkeley Municipal Code Chapter 2.12, regarding the public financing program.
Financial Implications: None
Contact: Emma Soichet, Commission Secretary, 981-6950
37. **Substantial Amendments to the PY2018 and PY2019 HUD Annual Action Plans for Use of ESG Funds**
From: City Manager
Recommendation: Conduct a Public Hearing on substantial amendments to the PY2018 and PY2019 Annual Action Plans for use of Emergency Solutions Grant (ESG) funds, allocating the maximum allowable amount towards shelter and street outreach, and away from rapid rehousing, and adopt a Resolution authorizing the City Manager to submit the Substantial Amendments to the PY2018 and PY2019 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD).
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400

Action Calendar

38. **Basic Criteria for Two-Week RV Permitting Process** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Health, Life Enrichment, Equity & Community Committee:
Councilmembers Hahn, Bartlett, and Kesarwani
Recommendation: Refer to the City Manager to develop a two-week permit and system for recreational vehicle (RV) parking based on recommendations from the Health, Life Enrichment, Equity & Community Committee.
Financial Implications: Staff time
Contact: Health, Life Enrichment, Equity & Community Committee members: Sophie Hahn, Committee Chair, District 5, 981-7150; Ben Bartlett, Councilmember, District 3, 981-7130; Rashi Kesarwani, Councilmember, District 1, 981-7110

Action Calendar

39. Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront

**From: Mayor Arreguin, Councilmembers Kesarwani and Harrison
Recommendation:**

1. Direct the City Manager to identify one or more locations on city-owned land, including at the Berkeley Waterfront, for the establishment of a managed safe RV parking site for individuals currently sheltering in an RV or oversized vehicle on the public right-of-way in the City of Berkeley. The site(s) shall be available specifically for individuals identified through outreach as meeting the priority populations criteria designated by City Council in its March 26, 2019 action and are therefore eligible for the city’s three-month Grace Period Permit Program.

A three-month Grace Period Permit (with possibility for renewal under limited specified circumstances) will be offered on a one-time basis to existing Berkeley RV dwellers who meet the priority populations criteria adopted by Council on March 26, 2019. The three-month Grace Period Permit will allow RV dwellers to park in a designated off-street safe location within City limits. As adopted and specified on March 26th, a safe parking location should be provided to priority populations prior to enforcement of RV parking regulations under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) and shall include services to ensure health and safety, including sanitation services.

2. Once locations are identified, the City Manager should report back to the City Council on proposed locations and a proposed program model for the three-month Grace Period Permit program including a non-profit operator, service model, security measures, and sanitary facilities such as portable restrooms and hand-washing stations. The Council may at that time express its intent to allocate additional funding through Measure P tax receipts or other General Fund revenues to establish a long-term safe parking program for individuals who meet priority populations criteria and who have not previously received a three-month Grace Period Permit.

Program participants should be actively engaged with rehousing and other services, and their stay will be short-term while they are seeking permanent housing and/or a long-term off-street location to which they can relocate, such as an RV park.

3. The City Manager should explore all possible locations on city-owned land, including all vacant or partially-occupied city properties, “dead-end” streets, and the Berkeley Waterfront.

4. Direct the City Manager to submit a formal request to the California State Lands Commission for permission to establish a temporary safe parking location on City land at the Berkeley Waterfront based on the City of Berkeley’s declaration of a Homeless Shelter Crisis.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action Calendar

40. Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement
(Reviewed by the Public Safety Committee)

From: Public Safety Committee: Councilmembers Bartlett, Wengraf, and Robinson

Recommendation: That the City Council, with a qualified positive recommendation, for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral (4/24/18), in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work regarding the City Manger's Referred April 30th, 2019 item: Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.

Financial Implications: See report

Contact: Public Safety Committee members: Ben Bartlett, Committee Chair, District 3, 981-7130; Susan Wengraf, Councilmember, District 6, 981-7160; Rigel Robinson, Councilmember, District 7, 981-7170

41. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention
(Continued from June 25, 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, 981-7100

Action Calendar – Continued Business

D. Annual Housing Pipeline Report *(Continued from July 16, 2019)*

From: City Manager

Recommendation: Review and provide input on the data included in the Housing Pipeline Report.

Financial Implications: None

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

Information Reports

42. City Council Short Term Referral Process – Monthly Update

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Information Reports

43. **Update on Measure T1**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300
44. **Audit Status Report - PRW On-Call Program**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
45. **LPO NOD: 1619 Walnut Street -- #LMIN2019-0001**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
46. **LPO NOD: 1915 Fourth Street/#LMSAP2019-0003**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
47. **LPO NOD: 2580 Bancroft Way/#LMSAP-2019-0006**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
48. **FY2020 Public Art Plan and Budget**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, 981-7530
49. **Report on B.M.C. 13.79.050 (“Buyout Offers and Agreements”)**
From: Rent Stabilization Board
Contact: Jay Kelekian, Rent Stabilization Board, 981-7368
50. **Zero Waste Commission 2019-20 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, 981-6300
51. **City Auditor Amended Fiscal Year 2019 Audit Plan and Fiscal Year 2020 Audit Plan**
From: Auditor
Contact: Jenny Wong, Auditor, 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

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

barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 18, 2019.*



Mark Numainville, City Clerk

## **Communications**

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

### **Item #38: Basic Criteria for Two-Week RV Permitting Process**

1. Robert Gable
2. Change.org
3. Kimberly Kradel
4. Perla Barrientos
5. Peter Schiller
6. Alfred Manning
7. Anna Boersma

### **5G/Big Telecom**

8. Wanda Warkentin
9. Anne Herrick
10. Carol Wolman (2)
11. Phoebe Anne Sorgen (2)
12. Gar Smith
13. Joel Moskowitz
14. Ellen Marks
15. Lloyd Morgan
16. Adam Clayton

### **East Bay Community Energy Newsletter**

17. East Bay Community Energy

### **Blue Parking Zones at the Marina**

18. Jutyblue
19. Martin Nicolaus

### **4<sup>th</sup> Street and Solano Vacancies**

20. Barbara Gilbert

### **State Salary Database**

21. April Gilbert
22. Jessica Behrman

**West Campus Pool**

23. Howard Goldberg

**Safety at Harriet Tubman Terrace**

24. Darinxoso Oyamasela

**Dwight Way and California Street Intersection**

25. Ormit Oppenheimer

**EBMUD Leak on the 1700 Block of Francisco Street**

26. David Lerman

**Change.org – Predatory Displacement**

27. Unknown

**Cannabis Event at Cesar Chavez Park**

28. Carol Denney

**North Berkeley BART**

29. Jessica Fain

30. Noah Nathan

31. Elie Hassenfeld

**Bay Trail Garbage**

32. Richard Raushenbush

**Climate Change Related**

33. Donald Goldmacher

34. James McFadden

35. Councilmember Harrison

**Russbumper Dialogue**

36. Russbumper (23)

**Supplemental Communications and Reports**

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

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