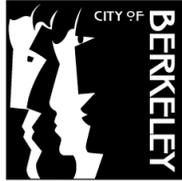


REVISED AGENDA
(ADDED CONTINUED ITEM FROM NOVEMBER 12, 2019)



BERKELEY CITY COUNCIL MEETING

Tuesday, November 19, 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, (510) 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

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of October 15, 2019 (special closed and regular), October 21, 2019 (special), October 22, 2019 (special closed and special), and October 29, 2019 (special closed and regular).

Financial Implications: None

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

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 19, 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 - \$800,000

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

Consent Calendar

3. Revenue Grant Agreements: Funding Support from the State of California to Conduct the State Childhood Lead Poisoning Prevention Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Childhood Lead Poisoning Prevention Program (CLPPP) Agreement, which includes services to detect, manage and prevent childhood lead poisoning and promote healthy environments and behaviors in the projected amount of \$94,821 per fiscal year FY2021 through FY2023 for a total of \$284,463.

Financial Implications: See report

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

4. Authorizing City Manager To Provide a 2.5 Hour Minimum Overtime Pay For Emergency Call Back Employees In The Information Technology Department
From: City Manager

Recommendation: Adopt a Resolution Authorizing Information Technology Employees with Service Employees International Union, Local 1021 Community Services And Part Time Recreation Leaders Association (“SEIU” or “SEIU Local 1021 CSU & PTRLA) to receive 2.5 hours of overtime compensation for emergency call back involving remote work. The City has already negotiated a 2.5 hour rate with SEIU Local 1021 CSU & PTRLA in a new MOU indicated as 13.5.1.

Financial Implications: See report

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

5. Donations from Friends of Berkeley Tuolumne Camp and Berkeley Echo Lake Camp Association for Echo Lake Camp Scholarships and Programs

From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation of \$7,050 from the Friends of Berkeley Tuolumne Camp (FOBTC), and a cash donation of \$4,725 from the Berkeley Echo Lake Camp Association (BELCA), for support of Echo Lake Camp scholarships and programs.

Financial Implications: Camp Fund Donation - \$11,775

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

6. Priority Development Area Nomination – North Berkeley BART Station

From: City Manager

Recommendation: Adopt a Resolution supporting the nominating of the North Berkeley BART station as a Priority Development Area.

Financial Implications: See report

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

Consent Calendar

- 7. Contract: Redgwick Construction Company for Ninth Street Bicycle Boulevard Pathway Extension Phase II**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Ninth Street Bicycle Boulevard Pathway Extension Phase II, (“Ninth Street Pathway – Phase II”, or “Project”), Specification No. 19-11331-C; and 2. Rejecting the bid protest of Mark Lee and Yong Kay Inc., doing business as Bay Construction Company, the third-lowest bidder; and 3. Accepting the bid of J. A. Gonsalves & Son Construction, Inc., the second-lowest responsive and responsible bidder; and 4. Accepting the bid of Redgwick Construction Company, the lowest responsive and responsible bidder; and 5. Authorizing the City Manager to execute a contract with Redgwick Construction Company and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$1,481,417, which includes a contingency of ten percent.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 8. Contract No. 10340 Amendment: HF&H Consultants, LLC for the Study of the City Providing Commercial Collection Services and Development and Update of Rate Model**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10340 with HF&H Consultants, LLC to increase the current contract by \$50,000 for a total not to exceed amount of \$200,000 and to extend the contract term to June 30, 2021 for the Study of the City Providing Commercial Collection Services and Development and Update of Rate Model.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
- 9. Purchase Order: National Auto Fleet Group for Seven (7) 25 Cubic Yard Capacity Heavy Duty Rear Loading Collection Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures, authorizing the City Manager to execute a purchase order for seven (7) 2019 Crane Carrier 25 Cubic Yard Capacity Heavy Duty Rear Loader Collection Trucks with National Auto Fleet Group in an amount not to exceed \$2,348,733, and authorizing the disposal of three (3) Autocar and four (4) Volvo collection trucks by public auction.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300

Consent Calendar

10. **Purchase Order: Braun Northwest, Inc. for Five (5) 2020 North Star 155-1 Ambulances**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures, and authorizing the City Manager to execute a purchase order for five (5) 2020 North Star 155-1, Type 1 Ambulances with Braun Northwest, Inc. in an amount not to exceed \$1,110,000, and authorizing the disposal of three (3) Freightliner and two (2) International ambulances by public auction.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300

Council Consent Items

11. **Extension of Declaration of Homeless Shelter Crisis**
From: Mayor Arreguin and Councilmembers Davila, Robinson, and Harrison
Recommendation: Adopt a Resolution extending Resolution No. 68,206 – N.S., Declaring a Homeless Shelter Crisis until January 19, 2022.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
12. **Letter to Richmond City Council, California Environmental Protection Agency (CalEPA), California Department of Toxics (DTSC) concerning recent action of cleaning up AstraZeneca Site near Berkeley**
From: Councilmembers Davila and Hahn
Recommendation: Send a Letter to the Richmond City Council, California Environmental Protection Agency (CalEPA) and the California Department of Toxics (DTSC), including California State Assemblymember Buffy Wicks and State Senator Nancy Skinner, concerning recent Council action of cleaning up the nearby AstraZeneca Site and reconsideration of such action.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
13. **Budget Referral: BigBelly Trash Receptacles in Ohlone Park**
From: Councilmembers Harrison and Bartlett
Recommendation: Refer \$15,000 to the November 2019 Annual Appropriations Ordinance Budget Process to purchase two BigBelly trash receptacles for Ohlone Park.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

14. **Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units** *(Reviewed by the Land Use, Housing & Economic Development)*
From: Councilmembers Wengraf, Harrison, Hahn, and Mayor Arreguin
Recommendation: Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units using the guiding framework presented in the Background.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

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

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

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

Action Calendar – Continued Business

- A. **City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee. Continued from November 12, 2019. Item contains revised 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 Calendar – New Business

- 15. FY 2019 Year-End Results and FY 2020 First Quarter Budget Update**
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
- 16. Amendment: FY 2020 Annual Appropriations Ordinance**
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
- 17. goBerkeley Residential Shared Parking Pilot Project Update**
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
- 18a. Recommendations for Allocation of FY19/20 Measure P Funds**
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 – New Business

18b. Companion Report: Recommendations for Allocation of FY19/20 Measure P Funds

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

Information Reports

19. City Council Short Term Referral Process – Monthly Update

From: City Manager

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

20. goBerkeley Program Update – Fall 2019

From: City Manager

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

21. Short Term Rental Revenue Allocations for Civic Arts and the Affordable Housing Trust Fund

From: Civic Arts Commission

Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

22. Alignment of Processes with Modernized Contract Registration Workflow

From: Auditor

Contact: Jenny Wong, Auditor, (510) 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.*

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

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 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 November 14, 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](#).*

### **Telegraph Avenue Restrooms**

1. Brittany Cliffe
2. Hyungil Shim
3. Maya Rankupalli

### **Money for Streets**

4. Barbara Gilbert

### **Electric Bikes in the Hills and the Bike Plan**

5. Tom Lent

### **Ordinance Prohibiting Gas in New Construction**

6. Mary Oram

### **Helping the Homeless**

7. Avram Gur Arye
8. Connie Tyler
9. Sheila Jordan
10. Linda Franklin
11. Nicky Gonzalez Yuen

### **Opportunity Zones**

12. Margy Wilkinson

### **Proposed Retail (Chain Stores) Regulations**

13. Councilmember Hahn

### **Construction at 1499 University**

14. Jesse Goldberg

15. Timothy Burroughs, on behalf of the Planning Department

### **5G and Cell Towers**

16. Phoebe Anne Sorgen (2)

17. Stephanie Thomas

18. Vivian Warkentin

### **2650 Telegraph and ZAB**

19. Cecile Leneman (2)

20. Ashley James (3)

### **Memorial for Herbert “Brad” Cleaveland**

21. Miriam Berg

### **PRC Charter**

22. Merle Lustig

23. Christina Crowley

### **YSA – Tiny House Project**

24. Tom Luce

### **1148-Page Meeting Agenda**

25. Eric Friedman

### **Criminal Records Information on Rental Application Forms**

26. Merle Lustig

27. Ash Lynnette

### **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.

