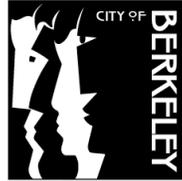


REVISED AGENDA
(ADDED CONTINUED ITEMS FROM DECEMBER 3, 2019)



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

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.*

1. Adjourn in memory of Hampton Smith, former City of Berkeley employee

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. 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
- 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

Consent Calendar

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

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

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

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

Consent Calendar

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

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

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

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

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

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

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
- 12. Contract No. 32000082 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. 32000082 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
- 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

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

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

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

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
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
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

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

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

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

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

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

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

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

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 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.

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

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 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

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 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

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

Information Reports

- 32. City Council Short Term Referral Process – Monthly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 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

Information Reports

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
35. **Public Health Division Strategic Plan Update**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
36. **Report on Workers' Compensation Annual Program Review FY18-19**
From: City Manager
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
37. **goBerkeley Parking Management Program - Recommended Adjustments for February 1, 2020**
From: City Manager
Contact: Phillip Harrington, Public Works, (510) 981-6300
38. **Recommendation Follow Up Report, December 2019**
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.*

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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 (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 December 5, 2019.***

A handwritten signature in black ink that reads "Mark Numainville".

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 #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**

*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.