

# AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, June 11, 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.*

1. Recognition of Susan Hodge
2. Recognition of Hannah and Friends Bikeathon
3. Presentation: East Bay Municipal Utility District

**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. Tax Exemption on Federal Research Grants**

**From: Mayor Arreguin**

**Recommendation:** Adopt a second reading of Ordinance No. 7,655-N.S. to add a subsection to Berkeley Municipal Code Section 9.04.165 to create an exemption on the taxing of business gross receipts relating to federal research grants.

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

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

### **2. Grant from the William and Flora Hewlett Foundation**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting a \$20,000 grant from the William and Flora Hewlett Foundation for an assessment of arts space affordability challenges, displacement risks and possible strategies to protect affordable spaces for arts organizations, artists and cultural workers in the City of Berkeley.

**Financial Implications:** \$20,000 (grant)

Contact: Jordan Klein, Economic Development, 981-7530

## Consent Calendar

- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 11, 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:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 4. FY 2020 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1729 (17.29 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 5. FY 2020 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0393 (3.93 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 6. FY 2020 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of emergency services for the disabled at \$0.01638 (1.638 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 7. FY 2020 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for Business License Tax on large non-profits at \$0.6420 (64.20 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300

## Consent Calendar

- 8. FY 2020 Tax Rate: Fund Disaster Fire Protection (Measure Q)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 9. FY 2020 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 10. FY 2020 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300; David Brannigan, Fire, 981-3473
- 11. FY 2020 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0150%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 12. FY 2020 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0092%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300

## Consent Calendar

- 13. FY 2020 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0075%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 14. FY 2020 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0062%.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
- 15. FY 2020 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2020 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2272 (22.72 cents) per square foot for dwelling units and \$0.3435 (34.35 cents) per square foot for industrial, commercial, and institutional buildings.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300; Elliot Warren, Library, 981-6100
- 16. Temporary Appropriations FY 2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2019, until the effective date of the FY 2020 Annual Appropriations Ordinance.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300

## Consent Calendar

- 17. Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions thereto with Bay Area Community Resources in an amount not to exceed \$56,000 for the period July 1, 2019 through June 30, 2020 for the placement of AmeriCorps members.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 18. Contract: Berkeley Unified School District for Workplace Skills Training for YouthWorks Employment Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole-source expenditure contract and any needed amendments or extensions with the Berkeley Unified School District (BUSD) to provide workplace skills training to prepare YouthWorks participants for summer employment in an amount not to exceed \$26,694 for the period June 12, 2019 through August 31, 2022.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 19. Request for Proposals to Sell Single Family Home at 1654 Fifth Street to Operate as Homeless Housing**  
**From: City Manager**  
**Recommendation:** Direct the City Manager to issue a Request for Proposals to select a qualified organization to purchase the single family home at 1654 Fifth Street to operate as housing for the homeless.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 20. Contract No. 9149B Amendment: Advantel Networks assignment to ConvergeOne and for Voice Over IP (VoIP) Telephone System Support and Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9149B with ConvergeOne (formerly Advantel Networks) for Voice Over IP (VoIP) telephone system licensing and maintenance, increasing the contract by \$121,538 for a total not to exceed amount of \$1,509,038, from November 15, 2012 to June 30, 2020.  
**Financial Implications:** See report  
Contact: Savita Chaudhary, Information Technology, 981-6500

## Consent Calendar

- 21. Contract: NEXGEN Asset Management for Computerized Maintenance Management System & Enterprise Asset Management (CMMS/EAM) System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with NEXGEN Asset Management for software hosting, implementation, maintenance and related services for a Computerized Maintenance Management System and Enterprise Asset Management (CMMS/EAM) system, for an amount not to exceed \$1,017,509 for the period commencing on July 12, 2019 through June 30, 2024.  
**Financial Implications:** Various Funds - \$1,017,509  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 22. Contract No. 10350 Amendment: Technology, Engineering, and Construction, Inc. for Tank Maintenance and Certification Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10350 with Technology, Engineering and Construction, Inc. for the provision of tank maintenance and certification services, extending the term to June 30, 2021 and increasing the contract by \$100,000 for a total contract amount not to exceed \$150,000.  
**Financial Implications:** Various Funds - \$100,000  
Contact: Phillip Harrington, Public Works, 981-6300
- 23. Contract: Gallagher & Burk, Inc. for Measure T1 Street Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Measure T1 Street Improvements, Adeline Street, Hearst Avenue and Milvia Project, Specification No. 19-11278-C; accepting the bid of Gallagher & Burk, Inc. as the lowest responsive and responsible bidder; 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 \$4,065,906.  
**Financial Implications:** Various Funds - \$4,065,906  
Contact: Phillip Harrington, Public Works, 981-6300
- 24. Contract: GHD for Preparation of a Sanitary Sewer Master Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, and any amendments and extensions with GHD in an amount not to exceed \$940,000 to provide consultant services for the preparation of a Sanitary Sewer Master Plan for the period July 1, 2019 through June 30, 2022.  
**Financial Implications:** Sewer Capital Program Fund - \$940,000  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

25. **Contract: Zonar Systems, Inc. for Global Positioning System Telematics Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zonar Systems, Inc. for software hosting, installation of hardware, implementation, maintenance and related services for a global positioning system, for an amount not to exceed \$278,698 for the period commencing on July 12, 2019 through June 30, 2024.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
26. **Purchase Orders: National Auto Fleet Group for Ten Toyota Prius Prime Plus (PHEV) Sedans**  
**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, and authorizing the City Manager to execute a purchase order for ten (10) new 2020 Toyota Prius Prime Plus Sedans with National Auto Fleet Group in an amount not to exceed \$296,475.  
**Financial Implications:** Various Funds - \$296,475  
Contact: Phillip Harrington, Public Works, 981-6300
27. **Amending the Commissioners' Manual Regarding Submission of Revised or Supplemental Agenda Material**  
**From: Open Government Commission**  
**Recommendation:** Adopt a resolution revising the Commissioners' Manual to require commissioners and board members be subject to the same procedures as the general public.  
**Financial Implications:** None  
Contact: Emma Soichet, Commission Secretary, 981-6950
28. **Resolution: No U.S. intervention in Venezuela** (*Continued from May 14, 2019. Item contains revised material*)  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution that affirms the sovereign right of the Venezuelan people to negotiate their political differences free from foreign intervention, and urges that the U.S. government withdraw its illegal, unilateral financial sanctions and refrain from military, economic, or diplomatic intervention in the internal affairs of the sovereign state of Venezuela.  
**Financial Implications:** None  
Contact: Bre Slimick, Commission Secretary, 981-7000

## Consent Calendar

**29. Fire Prevention Inspections: Insufficient Resources Strain Code Compliance  
From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by December 3, 2019, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department. They have agreed to our findings and recommendations. Please see report for management's response.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, 981-6750

## Council Consent items

**30. Support AB 1487 – Housing Alliance for the Bay Area**

**From: Mayor Arreguin, and Councilmembers Harrison, Robinson, and Bartlett**

**Recommendation:** Adopt a Resolution in support of AB 1487 (introduced by David Chiu) and to seek amendments from the author. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and David Chiu.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**31. Measure O Affordable Housing Bonds and a Request for Proposals from the City's Housing Trust Fund** *(Reviewed by the Land Use, Housing & Economic Development Committee)*

**From: Mayor Arreguin, and Councilmembers Harrison, Hahn, and Droste**

**Recommendation:** Adopt a Resolution: 1. Directing the City Manager to prepare any documents required to use Measure O bond funds and Housing Trust Funds to fulfill existing funding reservations for the Berkeley Way and 1601 Oxford affordable housing projects; and 2. Directing the City Manager to release a Request for Proposals (RFP) under the City's Housing Trust Fund (HTF) guidelines for affordable housing development with a priority given to projects meeting certain readiness criteria, to be funded by the balance of the first issuance of Measure O funds (estimated at \$30M) and the Housing Trust Fund that remain after fully funding the projects identified above; and 3. Directing the Measure O Bond Oversight Committee: a. To act in any role specified for the Housing Advisory Commission in the HTF Guidelines for the purpose of this RFP for both Measure O and existing HTF funds, b. To be responsible for providing both general priority recommendations and project-specific funding recommendations for Measure O bonds to the City Council; and c. To add the Housing Advisory Commission's Chair to the committee as an ex-officio, non-voting member; and 4. Approving certain waivers of the HTF Guidelines to ensure timely funding awards in this funding round and allow for consideration of a Berkeley Unified School District-sponsored educator housing development serving households at up to 120% of Area Median Income.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

## Council Consent Items

- 32. Prioritizing Transit Improvements at MacArthur Maze**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution requesting transit priority improvements to mitigate congestion associated with the MacArthur Maze Vertical Clearance Project.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100
- 33. Oppose AB 56 – Centralizing Energy Procurement**  
**From: Mayor Arreguin and Councilmember Harrison**  
**Recommendation:** Adopt a Resolution opposing AB 56 (authored by Assemblymember Eduardo Garcia). Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Eduardo Garcia.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100
- 34. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**  
**From: Mayor Arreguin and Councilmember Harrison**  
**Recommendation:**  
1. Adopt an Ordinance 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; and  
2. Direct the City Manager to include standard conditions of approval for zoning permits requiring compliance with the Wage Theft Prevention Ordinance, BMC Chapter 13.104.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, 981-7100
- 35. Opposition to Revision of Title X Family Planning Regulations Proposed by United States Department of Health and Human Services**  
**From: Councilmembers Davila and Harrison**  
**Recommendation:** Adopt a resolution in opposition of the revision of Title X Family Planning Regulations proposed by the U.S. Department of Health and Human Services. The City Clerk is to mail a copy of the resolution to Alex M Azar II, U.S. Secretary of Health and Human Services and to the President of the United States.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

## Council Consent Items

- 36. Budget Referral: Funding for Berkeley Drop-In Center**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Refer \$190,015 annually to the FY 2020 - FY 2021 Budget process to support the Berkeley Drop-In Center, a program of the Alameda County Network of Mental Health Clients.  
**Financial Implications:** \$190,015  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 37. Budget Referral: Funding for Youth Spirit Artworks**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Refer \$198,000 annually to the Budget process to support Youth Spirit Artworks for the BUSD Homeless Student Program: \$55,000 to serve high school aged youth who are in school; the YSA Vocational Arts Program: \$65,000 to serve 130 Berkeley youth with job training services, and for the new YSA Tiny House Village Program: \$78,000 to case manage youth who are in transitional housing services.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 38. FY 2020-21 Budget Referral: Funding for Intercity Services**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** That the City Council refer \$203,286 annually to the budget process to support the Intercity Services.  
ICS' Workforce Services Proposal requested was for \$203,286; however, the Commission and the City Manager made a Joint Recommendation for \$101,351.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 39. Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay**  
**From: Councilmember Bartlett, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.  
**Financial Implications:** To be determined  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

## Council Consent Items

- 40. Proclamation to Honor June as LGBTQ Pride Month and authorize City Manager to Fly the Rainbow Flag every year on the month of June**  
**From: Councilmembers Bartlett, Droste, and Mayor Arrequin**  
**Recommendation:** Adopt a proclamation to honor June as LGBTQ Pride Month in the City of Berkeley and authorize City Manager to fly the rainbow every year on the month of June.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 41. Strike Debt Bay Area's Medical Debt Relief Effort in Cooperation with RIP Medical Debt: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Harrison and Bartlett**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Kate Harrison, to Strike Debt Bay Area's Medical Debt Relief Effort (<https://secure.qgiv.com/event/strikedebtbyarea/>), in cooperation with and hosted by RIP Medical Debt, a 501(c)(3) tax-deductible non-profit corporation. Funds would be relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$150  
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 42. Adopt a Resolution Opposing Anti-Abortion Bills Passed in 2019**  
**From: Councilmembers Hahn, Harrison and Wengraf**  
**Recommendation:** Adopt a Resolution Opposing anti-abortion bills passed in 2019 in Alabama, Mississippi, Ohio, Georgia, Missouri, Kentucky, Arkansas, Iowa, and Utah, and reaffirming the City of Berkeley's commitment to the fundamental right for women to choose whether, when, and how often to bear children.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 43. Berkeley Art Center Artist Award Luncheon: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Hahn**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmember Hahn, to Berkeley Art Center, for the Annual Artist Award Luncheon on Sunday, June 23, 2019 with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$250  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

## 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.*

### 44. **FY 2020 Street Lighting Assessments**

#### **From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt two Resolutions confirming the assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2020.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

## Action Calendar

### 45a. Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding

#### **From: Housing Advisory Commission**

**Recommendation:** Establish policies that will provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved. Commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Leonard Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.

**Financial Implications:** Staff time

Contact: Mike Uberti, Acting Commission Secretary, HHCS (510) 981-5114

## Action Calendar

### 45b. Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies to Ensure Housing Stability for Homeowners and Tenants From: Peace and Justice Commission

**Recommendation:** The Peace and Justice (PJC) recommends that the Berkeley City Council take the following actions:

The Peace and Justice Commission (PJC) recommends that the City Council send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and allowing Mr. Powell and his friends and family time to make the necessary financial arrangements.

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.

2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and

3. The City shall explore the use of anti-displacement funds to assist low-income homeowners and/or tenants residing on the premises with legal matters of forced relocation, expenses, and/or other needs as applicable and appropriate.

4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.

5. "Reimburse" Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds.

**Financial Implications:** See report

Contact: Bre Slimick, Commission Secretary, 981-7000

## Action Calendar

### 45c. Companion Report: Commission Recommendations Regarding Code Enforcement and Mr. Leonard Powell

**From: City Manager**

**Recommendation:** The City Manager appreciates the concerns identified by the Peace & Justice Commission and Housing Advisory Commission regarding the effects of code enforcement actions on low-income homeowners, including Mr. Powell. The City Manager believes that current City policies, practices and records demonstrate the proper mechanisms are in place to ensure the outcomes each commission wishes and that additional recommendations are not needed. City staff have worked extensively with Mr. Powell and the receiver to facilitate Mr. Powell's ability to maintain ownership and reside in his property.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000; Kelly Wallace, Housing and Community Services, 981-5400

## Action Calendar – Public Hearings

### 46. Zoning Ordinance Amendments that apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership *(Continued from April 30, 2019)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of Zoning Ordinance amendments that modify Inclusionary Housing Requirements (BMC Section 23C.12.020: Applicability of Regulations) to apply to new residential development projects on contiguous lots under common ownership or control.

**Financial Implications:** See report

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

## Action Calendar

### 47. Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021 *(Continued from May 14, 2019)*

**From: Councilmember Davila**

**Recommendation:** Refer to the FY20 (2020/2021) RRV Budget Process for consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.

Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.

**Financial Implications:** See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

## Action Calendar

48. **City Council Comments on the FY 2020 & FY 2021 Proposed Biennial Budget**  
**From: City Manager**  
**Recommendation:** Provide comments on the FY 2020 & FY 2021 Proposed Biennial Budget.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
49. **City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget** (*Continued from May 28, 2019*)  
**From: City Manager**  
**Recommendation:** Provide recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

## Information Reports

50. **Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
51. **Animal Care Commission 2019 Work Plan**  
**From: Animal Care Commission**  
Contact: Amelia Funghi, Commission Secretary, 981-6600
52. **FY 2019-20 Commission on the Status of Women Work Plan**  
**From: Commission on the Status of Women**  
Contact: Shallon Allen, Commission Secretary, 981-7000

## 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](mailto: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 May 30, 2019.***

A handwritten signature in black ink, appearing to read "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 10: FY 2020 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**

1. Disaster and Fire Safety Commission

### **Item 28: Resolution: No U.S. intervention in Venezuela**

2. russbumper (3)

### **Item 39: Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay**

3. Margy Wilkinson, on behalf of Friends of Adeline

### **Item 50: Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance**

4. Seema Rupani, on behalf of East Bay Community Law Center

### **Unsafe Intersection – University at Acton**

5. Diana Maria Rossi

### **Traffic Circle at Fulton and Stuart**

6. Pam Speich

### **Partnership with Dura Municipality Palestine**

7. Ahmed A.H. Swaitti

### **Gotta Give Them Hope Event**

8. John Bauters

### **Uncollected Garbage at 2110 Haste**

9. Martin Alperen

### **Ban Waste Initiative**

10. Sundaresh Begur

### **Safety Net Hospital**

11. Fred Dodsworth

### **Mama Washington Event**

12. Adriana Betti

### **BART Development**

13. David Lerman
14. Marilyn Margulius
15. Judy Massarano
16. Meryl Siegal
17. Barbara Fisher
18. Berkeley Citizens Action Steering Committee

**Living Trust Definition**

- 19. Joann Sullivan
- 20. Julie Holcomb

**Food Waste in Berkeley**

- 21. Sophie Ciurlik Rittenbaum

**East Bay Community Energy – Renewable Energy**

- 22. Alan Gould
- 23. Jane Kelly

**Citywide Siren System**

- 24. Pam Speich

**Berkeley Copwatch**

- 25. russbumper

**Full-Time City Council**

- 26. Topher Brennan

**Neighborhood Toxins**

- 27. Janice Greenberg

**Support of SB 276 – Vaccination Exemptions**

- 28. Ty Alper, on behalf of Berkeley Unified School District Board of Education

**People's Park**

- 29. Carol Denney
- 30. Michael Fullerton
- 31. russbumper

**Panoramic Hill Rehabilitation**

- 32. Heather Rudkin

**Treatment at Sutter's Alta Bates**

- 33. Christine Cosgrove

**Rosa Parks Elementary School Mock Trial**

- 34. Ty Alper

**Philadelphia Beverage Tax**

- 35. Holly Scheider

**5G Technology**

- 36. Phoebe Anne Sorgen

**West Campus Pool**

- 37. Nancy Kalter-Dills

**Homelessness**

- 38. Jacquelyn McCormick
- 39. Donald Goldmacher
- 40. Matthew Williams
- 41. Pam Speich
- 42. russbumper

**RVs at Berkeely Marina**

43. Berkeley Citizens Action Steering Committee

**Residential Preferential Parking (RPP) Program**

44. Lynda Koolish

45. Aurora Arding

46. Vici Casana

**Climate Disruption and Affordable Housing**

47. Charlene M. Woodcock

**Repaving of Roadways**

48. David Lerman

**Amazon Boycott**

49. Raja Sutherland

**Zero Carbon Retreat**

50. Amanda Hutchins

**A Healthy City for All**

51. Suzanne H. Crowhurst Lennard

**Restraint Devices**

52. russbumper

**Parking Enforcement Vehicles**

53. Majorie Alvord

54. Teresa J. Paris

55. Colleen

56. Debi Clifford

57. Cynthia Papermaster

58. Shauna Haines

59. Sallie Hanna-Rhyne

60. Gael Alcock

61. Kelly Hammargren

62. Keith Johnson

63. Charlene M. Woodcock

64. Ravi Mikkelsen

65. Sarah Nelson

66. Wendy Bloom

67. Jane Scantlebury

68. Sydney Gillett

69. David Finley

70. Tom Kelly

71. Richard Walker

72. Mary Behm-Steinberg

73. Margo Schueler

74. Eleven form letters, submitted by Alicia Puzak, Wendy Alfsen, Sheila Goldmacher, Micky Duxbury, Julia Cato, Rachel Katz, Lori Hines, Ruth Morgan, Ned Himmel, Cecile Leneman, Donald Goldmacher

75. Three form letters, submitted by Kathy Labriola, Eric Svahn, Rick Lewis
76. Ten form letters, submitted by Leonard Pitt, Sandy Emerson, Vanessa Warheit, Linda Franklin, Jack Kurzweil, Fred Dodsworth, Helen Osborne, Janice Cecil, Margaret Norman, Liz Ozol

### **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.