

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, April 23, 2019
6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

Preliminary Matters

Roll Call:

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

1. Recognition of Osha Neumann
2. Holocaust Remembrance Day
3. Presentation: Alameda County Mosquito Abatement District
4. Adjourned in Memory of Sue Hone, Former Berkeley City Councilmember

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. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code From: City Manager

Recommendation: Adopt second reading of Ordinance Nos. 7,645-N.S., 7,646-N.S., 7,647-N.S., 7,648-N.S., and 7,649-N.S., amending the Berkeley Municipal Code (BMC) which would:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses); and
4. Protect youth by restricting cannabis advertising within the city.

The ordinances would adopt BMC Chapters 12.21 and 20.40, amend Chapters 12.22, and 23C.25, Sub-Titles 23E and 23F, and repeal Chapters 12.23, 12.25 and 12.27.

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

Financial Implications: See report

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

Consent Calendar

- 2. Contract: Masayuki Nagase for North Berkeley Senior Center Measure T1 Public Art Commission**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$100,000, and any amendments thereto, with Masayuki Nagase for a public art commission for North Berkeley Senior Center.
Financial Implications: Public Art Fund - \$100,000
Contact: Jordan Klein, Economic Development, 981-7530
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 23, 2019**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$5,680,000
Contact: Henry Oyekanmi, Finance, 981-7300
- 4. Purchase Orders for Crayon Inc.: Using Riverside County's Joint Volume Licensing Program to Renew Microsoft's Enterprise Agreement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year renewal of the City's "Enterprise Agreement" (EA) for Microsoft licenses purchased through Crayon Inc., utilizing a cooperative purchasing agreement established by the County of Riverside's joint volume licensing program for the period beginning May 1, 2019 through April 30, 2022 for an amount not-to-exceed (NTE) \$2,968,000.
Financial Implications: Various Funds - \$2,968,000
Contact: Savita Chaudhary, Information Technology, 981-6500
- 5. Contract No. 118499-1 Amendment: Civic Makers, LLC for FUND\$ Replacement Change Management Support Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 118499-1 with Civic Makers, LLC for extension of FUND\$ Replacement related Change Management Support Services, increasing the amount by \$400,000, for a total not to exceed \$529,025 from December 1, 2017 to June 30, 2021.
Financial Implications: FUND\$ Replacement Fund - \$400,000
Contact: Savita Chaudhary, Information Technology, 981-6500

Consent Calendar

- 6. Donation: Memorial Bench at Cesar Chavez Park in memory of Julio Costa Furtado**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Julio Costa Furtado.
Financial Implications: Marina Fund - \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 7. Donation: Memorial Bench at Cesar Chavez Park in memory of Barry Wofsy**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Barry Wofsy.
Financial Implications: Marina Fund - \$3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 8. Donation: Information Display Case at the Berkeley Rose Garden**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation of an information display case valued at \$7,429 from the Friends of the Berkeley Rose Garden.
Financial Implications: \$7,429 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 9. Grant Application: Cosco Busan Round 2 Grant Program from the National Fish and Wildlife Foundation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of \$182,000 to the National Fish and Wildlife Foundation for the Cosco Busan Round 2 Grant Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 10. Contract No. 9668 Amendment: Serological Research Institute for DNA Testing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9668 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$250,000 for a total not to exceed amount of \$750,000 and a contract term extension for three additional years until June 30, 2022.
Financial Implications: State Proposition 172 Fund - \$250,000
Contact: Andrew Greenwood, Police, 981-5900

Consent Calendar

- 11. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation & Surface Seals FY 2019 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation & Surface Seals Project, Specification No. 19-11271-C; accepting the bid of Bay Cities Paving & Grading, 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 \$5,688,307.
Financial Implications: Various Funds - \$5,688,307
Contact: Phillip Harrington, Public Works, 981-6300
- 12. Contract No. 10276A Amendment: Interface Engineering, Inc. for On-Call Electrical Engineering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Interface Engineering, Inc., Contract No. 10276A, for on-call electrical engineering consulting services, increasing the contract amount by \$90,000, for an amount not-to-exceed \$220,000, and extending the contract from June 30, 2019 to June 30, 2020.
Financial Implications: Various Funds - \$90,000
Contact: Phillip Harrington, Public Works, 981-6300
- 13. Authorize Negotiation in the Open Market for the FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification 18-11183-C**
From: City Manager
Recommendation: Adopt a Resolution: 1. accepting staff report that no bids were received when Specification No. 18-11183-C, FY2018 Measure M Low Impact Development Woolsey Street Project was re-advertised; and 2. authorizing the City Manager to negotiate in the open market in accordance with Article XI, Public Works and Supplies, Section 67(a.) of the City Charter.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 14. Resources for Community Development's 2001 Ashby Avenue Predevelopment Loan Application**
From: Housing Advisory Commission
Recommendation: Authorize funding for the Resources for Community Development (RCD) predevelopment loan application for \$368,000 for its proposed development at 2001 Ashby Avenue.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400

Consent Calendar

15. **Senate Constitutional Amendment 1 and Assembly Bill 10**
From: Housing Advisory Commission
Recommendation: Endorse Senate Constitutional Amendment (SCA) 1 and Assembly Bill (AB) 10.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400

Council Consent Items

16. **Authorize Sending a Letter of Support for AB-953 “Cannabis: state and local taxes: payment by digital asset” to Assemblymember Phil Ting**
From: Councilmember Bartlett
Recommendation: That the City Council authorize sending a letter of support for AB-953 to Assemblymember Ting. AB-953 will allow state and local tax authorities to collect cannabis-generated taxes via stable digital currencies. This will help to address legal cannabis businesses’ underbanking problem.
Financial Implications: Minimal
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
17. **The Center for Food, Faith, and Justice and Green the Church: 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 an amount not to exceed \$500 per council member, including \$500 from Councilmember Bartlett, to the “Black, Green, and Traumatized: Environmental Trauma and Mental Health” event hosted by The Center for Food, Faith, and Justice and Green the Church on April 27th from 10am-3pm at McGee Avenue Baptist Church, 1640 Stuart Street, Berkeley, CA 94703. The funds will be relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$500
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
18. **Black Repertory Group Theater: 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 an amount not to exceed \$3,000 per council member, including \$3,000 from Councilmember Bartlett, to the Black Repertory Group, with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$3,000
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

19. **U1 Funds for Predevelopment Costs of Proposed Development at 2001 Ashby Avenue**
From: Councilmember Bartlett and Mayor Arreguin
Recommendation: Adopt a Resolution allocating \$368,000 of General Funds from Measure U1 tax receipts to Resources for Community Development (RCD) for predevelopment costs at 2001 Ashby Avenue.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
20. **Budget Referral: Good Government Ombudsman**
From: Councilmembers Harrison and Davila
Recommendation: Refer to the 2019/2020 budget process to establish a Good Government Ombudsman to facilitate enforcement of Berkeley's good government laws through the City Clerk and City Attorney's Office.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
21. **Support for Zero Emission Bills**
From: Councilmembers Harrison, Davila, Hahn, and Robinson
Recommendation:
1. Adopt a resolution of support for two bills that will move California towards eliminating greenhouse gas emissions from the transportation sector: AB 40, which calls for all cars sold in California to be zero-emission by 2040, and AB 1418, which calls for all public school buses in California to be zero-emission by 2030.
2. Send letter of support to Senator Skinner and Assemblymember Wicks.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
22. **Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE** *(Reviewed by the Agenda and Rules Committee)*
From: Councilmembers Harrison, Davila, and Bartlett
Recommendation: That the City Council adopt the attached Sanctuary Contracting Ordinance as amended. This ordinance prohibits the award of city contracts to vendors acting as U.S. Immigration and Customs Enforcement data brokers, or those providing extreme vetting services.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Council Consent Items

- 23. Resolution in Support of a Public Bank**
From: Councilmembers Harrison, Davila, and Robinson, and Mayor Arreguin
Recommendation: Adopt a resolution affirming Berkeley's support for public banking and send that resolution to Governor Newsom, Senator Skinner, and Assemblymember Wicks urging state legislation to enable local agencies to create public banks.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 24. Letters In Support of SB 54 (Allen) and AB 1080 (Gonzalez)**
From: Councilmember Wengraf, Mayor Arreguin, and Councilmembers Hahn and Bartlett
Recommendation: Send a letter of support for SB 54 (Allen) and AB 1080 (Gonzalez) to Senator Ben Allen and Assemblywoman Lorena Gonzalez with copies to Senator Skinner, Assembly Member Wicks and Governor Newsom
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 25. Co-Sponsor the Screening of "Near Normal Man"**
From: Councilmember Wengraf, Mayor Arreguin, and Councilmembers Bartlett and Hahn
Recommendation: That the City of Berkeley become an official co-sponsor of the screening and discussion of "Near Normal Man" on April 29th at Berkeley City College
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 26. Support for SB 188 (Hairstyle Anti-Discrimination Law)**
From: Councilmembers Robinson, Davila, and Bartlett
Recommendation: Send a letter to Senator Mitchell, Senator Skinner, and Assemblymember Wicks supporting SB 188, which would amend the California Fair Employment and Housing Act to prohibit racial discrimination on the basis of hairstyle.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Council Consent Items

- 27. Support for ACA-1: Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval**
From: Councilmembers Robinson, Bartlett, and Harrison
Recommendation: Adopt a resolution supporting ACA-1, which would allow local governments to raise property taxes to fund bonds for the purposes of financing public infrastructure and affordable housing projects, as well as reducing the required vote threshold to authorize certain local special taxes for the purpose of funding public infrastructure and affordable housing. Copies of the resolution to be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Assemblymember Aguiar-Curry.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
- 28. Support for AB 273 and AB 44: Prohibit Fur Trapping and Sales**
From: Councilmembers Robinson and Harrison
Recommendation: Adopt a resolution supporting Fish and Game Code amendment AB 273, which prohibits the trapping of fur-bearing and nongame mammals for recreational or commercial purposes, and AB 44, which amends the Fish and Game Code to prohibit the sale of fur products statewide.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
- 29. Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee** *(Reviewed by the Land Use, Housing & Economic Development Committee)*
From: Councilmembers Robinson and Hahn, Mayor Arreguin, and Councilmember Droste
Recommendation: Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Council Consent Items

- 30. Relinquishment of Council Office Budget Funds: “Post-Memory: A Decade of Art and Activism in Berkeley,” an art exhibit in honor of Zachary Cruz**
From: Councilmembers Droste, Davila, and Robinson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per sponsoring Councilmember, with funds relinquished from the discretionary Council Office Budgets of Councilmember Droste and any other Councilmembers who would like to contribute. Funds would go to cover the costs of the art exhibit “Post-Memory: A Decade of Art and Activism in Berkeley” at UC Berkeley. 2019 marks the ten year anniversary of the death of Zachary Cruz who died from road violence on Berkeley streets. The art exhibit will honor Zachary and raise awareness about road safety and Vision Zero in Berkeley. Additional details about the exhibit are attached. Donations will go to A to Z Families for Safe Streets, c/o Los Angeles Walks, 830 Traction Ave 3rd Floor, Los Angeles, CA 90013.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Lori Droste, Councilmember, District 8, 981-7180

Action Calendar

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

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

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

31. **ZAB Appeal: 1722 Walnut St** *(Continued from March 26, 2019)*
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution to affirm the Zoning Adjustments Board decision to deny Use Permit/Variance #ZP2018-0021 to legalize an unpermitted detached dwelling unit in the rear yard area of a lot legally developed with an eight-unit apartment building, and dismiss the appeal.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400

Action Calendar – Old Business

32. **Missing Middle Housing Report** *(Continued from March 26, 2019. Item contains revised and supplemental material.)*
From: Councilmembers Droste, Bartlett, Robinson, and Kesarwani
Recommendation: Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services.
Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, 981-7180
33. **Adopt a Spot Initiative** *(Continued from April 2, 2019)*
From: Councilmembers Droste, Kesarwani, and Bartlett
Recommendation: Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180

Action Calendar – New Business

34. **Referral Response: Updated Policy for Emergency Standby Officers for the Mayor and Councilmembers** *(Reviewed by the Agenda and Rules Committee)*
From: City Manager
Recommendation: Adopt a Resolution updating the selection process and criteria for the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 57,906-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

Council Action Items

35. **Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program**
From: Councilmembers Bartlett, Hahn, Harrison, and Davila
Recommendation: That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
36. **Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way**
From: Councilmember Harrison and Mayor Arreguin
Recommendation: Adopt a Resolution allocating \$400,000 from the Street and Open Space Improvement Fund (SOSIF) to design and construct a protected Milvia Bikeway pilot project between University Avenue and Allston Street.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Information Reports

37. **Ethical Climate Audit Status Report**
From: City Manager
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
38. **Ambulance Billing Follow-up Audit Status Report**
From: City Manager
Contact: David Brannigan, Fire, 981-3473

Information Reports

39. **Status Report: City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation**
From: City Manager
Contact: Savita Chaudhary, Information Technology, 981-6500
40. **LPO NOD: 2300 Shattuck Avenue, #LMSAP2019-0001**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
41. **LPO NOD: 1414 Walnut Street/#LMSAP2018-0005 for the Former Garfield School**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400

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 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.

~~~~~  
*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 April 11, 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 #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

1. Sameen Ahmad, on behalf of High Times
2. Adria-Ann McMurray

**Item #36: Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way**

3. Tom Buoye

**RV Ordinance**

4. Colin Palmquist
5. Jessica Behrman
6. Patricia and Lee Husted

**Housing**

7. Karen Westmont
8. Friends of Adeline
9. Donald Goldmacher
10. Russbumper

**BART**

11. Sharon Simburg
12. North Berkeley Neighborhood Alliance
13. Barbara Fisher

**Encampments**

14. Bernice Gross
15. Virginia Burton
16. Liz Ruhland

**5G**

17. Ben Burch
18. Vivian Warkentin
19. Phoebe Anne Sorgen
20. Susan Brinchman
21. Annamarta Dostourian

**Budget and Finance**

22. Kelly Hammargren
23. Barbara Gilbert
24. Isabell Gaston (2)
25. Janice Greenberg (3)
26. Jessica Behrman

**Berkeley Marina Liveaboard**

27. Christina Lisac

**Help Needed on Francisco Street**

28. Mathew Rogers

**Berkeley Green Monday**

29. Amy Halpern-Laff

**Lake Merritt Pollution**

30. Richard Bailey

**East Bay Community Energy Meetings**

31. East Bay Community Energy

**Bay Area Poor People's Hearing**

32. Amanda Baldiga (2)

**"Bordertown" Berkeley/Oakland**

33. Janice Greenburg

**Opportunity Zones**

34. Barbara Gilbert

**Healthy City for All**

35. Suzanne Lennard

**Fund Rebuilding Together and Inter-City Services**

36. Thomas Lord

**Rail Safety and Rail Transit Related Problems**

37. Beth Gerstein, Legislative Aid for Councilmember Kesarwani

**Global Banks and Fossil Fuels**

38. Donald Goldmacher

**Community Activism Ideas**

39. David Dixon

**Reality**

40. Steve Kromer

**Hit and Run at Durant and Telegraph**

41. Max Ventura

42. Jonah Markowitz (2)

43. Christopher Kohler

**Council Meeting Broadcasts**

44. Janice Greenberg

45. Barbara Gilbert

**City Real Estate Transfer Tax**

46. Paul Weir and Maria Gimenez Cacho

**Berkeley Parks Closed**

47. Noah Nathan

**West Campus Pool**

48. Tobie Lurie

49. Francine and Gary Foltz

50. Donna Mickleson



51. Erica Buhrmann and Ron Drucker

**Marina Parking**

52. Jonathan Love and Satya Robinson

53. Joshua Morrill

54. Mayo & Robyn Ryan

**Toxic Fire Fighting Foam**

55. David Lerman

**Public Health**

56. Carol Denney

**EV Charging**

57. Elisa Mikiten

**Boards and Commissions Publishing Minutes**

58. Kelly Hammargren

**BPD Report on Stop Data**

59. Elliot Halpern

**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.

