

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, May 28, 2019

6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION: 712 MORENO AVENUE, LOS ANGELES, CA 90049

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 Affordable Housing Week
2. Recognition of Berkeley Green Certified Businesses

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. Amendment: FY 2019 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,652-N.S. amending the FY 2019 Annual Appropriations Ordinance No. 7,634–N.S. for fiscal year 2019 based upon other adjustments in the amount of \$22,245,802 (gross) and \$19,746,430 (net).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
- 2. One-Way Car Share – Transition from Pilot to Baseline Program**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,653-N.S. pursuant to Berkeley Municipal Code Chapter 14.62, deleting language that refers to the program as a limited-term “pilot” and amending language on the number of vehicle parking permits for which a one-way car share organization may apply.
First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain - None; Absent - Wengraf.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 3. Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,654-N.S. amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial.
First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain - None; Absent - Wengraf.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 2, 2019 (regular), April 23, 2019 (special and regular), April 29, 2019 (special closed), and April 30, 2019 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
- 5. Contract No. 10854 Amendment: Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10854 with Townsend Public Affairs, Inc., contract No. 10854, for an ongoing tailored legislative and funding advocacy strategy, increasing the contract amount by \$45,000, for an amount not-to-exceed \$90,000, and extending the contract from December 31, 2018 to June 30, 2020.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
- 6. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving the Annual Report of FY19 and preliminary budget for FY20 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association; and
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$650,000 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2019 to June 30, 2020.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530

Consent Calendar

7. Assessments: Downtown Berkeley Property Based Business Improvement District

From: City Manager

Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2020

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

8. Assessments: North Shattuck Property Based Business Improvement District

From: City Manager

Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2020

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

9. Assessments: Telegraph Property Based Business Improvement District

From: City Manager

Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2019 and proposed budget for FY 2020, and declaring Council's intention to levy an annual assessment for the TBID for FY 2020.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 28, 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

11. Notice of Appropriations Limit for Fiscal Year 2020

From: City Manager

Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2020 at its meeting of June 25, 2019; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 10, 2019.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

12. **Contract No. 9821 Amendment: First Alarm & Security Patrol, Inc., dba First Security Services for Citywide Unarmed Security Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the not-to-exceed value of Contract No. 9821 by \$365,792 from \$2,784,798 to \$3,150,590. The additional amount is required to fund continued services until October 31, 2019, which corresponds with the projected commencement date of a new contract for Citywide Unarmed Security Services, resulting from Request for Proposal (RFP) #19-11316-C scheduled to close May 30, 2019.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
13. **Contract: Pyro Spectaculars North, Inc. for fireworks for the Fourth of July and Winter on the Waterfront Special Events**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Pyro Spectaculars North, Inc. in the amount of \$82,500 for fireworks for the Fourth of July and Winter on the Waterfront special events in 2019, with an option for events in 2020 depending on the availability of funds.
Financial Implications: \$82,500.
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
14. **Contracts: As-needed Tree Services**
From: City Manager
Recommendation: Adopt four (4) Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions, or other change orders for tree services as-needed, each for a period of May 29, 2019 to May 28, 2022:
1. Bay Area Tree Specialists, for an amount not to exceed \$200,000.
2. Hamilton Tree Service, Inc., for an amount not to exceed \$200,000.
3. The Professional Tree Care Company, for an amount not to exceed \$200,000.
4. West Coast Arborists, Inc., for an amount not to exceed \$200,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
15. **Contract No. 10786 (117934-1) Amendment: Redwood Engineering for Parks Playground Surfacing and Pathway Repairs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10786 (117934-1) with Redwood Engineering Construction for parks playground surfacing and pathway repairs, increasing the amount by \$75,000 for an amended total amount not to exceed \$274,000.
Financial Implications: Parks Tax Fund - \$75,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

16. **Contract: School Bus Transportation from First Student, Inc. for Berkeley Day Camp and Recreation Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with First Student, Inc. to provide school bus transportation services for Berkeley Day Camp and other summer Recreation Division programs for a not-to-exceed total amount of \$423,000 for three years, including a one (1) year period, beginning June 10, 2019 and ending June 30, 2020, with the option to extend for up to two (2) additional years with City Manager approval, contingent upon annual budget appropriations.
Financial Implications: Various Funds - \$423,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
17. **Reject Bids and Negotiate in the Open Market for the Public Safety Building Envelope Repair Project, Specification No. 18-11263-C**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to reject bids and direct staff to negotiate in the open market for construction work associated with the Public Safety Building Envelope Repair Project, Specification No. 18-11263-C 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

Council Consent Items

18. **Support of SB 48 – Right to Shelter**
From: Mayor Arreguin and Councilmembers Hahn and Bartlett
Recommendation: Adopt a Resolution supporting SB 48 – Right to Shelter, introduced by State Senator Scott Wiener. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Wiener, and Assemblymember Buffy Wicks.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
19. **Support H.R. 40 – the Commission to Study and Develop Reparation Proposals for African-Americans Act**
From: Mayor Arreguin and Councilmembers Bartlett, Davila, and Harrison
Recommendation: Adopt a Resolution in support of H.R. 40 – the Commission to Study and Develop Reparation Proposals for African-Americans Act, introduced by Congressperson Sheila Jackson Lee. Send a copy of the Resolution to Senators Dianne Feinstein and Kamala Harris, Congresspersons Barbara Lee and Sheila Jackson Lee, and President Donald Trump.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

20. **Budget Referral: \$25,000 to the FY 2020-21 Budget Process for SupplyBank.Org to Expand School Supply Distribution**
From: Mayor Arreguin and Councilmember Davila
Recommendation: Refer the following to the budget process: A request for \$25,000 to expand Berkeley school supply distribution and ensure every low-income Berkeley student has the appropriate school and dental supplies they need to be successful.
Financial Implications: General Fund - \$25,000
Contact: Jesse Arreguin, Mayor, 981-7100
21. **Budget Referral: \$5,000 for the César Chávez Solar Calendar**
From: Mayor Arreguin
Recommendation: Refer to the FY2020-2021 budget process the allocation of \$5,000 to the Kala Art Institute for the purpose of maintaining the Solar Calendar/César Chávez Memorial.
Financial Implications: General Fund - \$5,000
Contact: Jesse Arreguin, Mayor, 981-7100
22. **Budget Referral: \$80,000 to Support Technical Assistance for Succession Planning, Worker Cooperative Conversion and Development**
From: Mayor Arreguin
Recommendation: Refer to the budget process to extend the \$30,000 contract to Project Equity for two years and increase the amount to \$80,000 to support and build on the important work done to-date and expand the technical assistance beyond succession planning to include supporting new worker cooperative development.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

23. **Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services** *(Reviewed by the Land Use, Housing & Economic Development Committee)*

From: Mayor Arreguin and Councilmembers Kesarwani, Wengraf, and Bartlett

Recommendation: State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:

- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 24. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Davila and Bartlett
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmember Cheryl Davila, to support purchase of street-pole banners announcing the Berkeley Juneteenth Festival June 16, 2019, 11AM-7PM, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 25. Budget Referral: Funding Stop Signs on Carleton Street and Fulton Street**
From: Councilmember Bartlett
Recommendation: That the Council refers to the budget process of funding a 4-way stop at the intersection of Carleton and Fulton Street in order to address inadequate traffic control and stopping, and reduce traffic accidents.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 26. Budget Referral: Funding for a Traffic Safety and Mitigation Study and Investments on Alcatraz Avenue**
From: Councilmember Bartlett
Recommendation: That the City Council refer to the budget process funding of a traffic safety and mitigation study for Alcatraz Avenue to address the high volume of traffic accidents along this roadway due to inadequate street lighting and traffic controls. This study will determine the best methods of controlling all forms of traffic to maximize the safety of motorists, pedestrians, and bicyclists.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 27. Budget Referral: Funding for Street Lights Development at Martin Luther King Jr. Way and Stuart Street**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Harrison and Wengraf
Recommendation: That the Council refers to the budget process to fund traffic lights on Martin Luther King Jr. Way and Stuart Street in order to prevent auto-related accidents and traffic deaths and injuries.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

- 28. Budget Referral: “Berkeley Inclusion in Opportunity Index” - Funding Firm to Perform Availability Study to Achieve Equity in City Contracting**
From: Councilmembers Bartlett and Davila
Recommendation: That the Council refer to the 2019-2020 budget and allocate \$200,000 to fund Mason Tillman Associates Ltd (MTA) to perform an Availability Study to analyze the City’s use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods, and other services contracts.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 29. Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St.**
From: Councilmembers Bartlett, Harrison, Davila, and Mayor Arreguin
Recommendation: Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 30. Budget Referral: Increase Staffing Level of Transportation Division to Expedite City’s Vision Zero Goal**
From: Councilmembers Bartlett, Droste, and Robinson
Recommendation: That the Council adds six permanent positions to the Transportation Division as part of the city’s fiscal year 2020-2021 biennial budget by referring \$1,433,310.40 to the budget process to fund these positions; the total cost of salaries without benefits is 863,440; the total cost of benefits alone is 569,870.40. These positions should include 4 Engineers, a permanent Senior Planner (to coordinate Vision Zero), and an Administrative Professional. The Transportation Division needs increased staff capacity to deliver funded capital projects and work towards the City’s Vision Zero goal of eliminating fatal and severe injury collisions.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 31. Budget Referral: Funding for Development of a Traffic Circle at the intersection of 62nd Street and King Street**
From: Councilmember Bartlett and Mayor Arreguin
Recommendation: Refer to the City Manager to conduct an analysis of the intersection of 62nd and King Streets to recommend a traffic circle or other traffic calming and public safety measures. Allocate \$50,000 to conduct this analysis. Refer to the budget process to allocate funds to implement the City Manager’s recommendations.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

- 32. Resolution in Support of Full Parity for Mental Health Patients and Clinicians at Kaiser Permanente**
From: Councilmembers Harrison, Davila, Mayor Arreguin, and Councilmember Robinson
Recommendation: Adopt a resolution calling for full parity for mental health patients and clinicians at Kaiser Permanente and supporting the mental health clinicians in their contract negotiations.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 33. Budget Referral: Solano Avenue Revitalization Plan**
From: Councilmembers Hahn, Wengraf, Harrison, and Mayor Arreguin
Recommendation:
1. Refer \$300,000 to the FY2020 - FY2021 Budget Process for the development of a two-part Solano Avenue "Master" Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany's mid-corridor Solano Avenue Reconfiguration Plan.
2. Direct the City Manager to send a letter to the City of Albany expressing Berkeley's desire to collaborate on reconfiguration and revitalization plans for the mid-corridor portion of Solano Avenue, and to initiate plans for coordination.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 34. Oppose AB-1356 Cannabis: local jurisdictions: retail commercial cannabis activity (Ting)**
From: Councilmembers Wengraf, Hahn, Robinson, and Mayor Arreguin
Recommendation: Adopt a resolution in opposition to AB 1356 to Assemblymember Philip Ting with copies to the Chair of the Assembly Appropriations Committee Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, Senator Nancy Skinner and Governor Gavin Newsom.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 35. Budget Referral: Paid Internship Program for Interns of City of Berkeley Councilmembers**
From: Councilmembers Robinson and Bartlett
Recommendation: Refer to the budget process to consider an office allowance which would provide stipends to City of Berkeley interns.
Financial Implications: \$15,000
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Council Consent Items

- 36. Support for Renters Rights Bills: SB 529, and AB 36, 724, 1481, and 1482**
From: Councilmember Robinson
Recommendation: Send a letter supporting SB 529, and AB 36, 724, 1481, and 1482 to their respective authors, which would strengthen tenant organizing rights, allow rent control on certain units, provide caps for annual rent increases, protect against wrongful evictions, and create a registry of all California rental units.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
- 37. Support for SB 212 (Ranked Choice Voting) and SB 641 (Special Elections: Rank Choice Voting)**
From: Councilmember Robinson
Recommendation: Send a letter to Assemblymember Allen supporting SB 212, which would authorize a city, county, or local educational agency to conduct an election using ranked choice voting, and SB 641, which would authorize the Governor to require a special election to fill a vacancy in a congressional or legislative office using rank choice voting, if the jurisdiction is capable of using this voting method.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
- 38. Support for ACA-6: Voting Rights for Parolees**
From: Councilmembers Robinson, Harrison, Bartlett, and Davila
Recommendation: Adopt a resolution supporting ACA-6, which restores the right to vote to citizens on parole for the conviction of a felony.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

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.

Action Calendar – Public Hearings

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.

39. **Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #2**

From: City Manager

Recommendation: Conduct a public hearing on the FY 2020 and FY 2021 Proposed Biennial Budget.

Financial Implications: See FY 2020 and FY 2021 Proposed Biennial Budget
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action Calendar – New Business

40. **City Council Recommendations on the FY 2020 and FY 2021 Proposed Biennial Budget**

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

Action Calendar – Public Hearings

41. **Proposed Fee Increases for Engineering and Traffic Engineering Hourly Rates**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the hourly rate for staff time not otherwise specified from \$153/hour to \$190/hour for the Engineering Division and from \$160/hour to \$200/hour for the Transportation Division for FY 2020.

Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300

Action Calendar – Old Business

42. **Berkeley Economic Dashboards** (Continued from March 26, 2019.)

From: City Manager

Contact: Jordan Klein, Economic Development, 981-7530

Action Calendar – Public Hearings

43. Rental Housing Safety Program Proposed Fee Increases

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the Rental Housing Safety Program (RHSP) annual, reinspection and penalty fees in FY 2020 and Fiscal Year 2021.

Financial Implications: See report

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

Council Action Items

44. Tax Exemption on Federal Research Grants

From: Mayor Arreguin

Recommendation: Adopt a first reading of an Ordinance 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.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

45. Direct City Manager to place a moratorium on enforcement of Ordinance No. 7632-N.S. (BMC Sections 14.48.160 and 14.48.170), “Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” until a homeless response system is designed, created and implemented as stated in the “1000 Person Plan.”

From: Councilmember Davila

Recommendation: Direct City Manager to place a moratorium on enforcement of Ordinance No. 7,632-N.S. (BMC Section 14.48.160 and 14.48.170) Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” at homeless encampments until a homelessness response system is planned, created and implemented pursuant to research, findings, reports, and goals resulting from the “1000 Person Plan” report received by Council. This action is in fidelity to elements of the 2018 EveryOne Home Plan to End Homelessness adopted by Council on March 12, 2019, that clearly states at pg. 13, “Proposed Actions,” that protection of the dignity of people experiencing homelessness requires municipalities to repeal or stop enforcing policies that criminalize homelessness, and instead develop a humane and consistent response to the needs of unsheltered people.

Financial Implications: None

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

Council Action Items

46. Referral to Public Works Commission to Rename Harold Way to “Dalai Lama Way”

From: Councilmembers Harrison and Davila

Recommendation: Referral to the Public Works Commission requesting changing the name of Harold Way to “Dalai Lama Way” in recognition of the Dalai Lama’s contributions to world peace and in recognition of the Buddhist community center at Harold Way.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, 981-7140

Action Calendar – Public Hearings

47. ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172

(Continued from May 14, 2019)

From: City Manager

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2018-0172 to construct four detached, three-story, approximately 1,900 square-foot, single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot vacant lot in the MU-R District, and dismiss the appeal.

Financial Implications: None

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

Information Reports

48. City Council Short Term Referral Process – Monthly Update

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

49. Information Technology: Digital Strategic Plan (DSP), FUND\$ Replacement, and Website Update

From: City Manager

Contact: Savita Chaudhary, Information Technology, 981-6500

50. Update on Concerns about Informational Kiosks and Accessibility, Obstacles

From: Commission on Disability

Contact: Dominika Bednarska, Commission Secretary, 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:*

1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of

Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 16, 2019.*



Mark Numainville, City Clerk

## **Communications**

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

### **Encampments**

1. Richard James
2. Beth Gerstein
3. Steven Donaldson
4. Matthew Williams
5. Camerson Woo

### **1155-1173 Hearst Avenue**

6. Vijay Venugopal
7. Teal Major
8. Yashu Jiang (2)
9. Tracey Emerson
10. Mary Jo Thoresen
11. Mark Rhoades
12. Rain Sussman (3)

### **North Berkeley BART**

13. Harvey Smith
14. John Rice
15. Tiger Girl
16. Linda Schmidt
17. Carlo Sequin

### **Disaster Training Funds**

18. Bob Flasher

### **Traffic Circle**

19. John Steere, on behalf of Berkeley Partners for Parks
20. Charlene Woodcock
21. Steve Finacom

### **West Campus Pool**

22. Linda Worthman

- 23. Diane Tomkins
- 24. Tobie Lurie
- 25. Karen Teitel

**1911 Harmon Street**

- 26. Leonard Powell
- 27. Margy Wilkinson
- 28. Samuel Kohn, Chair of the Human Welfare and Community Action Commission
- 29. Igor Tregub, Chair of the Peace and Justice Commission

**311 Customer Service**

- 30. Matthew Williams
- 31. Kathy Cassidy (2)
- 32. Beth Gerstein

**Fireworks**

- 33. Richard Howard

**Short Term Rentals**

- 34. Margy Wilkinson (2)
- 35. Bill Burke

**Panoramic Hill Construction**

- 36. Ryan O'Kane
- 37. Heather Rudkin

**Safe Car Park Program**

- 38. Kelly Hammargren

**Rent Stabilization Board**

- 39. Evan Meyer

**62<sup>nd</sup> and King**

- 40. Adam Wilks

**Rail Safety**

- 41. Beth Gerstein

**Climate Crisis**

- 42. Walter Wood

**Measure U1**

- 43. Thomas Lord

**Marina Parking Changes**

- 44. Barbara Baccei

**Mobility Systems**

45. Kathi Pugh and Josh Maddox

**Pedestrian and Bike Safety**

46. Robin Kibby

47. Charlene Woodcock

**Affordable Housing**

48. Sophia DeWitt

**Charter Schools**

49. Zipporah Collins

**Chemical Sensitivities Month**

50. Juty Blue

**Cashless Businesses**

51. Cassia

52. Bob Stern

**SB 50**

53. Hannah Norman

**GigCar Rideshare**

54. Cynthia Brannvall

**Decriminalize Nature**

55. Jessica Behrman

**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.

