

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, November 12, 2019
6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

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

Preliminary Matters

Roll Call:

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

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

Consent Calendar

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. **Revision to the 2020 City Council Meeting Schedule**

From: City Manager

Recommendation: Adopt a Resolution revising the City Council regular meeting schedule for 2020, with starting times of 6:00 p.m. and rescinding Resolution No. 69,029-N.S.

Financial Implications: None

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

2. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 12, 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 - \$40,093,600

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

Consent Calendar

- 3. Contract No. 31900203 Amendment: Resource Development Associates for Crisis, Assessment and Triage Line Evaluation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900203 with Resource Development Associates (RDA) to provide additional evaluation consulting services for the Crisis, Assessment and Triage (CAT) line, in an amount not to exceed \$15,000 for a total contract amount not to exceed \$63,000 through June 30, 2021. The amended contract will include a revised scope of services, paid for with the additional funding requested here.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 4. Contract: Berkeley Unified School District for Mental Health MHSA-Funded Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2020 in an amount not to exceed \$392,778.
Financial Implications: Various Funds - \$392,778
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 5. Authorize the City Manager to Submit Senate Bill 2 Planning Grants Program Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit the application for Senate Bill 2 Planning Grants Program (PGP) in the amount of \$310,000 and sign documents or amendments when the grant is awarded.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

Consent Calendar

6. Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions, and schedule a Public Hearing for the second reading on December 3, 2019, pursuant to state law; and
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2019 California Building Standards Code, approving cost effectiveness studies relevant to local amendments to the 2019 California Energy Code, and rescinding Resolution No. 67,736-N.S.

Financial Implications: See report

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

7. Companion Report: Recommendations for a Fossil Fuel Free Berkeley
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Item contains revised material.)

From: City Manager

Recommendation: Refer to the City Manager to continue to implement existing policies and programs that are consistent with the recommendations in the Berkeley Energy Commission's Fossil Fuel Free Berkeley Report, such as the Building Energy Saving Ordinance and development of new building codes that promote building electrification, and also to complete new evaluations and analyses of current and potential future greenhouse gas reduction programs and policies in order to inform next steps for accelerating progress to a Fossil Fuel Free Berkeley.

Financial Implications: See report

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

8. Contracts: On-Call Environmental Consulting Services: GSI Environmental, Inc., Wood Environment & Infrastructure Solutions, Inc., and Northgate Environmental Management, Inc.

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call citywide environmental consulting services, each for a period of November 1, 2019 through November 30, 2022:

1. GSI Environmental, Inc. for an amount not to exceed \$150,000.
2. Wood Environment & Infrastructure Solutions, Inc. \$300,000.
3. Northgate Environmental Management, Inc. for an amount not to exceed \$150,000.

Financial Implications: See report

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

Consent Calendar

9. **Final Map of Tract 8369: 2747 San Pablo Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8369, a forty-two unit condominium project consisting of thirty-nine residential units, two live/work units, and one commercial unit, located at 2747 San Pablo Avenue.
Financial Implications: None
Contact: Phillip Harrington, Public Works, (510) 981-6300
10. **Stop Sign Warrant Policy**
From: Transportation Commission
Recommendation: Adopt the attached Berkeley Stop Sign Warrant to supplement state law for determining when stop signs may be warranted to protect pedestrians, wheelchair users and/or bicyclists in the City of Berkeley.
Financial Implications: See report.
Contact: Farid Javandel, Commission Secretary, (510) 981-6300

Council Consent Items

11. **Support of SB 378 – Reducing Deenergization Events**
From: Mayor Arreguin and Councilmembers Wengraf, Harrison, and Hahn
Recommendation: Adopt a Resolution in support of SB 378 (Wiener), which would place commonsense regulations on deenergization events such as PG&E's Public Safety Power Shutoffs. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Scott Wiener and Nancy Skinner, and Assemblymember Buffy Wicks.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
12. **Budget Referral: BART Station Environmental Planning**
From: Mayor Arreguin
Recommendation: Refer to the budget process \$250,000 for BART station planning. This budget allocation will allow the initiation of environmental review required as part of developing and adopting zoning for the Ashby and North Berkeley BART Stations that is in conformance with Assembly Bill 2923.
Financial Implications: \$250,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
13. **Modifying Appointments to City Council Standing Policy Committees**
From: Mayor Arreguin
Recommendation: Adopt a Resolution modifying appointments to City Council Standing Policy Committees.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 14. Support Impeachment Actions to Immediately Remove the 45th President of the United States**
From: Councilmembers Davila and Harrison
Recommendation: Adopt a Resolution supporting impeachment efforts to immediately remove the 45th President of the United States, and send a letter including this resolution to California State Assemblymember Buffy Wicks, California State Senator Nancy Skinner, US House of Representatives Speaker Nancy Pelosi, as well as, Congress Representatives Barbara Lee, Alexandria Ocasio-Cortez, Rashida Tlaib and Ayanna Pressley.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 15. Additional funding to Enhance Services at the Berkeley Drop-In Center**
From: Councilmember Bartlett
Recommendation: That the Council refers to the November Budget Annual Appropriations Ordinance to fund \$210,000 to enhance services at the Berkeley Drop-In Center, specifically for the installation of a public shower, installation of washer and dryer, renovation of the existing publicly accessible restroom, and additional payee service capacity. This request will provide one-time funding for the renovation of permits and installation of the washer, dryer, and shower.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 16. Additional funding for Berkeley Community Gardening Collaborative/Moving South Berkeley Forward**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmember Harrison
Recommendation: That the Council refers to the November Budget Annual Appropriations Ordinance to fund \$10,582.06 to Berkeley Community Gardening Collaborative for a coordinator for the year-long Moving South Berkeley Forward project.
Financial Implications: \$10,582.06
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 17. Budget Referral: Evaluation and Implementation of Pedestrian and Bicycle Safety Along Oxford Street**
From: Councilmember Harrison
Recommendation: Refer \$75,000 to the FY20 2019 AAO Process for the purpose of assessing, identifying, and implementing improvements to pedestrian and bicycle safety across Oxford Street, particularly between University Avenue and Bancroft Street.
Financial Implications: Excess Equity - \$75,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

18. Request for Information: Police Dispatch

From: Councilmember Harrison

Recommendation: Refer to the City Manager a request for information clarifying:
1. when non-emergency phone calls to the police are directed to the Berkeley Police Department and when to the California Highway Patrol or other outside agencies, and 2. what staffing or technological changes would be needed to direct more calls to Berkeley dispatch.

Financial Implications: Staff time

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

19. Budget Referral: Expansion of Homeless Navigation Facilities and Programs

From: Councilmember Hahn and Mayor Arreguin

Recommendation: Pursuant to Measure P Panel of Expert Investment Area Priorities #1 and #2:

-Authorize the establishment of a third sleeping unit at the Berkeley Pathways STAIR Center to increase capacity, and direct staff to explore options to operate and provide services to the expanded population.

-Refer to the budget process to allocate funds to establish a third sleeping unit and additional facilities as needed to increase capacity at the STAIR Center, and to fund operational and programmatic needs.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

20. Wildfire Mitigation Mid-Year Budget Referral

From: Councilmembers Wengraf, Hahn, and Bartlett

Recommendation: Refer to the Mid-Year Budget Process an amount of \$550,000 for wildfire mitigation measures, including the removal of fire fuel on City properties and the extension by six additional months of the Fire Captain position to provide wildfire safety planning, Safe Passages implementation, and oversight of mitigation programs and public education.

Financial Implications: \$550,000

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

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

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

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

Action Calendar – 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.

21. Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program (Continued from October 29, 2019)

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 14.52 to add the North Shattuck metered parking area to the goBerkeley parking program.

Financial Implications: See report

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

22. Adoption of the 2019 California Fire Code with Local Amendments

From: City Manager

Recommendation:

1. Adopt the first reading of an Ordinance repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48;
2. Adopt a Resolution setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code (“CFC”) and rescinding Resolution number 67,743–N.S.;
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 3, 2019.
4. Conduct a public hearing, and upon conclusion, adopt a Resolution establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 67,990–N.S. and all Resolutions amendatory thereof.

Financial Implications: See report

Contact: David Brannigan, Fire, (510) 981-3473

Action Calendar – Public Hearings

- 23. Public Hearing and Approval of California Municipal Finance Authority Bond Financing for 1601 Oxford Street**
From: City Manager
Recommendation:
1. Conduct the public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended; and
2. Adopt a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority (CMFA) for the benefit of Satellite Affordable Housing Associates or an affiliate thereof, a California limited partnership (the “Borrower”), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Internal Revenue Code and the California Government Code Section 6500 (and following).
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 24. ZAB Appeal: 2701 Shattuck Avenue, Use Permit #ZP2016-0244**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution approving “Plan B”, as presented to the Council on November 12, 2019 for Use Permit #ZP2016-0244 to construct a 5-story, 60-foot tall, mixed-use building with 57 dwelling units (including five Very Low Income units and three live/work units), and 14 parking spaces, and dismissing the appeal.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

Action Calendar – Old Business

- 25. Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8 - 10 RV Dwellers (Continued from September 24, 2019)**
From: City Manager
Recommendation: Refer to the City Manager to conduct a feasibility analysis of 1281 University Avenue as an interim site to host Recreational Vehicle (RV) dwellers.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

Action Calendar – Old Business

- 26. City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee. Continued from October 29, 2019.)*
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to integrate the previously adopted regulations for policy committees and make associated changes to other sections; update outdated references and practices; conform to the Open Government Ordinance; make other technical corrections; and rescinding any preceding amendatory resolutions.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 27. Referral Response: Lava Mae Mobile Shower and Hygiene Services** *(Continued from October 29, 2019)*
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 28. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention** *(Continued from October 29, 2019)*
From: Mayor Arreguin and Councilmembers Harrison, Droste, and Hahn
Recommendation: Adopt second reading of Ordinance No. 7,668-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action Calendar – Old Business

29. Referral: Measures to Address Traffic Enforcement and Bicycle Safety

(Continued from October 29, 2019. Item contains revised material.)

From: Councilmember Robinson

Recommendation:

1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection after the operator has yielded to any other road users with the right of way, by prohibiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Section 22450(a).
2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions.
3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar – New Business

30. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras

From: City Manager

Recommendation: Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.

Financial Implications: None

Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000

31. Recommendations for a Fossil Fuel Free Berkeley *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

From: Energy Commission

Recommendation: The Berkeley Energy Commission recommends the City Council refer to the City Manager to implement the recommendations listed below as well as additional measures outlined in the attached report to aggressively reduce greenhouse gas (GHG) emissions in the city and the region.

Financial Implications: Unknown

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action Calendar – New Business

32. Bird Safe Berkeley Requirements

From: Community Environmental Advisory Commission

Recommendation: Refer to the Planning Commission and the City Attorney the attached ordinance amending Berkeley Municipal Code Title 23C, adding a new Chapter 23C.27 establishing bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.

Financial Implications: See report

Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

Council Action Items

33. Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services

From: Councilmember Hahn and Mayor Arreguin

Recommendation: Refer to the budget process to allocate funds to provide transportation for mobility-impaired individuals experiencing homelessness who are engaged with rehousing and other services through the STAIR Center, The Hub, or other City of Berkeley-funded homeless services.

Refer to staff to determine needs and establish the best method for providing such transit services. Options include, but are not limited to, helping one or more service providers to purchase or lease wheelchair-accessible vehicle(s), or to repair or retrofit currently owned vehicle(s), providing additional vouchers for existing Paratransit services, providing additional taxi scripts (as recommended by the Homeless Commission), or contracting with a suitable transportation service. Consistent with the Americans with Disabilities Act (ADA), vehicles purchased, leased, or otherwise procured for these purposes should include the option of/access to a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Information Reports

34. Age-Friendly Berkeley Update

From: City Manager

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

35. Denial of Request to Waive Fees, 2992 Adeline Street

From: City Manager

Contact: Timothy Burroughs, Planning and Development, (510) 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 (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

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



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

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 31, 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](#).*

### **Item 20: Wildfire Mitigation Mid-Year Budget Referral**

1. Laurie McWhorter, on behalf of Councilmember Wengraf

### **Item 24: ZAB Appeal: 2701 Shattuck Avenue, Use Permit #ZP2016-0244**

2. Ben Libbey
3. Diego Aguilar-Canabal

### **Item 25: Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8 - 10 RV Dwellers**

4. Berkeley Warehouse (3)
5. Ben Zlotkin, on behalf of Edition One Group
6. Peter Nervo
7. Rose Hill, on behalf of Studio 4
8. Farr Hariri, on behalf of Belfiore Cheese Company

### **Homelessness/Encampments**

9. Parisa Jorjani (3)

### **Homeless Project**

10. Alfred Twu
11. Irene Rosenthal
12. Tom Luce
13. Gabriela Kramer

### **PG&E – Public Safety Power Shutoff**

14. Nina Beety

### **Utility Undergrounding**

15. Lloyd Morgan, on behalf of Environmental Health Trust

## **5G**

16. Arthur Stopes III (2)

## **Upper Hearst Project Lawsuit**

17. Somya Jain, on behalf of Local Government Relations Director for Cal

18. Ruben Lizardo, Director of Local Government Relations Director for Cal

## **Cannabis**

19. Susan Soares

## **Measure O Template**

20. Phyllis Orrick

## **Berkeley Transfer Center**

21. Robert Abiad

## **Triangle Park on Telegraph**

22. Therese Fitzpatrick

## **Pedestrian Safety**

23. David Lerman

## **Traffic Circle Trees**

24. Ernest Machen

## **Herbert Bradford Cleaveland**

25. Miriam Berg

26. Tracy Taylor

## **Opportunity Zones**

27. Margy Wilkinson

## **Tenant Eviction Notice**

28. Selma Rockett (2)

## **Standards for Building Shadows**

29. Topher Brennan

## **PRC Charter**

30. Peace and Justice Commission

31. 6 identically worded letters

32. 9 mail@changemail.org

## **Support Artist – 1740 San Pablo Live/Work Space**

33. Susan Duhan Felix

### **Mental Health Treatment Pilot Plan**

34. Eric Friedman

35. Margy Wilkinson (2)

### **City Council Not Reading Emails**

36. Margy Wilkinson

### **Affordable Housing Framework**

37. Jessica Woodard

### **Removal of Big People from the Bridge**

38. Jordan Klein, on behalf of the City of Berkeley

### **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.