



Office of the City Manager

CONSENT CALENDAR
September 10, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of July 9, 2019 (special closed and regular), July 16, 2019 (special closed and regular) and July 23, 2019 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. July 9, 2019-Special Closed City Council Meeting
2. July 9, 2019-Regular City Council Meeting
3. July 16, 2019-Special Closed City Council Meeting
4. July 16, 2019-Regular City Council Meeting
5. July 23, 2019-Special Closed City Council Meeting
6. July 23, 2019-Regular City Council Meeting

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, JULY 9, 2019
4:00 P.M.

School District Board Room – 1231 Addison Street, Berkeley, CA

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

Preliminary Matters

Roll Call: 4:05 p.m.

Present: Bartlett, Davila, Droste, Hahn, Harrison, Robinson, Wengraf, Arreguin

Absent: Kesarwani

Councilmember Kesarwani present at 4:10 p.m.

Public Comment - Limited to items on this agenda only – 7 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6:

Negotiators: Dee Williams-Ridley, City Manager, David White, Deputy City Manager, LaTanya Bellow, Director of Human Resources, Andrew Greenwood, Chief of Police

Employee Organizations: Berkeley Police Association

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

Action: M/S/C (Hahn/Bartlett) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 6:21 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of July 9, 2019 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 9, 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

Preliminary Matters

Roll Call: 6:32 p.m.

Present: Kesarwani, Wengraf, Robinson, Droste, Arreguin

Absent: Davila, Bartlett, Harrison, Hahn

Councilmember Davila present at 6:34 p.m.

Councilmember Bartlett present at 6:34 p.m.

Councilmember Hahn present at 6:35 p.m.

Councilmember Harrison present at 6:40 p.m.

Ceremonial Matters:

1. Recognition of Rosenda Thomas, Local Educator
2. Recognition of Anil Thapa, Local Artist
3. Adjourned the meeting in Memory of Diane Woolley-Bauer, Former Berkeley Councilmember
4. Adjourned the meeting in Memory of Jane Falk, Community Leader

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 7 speakers.

Consent Calendar

Action: M/S/C (Wengraf/Hahn) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes

Consent Calendar

1. FY 2020 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,669-N.S. adopting the FY 2020 Annual Appropriations Ordinance (AAO) in the amount of \$525,856,809 (gross appropriations) and \$460,146,093 (net appropriations).

First Reading Vote: All Ayes.

Financial Implications: See Report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: Adopted second reading of Ordinance No. 7,669-N.S.

2. Contract No. 9691 Amendment: FileTrail, Inc. for Records Management Software System

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9691 with FileTrail, Inc. for an additional \$44,163 for software licensing, maintenance, and related services for a records management software system, for a total contract amount not to exceed \$127,799 and extending the term from July 1, 2019 to June 30, 2024.

Financial Implications: General Fund - \$44,163

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 69,013–N.S.

3. Purchase Order: Life Assist, Inc. for Emergency Medical Supplies

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Life Assist, Inc. to purchase emergency medical supplies and equipment for the Fire Department from July 1, 2019 to June 30, 2020, with an option to extend for an additional period up to a maximum of five years, in an amount not to exceed \$1,451,000.

Financial Implications: See report

Contact: David Brannigan, Fire, 981-3473

Action: Adopted Resolution No. 69,014–N.S.

Consent Calendar

4. Approve Waiver of the Nuclear Free Berkeley Act (NFBA) per BMC Section 12.90.070(A) to Enter into an Expenditure Contract with the University of California, Berkeley

From: City Manager

Recommendation: Adopt a Resolution 1. waiving the contract requirements of the Nuclear Free Berkeley Act, pursuant to Resolution No. 60,840-N.S. and Chapter 12.90.070 of the Berkeley Municipal Code, in order to contract with the University of California Berkeley; and 2. authorizing the City Manager to execute a contract with the University of California, Berkeley for services evaluating the Sugar-Sweetened Beverage Tax Program.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,015–N.S. Recommendation revised to include sending the letter included as Communication No. 62 in the Supplemental Communications Packet #1 to the Regents of the University of California explaining the City's concerns with their nuclear-related work and urging them to discontinue such work, with copies of the letter sent to the City's state and federal elected representatives.

5. Contract: The Eikenberg Institute for Relationships for Cultural Humility Training Consultant, Specification Number 18-11230-C

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with The Eikenberg Institute for Relationships for the term of 2 years or 24 months from start of contract, with an expenditure of \$75,000 to fund the Cultural Humility Training Consultant position with Dr. Kenneth Hardy.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,016–N.S.

6. Grant Application: The PCA Grant Program for the Marina Blvd Bay Trail Shoreline Vulnerability Public Access Improvement Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Authorizing the City Manager or her designee to submit a funding application to the Priority Conservation Area (PCA) grant program for \$2 million in federal funds for the Marina Blvd Bay Trail Shoreline Vulnerability and Public Access Improvement Project; 2. Committing local City matching funds in the amount of \$260,000; and 3. Stating the City's assurance as to its ability and intent to complete the project.

Financial Implications: See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 69,017–N.S.

Consent Calendar

- 7. Contract: Kitchell for Construction Management Services for the Berkeley Tuolumne Camp Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Kitchell in an amount not to exceed \$3,800,000 to provide construction management services for the Berkeley Tuolumne Camp Project for the period July 1, 2019 through December 31, 2022.
Financial Implications: Camps Fund - \$3,800,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 69,018–N.S.
- 8. Contract No. 9488C Amendment for Berry Brothers Towing for Towing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9488C with Berry Brothers Towing, to provide towing services for Department of Public Works Equipment Maintenance Division; increasing the contract amount by \$70,000 for an amended total not to exceed \$180,000 and extending the contract term to June 30, 2021.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 69,019–N.S.
- 9. Gender Pay Equity Salary Negotiation Workshop**
From: Commission on the Status of Women
Recommendation: Adopt a Resolution authorizing the Commission on the Status of Women to sponsor a gender pay equity salary negotiation workshop, and provide \$900 in funding for the event.
Financial Implications: \$900
Contact: Shallon Allen, Commission Secretary, 981-7000
Action: Adopted Resolution No. 69,020–N.S.

Council Consent Items

10. **City Sponsored Protest of Conditions for Children in Federal Detention Centers**
From: Councilmembers Kesarwani, Wengraf, and Harrison
Recommendation: Request Berkeley City Council support for a protest over conditions for children in federal detention centers at our southern borders. The protest will be held on Saturday, July 13th at noon in Civic Center Park.
Financial Implications: None
Contact: Rashmi Kesarwani, Councilmember, District 1, 981-7110
Action: Councilmember Davila added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2 to read as follows: "In accordance with the United Nations Convention on the Rights of the Child, request Berkeley City Council support for a rally for children in federal migrant detention centers at our out southern border. The rally will be held on Saturday, July 13th from noon to 2:00pm in Civic Center Park, in solidarity with the Lights of Liberty national day of action. Also request that associated sound permit fees (\$44.00) be waived to help defray costs."
11. **Resolution in Support of AB 392 California Act to Save Lives**
From: Councilmembers Davila, Harrison, and Mayor Arreguin
Recommendation: Adopt a resolution in support of AB 392 by Assemblymember Shirley Weber that would bring California Law in line with best policing practices by limiting and redefining the circumstances under which a homicide by a peace officer is deemed justifiable and direct the city clerk or designee to send a letter to our state representatives.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 69,021–N.S.
12. **Local Construction Workforce Development Policy** (*Reviewed by the Land Use, Housing & Economic Development Committee*)
From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Harrison and Davila
Recommendation: Policy Recommendation: That the City Council refer to the Planning Commission to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation revised to refer the item to the Commission on Labor, rather than the Planning Commission.

Council Consent Items

- 13. Resolution in Support of SB 347 – Sugar-Sweetened Beverages Safety Warning Act**
From: Councilmember Harrison, Mayor Arreguin, and Councilmembers Bartlett and Davila
Recommendation: Adopt a resolution in support of Senate Bill 347, which requires all sugary beverages to have an English-only health warning label IF an amendment is made to the bill requiring pictorial and multilingual health warning labels instead of the proposed English-only label. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 69,022–N.S.
- 14. Opposition to SB 386 (California Renewables Portfolio Standard Program: irrigation districts)**
From: Councilmembers Robinson and Harrison
Recommendation: Send a letter to Senator Caballero, Senator Skinner, and Assemblymember Wicks opposing SB 386, which would allow certain irrigation districts to count specific large hydroelectric resources toward compliance requirements under the California Renewables Portfolio Standard Program, undermining the state’s climate change prevention efforts.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.
- 15. Support for SB 14: Higher Education Facilities Bond**
From: Councilmembers Robinson and Bartlett
Recommendation: Adopt a resolution supporting SB 14, which places an \$8 billion bond on the March 2020 ballot for the construction, reconstruction, and remodeling of facilities at California’s public universities.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 69,023–N.S.

Action Calendar – Old Business

- 16. Mental Health Commission 2018 Annual Report** *(Continued from June 25, 2019)*
From: Mental Health Commission
Contact: Karen Klatt, Commission Secretary, 981-5400
Action: 6 speakers. Presentation made and discussion held.

Action Calendar – New Business

17a. Equal Pay Independent Audit of City Employees

From: Commission on the Status of Women

Recommendation: Adopt a Resolution providing \$12,500 from the General Fund to pay Dr. Martha Burk to conduct an independent audit of the pay of male and female employees in the City of Berkeley city employee workforce.

Financial Implications: \$12,500.

Contact: Shallon Allen, Commission Secretary, 981-7000

17b. Companion Report: Equal Pay Independent Audit of City Employees

From: City Manager

Recommendation: Continue to implement the City's existing compensation system that addresses concerns raised by the Commission on the Status of Women.

Financial Implications:

Contact: Dave White, City Manager's Office, 981-7000

Action: 3 speakers. M/S/Failed (Harrison/Bartlett) to adopt a Resolution providing \$12,500 from the General Fund to pay Dr. Martha Burk to conduct an independent audit of the pay of male and female employees in the City of Berkeley city employee workforce.

Vote: Ayes – Davila, Bartlett, Harrison; Noes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin.

Action: M/S/Carried (Wengraf/Hahn) to refer Item 17a as revised in the Supplemental Communications Packet #2 to clarify that the item is jointly from the Commission on the Status of Women and the Commission on Labor, to the budget process for consideration as part of the November 2019 Annual Appropriations Ordinance process.

Vote: All Ayes.

Recess: 9:03 p.m. – 9:19 p.m.

18a. Law Enforcement Use of Restraint Devices in the City of Berkeley

From: Mental Health Commission

Recommendation: Adopt a resolution directing the Berkeley Police Department, and any other law enforcement providing mutual aid in Berkeley, to cease use of restraint devices (spit hoods, spit masks) and replace them with non-restraining safety equipment like N95 masks or an equivalent substitute. The use of spit hoods is traumatizing and escalating, risks asphyxiation and can be a violation of constitutional civil rights, particularly free speech. Stopping their use contributes to humanitarian and compassionate approach to those living with mental illness.

Financial Implications: None

Contact: Karen Klatt, Commission Secretary, 981-5400

Action Calendar – New Business

18b. Companion Report: Law Enforcement Use of Restraint Devices in the City of Berkeley

From: City Manager

Recommendation: Continue current policy to provide City of Berkeley Police and Fire personnel protection from individuals whose unlawful and assaultive spitting or biting actions may spread infectious diseases during a lawful detention or arrest.

Financial Implications: None

Contact: Kelly Wallace, Housing and Community Services, 981-5400; Andrew Greenwood, Police, 981-5900

Action: M/S/Carried (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Davila, Wengraf, Droste.

Action: M/S/Failed (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:40 p.m.

Vote: Ayes – Bartlett, Hahn, Robinson, Arreguin; Noes – Kesarwani, Davila, Harrison, Wengraf, Droste.

Action: 23 speakers. M/S/Failed (Davila/Harrison) to adopt a resolution directing the Berkeley Police Department, and any other law enforcement providing mutual aid in Berkeley, to cease use of restraint devices (spit hoods, spit masks) and replace them with non-restraining safety equipment alternatives. The use of spit hoods is traumatizing and escalating, risks asphyxiation and can be a violation of constitutional civil rights, particularly free speech. Stopping their use contributes to humanitarian and compassionate approach to those living with mental illness.

Vote: Ayes – Davila, Harrison; Noes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin.

Action: M/S/Failed (Arreguin/Hahn) to:

Refer to the Police Review Commission with input from the Mental Health Commission to examine alternatives to the use of spit hoods, or other processes to de-escalate and protect our Police and staff. Until an alternative is identified, and a new policy adopted by the City Council, the use of spit hoods would continue to be permitted per Police Departmental policy.

Request that the PRC consider an alternative barrier device that prevents spitting or biting, or transfer of fluids orally, and that does not fully cover someone's head. Potential examples include surgeon/doctors' masks or other breathable masks. We request that we explore a protective device for City staff, the citizen/suspect, and/or both as possible options.

Refer the points raised by Dr. Terry Kupfers:

Consider better articulation of a policy specifying limited and necessary use of spit hoods or other barriers, that 1) limits the circumstances where they can be used to be necessary to protect the safety of our staff, 2) clarify alternatives to be attempted

Action Calendar – New Business

first, 3) specifies time frames for keeping spit hoods or other barriers on, 4) specifies all circumstances when it should be removed, 5) specifies that the officer or other staff be assigned to monitor the individual at all times they are wearing a spit hood, or other barrier.

Use of spit hoods/or similar device should be reported, and data tracked to understand the frequency, circumstances surrounding their application and use, including any resulting health impacts.

Refer the recommendations of the PRC:

- Recognizing that spit hoods “may be experienced as a traumatic event to the wearer”
- Look at engaging a CIT officer if possible in the application of spit hoods.
- Propose data collection measures, including the types of circumstances when spit hoods are used.
- Utilize other available methods of de-escalation and restraint when possible, such as placing the person in a vehicle.
- And prohibiting the use of spit-hoods on pre-adolescent children

The Commissions are to report back to the City Council by December 2019.

Request that the Berkeley Police Department consider implementing the revised Policy 302 submitted by the Berkeley Police Department in the Supplemental Communications Packet #2, effective immediately.

That staff consult with the Alameda County EMS Equipment Committee regarding the topic of spit hoods and potential alternatives.

Vote: Ayes – Bartlett, Hahn, Robinson, Arreguin; Noes – Davila, Harrison, Droste; Abstain – Kesarwani, Wengraf.

Action: M/S/Failed (Droste/Kesarwani) to accept the revised Policy 302 submitted by the Berkeley Police Department in the Supplemental Communications Packet #2.

Vote: Ayes – Kesarwani, Wengraf, Droste; Noes – Davila, Bartlett, Harrison, Hahn, Arreguin; Abstain – Robinson.

Action: M/S/Carried (Arreguin/Harrison) to hold over Items 19a and 19b, and Item 20 to July 16, 2019.

Vote: All Ayes.

Councilmember Droste absent 11:28 p.m. – 11:30 p.m.

19a. Resolution Assigning Socially Responsible Investment and Procurement advisory role to the Peace and Justice Commission

From: Peace and Justice Commission

Recommendation: Adopt resolution assigning socially responsible investment and procurement advisory role to the Peace and Justice Commission.

Financial Implications: None

Contact: Bre Slimick, Commission Secretary, 981-7000

Action Calendar – New Business

19b. Companion Report to Peace and Justice Commission's Resolution Asking to be an Assigned Advisory Role in Consulting on Socially Responsible Investments and Procurement

From: City Manager

Recommendation: Continue to allow the City Council Budget and Finance Committee to provide investment policy oversight.

Financial Implications: See report

Contact: Dave White, City Manager's Office, 981-7000

Action: Items 19a and 19b held over to July 16, 2019.

Council Action Items

20. Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing

From: Mayor Arreguin, and Councilmembers Hahn, Harrison, and Robinson

Recommendation: Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the "Framework") and return comments for consideration at a Special Meeting of the City Council in September, to inform a final version the City Council will adopt to govern Berkeley's affordable housing policies, programs and projects through 2030.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Item 20 held over to July 16, 2019.

21. Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

From: Councilmembers Harrison, Davila, Bartlett, and Hahn

Recommendation:

1. Adopt an ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code (BMC) prohibiting natural gas infrastructure in new buildings with an effective date of January 1, 2020.

2. Refer to the November 2019 budget process for consideration of up to \$273,341 per year to fund a new career position in the Building & Safety Division of the Department of Planning and Development. The staff person will assist with implementing the gas prohibition ordinance and reach codes, and perform other duties as specified in the Financial Implications section of this item.

Financial Implications: See report

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

Action: Item 21 held over to July 16, 2019.

Information Reports

22. **2019 Disaster and Fire Safety Commission Work Plan**
From: Disaster and Fire Safety Commission
Contact: Keith May, Commission Secretary, 981-3473
Action: Received and filed.
23. **Fair Campaign Practices Commission 2019 - 2020 Work Plan**
From: Fair Campaign Practices Commission
Contact: Emma Soichet, Commission Secretary, 981-6950
Action: Received and filed.
24. **Open Government Commission 2019 - 2020 Work Plan**
From: Open Government Commission
Contact: Emma Soichet, Commission Secretary, 981-6950
Action: Received and filed.
25. **Annual Report – Open Government Commission**
From: Open Government Commission
Contact: Emma Soichet, Commission Secretary, 981-6950
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 1 speaker.

Adjournment

Adjourned at 11:30 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of July 9, 2019 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

Communications

Item #21: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings

1. John Gilman
2. Matt Gough, on behalf of the Sierra Club (2)
3. Tom Kelly

Pilot Cannabis Event at Cesar Chavez Park

4. Claudia Kawczynska

5G

5. Vivian Warkentin
6. Phoebe Anne Sorgen (2)
7. Stephanie Thomas
8. Lloyd Morgan (2)
9. Patricia Burke
10. Soula Culver
11. Doug Minkler
12. Galen Cranz
13. Margot Smith
14. M. Meade Glaser
15. Theresa
16. Arnold Passman
17. Sandra Decker
18. Cynthia Larson
19. Susan Nunes Fadley
20. B. Dudney

Leonard Powell

21. Patty Hirota

Artificial Intelligence

22. Fred Dodsworth
23. Cricket

Climate Emergency

24. Kelly Hammargren
25. Fred Dodsworth
26. Margy Wilkinson
27. Karl Knobler
28. Tom Lent
29. Donald Goldmacher
30. James McFadden

Traffic Circle at 62nd and King

31. Eric Perney
32. Tracey Brieger
33. Heather McWhinney
34. Brian LaFranchi
35. Emily Modde
36. Hillary Winters
37. Joe
38. Sarah Jo Zaharako
39. Joel

Berkeley Marina

40. Erwan Illian (2)

Train Noise

41. Edward Izett

Anti-Displacement Funding

42. Christine Schwartz

McCaffrey Demand Letter

43. Asher Waite-Jones, on behalf of the East Bay Community Law Center

Berkeley Food and Housing Project (BFHP)

44. Terrie Light, on behalf of BFHP

RV's

45. Diana Bohn

46. Fran Haselsteiner

Homelessness

47. Genevieve Wilson

Yellow Pedestrian Crossing Light at Henry and Berryman

48. Alexandra Ballard

Hotel Construction at University and Sacramento

49. Jesse Goldberg (2)

50. Roxana Andrade-Lizarzaburu of HHCS

51. Jordan Klein, on behalf of the Office of Economic Development.

Correction of Errors in Resolution 68,941-N.S.

52. Greenfire Law, PC

Drug Dealing and Encampments

53. Eric Friedman

Affording a Rental Home

54. Gerry Tierney

Eviction Defense Center Endorsement

55. Steven Smith

56. Floyd Toliver

57. Shun Suzuki

Commission on Aging: Wildfire-Safety Related Power Outages

58. George Porter, chair of Commission on Aging

Terrible Refuse Service

59. Paula Bradford

Bankruptcy Court: Precision Technical Coatings

60. Unknown

Bumper Dialogue

61. Russbumper (21)

Supplemental Communications and Reports 1

Item #4: Approve Waiver of the Nuclear Free Berkeley Act (NFBA) per BMC Section 12.90.070(A) to Enter into an Expenditure Contract with the University of California, Berkeley

62. Peace and Justice Commission (2)

Item #10: City Sponsored Protest of Conditions for Children in Federal Detention Centers

63. Revised material, submitted by Councilmember Kesarwani

Item #18a: Law Enforcement Use of Restraint Devices in the City of Berkeley

64. Terry Kupers

65. Peace and Justice Commission

66. George Perezvelez, on behalf for the Police Review Commission

Item #21: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings

67. Supplemental materials, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item #10: City Sponsored Protest of Conditions for Children in Federal Detention Centers

68. Revised materials, submitted by Councilmember Kesarwani

Item #17a: Equal Pay Independent Audit of City Employees

69. Revised materials, submitted by the City Manager's Office

Item #18a: Law Enforcement Use of Restraint Devices in the City of Berkeley

70. Moni Law

71. Margy Wilkinson

Item #18b. Companion Report: Law Enforcement Use of Restraint Devices in the City of Berkeley

72. Supplemental materials, submitted by Police Chief Greenwood

Item #20: Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing

73. Thomas Lord

Item #20: Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing

74. 21 Communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Item #17a: Equal Pay Independent Audit of City Employees

75. Presentation, submitted by Human Resources

76. City Manager's Office

Item #18a: Law Enforcement Use of Restraint Devices in the City of Berkeley

77. Chimey Lee

78. Lorelei Bosserman

79. George Lippman

80. Margaret Fine

Item #20: Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing

81. Pam Speich

82. Hadley Dyank

Item #21: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings

83. Tom Kelley

84. Cate Leger, Chairperson on behalf of the Berkeley Energy Commission

85. Alexander Benn

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, JULY 16, 2019

5:00 P.M.

School District Board Room – 1231 Addison Street, Berkeley, CA

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

Preliminary Matters

Roll Call: 5:07 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Public Comment - Limited to items on this agenda only: 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, David White, Deputy City Manager, LaTanya Bellow, Director of Human Resources.

Employee Organizations: Berkeley Police Association; Berkeley Firefighters Association.

Action: M/S/C (Arreguin/Hahn) to accept the staff recommendation to provide direction to approve the settlement agreements as to claims under the Fair Labor Standards Act and applicable Memorandum of Agreements and compensation plans for an amount not to exceed \$605,000.00

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

Councilmember Davila absent 5:43 p.m. – 5:47 p.m.

OPEN SESSION:

City Council met in closed session pursuant to Government Code section 54956.9(d)(2) and provided direction to approve the settlement agreements as to claims under the Fair Labor Standards Act and applicable Memorandum of Agreements and compensation plans for an amount not to exceed \$605,000.

Adjournment

Action: M/S/C (Robinson/Wengraf) to adjourn the meeting.

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

Adjourned at 5:47 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of July 16, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 16, 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

Preliminary Matters

Roll Call: 6:00 p.m.

Present: Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin

Absent: Kesarwani, Robinson

Councilmember Robinson present at 6:02 p.m.

Councilmember Kesarwani present at 6:03 p.m.

Report from Closed Session:

City Council met in closed session pursuant to Government Code section 54956.9(d)(2) and provided direction to approve the settlement agreements as to claims under the Fair Labor Standards Act and applicable Memorandum of Agreements and compensation plans for an amount not to exceed \$605,000.

Ceremonial Matters:

1. Recognition of Paul's Shoe Repair
2. Recognition of Ari Neulight
3. Presentation by Pacific Gas & Electric

City Manager Comments: None

Public Comment on Non-Agenda Matters: 6 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 24 speakers.

Action: M/S/C (Arreguin/Wengraf) to accept revised materials from Mayor Arreguin on Item Aa.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Kesarwani; Abstain – Droste.

Action: M/S/C (Harrison/Davila) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

- 1. Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language**
From: City Manager
Recommendation: Adopt first reading of an Ordinance revising the Berkeley Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the Berkeley Municipal Code and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.
Financial Implications: General Fund - \$600
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted first reading of Ordinance No. 7,670–N.S. Second reading scheduled for July 23, 2019.
- 2. Contract: Gehl Studio for Civic Center Vision and Implementation Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$376,430, and any amendments thereto, with Gehl Studio Inc. for the Civic Center Vision and Implementation Plan (Specification No. 19-11286-C).
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Adopted Resolution No. 69,024–N.S.
- 3. Contract Amendment and Purchase Order No. 21902736 with Bellingham Inc. to Replace Additional Finger Docks at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend a contract and Purchase Order No. 21902736 with Bellingham Inc. to replace additional finger docks at the Berkeley Marina by increasing the construction contract amount by \$215,000 for a not-to-exceed amount of \$324,335, and increasing the purchase order amount by \$200,000 for a not-to-exceed amount of \$300,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 69,025–N.S.

Consent Calendar

- 4. Lease Amendment: Police Department Substation, 841 Folger Street/3000 Seventh Street**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to the lease agreement with Sasha Shamszad for real property located at 841 Folger Street/3000 Seventh Street for the purpose of leasing office and parking space to the Berkeley Police Department Traffic and Parking Enforcement Units for the six months following approval of this amendment by the Berkeley City Council. A holding over clause in the amendment will also allow the City to continue to lease the property on a month to month basis if needed after the expiration of the six month extension.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
Action: Adopted first reading of Ordinance No. 7,671–N.S. Second reading scheduled for July 23, 2019.
- 5. Updated Sewer System Management Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the update of the Sewer System Management Plan, as mandated by the State Water Resources Control Board.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 69,026–N.S.
- 6. Approval and Levy of 2018 Clean Stormwater Fee in FY 2020**
From: City Manager
Recommendation: Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2020.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 69,027–N.S.

Council Consent Items

- 7. Letter of Support for Senate Bill 806: The College for All Act**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Robinson and Davila
Recommendation: That the Mayor and Berkeley City Councilmembers support Senate Bill 806 (S.806) otherwise known as the College for All Act of 2017 and write a letter of support to Rep. Bernard Sanders and cosponsors of the bill. Senate Bill 806 would forgive over \$1.6 trillion of student loan debts, thereby releasing over 45 million Americans from student debt.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Kesarwani.
- 8. Presentation by PG&E to City Council**
From: Councilmember Wengraf, Mayor Arreguin, and Councilmember Harrison
Recommendation: That the City Council receive a presentation from representatives of Pacific Gas & Electric (PG&E) concerning their Community Wildfire Safety Program and specifically the Public Safety Power Shutoff (PSPS) element of that program.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation. Presentation held during Ceremonial Items on July 16, 2019.
- 9. Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines**
From: Councilmembers Wengraf, Mayor Arreguin, and Councilmembers Bartlett and Harrison
Recommendation: Request that the City Manager consider amending the language of the City's Wireless Telecommunications Ordinance (BMC 23C.17) and Aesthetic Guidelines (BMC 16.10 & Aesthetic Guidelines for PROW permits) and return to City Council for adoption as soon as possible.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation as revised in Supplemental Communications Packet #1 to include supporting materials.

Council Consent Items

10. **Support for AB 302 (Parking for Homeless Community College Students)**
From: Councilmembers Robinson, Kesarwani, and Davila
Recommendation: Send a letter to Senator Skinner, Assemblymember Wicks, and Assemblymember Marc Berman supporting AB 302, which would include in the Education Code a requirement that community colleges provide overnight parking access to any enrolled homeless student, and request expansion of the bill to cover UCs and CSUs.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.
11. **Support for AB 1076 (Ting) - Automatic Relief of Criminal Records**
From: Councilmembers Robinson and Davila
Recommendation: Send a letter to Assemblymember Ting supporting AB 1076, which would make the withholding of disclosure of criminal records for certain eligible arrests and convictions automatic, instead of requiring the individual to petition the court.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Councilmembers Hahn and Bartlett added as co-sponsors. Approved recommendation.
12. **Making Berkeley City Hall a Voting Center**
From: Councilmember Robinson, Mayor Arreguin, and Councilmember Davila
Recommendation: Refer to the City Manager to seek approval from the County Registrar of Voters and Secretary of State to make City Hall a voting center in time for the March 2020 statewide Primary under the California Voter's Choice Act, in order to offer more voter services to Berkeley residents, including same day voter registration.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Item removed from the agenda by Councilmember Robinson.

Action Calendar – Continued Business

- Aa. **Resolution Assigning Socially Responsible Investment and Procurement advisory role to the Peace and Justice Commission** (*Continued from July 9, 2019.*)
From: Peace and Justice Commission
Recommendation: Adopt resolution assigning socially responsible investment and procurement advisory role to the Peace and Justice Commission.
Financial Implications: None
Contact: Bre Slimick, Commission Secretary, 981-7000

Action Calendar – Continued Business

- Ab. Companion Report to Peace and Justice Commission's Resolution Asking to be an Assigned Advisory Role in Consulting on Socially Responsible Investments and Procurement** *(Continued from July 9, 2019.)*

From: City Manager

Recommendation: Continue to allow the City Council Budget and Finance Committee to provide investment policy oversight.

Financial Implications: See report

Contact: Dave White, City Manager's Office, 981-7000

Action: 5 speakers. M/S/C (Arreguin/Bartlett) to adopt Resolution No. 69,028–N.S. in Item Aa as revised in the supplemental material introduced by Mayor Arreguin.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Droste; Abstain – Kesarwani, Wengraf.

- B. Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing** *(Continued from July 9, 2019.)*

From: Mayor Arreguin, and Councilmembers Hahn, Harrison, and Robinson

Recommendation: Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the "Framework") and return comments for consideration at a Special Meeting of the City Council in September, to inform a final version the City Council will adopt to govern Berkeley's affordable housing policies, programs and projects through 2030.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Wengraf, Droste.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:40 p.m.

Vote: All Ayes.

Action: 6 speakers. M/S/C (Hahn/Arreguin) to refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the "Framework") and return comments for consideration at a Special Meeting of the City Council in the early fall, to inform a final version the City Council will adopt to guide Berkeley's affordable housing policies, programs and projects through 2030. The item is further amended to add a "Draft" notation, remove the phrase "rather than for profit-maximizing companies" from Section II, and remove reference to the 50% goal.

Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Kesarwani, Droste; Abstain – Wengraf.

Action Calendar – Continued Business

- C. Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 9, 2019. Item contains supplemental material.)*
From: Councilmembers Harrison, Davila, Bartlett, and Hahn
Recommendation:
1. Adopt an ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code (BMC) prohibiting natural gas infrastructure in new buildings with an effective date of January 1, 2020.
2. Refer to the November 2019 budget process for consideration of allocating up to \$273,341 per year from excess equity to fund a two-year position in the Building & Safety Division of the Department of Planning and Development. The staff person will assist with implementing the gas prohibition ordinance and reach codes, and perform other duties as specified in the Financial Implications section of this item.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- Action:** M/S/C (Harrison/Hahn) to accept revised materials from Councilmember Harrison on Item C.
Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste; Absent – Bartlett.

Councilmember Bartlett absent 8:05 p.m. – 8:09 p.m.

Recess 8:50 p.m. – 9:12 p.m.

- Action:** 36 speakers. M/S/C (Hahn/Harrison) to:
1. Adopt first reading of Ordinance No. 7,672–N.S. as revised in the supplemental materials accepted at the meeting. Second reading scheduled for July 23, 2019.
2. Refer to the November 2019 budget process for consideration of allocating up to \$273,341 per year from excess equity to fund a two-year position in the Building & Safety Division of the Department of Planning and Development. The staff person will assist with implementing the gas prohibition ordinance and reach codes, and perform other duties as specified in the Financial Implications section of this item.
Vote: All Ayes.

Action Calendar – New Business

- 13. Annual Housing Pipeline Report**
From: City Manager
Recommendation: Review and provide input on the data included in the Housing Pipeline Report.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: M/S/C (Arreguin/Robinson) to hold over Item 13 to July 23, 2019.
Vote: All Ayes.

Action Calendar – New Business

14. **Opportunity Zone Project Guidelines for the City Manager**
From: Councilmembers Bartlett, Harrison, Mayor Arreguin, and Councilmember Davila

Recommendation: Refer to the City Manager the priorities listed below for investment in Berkeley's Opportunity Zones for proactive outreach and marketing to investors or Opportunity Funds, and to guide any discussions or negotiations regarding development projects in Opportunity Zones. The priorities are: Construction of new Affordable Housing units or acquisition and preservation of affordable housing; Preservation of historic buildings; Cultural Institutions and Performing Arts Venues; Civic Uses (Government Offices, Libraries, Schools, Public Safety); Public Open Space and Recreation Facilities; Health Care Services; Transportation Demand Management features; and Job training or employment opportunities.

The City Manager should further incorporate these guidelines into any relevant formal document relating to projects in Opportunity Zones.

That City staff, working with non-profit organizations OR seeking technical assistance, develop a prospectus marketing community development projects in Berkeley's Opportunity Zones using the guidelines mentioned above, or any other tools to attract equitable investment in Opportunity Zones.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: Moved to Consent Calendar. Approved recommendation.

Information Reports

15. **Referral Response Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures**
From: City Manager
Contact: David Brannigan, Fire, 981-3473
Action: Received and filed.
16. **Community Environmental Advisory Commission 2019 Work Plan**
From: Community Environmental Advisory Commission
Contact: Viviana Garcia, Commission Secretary, 981-7460
Action: Received and filed.
17. **Public Works Commission Fiscal Year 2020 Work Plan**
From: Public Works Commission
Contact: Nisha Patel, Commission Secretary, 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Action: M/S/C (Davila/Wengraf) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 11:39 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of July 16, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

RV Permitting

1. Barbara Freeman
2. Gabriela Giacchino
3. Stan Leibowitz
4. Jessica Behrman (3)
5. Allison Kidder
6. Diana Bohn
7. Doug Kidder
8. Paola Laverde, on behalf of the Berkeley Rent Stabilization Board
9. Tamara Gurin

Ashby BART Housing

10. Teresa Clarke, on behalf of South Berkeley Now

5G

11. Richard Hirsch
12. Marvin Snow
13. Chimey Lee
14. Jennifer Burt
15. Vivian Warkentin
16. Dawn Hawk
17. Marvin Snow

Eden I&R 211Calls

18. Eden I&R

Sacramento and University Construction

19. Jesse Goldberg (2)

Sea Level Rise

20. Margot Smith

Lease Proposal at 2435 and 2439 Channing Way

21. Ian Bennett-Goldberg, on behalf of Sutter Law PC

STEM Future Foundation

22. Clergy for STEM

Microbond Initiative

23. Giap Vu

24. Max Levine

25. DBGrow, Inc.

Traffic Circle at 62nd and King

26. Heather McWhinney

27. Sam Kang

28. Sara Jo

29. Eric Perney

Civic Arts Funding

30. Janice Murota

31. Carol Lashof

Tree Wells – Grow More Trees

32. Nancy Bardach

A Millisecond Left

33. Donald Goldmacher

West Campus Pool

34. Summer Brenner

35. Gael

36. Stacey Singleton

37. Donna Mickleson

No Fiscal Transparency

38. Eric Friedman

39. Barbara Gilbert

40. Jessica Behrman

Change.org Petition – Predatory Displacement through Receivership

41. Unknown

BHA Office Experience

42. Steven Schuyler

43. William Watkins

Adeline Corridor

44. Friends of Adeline

The Environment

45. Donald Goldmacher

Russbumer Dialogue

46. Russbumer (12)

Supplemental Communications and Reports 1

Item #9: Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines

47. Supplemental materials, submitted by Councilmember Wengraf

Item #14: Opportunity Zone Project Guidelines for the City Manager

48. Barbara Gilbert

Supplemental Communications and Reports 2

Ceremonial Matters: Community Wildfire Safety Program

49. PG&E

Item #9: Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines

50. Sally Nelson

51. Regina DiMaggio

52. Linda Franklin

53. Kelly Hammargren

54. Phoebe Sorgen (2)

Item #B: Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing *(Continued from July 16, 2019.)*

55. Marina Wolfe, on behalf of the Housing Advisory Commission

56. Carole Marasovic, on behalf of the Homeless Commission

57. Mariana Almeida

Item #C: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings

58. Revised material, submitted by Councilmember Harrison

59. May Simpson, on behalf of the Community Health Commission

60. Cate Leger, on behalf of the Berkeley Energy Commission

61. Tom Lent

62. Nick Young

63. Matthew Gough, on behalf of the Sierra Club

64. Bill Rathbun

65. Councilmember Harrison

- 66. Joel and Josie Gerst
- 67. Sara Kupor
- 68. Kathleen Greene
- 69. Phyllis and David Rothman
- 70. Ruby MacDonald, on behalf of The League of Women Voters
- 71. Dave Margulius

Item #14: Opportunity Zone Project Guidelines for the City Manager

- 72. Seventy-three communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Item #1: Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language

- 73. Veronika Fukson

Item #9: Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines

- 74. Phoebe Sorgen (2)
- 75. Ellen Marks
- 76. Sandy Nixon
- 77. Elisabeth Jewel
- 78. Sigrid and Ed Allen

Item #Aa: Resolution Assigning Socially Responsible Investment and Procurement advisory role to the Peace and Justice Commission *(Continued from July 9, 2019.)*

- 79. Revised material (track changes), submitted by Mayor Arreguin
- 80. George Lippman, on behalf of the Peace and Justice Commission

Item #B: Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing *(Continued from July 16, 2019.)*

- 81. Terry Taplin
- 82. Barbara Gilbert (2)
- 83. Mark Numainville, submitted on behalf of the City Clerks Office.

Item #C: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 16, 2019. Item contains supplemental material.)*

- 84. Supplemental material, submitted by Councilmember Harrison
- 85. Presentation, submitted by Councilmember Harrison
- 86. Steve Donaldson
- 87. Jane Ellis
- 88. Kirsten MacDonald, on behalf of the Berkeley Chamber of Commerce
- 89. Paula Morgan
- 90. Bruce Karney

- 91. League of Women Voters
- 92. David Finley

PG&E Public Safety Power Shutdown Questions

- 93. Berkeley Ready

Milan Urban Food Policy Pact

- 94. Unknown

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, JULY 23, 2019

5:00 P.M.

School District Board Room – 1231 Addison Street, Berkeley, CA

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

Preliminary Matters

Roll Call: 5:10 p.m.

Present: Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Bartlett

Public Comment - Limited to items on this agenda only: 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

Blake v. City of Berkeley- Alameda County Superior Court Case No. RG17870367

Action: Staff present included Dee William-Ridley, Farimah Brown, Paul Buddenhagen, and David White. The City Attorney briefly summarized the facts of the incident and the settlement terms. M/S/C (Wengraf/Hahn) to authorize the City Attorney to settle Blake v. City of Berkeley- (Alameda County Superior Court Case No. RG17870367) for \$18,000.

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

2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1)

City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058

Action: No action taken.

OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to settle Blake v. City of Berkeley - (Alameda County Superior Court Case No. RG17870367) for \$18,000.

Adjournment

Action: M/S/C (Davila/Hahn) to adjourn the meeting.

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

Adjourned at 5:17 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of July 23, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 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

Preliminary Matters

Roll Call: 6:08 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin.

Absent: None.

Closed Session Announcement:

The City Council met in closed session and authorized the City Attorney to settle Blake v. City of Berkeley - (Alameda County Superior Court Case No. RG17870367) for \$18,000.

Ceremonial Matters:

1. Recognition of Susan Duhan Felix, Local Activist and Arts Ambassador
2. Recognition of Empress Vintage Clothing, Local Small Business
3. Recognition of Kelly Hammargren, Local Activist
4. Recognition of Christine Schwartz, Local Activist
5. Adjourned the meeting in memory of Brian Gialketsis
6. Adjourned the meeting in memory of the 20 people that have died on the streets of Berkeley in the past year.

City Auditor Comments:

The City Auditor presented the Fiscal Year 2020 Audit Plan to the City Council.

City Manager Comments:

1. National Night Out is August 6 – registration still open for block party permits
2. Berkeley Police and Berkeley Fire Evacuation Drills on 8/4, 8/11, and 8/25 at 9:00 a.m.
3. Movie in the Park – July 26, Grove Park, 8:30 p.m.

4. Meeting on Aquatics Programs at West Campus Pool – July 27, 12:00 p.m.
5. Music in the Park – July 27, Civic Center Park, 12:00 p.m.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 27 speakers.

Action: M/S/C (Hahn/Wengraf) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar – Continued Business

A. Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language *(Continued from July 16, 2019)*

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,670-N.S. revising the Berkeley Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the Berkeley Municipal Code and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.

First Reading Vote: All Ayes.

Financial Implications: General Fund - \$600

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted second reading of Ordinance No. 7,670-N.S.

B. Lease Amendment: Police Department Substation, 841 Folger Street/3000 Seventh Street *(Continued from July 16, 2019)*

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,671-N.S. authorizing the City Manager to execute an amendment to the lease agreement with Sasha Shamszad for real property located at 841 Folger Street/3000 Seventh Street for the purpose of leasing office and parking space to the Berkeley Police Department Traffic and Parking Enforcement Units for the six months following approval of this amendment by the Berkeley City Council. A holding over clause in the amendment will also allow the City to continue to lease the property on a month to month basis if needed after the expiration of the six month extension.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Andrew Greenwood, Police, 981-5900

Action: Adopted second reading of Ordinance No. 7,671-N.S.

Consent Calendar – Continued Business

- C. **Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 16, 2019)*
From: Councilmembers Harrison, Davila, Bartlett, and Hahn
Recommendation: Adopt second reading of Ordinance No. 7,672-N.S. adding a new Chapter 12.80 to the Berkeley Municipal Code (BMC) prohibiting natural gas infrastructure in new buildings with an effective date of January 1, 2020.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted second reading of Ordinance No. 7,672-N.S.

Consent Calendar

1. **Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code sections 9.80.020 and 9.80.035, and adding sections 9.80.031 and 9.80.032 to prohibit the sale of flavored tobacco products, to require a minimum package size for cigars and little cigars, and to require a minimum price for certain tobacco products sold in the City.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, 981-6950; Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted first reading of Ordinance No. 7,673–N.S. amended to revise the dollar amount in Section 9.80.032.d.2 to \$8.00 per pack and revise Section 9.80.032.d.3 to read “less than \$7.00”. Second reading scheduled for September 10, 2019.
2. **Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of June 4, 2019 (special closed), June 11, 2019 (special closed, special, and regular), June 18, 2019 (special closed and special), and June 25, 2019 (special closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.

Consent Calendar

- 3. Establish 2020 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2020, with starting times of 6:00 p.m. and providing for ceremonial items to be taken up as special items noticed to be heard in advance of the scheduled start time of regular meetings.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 69,029–N.S.
- 4. Voting Delegates – League of California Cities Annual Conference**
From: City Manager
Recommendation: Designate Councilmember Kate Harrison as the voting delegate and Councilmember Rigel Robinson as the alternate for the business meeting of the Annual League of California Cities meeting to be held on Friday, October 18, 2019, at the Long Beach Convention Center.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved recommendation.
- 5. Affordable Housing Projects; Federal Tax Law Reimbursement Resolution**
From: City Manager
Recommendation: Adopt a Resolution allowing the City to pay certain costs of affordable and moderate income housing projects prior to the date of execution, delivery or issuance of tax-exempt bonds, and to use a portion of the proceeds of the tax-exempt bonds for reimbursement of expenditures for the projects that are paid before the date of execution, delivery or issuance of the obligations. The maximum principal amount of the obligations is expected to be \$175,000,000.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
Action: Adopted Resolution No. 69,030–N.S.
- 6. Animal Care Services Providing Mutual Aid in Disasters**
From: City Manager
Recommendation: Adopt a Resolution approving Berkeley Animal Care Services (BACS) Mutual Aid Agreement policy to provide animal services in disaster and emergency situations.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
Action: Adopted Resolution No. 69,031–N.S.

Consent Calendar

7. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 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 - \$1,860,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.

8. **Contract No. 10631A Amendment: Resource Development Associates for HOTT Evaluation Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10631A with Resource Development Associates (RDA) to build a database for the Mental Health Division's Homeless Outreach and Treatment Team (HOTT), in an amount not to exceed \$6,500, for a total contract amount not to exceed \$54,500.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 69,032–N.S.

9. **Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2019-2020 (FY20) Annual Update, which provides information on current and proposed uses of funds on mental health programming, and forwarding the MHSA FY20 Annual Update to appropriate state officials.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 69,033–N.S.

10. **Contract No. 9888A Amendment: Merritt Hawkins for Recruitment Services: Psychiatrist**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 9888A adding \$100,000 to the expenditure contract with Merritt Hawkins for Recruitment for Psychiatrist III for a total contract limit of \$149,990 for the period beginning March 2, 2015 and ending on June 30, 2021.
Financial Implications: Various Funds - \$100,000
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 69,034–N.S.

Consent Calendar

11. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

From: City Manager

Recommendation: Adopt seven Resolutions authorizing the City Manager or her designee to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and Community Services and Supports (CSS) increasing the contract amounts as outlined below, and extending the contracts through June 30, 2020:

1. Increasing PEI Contract No. 8573I with Albany Unified School District (AUSD) by \$64,192 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$566,508 for services to Asian Pacific Islander, Latino, and African American youth;
2. Increasing PEI Contract No. 8801H with Center for Independent Living (CIL) in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$256,584 for supports for senior citizens;
3. Increasing PEI Contract No. 8560I with G.O.A.L.S. For Women, Inc. in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total amount not to exceed \$283,104 to serve African American women and their families;
4. Increasing PEI Contract No. 8516J with Pacific Center for Human Growth in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;
5. Increasing PEI Contract No. 8606I with Covenant House California-YEAH! Program, in the amount of \$32,046 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$283,104 for support groups for Transition Age Youth (TAY);
6. Increasing PEI Contract No. 8975G with Berkeley Unified School District (BUSD) in the amount of \$55,000 from Mental Health Services Act Fund Account #:315-51-503-526-2016-000-451-636110, for a total contract amount not to exceed \$435,000 for elementary school youth; and
7. Increasing CSS Contract No. 9553E with Covenant House California-YEAH! Program by \$122,856 from Mental Health Services Act Fund Account #: 315-51-503-526-2017-000-451-636110 for a total contract amount not to exceed \$755,286 for services for transition age youth.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,035–N.S. (AUSD); Resolution No. 69,036–N.S. (CIL); Resolution No. 69,037–N.S. (G.O.A.L.S.); Resolution No. 69,038–N.S. (Pacific Center); Resolution No. 69,039–N.S. (Covenant House - PEI); Resolution No. 69,040–N.S. (BUSD); Resolution No. 69,041–N.S. (Covenant House - CSS).

Consent Calendar

12. **Contract: AMCS for Zero Waste Management Software System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with AMCS for software hosting, implementation, maintenance and related services for a Zero Waste Management Software System for an amount not to exceed \$1,363,735 for the period commencing on July 24, 2019 through June 30, 2024.
Financial Implications: Various Funds - \$1,363,735
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 69,042–N.S.

13. **Contract: Assetworks for Fleet Management Software & Implementation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Assetworks for software hosting, implementation, maintenance and related services for a Fleet Management Software, for an amount not to exceed \$487,249 for the projected period commencing on July 24, 2019 through June 30, 2024.
Financial Implications: Various Funds - \$487,249
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 69,043–N.S.

14. **Contract Amendment 11005: Communication Strategies for Consulting Services for Voice Over IP (VoIP) Support and Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend a contract with Communication Strategies for Consulting Services for developing requirements and conducting needs assessment for Voice over IP (VoIP) Support and Maintenance, increasing the contract amount by \$42,216 for a total not-to-exceed amount of \$76,811 from July 1, 2017 to June 30, 2020.
Financial Implications: See Report
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 69,044–N.S.

15. **Special Use Permit for Berkeley Tuolumne Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Special Use Permit, and any amendments thereto, with the United States Forest Service to construct, operate, maintain, and improve Berkeley Tuolumne Camp located in the Stanislaus National Forest for a period of thirty years.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 69,045–N.S.

Consent Calendar

16. **Contract: Left Coast Land Clearing for Berkeley Tuolumne Camp Sun City Hazard Mitigation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Left Coast Land Clearing in an amount not to exceed \$365,000 to provide hazard mitigation services for the Berkeley Tuolumne Camp Sun City Project for the period July 24, 2019 through July 24, 2020.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 69,046–N.S.
17. **Contract: Leslie Heavy Haul, LLC for Berkeley Tuolumne Camp Tree Hazard Mitigation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Leslie Heavy Haul, LLC in an amount not to exceed \$584,354 to provide tree hazard mitigation services for the Berkeley Tuolumne Camp Project for the period July 24, 2019 through July 24, 2020.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 69,047–N.S.
18. **Contract: McNabb Construction, Inc. for George Florence Park Playground Renovation**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the George Florence Park Playground Renovation project, Specification No. 19-11301-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, McNabb Construction, Inc.; and
3. 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, with McNabb Construction, Inc., for the George Florence Park Playground Renovation project at 2121 Tenth Street, Berkeley, CA 94710, in an amount not to exceed \$538,706, which includes a contract amount of \$468,706 and a 15% contingency in the amount of \$70,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 69,048–N.S.

Consent Calendar

- 19. Grant Application: Prop 84 Urban Greening Grant Program – Trees Build Communities Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a Prop 84 Urban Greening grant application for the “Trees Build Communities: A Berkeley Urban Forest Expansion Project” in the amount of \$725,878; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing 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
Action: Adopted Resolution No. 69,049–N.S.
- 20. Contract No. 31900125 Amendment: First Serve Productions for Additional Asphalt Repairs and Resurfacing at City Parks**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900125 with First Serve Productions for additional asphalt repairs and resurfacing at City parks by increasing the construction contract amount by \$55,000 for a not-to-exceed amount of \$250,000.
Financial Implications: Parks Tax Fund - \$55,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 69,050–N.S.
- 21. Contract: Contract for John Hinkel Park Improvement Project ***Item Removed by the City Manager*****
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

- 22. Authorizing the modification of the Measure T1 Phase 1 project list: removal of the King School Park Bioswale project and addition of alternate Green Infrastructure projects**
From: City Manager
Recommendation: Adopt a Resolution authorizing:
 1. Removal of the King School Park Bioswale project from the list of approved Measure T1 projects ; and
 2. Addition of the following priority sites as T1 Phase 1 projects, identified by the Green Infrastructure (GI) plan at the Council worksession on June 18, 2019 and the Public Works Commission: Page Street between Fourth Street and the RR Tracks; Jones Street between Fourth Street and RR Tracks; Channing Way at the RR Tracks; Heinz Avenue near RR Tracks; Dwight Way between Fourth Street and the RR Tracks; Grayson Street near the RR Tracks; Tenth Street at Codornices Creek; Ninth Street at Codornices Creek; Piedmont Avenue Median between Durant Avenue and Channing Way; Piedmont Avenue Traffic Circle; San Pablo Park at Ward Street; and the evaluation of the Sacramento Street center median.
Financial Implications: See report
 Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 69,051–N.S.
- 23. Revenue Grant: California Office of Traffic Safety (OTS) for the 2020 "Selective Traffic Enforcement Program (STEP)" Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept the "Selective Traffic Enforcement Program (STEP)" Grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian safety. The approved OTS grant is for \$200,000 for the period of October 1, 2019 through September 30, 2020 which is Federal Fiscal Year 2020.
Financial Implications: See report
 Contact: Andrew Greenwood, Police, 981-5900
Action: Adopted Resolution No. 69,052–N.S.
- 24. Revenue Grant: Fiscal Year 2019-20 Alcoholic Beverage Control Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, and/or the Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Alcoholic Beverage Control (ABC) in the amount of \$64,000 for one fiscal year, July 1, 2019 through June 30, 2020.
Financial Implications: See report
 Contact: Andrew Greenwood, Police, 981-5900
Action: Adopted Resolution No. 69,053–N.S.

Consent Calendar

25. **Contract No. 9635 Amendment: Restoration Management Company for On-Call Remediation and Restoration Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9635 with Restoration Management Company, to increase the current contract by \$50,000 for a total not to exceed amount of \$100,000 and to extend the contract term to June 30, 2021.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 69,054–N.S.
26. **Purchase Order: Stockton Tri Industries, Inc. for Front Loading and Rear Loading Container Purchase**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a bid from Stockton Tri Industries, Inc. for front-loading and rear-loading containers and execute a purchase order in an amount not to exceed \$450,000 for fiscal years FY 2020 – FY 2023.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Item removed from the agenda by the City Manager.
27. **Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services ***Item Removed by the City Manager*****
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
28. **Contract No. 121345-1 Amendment: W.A. Rose Construction, Inc. for Exterior Stucco Demolition Work at the Central Library**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 121345-1 with W.A. Rose Construction, Inc. to complete exterior stucco demolition work at the Central Library, increasing the amended contract amount of \$320,156 to a not to exceed amount of \$351,317 plus an allowable contingency amount of \$6,000 and to extend the term of the contract to December 31, 2019.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300; Elliot Warren, Library, 981-6100
Action: Adopted Resolution No. 69,055–N.S. amended to set the not to exceed amount at \$357,317.44.

Consent Calendar

29. **Agreements: Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and Defendants' Side Agreement to Facilitate Consent Decree Compliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute the Joint Exercise of Powers Agreement with the City of Alameda, City of Albany, City of Berkeley, City of Emeryville, City of Oakland, City of Piedmont, the Stege Sanitary District, and East Bay Municipal Utility District, establishing and governing operation of the Collection System Technical Advisory Committee and the Defendants' Side Agreement to facilitate Consent Decree Compliance.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 69,056–N.S.
30. **Residential Preferential Parking (RPP) Program: Summer 2019 Update**
From: City Manager
Recommendation: Direct staff to conduct analysis of Fiscal Year (FY) 2020 Residential Preferential Parking (RPP) Program costs and revenues and return to Council early 2020 with updated fee increase proposal(s) to be effective April 1, 2020 for the FY 2021 permit year for Program enhancement and expansion.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Item held over to September 10, 2019.

Council Consent Items

31. **Implementing Vision Zero: Prioritizing High Collision Streets**
From: Mayor Arreguin, Councilmembers Droste, Hahn, and Wengraf
Recommendation: As street lights are being replaced and transportation infrastructure improvements are made throughout the City, and as work plans and schedules are developed, priority should be given to high-collision streets, as identified in the Pedestrian Master Plan and Vision Zero program. Examples include but are not limited to improving lighting, updating signage, and painting of crosswalks.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Approved recommendation.

Council Consent Items

32. **Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts**
From: Mayor Arreguin
Recommendation: Adopt a Resolution authorizing the transfer of \$550,000 for Fiscal Years 2020 and 2021 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense and various other anti-displacement services to low and moderate-income Berkeley residents.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 69,057–N.S.
33. **Designating Berkeley’s portion of Ohlone Greenway and the West Street Bike Path as linear City parks**
From: Councilmember Kesarwani
Recommendation: Adopt a resolution designating the Berkeley-owned portions of the West Street Bike Path and the Ohlone Greenway as linear City parks and formally dedicate these sites for permanent recreational use. The City-owned portion of the West Street Bike Path begins adjacent to the basketball courts at Virginia Gardens and travels southward ending at Delaware Street. The City-owned section of the Ohlone Greenway begins northwest of the North Berkeley BART station at Cedar Street and continues north to the City’s border with Albany.
Financial Implications: See report
Contact: Rashmi Kesarwani, Councilmember, District 1, 981-7110
Action: Councilmembers Harrison and Wengraf added as co-sponsors. Adopted Resolution No. 69,058–N.S.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.
34. **Letter of Support for California Bill SB 464, the Dignity in Pregnancy and Childbirth**
From: Councilmembers Bartlett and Davila
Recommendation: That the Mayor and Berkeley City Councilmembers support the Senate Bill 464 (SB 464) otherwise known as the California Dignity in Pregnancy and Childbirth Act and write a letter of support to Senator Holly J. Mitchell. Senate Bill 464 would attempt to find data relating to implicit bias and racial disparities in maternal mortality rates and institute measures to ensure equal treatment of all pregnant patients.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmembers Hahn and Wengraf added as co-sponsors. Approved recommendation.

Council Consent Items

- 35. Resolution in Support of AB 1279 – Planning and zoning: housing development: high-resource areas**
From: Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett
Recommendation:
1. Adopt a resolution in support of AB 1279, which requires that housing development projects be issued a by-right use permit in designated high resource areas and mandate that they include a percentage of affordable units. If these affordability requirements are not met, developers would be charged fees that would be deposited in a local affordable housing fund.
2. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: 1. Adopted Resolution No. 69,059–N.S. 2. Approved recommendation.
Vote: Ayes – Davila, Bartlett, Harrison, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Hahn, Wengraf, Droste.

Action Calendar – Public Hearings

- 36. Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12**
From: Fair Campaign Practices Commission
Recommendation: Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Elections Reform Act, Berkeley Municipal Code Chapter 2.12, regarding the public financing program.
Financial Implications: None
Contact: Emma Soichet, Commission Secretary, 981-6950

Public Testimony: The Mayor opened the public hearing. 1 speaker. M/S/C (Arreguin/Wengraf) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt the first reading of Ordinance No. 7,674–N.S. Second reading scheduled for September 10, 2019.
Vote: All Ayes.

Action Calendar - Public Hearings

37. Substantial Amendments to the PY2018 and PY2019 HUD Annual Action Plans for Use of ESG Funds

From: City Manager

Recommendation: Conduct a Public Hearing on substantial amendments to the PY2018 and PY2019 Annual Action Plans for use of Emergency Solutions Grant (ESG) funds, allocating the maximum allowable amount towards shelter and street outreach, and away from rapid rehousing, and adopt a Resolution authorizing the City Manager to submit the Substantial Amendments to the PY2018 and PY2019 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD).

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Wengraf) to adopt Resolution No. 69,060–N.S.

Vote: All Ayes.

Recess 8:48 p.m. – 9:02 p.m.

Action Calendar

38. Basic Criteria for Two-Week RV Permitting Process *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Health, Life Enrichment, Equity & Community Committee:

Councilmembers Hahn, Bartlett, and Kesarwani

Recommendation: Refer to the City Manager to develop a two-week permit and system for recreational vehicle (RV) parking based on recommendations from the Health, Life Enrichment, Equity & Community Committee.

Financial Implications: Staff time

Contact: Health, Life Enrichment, Equity & Community Committee members:

Sophie Hahn, Committee Chair, District 5, 981-7150; Ben Bartlett, Councilmember,

District 3, 981-7130; Rashi Kesarwani, Councilmember, District 1, 981-7110

Action: Moved to the Consent Calendar and take no action on the item.

39. Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront

From: Mayor Arreguin, Councilmembers Kesarwani and Harrison

Recommendation:

1. Direct the City Manager to identify one or more locations on city-owned land, including at the Berkeley Waterfront, for the establishment of a managed safe RV

Action Calendar

parking site for individuals currently sheltering in an RV or oversized vehicle on the public right-of-way in the City of Berkeley. The site(s) shall be available specifically for individuals identified through outreach as meeting the priority populations criteria designated by City Council in its March 26, 2019 action and are therefore eligible for the city's three-month Grace Period Permit Program.

A three-month Grace Period Permit (with possibility for renewal under limited specified circumstances) will be offered on a one-time basis to existing Berkeley RV dwellers who meet the priority populations criteria adopted by Council on March 26, 2019. The three-month Grace Period Permit will allow RV dwellers to park in a designated off-street safe location within City limits. As adopted and specified on March 26th, a safe parking location should be provided to priority populations prior to enforcement of RV parking regulations under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) and shall include services to ensure health and safety, including sanitation services.

2. Once locations are identified, the City Manager should report back to the City Council on proposed locations and a proposed program model for the three-month Grace Period Permit program including a non-profit operator, service model, security measures, and sanitary facilities such as portable restrooms and hand-washing stations. The Council may at that time express its intent to allocate additional funding through Measure P tax receipts or other General Fund revenues to establish a long-term safe parking program for individuals who meet priority populations criteria and who have not previously received a three-month Grace Period Permit.

Program participants should be actively engaged with rehousing and other services, and their stay will be short-term while they are seeking permanent housing and/or a long-term off-street location to which they can relocate, such as an RV park.

3. The City Manager should explore all possible locations on city-owned land, including all vacant or partially-occupied city properties, "dead-end" streets, and the Berkeley Waterfront.

4. Direct the City Manager to submit a formal request to the California State Lands Commission for permission to establish a temporary safe parking location on City land at the Berkeley Waterfront based on the City of Berkeley's declaration of a Homeless Shelter Crisis.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

Action Calendar

Action: M/S/C (Harrison/Davila) on the severed portion to add back paragraph 4 regarding the State Lands Commission.

Vote: Ayes – Davila, Bartlett, Harrison, Robinson, Arreguin; Noes – Kesarwani, Wengraf, Droste; Abstain – Hahn.

Action: 43 speakers. M/S/C (Harrison/Davila) to:

1) Adopt the item as revised in Supplemental Communications Packet #2 with paragraph 4 added back as written below.

Direct the City Manager to request that the State Lands Commission indicate whether a temporary safe parking location on public land at the Berkeley Waterfront, based on the City of Berkeley's declaration of a homeless shelter crisis, may be permissible. Also, if it is permissible, request information on the process to make an official request.

2) Direct the City Manager to explore all options for an off-street safe parking location, including property owned by Bayer, UC Berkeley, BART, Alta Bates, Caltrans, and EBMUD.

3) To clarify to concerned marina stakeholders that nothing is under consideration at this time and further clarify that Berkeley only does well-managed facilities, with the Stair Center as an example, and that stakeholders would have the opportunity to tour the Stair Center if desired.

4) Amend paragraph 3 in the recommendation in Supplemental Communications Packet #2 to read:

The City Manager should explore all possible locations on public/city-owned land for temporary pilot safe RV parking, including all vacant or partially-occupied city properties that could be used for 24-7 or overnight parking. As an alternative, limited use of certain streets in non-residential zones may be considered as a designated location for temporary overnight safe RV parking under the three-month Grace Period Permit Program, if no off-street location can be identified.

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

Action Calendar

- 40. Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement**
(Reviewed by the Public Safety Committee)
From: Public Safety Committee: Councilmembers Bartlett, Wengraf, and Robinson
Recommendation: That the City Council, with a qualified positive recommendation, for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral (4/24/18), in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work regarding the City Manager's Referred April 30th, 2019 item: Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.
Financial Implications: See report
 Contact: Public Safety Committee members: Ben Bartlett, Committee Chair, District 3, 981-7130; Susan Wengraf, Councilmember, District 6, 981-7160; Rigel Robinson, Councilmember, District 7, 981-7170
Action: Moved to the Consent Calendar and no action taken on the item. The Mayor announced that he will convene an ad hoc task force on the issue.
- 41. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**
(Continued from June 25, 2019)
From: Mayor Arreguin and Councilmember Harrison
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, 981-7100
Action: Item held over to September 10, 2019.

Action Calendar – Continued Business

- D. Annual Housing Pipeline Report** *(Continued from July 16, 2019)*
From: City Manager
Recommendation: Review and provide input on the data included in the Housing Pipeline Report.
Financial Implications: None
 Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Item moved to the Consent Calendar.

Information Reports

Information Reports

- 42. City Council Short Term Referral Process – Monthly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, 981-6900
Action: Received and filed.
- 43. Update on Measure T1**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300
Action: Received and filed.
- 44. Audit Status Report - PRW On-Call Program**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Received and filed.
- 45. LPO NOD: 1619 Walnut Street -- #LMIN2019-0001**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 46. LPO NOD: 1915 Fourth Street/#LMSAP2019-0003**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 47. LPO NOD: 2580 Bancroft Way/#LMSAP-2019-0006**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 48. FY2020 Public Art Plan and Budget**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, 981-7530
Action: Received and filed.
- 49. Report on B.M.C. 13.79.050 (“Buyout Offers and Agreements”)**
From: Rent Stabilization Board
Contact: Jay Kelekian, Rent Stabilization Board, 981-7368
Action: Received and filed.

Information Reports

50. Zero Waste Commission 2019-20 Work Plan

From: Zero Waste Commission

Contact: Heidi Obermeit, Commission Secretary, 981-6300

Action: Received and filed.

51. City Auditor Amended Fiscal Year 2019 Audit Plan and Fiscal Year 2020 Audit Plan

From: Auditor

Contact: Jenny Wong, Auditor, 981-6750

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Action: M/S/C (Robinson/Arreguin) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 11:44 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of July 23, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #38: Basic Criteria for Two-Week RV Permitting Process

1. Robert Gable
2. Change.org
3. Kimberly Kradel
4. Perla Barrientos
5. Peter Schiller
6. Alfred Manning
7. Anna Boersma

5G/Big Telecom

8. Wanda Warkentin
9. Anne Herrick
10. Carol Wolman (2)
11. Phoebe Anne Sorgen (2)
12. Gar Smith

- 13. Joel Moskowitz
- 14. Ellen Marks
- 15. Lloyd Morgan
- 16. Adam Clayton

East Bay Community Energy Newsletter

- 17. East Bay Community Energy

Blue Parking Zones at the Marina

- 18. Jutyblue
- 19. Martin Nicolaus

4th Street and Solano Vacancies

- 20. Barbara Gilbert

State Salary Database

- 21. April Gilbert
- 22. Jessica Behrman

West Campus Pool

- 23. Howard Goldberg

Safety at Harriet Tubman Terrace

- 24. Darinxoso Oyamasela

Dwight Way and California Street Intersection

- 25. Ormit Oppenheimer

EBMUD Leak on the 1700 Block of Francisco Street

- 26. David Lerman

Change.org – Predatory Displacement

- 27. Unknown

Cannabis Event at Cesar Chavez Park

- 28. Carol Denney

North Berkeley BART

- 29. Jessica Fain
- 30. Noah Nathan
- 31. Elie Hassenfeld

Bay Trail Garbage

- 32. Richard Raushenbush

Climate Change Related

- 33. Donald Goldmacher
- 34. James McFadden
- 35. Councilmember Harrison

Russbumper Dialogue

- 36. Russbumper (23)

Supplemental Communications and Reports 1

Item #37: Substantial Amendments to the PY2018 and PY2019 HUD Annual Action Plans for Use of ESG Funds

- 37. Supplemental material, submitted by Health, Housing & Community Services

Item #39: Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront

- 38. Stephen LaMond
- 39. Barbara Gilbert
- 40. Jefferson Douglas
- 41. Jessica Behrman (2)
- 42. Barbara Freeman
- 43. Katherine Alba
- 44. Maureen Burke
- 45. Carla and Dolph Rempp
- 46. John Rice
- 47. Change.org (2)
- 48. Cecilia Gaerlan, on behalf of the Shasta Neighborhood Group

Supplemental Communications and Reports 2

Item #A: Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language

- 49. Dale Amann
- 50. Ed Hankinson (2)
- 51. Gerald
- 52. Mark Goodin
- 53. Lynn Brown
- 54. Gunnar Thorsen
- 55. George Horesta
- 56. Annie Mick
- 57. Don Wendelken
- 58. Jas Lafontaine
- 59. Rick Hodgins
- 60. Jennifer Albright
- 61. Aaron
- 62. Jane Holmes
- 63. Faustin Reeder

64. Ren Haines
65. Larry Woll
66. Pat Myers
67. John O'Neill
68. James Woodard
69. Edward Hyatt
70. Sissy Mandel Brothers
71. Brandon DeZonia
72. Tom
73. Ken Langford
74. Dan Reuter
75. Nedra Holmes
76. Sara Parlove
77. Jack Hoyne
78. Carole Brown
79. Kelly Edmunson
80. arejayel@
81. Michael Welch
82. Solitarie One
83. M.R. Gray
84. Lawrence Oswald
85. Bbyrnes2@ (2)
86. Michael Hassett
87. Cathy Damazio
88. Terence Rice
89. Ron Ledgerwood
90. Colonel Speirs
91. cmcossey@
92. Michael Moser
93. Bill Ellis
94. Robert Butterfield
95. Boone Harper
96. Rocky
97. Zen Pro Racing
98. Nick Saunders
99. Michelle Strickland
100. Norman Tregunno
101. Peter Keaveney
102. Dave Bell
103. Michele Norwood
104. Rich Bailey
105. Daniel Kingery

Item #C: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings

106. Katherine Rinne

- 107. Charlene Woodcock
- 108. Darrell Decow
- 109. Thomas Lord

Item #1: Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use

- 110. Phillip Gardiner, Co-Char African American Tobacco Control Leadership Council
- 111. Bharat Tekhatri
- 112. Joe Johal, on behalf of the American Petroleum and Convenience Store Association

Item #27: Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services *Item Removed by the City Manager*****

- 113. Margot Smith

Item #36: Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12

- 114. Trent Lange, on behalf of California Clean Money Campaign

Item #39: Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month "Grace Period" Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront

- 115. Revised material, submitted by Councilmember Kesarwani
- 116. Eric Friedman
- 117. April Gilbert
- 118. John Arnold
- 119. Mark Schimmelman
- 120. Rachel Hensley
- 121. Margy Wilkinson
- 122. Dan Bohn
- 123. Dave Collins
- 124. Carla Soracco
- 125. John Church
- 126. Bonnie and Rich Cerruti
- 127. Kate Beck
- 128. Rebekah Punak
- 129. Isabelle Gaston
- 130. Lisa Miller
- 131. Anne Boersma
- 132. Jessica Behrman (6)
- 133. Drew Levister Abbott
- 134. Janet Cobb
- 135. Andrew Buck
- 136. Christina Polito Halter
- 137. Pat Hill

- 138. Robert Ofsevit
- 139. Scott Walters
- 140. Erwan Illian
- 141. Steve Colitz
- 142. Pam Speich
- 143. Janice Schroeder
- 144. Leonard and Nancy Becker
- 145. Change.org
- 146. Alfred Manning
- 147. Diana
- 148. Lisa Bullett
- 149. Paula Bradford
- 150. Christine Schwartz

Item #40: Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement

- 151. Revised material, submitted by Councilmember Bartlett

Item #39: Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront

- 152. 1004 communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Item #A: Referral Response: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language *(Continued from July 16, 2019)*

- 153. Larry Woll (6)

Item #C: Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Buildings *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.) (Continued from July 16, 2019)*

- 154. Curtis Caballos

Item #1: Referral Response: Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use

- 155. Cynthia Hallett, on behalf of Americans for Nonsmoker’s Rights

Item #15: Special Use Permit for Berkeley Tuolumne Camp

- 156. Pil Lee Orbison

Item #36: Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12

157. Daniel Newman, Co-Chair, Berkeley Fair Elections Coalition

Item #39: Identifying Locations for Managed Safe Recreational Vehicle (RV) Parking on City-Owned Land, Development of a Three-Month “Grace Period” Permit Program, and Requesting that the State Lands Commission Permit a Temporary Safe Parking Site at the Berkeley Waterfront

158. Shirley Dean
159. Nasira Abdul-Aleem
160. Marian Wolfe
161. Erica Etelson
162. Andy Hackett
163. Charles Bullett
164. Elizabeth Ferguson
165. Linda Franklin
166. Janet Cobb
167. Scott Cooksey
168. Jason Bartlett
169. George Torgun
170. Adam Santaniello
171. Rebecca Kaplan
172. Linda Franklin, on behalf of Berkeley Citizens Action Committee
173. Cynthia Papermaster
174. Jane Ellis
175. Sabine Lucile Scott
176. P. Larkin
177. Chimey Lee
178. Kevin Duffus

Item #40: Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement

179. Linda Franklin, on behalf of Berkeley Citizens Action Committee

Item #51: City Auditor Amended Fiscal Year 2019 Audit Plan and Fiscal Year 2020 Audit Plan

180. Communication, submitted by the City Auditor

Miscellaneous Communications

UC Employs a Known Abuser

181. Unknown

