

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, May 14, 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:** Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:10 p.m.

### **Ceremonial Matters:**

1. Recognition of Affordable Housing Week
2. Recognition of the Celebration of Juneteenth

### **City Manager Comments:**

1. Workshop on the new transfer station – West Branch Library, May 22, 5pm – 7pm
2. Luau at the Skate Park, May 18, 3pm – 7pm
3. Jazz at the Rose Garden, May 26, 3pm – 5pm

### **City Auditor Comments:**

The City Auditor gave a presentation on the 911 Dispatch Audit findings in Item 28; Noted the creation of the pension trust in Item 5 and the added costs of the mental health transports in Item 6.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## **Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 28 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Bartlett) to accept revised material from Councilmember Harrison on Item 57.

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

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

**Vote:** All Ayes.

### 1. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

**From:** City Manager

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

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

The ordinances would adopt BMC Chapter 12.21, amend Chapters 12.22 and 23C.25, and repeal Chapters 12.23, 12.25 and 12.27.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance Nos. 7,645-N.S. and 7,647-N.S.

### 2. Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE *(Reviewed by the Agenda and Rules Committee)*

**From:** Councilmembers Harrison, Davila, and Bartlett

**Recommendation:** Adopt second reading of Ordinance No. 7,650-N.S., the Sanctuary Contracting Ordinance, adding Chapter 13.104 to the Berkeley Municipal Code. This ordinance prohibits the award of city contracts to vendors acting as U.S. Immigration and Customs Enforcement data brokers, or those providing extreme vetting services.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,650-N.S.

## Consent Calendar

- 3. FlixBus Franchise Agreement for Long-Distance Bus Service**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance 7,651-N.S. granting a franchise agreement between FlixBus, Inc. and the City of Berkeley to provide long distance bus service to the public.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,651-N.S.
- 4. Amendment: FY 2019 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the FY 2019 Annual Appropriations Ordinance No. 7,634–N.S. for fiscal year 2019 based upon other adjustments in the amount of \$22,245,702 (gross) and \$19,746,430 (net).  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** Adopted first reading of Ordinance No. 7,652–N.S. Second reading scheduled for May 28, 2019.
- 5. Contract: Keenan Financial Services to Establish, Maintain and Invest for an IRS Section 115 Trust Fund**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Keenan Financial Services to establish a pension Section 115 trust that includes Keenan Financial Services providing trust administration, trustee/custodian, and investment advisory services for the Trust; and authorizing the City’s Plan Administrator to execute the legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to establish a Section 115 trust fund, establish the authority for the management of the Section 115 investments, develop investment policies for the Section 115 trust fund, and Select an initial model investment portfolio, from the choices provided.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,853–N.S.

## Consent Calendar

### 6. **Contract: Falck for Mental Health Ambulance Transport Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Falck Northern California Corp (Contractor) to provide mental health related ambulance transportation (from July 1, 2019 to June 30, 2021, in an amount up to \$5,670,000, with an option to extend for two additional years, for a total contract amount not to exceed \$11,340,000.

**Financial Implications:** See report

Contact: David Brannigan, Fire, 981-3473

**Action:** Adopted Resolution No. 68,854–N.S.

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

### 7. **Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**

**From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2020.

2. Foster Care Program in the projected amount of \$93,187 for FY 2020.

3. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$178,778 for FY 2020.

4. School Linked Health Services Program (Measure A Funding) in the projected amount of \$193,175 for FY 2020.

5. Tobacco Prevention Program in the projected amount of \$76,290 for FY 2020.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,855–N.S. (Public Health), Resolution No. 68,856–N.S. (Foster Care), Resolution No. 68,857–N.S. (BHS & BTA), Resolution No. 68,858–N.S. (School Linked), and Resolution No. 68,859–N.S. (Tobacco Prevention).

## Consent Calendar

### 8. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following eleven revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$442,073 for FY 2020.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$336,000 for FY 2020.
3. Tuberculosis Control Program in the projected amount of \$14,000 for FY 2020.
4. Women, Infants and Children (WIC) in the projected amount of \$525,547 each year for Federal Fiscal Years 2020 through 2022 for a total of \$1,576,641.
5. Nutrition Education & Obesity Prevention (NEOP) Program, in the projected amount of \$161,207 for Federal Fiscal Years 2020 through 2022 for a total amount of \$483,621.
6. HIV/AIDS Surveillance in the projected amount of \$29,088 for Fiscal Years 2020 through 2022 for a total of \$87,264.
7. Sexually Transmitted Diseases (STD) Prevention and Control in the projected amount of \$6,230 each year for FY 2020 through 2022 for a total of \$18,692.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,860–N.S. (CHDP), Resolution No. 68,861–N.S. (Tuberculosis Control), Resolution No. 68,862–N.S. (WIC), Resolution No. 68,863–N.S. (MCAH), Resolution No. 68,864–N.S. (NEOP), Resolution No. 68,865–N.S. (HIV/AIDS Surveillance), and Resolution No. 68,866–N.S. (STD Prevention).

### 9. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$139,260 for April 1, 2019 to March 30, 2020.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,867–N.S.

## Consent Calendar

- 10. Purchase Order with Carahsoft Technology Corporation: Using General Services Administration (GSA) Schedule for hardware, software, and services related to the Data Center Infrastructure Upgrade and Disaster Recovery Implementation** *(Reviewed by Budget and Finance Committee)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Carahsoft Technology Corporation for the purchase of server hardware, software, and related services for a data center upgrade and disaster recovery implementation, utilizing pricing established by the General Services Administration (GSA), for a total amount not to exceed \$1,678,953 for the period May 15, 2019 to June 1, 2024.  
**Financial Implications:** Various Funds - \$1,678,953  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,868–N.S.
- 11. Contract No. 10934 Amendment: CBF Electric & Data for Wi-Fi Installation in City Facilities**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10934 with CBF Electric & Data (CBF) for Wi-Fi installation in City facilities, increasing the contract amount by \$50,015 for a total not-to-exceed amount of \$75,014 from July 2, 2018 to June 30, 2021.  
**Financial Implications:** IT Cost Allocation Fund - \$50,015  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,869–N.S.
- 12. Contract No. 9263B Amendment: SSP Data Products Inc. for Barracuda Backup Solution with Hosted Cloud Storage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9263B with SSP Data Products Inc. for the City's Barracuda Backup Solution with hosted cloud storage, increasing the amount by \$54,520, for a total contract amount not to exceed \$300,692 for the term May 15, 2013 through June 30, 2020.  
**Financial Implications:** Cost Allocation Fund - \$54,520  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,870–N.S.

## Consent Calendar

- 13. Contract No. 11012 Amendment: Granicus, Inc. for Video Streaming Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 11012 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$156,966 for a total not-to-exceed amount of \$207,646 from July 1, 2017 to June 30, 2022.  
**Financial Implications:** Various Funds - \$156,966  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,871–N.S.
- 14. Contract No. 10734 Amendment: Towerstream, Inc. for Secondary Internet for Redundancy and Load Balancing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the contract with Towerstream, Inc. for redundant secondary internet services, increasing the contract amount by \$133,128 for a total not-to-exceed amount of \$172,000 from October 3, 2017 to June 30, 2022.  
**Financial Implications:** Cost Allocation Fund - \$133,128  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,872–N.S.
- 15. Contract: Revolution Foods for Summer Food Service Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a one (1) year contract and any amendments with Revolution Foods to provide lunches and afternoon snacks to Berkeley youth for the City’s Summer Food Service Program for a total amount not to exceed \$90,000, for the period of June 1, 2019 through May 31, 2020, with options to execute up to four (4) additional one-year extensions not to exceed \$90,000 each year, contingent upon the availability of State funding, for a total contract amount not to exceed \$450,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,873–N.S.

## Consent Calendar

- 16. Contract: Suarez & Munoz Construction, Inc. for Harrison Park – Gabe Catalfo Fields Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Harrison Park – Gabe Catalfo Fields Renovation Project, Specification No. 19-11285-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Suarez & Munoz 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 Suarez & Munoz Construction, Inc., for the Harrison Park – Gabe Catalfo Fields Renovation project at 1100 Fourth Street, Berkeley, CA 94710, in an amount not to exceed \$531,300, which includes a contract amount of \$483,000 and a 10% contingency in the amount of \$48,300.  
**Financial Implications:** Various Funds - \$531,300  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,874–N.S.
- 17. Waiver of Annual Marina Berth Fees for Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Affirming the determination by City staff and the Parks and Waterfront Commission that three non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and 2. Approving the annual waiver of berth fees for the three groups for 2019.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,875–N.S.
- 18. Contract: Cratus, Inc. for FY2018 Measure M Low Impact Development (LID) Woolsey Street Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification No. 18-11183-C (Re-Issued); accepting the bid of Cratus, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$2,908,377.  
**Financial Implications:** Measure M Streets & Watershed GO Bond Fund - \$2,908,377  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,876–N.S.



## Consent Calendar

**19. Purchase Order: Municipal Maintenance Equipment, Inc. for Fifteen GO-4 Parking Enforcement Vehicles**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. in an amount not to exceed \$715,000 for fifteen GO-4 parking enforcement vehicles.

**Financial Implications:** Equipment Replacement Fund - \$715,000

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Moved to Action Calendar. 6 speakers. M/S/C (Wengraf/Arreguin) to adopt Resolution No. 68,877–N.S. authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. in an amount not to exceed \$715,000 for fifteen GO-4 parking enforcement vehicles.

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

Recess 8:41 p.m. – 8:54 p.m.

**20. Declaration of Intent - FY 2020 Street Lighting Assessments**

**From: City Manager**

**Recommendation:** Adopt two Resolutions granting the City Manager the authority to approve the Engineer’s Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 11, 2019 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2020 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,878–N.S. (District No. 1982-1) and Resolution No. 68,879–N.S. (District No. 2018).

**21. Contracts: On-Call Construction and Project Management Services: Ghirardelli Associates, Inc., Park Engineering, Inc., and Quincy Engineering, Inc.**

**From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services for capital improvement projects, each for a period of July 1, 2019 through June 30, 2022:

1. Ghirardelli Associates, Inc. for an amount not to exceed \$1,000,000.

2. Park Engineering, Inc. for an amount not to exceed \$1,000,000.

3. Quincy Engineering, Inc. for an amount not to exceed \$1,000,000.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,880–N.S. (Ghirardelli), Resolution No. 68,881–N.S. (Park), and Resolution No. 68,882–N.S. (Quincy).

## Consent Calendar

**22. Amendment to Grant Funding Agreement for Gilman Railroad Pedestrian Crossing Safety Project, Specification No. 18-11244-C**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting an amendment to the grant funding agreement between the City and the California Department of Transportation, Service Contract No. 75LX291, for the Gilman Railroad Pedestrian Crossing Safety Project to increase the amount from \$310,500 to \$473,000 and revise the expiration date from December 19, 2019 to December 31, 2020 and authorizing the City Manager to execute said amendment and any other associated necessary agreement.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,883–N.S.

**23. Contract: Gilman Railroad Pedestrian Crossing Safety Project, Specification No. 18-11244-C**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Gilman Railroad Pedestrian Crossing Safety Project (“Project”), Specification No. 18-11244-C; 2. Accepting the bid of the lowest responsible bidder, ERA Construction Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders with ERA Construction Inc. until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$377,764.

**Financial Implications:** Various Funds - \$377,764

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,884–N.S.

**24. Purchase Order: National Auto Fleet Group for Eleven Ford Police Interceptor Utility**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures, and authorizing the City Manager to execute a purchase order for eleven model year 2020 Ford Police Interceptor Utility with National Auto Fleet Group in an amount not to exceed \$770,000.

**Financial Implications:** Equipment Replacement Fund - \$770,000

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,885–N.S.

## Consent Calendar

- 25. Board of Library Trustees Reappointment: Diane Davenport**  
**From: Board of Library Trustees**  
**Recommendation:** Adopt a Resolution Approving the Reappointment of Diane Davenport to the Board of Library Trustees (“BOLT”) for a second term of four years commencing May 16, 2019.  
**Financial Implications:** None  
Contact: Elliot Warren, Commission Secretary, 981-6100  
**Action:** Adopted Resolution No. 68,886–N.S.
- 26. Declaring every 3rd Sunday in May to be Postpartum Justice Day in the City of Berkeley**  
**From: Community Health Commission**  
**Recommendation:** Adopt a resolution declaring every third Sunday in May to be Postpartum Justice Day in the City of Berkeley to support and encourage the needed work to achieve equity and justice in maternal health.  
**Financial Implications:** None  
Contact: Roberto Terrones, Commission Secretary, 981-5400  
**Action:** Adopted Resolution No. 68,887–N.S.
- 27. Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** We recommend that City of Berkeley immediately begin the process to purchase, install, and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County.  
This installation should be accompanied by the following: - ongoing outreach and education so that the public will understand the meaning of the sirens and what to do when they hear a siren; - development of a holistic alert protocol, incorporating sirens as an additional option among the available suite of alerting methods; - staff training and drills on alerting procedures; - development of a testing and maintenance plan that will ensure the system is fully operational while avoiding unnecessary or excessive noise pollution in the City; - outreach to deaf and hard of hearing residents to encourage them to opt-in for alerting that meets their communication needs. This may include distributing weather radios or other in-home devices with accessibility options for people with disabilities.  
This recommendation does not specify the number, type, or location of sirens; City staff should determine the most cost-effective system that achieves the goals described in this recommendation. This may include either mobile or fixed-location sirens.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, 981-3473  
**Action:** Referred to the Public Safety Committee.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

## Consent Calendar

**28. 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale  
From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by November 19, 2019, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, 981-6750

**Action:** Approved recommendation.

## Council Consent Items

**29. Support AB 539 – the Fair Access to Credit Act**

**From: Mayor Arreguin, and Councilmembers Hahn and Bartlett**

**Recommendation:** Adopt a Resolution in support of AB 539, the Fair Access to Credit Act, authored by Monique Limón. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Monique Limón.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,888–N.S.

**30. Engage Professional Support to Assist City Council in Establishing a Process and Performing an Evaluation of the City Manager’s Performance**

**From: Mayor Arreguin and Councilmember Harrison**

**Recommendation:** Direct the City Manager to issue a Request for Proposal to contract with an experienced firm that will engage the City Manager and City Council in a performance evaluation of the City Manager’s performance. The process should begin in July 2019 following the scheduled approval of the Biennial Budget, and result in a process for ongoing updates and establish an annual evaluation schedule.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 to clarify the RFP process.

## Council Consent Items

- 31. BOSS Rising Stars Gala Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Davila and Bartlett**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$100 from Councilmember Cheryl Davila, to support the Rising Stars Youth Leadership Gala Event (BOSS) May 31, 2019, 6-8PM, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$100  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,889–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Robinson - \$100.
- 32. Opposition to Revision of Title IX Sexual Harassment and Assault Regulations Proposed by U.S. Department of Education, Secretary Betsy DeVos**  
**From: Councilmembers Davila, Harrison, Hahn, and Wengraf**  
**Recommendation:** Adopt a resolution opposing the proposed revisions of Title IX regulations on gender and sex-based discrimination as proposed by Secretary DeVos of the United States Department of Education.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,890–N.S.
- 33. Resolution in Support of Charter Reform Assembly Bills**  
**From: Councilmembers Harrison and Bartlett**  
**Recommendation:** Adopt a resolution in support of Assembly Bills 1505, 1506, and 1507, which regulate charter schools and give public school boards more authority to resist privatization of schools. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 68,891–N.S.
- 34. Rebuilding Together Budget Referral**  
**From: Councilmembers Harrison and Wengraf, and Mayor Arreguin**  
**Recommendation:** Refer to the budget process a two-year allocation to fund Rebuilding Together East Bay-North from the General Fund according to the Housing Advisory Commission recommendations, with an evaluation after the first 18 months to determine whether the organization's fiscal reporting would be in compliance with CDBG reporting requirements were the organization to apply again.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

## Council Consent Items

**35. Acton and University Traffic Light Budget Referral**

**From: Councilmember Harrison**

**Recommendation:** Refer to the budget process a one-time allocation for an overhanging street light at Acton and University

**Financial Implications:** See report

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

**Action:** Approved recommendation.

**36. Sponsoring the 2019 Himalayan Fair**

**From: Councilmembers Hahn, Harrison, and Davila**

**Recommendation:** Adopt a resolution approving the co-sponsorship by the City of Berkeley of the 2019 Himalayan Fair to be held at Live Oak Park on Saturday, May 18th and Sunday, May 19th, and approving the expenditure of an amount not to exceed \$300 per councilmember, including \$300 from Councilmember Hahn, to The Himalayan Fair for administrative fees, event production and advertising, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

**Action:** Adopted Resolution No. 68,892–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$150; Councilmember Harrison - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$100; Councilmember Bartlett - \$100.

**37. Supporting the Timely Implementation of the Buy Clean California Act and Reaffirming the City of Berkeley's Commitment to Reducing Embodied Energy in Building Materials**

**From: Councilmembers Hahn, Harrison, and Davila**

**Recommendation:** Adopt a resolution supporting the timely implementation of the Buy Clean California Act (AB 262), and reaffirming the City of Berkeley's commitment to reducing embodied energy in building materials. Send copies of the resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, Governor Gavin Newsom, and senior leadership at the California Department of General Services.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

**Action:** Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 68,893–N.S.

## Council Consent Items

- 38. Letter in Support of AB 38**  
**From: Councilmember Wengraf**  
**Recommendation:** Send a letter of support for AB 38 Fire Safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund (Wood) to Assemblymember Wood, with copies to Senator Skinner, Assemblywoman Wicks and Governor Newsom.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Mayor Arreguin and Councilmembers Droste and Hahn added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #1.
- 39. Referral to the Budget Process: Increased Funding for Neighborhood Traffic Calming**  
**From: Councilmembers Wengraf, Harrison, and Droste**  
**Recommendation:** Refer to the Fiscal Year 2020/2021 Budget Process an increase in allocation for neighborhood traffic calming from the current 50 thousand dollars to 150 thousand dollars.  
**Financial Implications:** \$100,000  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Councilmember Kesarwani added as a co-sponsor. Approved recommendation.
- 40. Pronouncement of May 15th, 2019 as a Day of Bloody Thursday Remembrance and Commemoration of People's Park**  
**From: Councilmembers Robinson, Harrison, and Davila**  
**Recommendation:** Adopt a Resolution pronouncing May 15th, 2019, as a Day of Bloody Thursday Remembrance, on which the People of Berkeley and the world may reflect upon the continuing history of the People's Park and its significance for our present society.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 6, 981-7170  
**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 68,894–N.S.
- 41. Budget Referral: Missing Middle Housing Report**  
**From: Councilmembers Droste, Bartlett, Kesarwani, and Robinson**  
**Recommendation:** Refer to the budget process \$125,000 for consultant costs to complete the Missing Middle Housing Report, which was passed by City Council on April 23, 2019.  
**Financial Implications:** \$125,000  
Contact: Lori Droste, Councilmember, District 6, 981-7180  
**Action:** Approved recommendation.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

## Action Calendar – Public Hearings

### 42. **Published Charges: Mental Health Clinical Services**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for FY 2019. Published Charges are effective July 1, 2018.

**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 (Droste/Wengraf) to close the public hearing.

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

Councilmember Harrison absent 8:54 p.m. – 8:56 p.m.

**Action:** M/S/C (Robinson/Droste) to adopt Resolution No. 68,895–N.S.

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

### 43. **Fees: Public Health Clinic Services**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Public Health Clinic services effective, July 1, 2019, and rescinding Resolution No. 68,449-N.S.

**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 (Droste/Wengraf) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Droste) to adopt Resolution No. 68,896–N.S.

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

Councilmember Bartlett absent 8:56 p.m. – 9:05 p.m.



## Action Calendar – Public Hearings

### 44. Ambulance User Fee Adjustment

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County's approved ambulance user fee schedule made effective September 1, 2018, for the Cities of Alameda, Albany, Berkeley, and Piedmont. The increase would be included as an updated addendum to the Ambulance Provider Agreement, rescinding Resolution 67,979–N.S.

**Financial Implications:** See report

Contact: David Brannigan, Fire, 981-3473

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

M/S/C (Droste/Harrison) to close the public hearing.

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

**Action:** M/S/C (Droste/Wengraf) to adopt Resolution No. 68,897–N.S.

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

### 45. Selected Camp Program Fee Increases

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select camp programs and rescinding Resolution No. 68,450-N.S. and all amendatory resolutions.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

M/S/C (Droste/Wengraf) to close the public hearing.

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

Councilmember Harrison absent 8:58 p.m. – 9:01 p.m.

**Action:** M/S/C (Wengraf/Droste) to adopt Resolution No. 68,898–N.S.

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

## Action Calendar – Public Hearings

### 46. Selected Marina Fee Increases

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,451-N.S. and all amendatory resolutions.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 2 speakers.

M/S/C (Wengraf/Droste) to close the public hearing.

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

**Action:** M/S/C (Arreguin/Droste) to adopt Resolution No. 68,899–N.S.

**Vote:** All Ayes.

### 47. Land Use Planning Permit Fee Amendments

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the fee schedule for Land Use Planning Fees to establish a new fee for land use applications that request streamlined approval, pursuant to Senate Bill 35 (approved by Governor in 2017).

**Financial Implications:** See report

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

**Action:** Referred to the Agenda and Rules Committee for future scheduling.

### 48. Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #1

**From: City Manager**

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

**Financial Implications:** See FY 2020 and FY 2021 Proposed Biennial Budget

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

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental and revised materials from the City Manager on Item 48.

**Vote:** All Ayes.

**Public Testimony:** The Mayor opened the public hearing. 9 speakers.

M/S/C (Arreguin/Harrison) to close the public hearing.

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

Councilmember Wengraf absent 9:59 p.m. – 10:02 p.m.

## Action Calendar – Public Hearings

### 49. One-Way Car Share – Transition from Pilot to Baseline Program

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt a Resolution approving an ongoing One-Way Car Share program for the City of Berkeley, with an increase to administration fees that are commensurate with City administrative cost increases, and
2. Adopt the first reading of an Ordinance pursuant to Berkeley Municipal Code Chapter 14.62, deleting language that refers to the program as a limited-term “pilot” and amending language on the number of vehicle parking permits for which a one-way car share organization may apply.

**Financial Implications:** The program pricing structure results in cost-neutrality.

Contact: Phillip Harrington, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

M/S/C (Robinson/Harrison) to close the public hearing.

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

**Action:** M/S/C (Harrison/Hahn) to:

1. Adopt Resolution No. 68,900–N.S.
2. Adopt first reading of Ordinance No. 7,653–N.S. Second reading scheduled for May 28, 2019.

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

## Action Calendar – Public Hearings

### 50. Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial;
2. Adopt a Resolution to expand and enhance the RPP Program, raising permit fees for cost neutrality while increasing parking enforcement staff and equipment to augment RPP enforcement, improving UC Berkeley home football game parking enforcement, allowing more residents to opt-in, and rescinding Resolution 68,344-N.S.;
3. Adopt a Resolution modifying parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish “Enhanced Fine Areas” to prohibit parking without a valid RPP permit in portions of RPP Zones B, D, F, G, and I; and install new RPP signs in zones B, D, F, G, and I to clearly indicate UC Berkeley home football game day parking prohibitions; and
4. Adopt a Resolution establishing a new Parking Fine Schedule, including parking fines of \$225 per violation of BMC 14.40.090 in new Enhanced Fine Areas on posted UC football game days, and rescinding Resolution No. 68,466-N.S.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

M/S/C (Arreguin/Droste) to close the public hearing.

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

Councilmember Wengraf absent 10:13 p.m. – 11:25 p.m.

**Action:** M/S/C (Arreguin/Harrison) to:

1. Adopt first reading of Ordinance No. 7,654–N.S. Second reading scheduled for May 28, 2019.
2. Recommendation #2 referred to the Agenda and Rules Committee for future scheduling
3. Adopt Resolution No. 68,901–N.S. (Modifying Parking Restrictions)
4. Adopt Resolution No. 68,902–N.S. (Parking Fine Schedule)

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

## Action Calendar – Public Hearings

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

**From: City Manager**

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

**Financial Implications:** None

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

**Action:** Item continued to May 28, 2019.

## Action Calendar – New Business

### 52a. Recommendations for a Fossil Fuel Free Berkeley

**From: Energy Commission**

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

**Financial Implications:** Unknown

Contact: Billi Romain, Commission Secretary, 981-7400

### 52b. Companion Report: Recommendations for a Fossil Fuel Free Berkeley

**From: City Manager**

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

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Items 52a and 52b referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee.

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

## Action Calendar – New Business

### 53a. Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)

#### From: Sugar Sweetened Beverage Product Panel of Experts

**Recommendation:** Approve the SSBPPE Commission's recommendations and adopt thirteen (13) Resolutions authorizing the City Manager or her designee to enter into contracts with the Berkeley Unified School District and the Community Based Organizations (CBOs) listed below to distribute a total of \$3,800,000 for FY 2020 and FY 2021 according to the schedule below and to also provide \$950,000 to the City of Berkeley Public Health Division (BPHD) during the same period to support administering and enhancing this program as approved by the Berkeley City Council as follows:

1. \$1,900,000 total grant to Berkeley Unified School District to implement the Gardening and Cooking Program for FY 2020 and FY 2021 to be disbursed as follows--\$950,000 for FY 2020 and \$950,000 for FY 2021.
2. \$285,000 total grant to the Ecology Center to implement For Thirst, Water First! program for FY 2020 and FY 2021 to be disbursed as follows--\$142,500 in FY 2020 and \$142,500 in FY 2021.
3. \$590,000 grant to Healthy Black Families to implement Thirsty for Change! (T4C) program for FY 2020 and FY 2021 to be disbursed as follows--\$295,000 in FY 2020 and \$295,000 in FY 2021.
4. \$30,000 grant to the Multicultural Institute to implement the Life Skills/Day Laborer Program: Health Activity program for FY 2020 and FY 2021 to be disbursed as follows: \$15,000 in FY 2020 and \$15,000 in FY 2021.
5. \$140,000 grant to the YMCA of the East Bay to implement the YMCA Diabetes Prevention (YDPP) program for FY 2020 and FY 2021 to be disbursed as follows: \$70,000 in FY 2020 and \$70,000 in FY 2021.
6. \$170,000 grant to the YMCA of the East Bay to implement the YMCA Healthy Me! program for FY 2020 and FY 2021 to be disbursed as follows: \$85,000 in FY 2020 and \$85,000 in FY 2021.
7. \$270,000 grant to Lifelong Medical Care to implement the Chronic Disease and Oral Health Prevention Project for FY 2020 and FY 2021 to be disbursed as follows: \$135,000 in FY 2020, and \$135,000 in FY 2021.
8. \$80,000 grant to Spiral Garden to implement the Spiral Gardens Community Food Security Project for FY 2020 and FY 2021 to be disbursed as follows: \$40,000 in FY 2020, and \$40,000 in FY 2021.
9. \$32,792 grant to Fresh Approach to implement the Veggie Rx Program for Healthy Foods and Beverages program for FY 2020 and FY 2021 to be disbursed as follows: \$16,396 in FY 2020, and \$16,396 in FY 2021.
10. \$135,880 grant to Bay Area Community Resources to implement the Healthy Options at Point of Sale program for FY 2020 and FY 2021 to be disbursed as follows: \$67,940 in FY 2020, and \$67,940 in FY 2021.
11. \$69,328 grant to Community Health Education Institute to implement the Artists Against Soda program for FY 2020 and FY 2021 to be disbursed as follows: \$34,664 in FY 2020, and \$34,664 in FY 2021.

## Action Calendar – New Business

12. \$97,000 grant to Berkeley Youth Alternatives to implement the Urban Agriculture and Team Nutrition Program for FY 2020 and FY 2021 to be disbursed as follows: \$48,500 in FY 2020 and \$48,500 in FY2021.

13. \$950,000 to the City of Berkeley Public Health Division (BPHD) to support the SSBPPE Commission and assist with outside evaluations to be disbursed as follows: \$475,000 in FY 2020 and \$475,000 in FY 2021 with 10% of those funds in both years designated for a media campaign.

14. The Commission recommends that indirect or administrative expenses not exceed 15% of the program budget and that these funds not be used to supplant any other source of funding.

15. The Commission recommends that City Council authorize the City Manager to authorize advances for BUSD and the selected community agencies receiving funds in FY 2020 and FY2021. The advances are to be equivalent to 25% of the agency's allocation.

**Financial Implications:** See report

Contact: Dechen Tsering, Commission Secretary, 981-5300

### **53b. Companion Report: Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)**

**From: City Manager**

**Recommendation:** Adopt the Sugar Sweetened Beverage Product Panel of Experts' (SSBPPE) funding recommendations and twelve (12) resolutions authorizing the City Manager to enter in contracts with the Berkeley Unified School District and the Community Based Organizations for FY2020 and FY2021 with the following caveats: 1) remove the City of Berkeley as a grantee and remove the resolution that is included as Resolution #12 in the SSBPPE Commission's Council report relating to the Public Health division, 2) adopt Resolution #13 in the SSBPPE Commission's Council report and amend the amount to be distributed as \$4.474 million, as was passed by Council on January 22, 2019, and 3) reduce all grantees' and the Public Health division allocations equally to reach the adopted figure (about 5%).

**Financial Implications:** See report

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

**Action:** Item 53a moved to the Consent Calendar to:

1. Adopt Resolution No. 68,903–N.S. (BUSD)
2. Adopt Resolution No. 68,904–N.S. (Ecology Center)
3. Adopt Resolution No. 68,905–N.S. (Healthy Black Families)
4. Adopt Resolution No. 68,906–N.S. (Multicultural Institute)
5. Adopt Resolution No. 68,907–N.S. (YMCA)
6. Adopt Resolution No. 68,908–N.S. (Lifelong)
7. Adopt Resolution No. 68,909–N.S. (Spiral Gardens)
8. Adopt Resolution No. 68,910–N.S. (Bay Area Community Resources)
9. Adopt Resolution No. 68,911–N.S. (Fresh Approach)
10. Adopt Resolution No. 68,912–N.S. (Berkeley Youth Alternatives)
11. Adopt Resolution No. 68,913–N.S. (Community Health Education Institute)
12. Adopt Resolution No. 68,914–N.S. (City of Berkeley Public Health)

## Action Calendar – New Business

13. Adopt Resolution No. 68,915–N.S. (Allocation for Grant Program)
14. Approved recommendation.
15. Approved recommendation.

## Council Action Items

### 54. **Authorizing Additional Inclement Weather Shelter at Old City Hall from April 15, 2019-June 30, 2019**

**From: Councilmembers Davila, Harrison, and Hahn**

**Recommendation:**

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from April 15, 2019 - June 30, 2019, to provide safe, indoor locations for our unhoused community during inclement weather, including changing the cold temperature to below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$60,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through June 30, 2019, and possible program expansion in order to increase number of unhoused people served.

**Financial Implications:** See report

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

**Action:** Councilmember Bartlett added as a co-sponsor. Moved to Consent Calendar to approve the recommendation and adopt Resolution No. 68,916–N.S. to authorize the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through June 30, 2019 and approving the allocation of \$60,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.

### 55. **Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021**

**From: Councilmember Davila**

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

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

**Financial Implications:** See report

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

**Action:** Item 55 held over to June 11, 2019.



## Council Action Items

**56. Contract: Berkeley Marina Area Specific Plan (BMAASP) – Hargreaves Associates** *(Continued from April 30, 2019)*

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Hargreaves Associates to produce the Berkeley Marina Area Specific Plan (BMAASP) in an amount not to exceed \$1,101,000.

**Financial Implications:** Marina Fund - \$1,101,000

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

**Action:** M/S/Failed (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m. and hold over Items 55 and 57 to June 11, 2019.

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

Councilmember Bartlett absent 10:50 p.m. – 10:52 p.m.

**Action:** M/S/Carried (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m. and hold over Items 55 and 57 to June 11, 2019.

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

**Action:** M/S/Carried (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:25 p.m.

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

**Action:** 8 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,917–N.S. authorizing the City Manager or her designee to execute a contract and any amendments with Hargreaves Associates to produce the Berkeley Marina Area Specific Plan (BMAASP) in an amount not to exceed \$1,101,000.

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

Councilmember Davila absent 11:13 p.m. – 11:25 p.m.

## Council Action Items

57. **Resolution: No U.S. intervention in Venezuela** *(Continued from April 30, 2019)*  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution that affirms the sovereign right of the Venezuelan people to negotiate their political differences free from foreign intervention, and urges that the U.S. government withdraw its illegal, unilateral financial sanctions and refrain from military, economic, or diplomatic intervention in the internal affairs of the sovereign state of Venezuela.  
**Financial Implications:** None  
Contact: Bre Slimick, Commission Secretary, 981-7000  
**Action:** Item 57 held over to June 11, 2019.

## Information Reports

58. **Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Referred to the Agenda and Rules Committee for scheduling as presentation before Council.
59. **Results of RFP for Availability Study for Affirmative Action in City Contracting (Berkeley Inclusion in Opportunity Index)**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Received and filed.
60. **Public Works Department Reaccreditation by the American Public Works Association**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Received and filed.
61. **Residential Preferential Parking (RPP) Program: Spring 2019 Update**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda** - 6 speakers.

## Adjournment

Adjourned at 11:25 p.m.

## **Communications**

### **Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

1. Debby Goldsberry
2. Julia Varshavsky

### **Item #34: Rebuilding Together Budget Referral**

3. Janice Greenberg
4. Nick
5. Susan Payne
6. Linda Novick
7. Ann Moghaddas

### **Item #51: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172**

8. Jennifer Hernandez & Genna Yarkin, Holland & Knight Attorneys
9. Greenfire Law, on behalf of the Oceanview Neighborhood Council's Appeal

### **Encampments**

10. Parisa Jorjani
11. Richard at Coastodian.org (4)
12. Diana Bohn (2)
13. Marcia Poole
14. Margy Wilkinson

### **2245 Fifth Street & 2231 Fourth Street**

15. Matt Taecker, Taecker Planning & Design

### **Small Businesses in West Berkeley**

16. Matt Taecker, Taecker Planning & Design

### **Public Employees Union, Local One**

17. Nicole Marti, on behalf of Local One

### **Dirty Needles at Point Reyes National Seashore**

18. Richard at Coastodian.org

### **SB 50**

19. Avram Gur Arye

### **Climate Change**

20. Jane Kelly

### **Disruptive Council Meetings**

21. Margy Wilkinson

### **Potholes**

22. Dan

**Bay Area Police Oversight Forum**

23. Katherine Lee, Police Review Commission Officer

**RV Dwellers**

24. Richard Hartnell

25. Eric Friedman

**Auto/Pedestrian Safety**

26. David Lerman

**LED Ceramic Street Lights**

27. Sansi Tech

**First Responders Training**

28. Bob Flasher

**People's Park Poem**

29. Hali Hammer

**West Campus Pool**

30. Linda Worthman

31. Donna Mickleson

**East Bay Community Energy Innovation Grant**

32. East Bay Community Energy

**Rent Board Commissioners**

33. Jack Kurzweil

**Bus Line Failure**

34. Avram Gury Arye

**Age-Friendly Action Plan**

35. Linda Kincaid

36. Mary Behm-Steinberg

**Measure O**

37. Pam Speich

38. Geoffrey Lomax

39. Nick

**1155-1173 Hearst Avenue**

40. Wayne Cory

41. Yashu Jiang

**Codornices Creek – Fire Foam**

42. Susan Schwartz, on behalf of Friends of Five Creeks

**Fire Safe Fiscal Sponsor**

43. Bob Flasher

**PY2019 Annual Action Plan Allocation of Federal Funds**

44. Kaameelah Wesley

**Sanctuary Contracting Ordinance**

45. Eli Conley

**Shortage of Affordable Quality Office Space**

46. David Lerman

**Evicting Undocumented Immigrants from Subsidized Housing**

47. Gary Hicks

**Dangerous Crosswalk at Camilia and 6<sup>th</sup> Street**

48. Cecelia Mautner

**Crime, Real Estate, Politics and Media**

49. Terry Akins

**Upcoming Meeting with HTT Steering Committee**

50. Darinxoso Oyamasela

**Berkeley Way Project Concerns**

51. Parisa Jorjani

**Bayside Unit 535-301**

52. Pil Orbison

**Supplemental Communications and Reports 1**

**Item #37: Supporting the Timely Implementation of the Buy Clean California Act and Reaffirming the City of Berkeley’s Commitment to Reducing Embodied Energy in Building Materials**

53. Igor Tregub

**Item #38: Letter in Support of AB 38**

54. Revised material, submitted by Councilmembers Wengraf and Hahn

**Supplemental Communications and Reports 2**

**Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

55. Fried Wittman

**Item #19: Purchase Order: Municipal Maintenance Equipment, Inc. for Fifteen GO-4 Parking Enforcement Vehicles**

56. Rob Wrenn

**Item #30: Engage Professional Support to Assist City Council in Establishing a Process and Performing an Evaluation of the City Manager's Performance**

57. Revised material, submitted by Mayor Arreguin and Councilmember Harrison

**Item #34: Rebuilding Together Budget Referral**

58. Margy Wilkinson, on behalf of Friends of Adeline

**Item #40: Pronouncement of May 15th, 2019 as a Day of Bloody Thursday Remembrance and Commemoration of People's Park**

59. Avram Gur Arye

60. Carol Denney

**Item #47: Land Use Planning Permit Fee Amendments**

61. Hadley Dynak

**Item #49: One-Way Car Share – Transition from Pilot to Baseline Program**

62. David Eiseman

63. Brian Tremblay

64. Nancy Juette

65. Joel Tranter

**Item #51: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172**

66. Jessica Blome, on behalf of Greenfire Law (2)

**Item #27: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan**

67. 65 Communications Submitted via Berkeley Considers, includes summary information.

**Supplemental Communications and Reports 3**

**Item #27: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan**

68. Shirley Dean

**Item #34: Rebuilding Together Budget Referral**

69. Suzanna Yeh

**Item #47: Land Use Planning Permit Fee Amendments**

70. Scott Freedman

**Item #48: Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #1**

- 71. Supplemental material, submitted by Budget/City Manager's Office
- 72. Presentation, submitted by Budget/City Manager's Office

**Item #49: One-Way Car Share – Transition from Pilot to Baseline Program**

- 73. Presentation, submitted by the Transportation Division
- 74. Jason Haight, President of GIG Car Share

**Item #50: Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion**

- 75. Presentation, submitted by the Public Works Department
- 76. Lucy Clarke
- 77. Ed Herzog
- 78. Chris Stehlik
- 79. Lisa Bullwinkel
- 80. Sally Nelson
- 81. Irene Rosenthal
- 82. Lisa Cain
- 83. J.J. Noire
- 84. Linda Calvin
- 85. Giancarlo Tucc-Berube
- 86. Sage Linda Spatz
- 87. Alfred Twu
- 88. Alex Oigny
- 89. Matthew Novak
- 90. Glomax
- 91. Pam Speich
- 92. Hawley Holmes
- 93. Jessica Behrman
- 94. Barbara Gilbert
- 95. Toni Casal
- 96. Dana Price
- 97. Mary Lee Noonan
- 98. Ellen Rodin
- 99. Cymbre Potter

**Item #51: ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172**

- 100. Sonja Trauss, on behalf of California Renters Legal Advocacy and Educational Fund

**Item 53a: Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)**

- 101. Angela McKee-Brown, on behalf for The Edible Schoolyard Project
- 102. Bonnie Christensen, Director of Nutrition Services
- 103. Jezra Thompson, Cooking & Gardening Program (Art Work)

**Item #56: Contract: Berkeley Marina Area Specific Plan (BMASP) 0 Hargreaves Associates**

104. Presentation, submitted by the Parks, Recreation & Waterfront Department

**Item #57: Resolution: No U.S. Intervention in Venezuela**

105. Revised material, submitted by Councilmember Harrison

**Rebuilding Together – East Bay North**

106. Rebuilding Together

**Contract Number 9893B**

107. Kelly Hammargren

**Consider the Homeless**

108. Consider the Homeless.org