

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 10, 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:** 6:16 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:17 p.m.

### **Ceremonial Matters:**

1. Recognition of the Cheeseboard Musicians
2. Recognition of Dr. Rowena Tomaneng, Berkeley City College President
3. Recognition of Stuart Baker, Telegraph BID Executive Director
4. Recognition of Youth BART Station Design Contest Winners
5. Adjourned in memory of Hampton Smith, former City of Berkeley employee

**City Manager Comments:** None

### **City Auditor Comments:**

The City Auditor gave a presentation to summarize the report on completed and outstanding recommendations.

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

### **Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 13 speakers.

**Action:** M/S/C (Arreguin/Hahn) to accept an urgent item from Councilmember Harrison for the Womens Therapy Center to be added to the agenda under Government Code Section 54954.2(b)(2).

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to accept an urgent item from Mayor Arreguin for an appointment to the Berkeley Housing Authority Board to be added to the agenda under Government Code Section 54954.2(b)(2).

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

**Action:** M/S/C (Arreguin/Wengraf) to accept revised materials from Councilmember Hahn on Item C.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**A. Adopt an Ordinance adding a new Chapter 9.50 to the Berkeley Municipal Code Requiring Legal Rights for Legal Tender** *(Reviewed by the Land Use, Housing & Economic Development Policy Committee. Continued from December 3, 2019)*

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

**Recommendation:** Adopt second reading of Ordinance No. 7,681-N.S. adding a new Chapter 9.50 to the Berkeley Municipal Code requiring legal rights for legal tender, requiring that all covered businesses accept cash.

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

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,681-N.S.

**B. Amendment: FY 2020 Annual Appropriations Ordinance** *(Continued from December 3, 2019)*

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,682-N.S. amending the FY 2020 Annual Appropriations Ordinance No. 7,669–N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments authorized since July 1, 2019, in the amount of \$146,891,298 (gross) and \$140,427,518 (net).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

**Action:** Adopted second reading of Ordinance No. 7,682-N.S.

## Consent Calendar

### **Urgent Item: Women's Therapy Center Debt Relief Effort: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**

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

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$100 from Councilmember Kate Harrison, to Women's Therapy Center's Debt Relief Effort (<http://www.womenstherapy.org>). Funds would be relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.

**Financial Implications:** See report.

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

**Action:** Adopted Resolution No. 69,205–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$300; Councilmember Harrison - \$100; Councilmember Davila - \$250; Councilmember Wengraf - \$100; Councilmember Robinson - \$200; Councilmember Bartlett - \$100; Councilmember Kesarwani - \$100; Mayor Arreguin - \$100.

### **Urgent Item: Appointment of Ali Kashani to the Berkeley Housing Authority Board**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution appointing Ali Kashani to serve a four-year term on the Berkeley Housing Authority Board of Commissioners.

**Financial Implications:** None.

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Adopted Resolution No. 69,206–N.S.

#### **1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of November 5, 2019 (special), November 12, 2019 (special and regular), and November 19, 2019 (special closed and regular).

**Financial Implications:** None

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

**Action:** Approved minutes as submitted.

#### **2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 10, 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 - \$2,913,252

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

**Action:** Approved recommendation.

## Consent Calendar

**3. Contract: First Alarm Security & Patrol, Inc. for Citywide Security Services  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with First Alarm Security & Patrol, Inc. dba First Security Services to provide unarmed security guard staffing services at various City locations and facilities in an amount not to exceed \$2,100,000 for 36-months commencing on or about March 1, 2020 through to February 28, 2023 and including the option to extend for two additional 1-year periods for a total of 5 years at a total not-to-exceed amount of \$3,550,000, subject to the City's annual budget appropriation process.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,207–N.S.

**4. Revenue Contract: Community Services Block Grant for Calendar Year 2020  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 20F-3001, estimated to be \$266,863 to provide services for low-income people for the period January 1, 2020 to December 31, 2020.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,208–N.S.

**5. Memorandum of Understanding for a Winter Relief Program  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a memorandum of understanding (MOU) between Alameda County and the City of Berkeley for a Winter Relief Program, consisting of \$75,000 allotted from Alameda County to the City, which will provide homeless people on the streets of Berkeley housing respite through May 31, 2020.

**Financial Implications:** \$75,000 (revenue)

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

**Action:** Adopted Resolution No. 69,209–N.S.

## Consent Calendar

### 6. **Jointly Apply for Infill Infrastructure Grant Funding for Projects Seeking City Funding through the 2019 Housing Trust Fund Request for Proposals**

**From: City Manager**

**Recommendation:** Adopt two Resolutions that enable affordable housing development projects that applied for City funding through the 2019 Housing Trust Fund Request for Proposals to access State of California Infill Infrastructure Grant (IIG) funds by:

1. Authorizing the City Manager to prepare and submit a joint application with each of the following developers proposing to use IIG funds: a. Satellite Affordable Housing Associates (for Blake Apartments at 2527 San Pablo); b. BRIDGE Housing Corporation (for 1740 San Pablo); c. Resources for Community Development (for Maudelle Miller Shirek Community at 2001 Ashby); and
2. Authorizing the City Manager to take actions needed for the City's participation in the IIG program by adopting state-required terms about submitting applications, entering into the State's Standard Agreement and other documents.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,210–N.S. (Joint Application); and Resolution No. 69,211–N.S. (IIG Participation).

### 7. **Jointly Apply for No Place Like Home Funding for Maudelle Miller Shirek Community at 2001 Ashby Avenue**

**From: City Manager**

**Recommendation:** Adopt two Resolutions that enable the proposed Maudelle Miller Shirek Community project to access State of California No Place Like Home program funds by:

1. Authorizing the City Manager to prepare and submit a joint application for Maudelle Miller Shirek Community at 2001 Ashby.
2. Authorizing the City Manager to take actions needed for the City's participation in the No Place Like Home program by adopting state-required terms about submitting applications, entering into the State's Standard Agreement and other documents, and providing mental health services for tenants of the resulting housing.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,212–N.S. (Joint Application); and Resolution No. 69,213–N.S. (No Place Like Home Participation).

## Consent Calendar

### 8. 2020 Health Plan Changes

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: (a) 2.58% increase for Kaiser S1 Group #60 (Active Group); (b) 2.07% increase for the HSA-Qualified Deductible HMO Plan (Active Group); (c) 6.01% increase for Pre-Medicare Eligible Retirees (Retiree Group); and (d) -0.004% decrease for Post-65 Senior Advantage (Retiree Group)
2. Approving rates for the Sutter Health Plus health plans as follows: (a) 5.37% increase for the Active HMO ML30 group; and (b) 5.41% increase for the Pre-Medicare retiree group.

The health plan premium rates will be effective for the period of January 1, 2020 through December 31, 2020.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,214–N.S. (Kaiser); and Resolution No. 69,215–N.S. (Sutter).

### 9. Contract No. 31900092 Amendment: Basic Pacific, Third-Party Administrator for COBRA Administration and Retiree Health Premium Assistance Plan Administration

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 31900092 with BASIC Pacific (BASIC) for COBRA Plan administration and administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police, for the period covering October 1, 2018, through December 31, 2022; for a total cost not to exceed \$405,000.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 69,216–N.S.

### 10. Contract No. 10542 Amendment: ServiceNow, Inc. for Information Technology Service Management, Project Management, and Government Risk and Compliance Software Licenses

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10542 with ServiceNow, Inc., for the extension of software licenses of the IT Service Management, Business Management, and Governance Risk and Compliance (GRC) modules, for an additional amount not-to-exceed \$266,076 and a total not-to-exceed amount of \$527,832 from February 14, 2017 to June 30, 2022.

**Financial Implications:** See report

Contact: Savita Chaudhary, Information Technology, (510) 981-6500

**Action:** Adopted Resolution No. 69,217–N.S.

## Consent Calendar

- 11. Waiver of City Ordinance No. 7,650-N.S. for Berkeley Tuolumne Camp Reconstruction Contracts**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a waiver of City Ordinance No. 7,650-N.S. (which adds Chapter 13.105 to the Berkeley Municipal Code to Adopt a Sanctuary Contracting Ordinance) for Berkeley Tuolumne Camp Reconstruction Project contracts.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,218–N.S.
- 12. Contract No. 3200082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 3200082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$241,451 plus a 20% contingency in the amount of \$48,290 for a total amount not to exceed of \$5,705,668.  
**Financial Implications:** Measure T1 Fund - \$289,741  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,219–N.S.
- 13. Contract No. 10793 Amendment: Siegel & Strain Architects for Construction Administration for the Berkeley Tuolumne Camp Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10793 with Siegel & Strain Architects for Construction Support Services for the Berkeley Tuolumne Camp Project, increasing the contract by \$2,900,000 for a total amount not to exceed \$7,200,000, and extending the term of the contract to July 1, 2022.  
**Financial Implications:** Camps Fund - \$2,900,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,220–N.S.

## Consent Calendar

### 14. Adjustments to the Measure T1 Phase 1 Project List

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the following adjustments to the Measure T1 Phase 1 project list with no additional funding: 1. Removal of the following projects: -Transfer Station Conceptual Master Plan; -West Berkeley Service Center conceptual design; 2. Change of phase from construction to planning for the following projects: -Berkeley Health Clinic; -Public Safety Building; -Hopkins Street – San Pablo to the Alameda; -Bancroft Way – Milvia to Shattuck; 3. Change of phase from design to planning for the following projects: -Berkeley Municipal Pier; -Tom Bates (Gilman) Fields North Field House / Restroom; 4. Addition of the following projects and funding to supplement existing T1 projects at the same site: -San Pablo Park – Additional Play Structure Replacement (ages 2-5); -Strawberry Creek Park – Play Structure Replacement; -Codornices Creek at Kains Avenue.

**Financial Implications:** See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700; Phillip Harrington, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 69,221–N.S.

### 15. Referral Response: Telegraph Avenue Loading Zone and Customer Parking Pilot Project Evaluation and Next Steps

**From: City Manager**

**Recommendation:** Adopt a Resolution marking the successful completion of the Telegraph Avenue Loading Zone and Customer Parking pilot project, making the pilot parking changes permanent, and authorizing the City Traffic Engineer to establish similar loading zone and/or customer parking regulations in all parking meter districts citywide, based on staff parking demand analysis, at the request of adjacent merchants, and/or in consultation with local business associations.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,222–N.S.

### 16. Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcwell contract bid procedures, and authorizing the City Manager to execute a purchase order for nine (9) Ford Super Duty F-Series Pickup Trucks with varying service body configurations with National Auto Fleet Group in an amount not to exceed \$492,284, and a subsequent purchase order for the conversion of the nine (9) Ford Super Duty F-Series Pickup Trucks to plug in hybrid vehicles in an amount not to exceed \$245,000 using XL Fleet technology when it becomes commercially available.

**Financial Implications:** See report

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

**Action:** Item held over to January 21, 2020.



## Consent Calendar

**17. Contract Nos. 31900080 and 31900205 Amendment: Edgeworth Integration, LLC for Server Storage**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute:

1. Amendment to Contract No. 31900080 with Edgeworth Integration, LLC for server storage, increasing the current contract by \$36,588 for a total not to exceed amount of \$71,588.

2. Amendment to Contract No. 31900205 with Edgeworth Integration, LLC for server storage, increasing the current contract by \$17,972 for a total not to exceed amount of \$35,028.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,223–N.S. (Contract No. 31900080); and Resolution No. 69,224–N.S. (Contract No. 31900205).

**18. Contract No. 9893B Amendment: ABM Industries for Expanding Electric Vehicle Charging Station Operations and Extended Maintenance Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9893B with ABM Industries to extend the term by three years, purchase additional Electric Vehicle (EV) charging stations, and provide network operations and maintenance, including extended warranty services, in the amount of \$131,556 for a total Contract not to exceed \$557,552 through June 30, 2026.

**Financial Implications:** Various Funds - \$131,556

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

**Action:** Adopted Resolution No. 69,225–N.S.

**19. Contract: Pacific Trenchless, Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Dwight Way, Fourth Street, Camelia Street, Seventh Street, Heinz Avenue, University Avenue, Dana Street, Ward Street, Dover Street, Haskell Street, and Seawall Drive; accepting the bid of the lowest responsive and responsible bidder, Pacific Trenchless, Inc.; 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 \$3,821,569 which includes a 10% contingency of \$347,415.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,226–N.S.

## Consent Calendar

**20. Contract: Precision Engineering Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on San Pablo Avenue at University Avenue, Parker Street, Carleton Street, Derby Street, and from Grayson Street to South City Limit; accepting the bid of the lowest responsive and responsible bidder, Precision Engineering Inc.; 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 \$2,246,219, which includes a 10% contingency of \$204,202.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,227–N.S.

**21. Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Neilson Street Backline, Thousand Oaks Boulevard Backline, Portland Avenue Backline, Peralta Avenue, San Lorenzo Avenue/Washington Avenue, Capistrano Avenue, Miramar Avenue Backline, The Alameda Backline, Arlington Avenue Backline, Michigan Avenue Backline, Alamo Avenue Backline, San Diego Road and Backline, Santa Barbara Road and Backline, San Luis Road Backline, Henry Street Backline, Berryman Street and Backline, Grizzly Peak Boulevard and Backline, Cypress Street/Buena Avenue, Rose Street, Grant Street, Edith Street, and Milvia Street Backline; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; 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 \$3,654,358, which includes a 10% contingency of \$332,214.

**Financial Implications:** Sanitary Sewer Fund - \$3,654,358

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

**Action:** Adopted Resolution No. 69,228–N.S.

**22. Contract No. 10396A Amendment: Du-All Safety, LLC for Safety Consulting and Training Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10396 with Du-All Safety, LLC for continued safety training and consulting services up to \$100,000 for a total contract amount not to exceed \$300,000, and to extend the contract term through December 31, 2022.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,229–N.S.

## Consent Calendar

23. **Contract No. 31900124 Amendment: B Bros Construction Inc. for Adult Mental Health Services Center Renovations Project at 2640 Martin Luther King Jr Way  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900124 with B Bros Construction, Inc. to complete renovation and seismic upgrade work at the Adult Mental Health Services Center (Center), increasing the current contract amount of \$4,886,293 by \$500,000 for a total amount not-to-exceed (NTE) of \$5,386,293.

**Financial Implications:** T1 Fund - \$500,000

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

**Action:** Adopted Resolution No. 69,230–N.S.

## Consent Calendar

### 24. 2019 Housing Trust Fund Request for Proposals Funding Reservations

#### From: Measure O Bond Oversight Committee

**Recommendation:** Adopt a Resolution to:

1. Reserve Measure O bond revenues and other available funds for the following proposals at the following levels, for a total reservation of \$36,002,640: a. Satellite Affordable Housing Associates' Blake Apartments development (2527 San Pablo) at \$11,500,000; and b. BRIDGE Housing Corporation's 1740 San Pablo Avenue development at \$7,500,000; and c. Northern California Land Trust's (NCLT) Anti-Displacement Project (2321-2323 10th Street) at \$1,570,640; and d. Resources for Community Development's (RCD) Maudelle Miller Shirek Community (2001 Ashby) at \$15,432,000.
2. Fund the projects in the priority order listed above. If the available funds are insufficient to support all four proposals in full, forward commit funds from the next planned issuance of Measure O funds.
3. Consider funding 2321-2323 10th Street/Anti-Displacement Project (NCLT) using general funds such as those received pursuant to Measure U1.
4. For the NCLT Project at 2321-2323 10th Street: a. Waive the HTF Guidelines requirements listed below to allow funding for this project: i. Threshold for developer experience; and ii. City subsidy limit equal to 40% of total development costs.  
b. Condition this new funding on NCLT's demonstrated compliance with the Council-mandated requirements of its 2017 development loan agreement. c. Apply Small Sites Program development and operating budget standards to NCLT's project.
5. Authorize the City Manager to execute all original or amended documents or agreements to effectuate this action.

**Financial Implications:** See report

Contact: Amy Davidson, Commission Secretary, (510) 981-5400

**Action:** Adopted Resolution No. 69,231–N.S. amended to add an additional recommendation as written below.

*6. After funding the priorities listed above, establish housing for Berkeley Unified School District employees under the Teacher Housing Act of 2016 (Health and Safety Code Section 53570 et seq.) as the first priority for any remaining funding from the next planned issuance of Measure O funds; and the City Council will consider, after review and recommendation from the Measure O Bond Oversight Committee, forward committing funding once the Berkeley Unified School District presents the Measure O Bond Oversight Committee with a proposal with sufficient specificity as to reasonably enable such a forward commitment.*

## Consent Calendar

- 25. Support for Non-Violent Activists and Protections of Animals in Commercial Operations**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution supporting non-violent activists and protecting animals in commercial operations.  
**Financial Implications:** Minimal  
Contact: Erin Steffen, Commission Secretary, (510) 981-7000  
**Action:** Adopted Resolution No. 69,232–N.S. as revised in Supplemental Communications Packet #1 and further revised on the record at the Council meeting.

## Council Consent Items

- 26. Ninth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Mayor Arreguin and Councilmembers Davila and Bartlett**  
**Recommendation:**  
1. Adopt a Resolution co-sponsoring the 9th Annual Martin Luther King Jr. Celebration Breakfast on January 20, 2020.  
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 9th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Fund - \$500  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 69,233–N.S. (Sponsorship); and Resolution No. 69,234–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Harrison - \$100; Councilmember Davila - \$250; Councilmember Wengraf - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$200; Mayor Arreguin - \$500.

## Council Consent Items

**27. February 2020 Berkeley Black History Month organized by Berkeley Juneteenth Association: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

**From: Councilmembers Bartlett and Davila**

**Recommendation:** Adopt a Resolution approving the expenditure of funds, including \$500 from Councilmember Bartlett, for Black History Month and the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)(3). The funds should be relinquished to the City's general fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

**Financial Implications:** Staff time

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** Adopted Resolution No. 69,235–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$200; Councilmember Harrison - \$250; Councilmember Davila - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$500; Mayor Arreguin - \$250.

### Action Calendar – Public Hearings

**28. 2019 Local Hazard Mitigation Plan**

**From: City Manager**

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

1. Adopt a Resolution adopting the 2019 Local Hazard Mitigation Plan (LHMP); and
2. Adopt a Resolution amending the General Plan to incorporate the LHMP.

**Financial Implications:** See report

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

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Droste) to:

1. Adopt Resolution No. 69,236–N.S. (Local Hazard Mitigation Plan)
2. Adopt Resolution No. 69,237–N.S. (General Plan)

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

Councilmember Davila absent 11:23 p.m. – 11:25 p.m.

Councilmember Harrison absent 11:23 p.m. – 11:25 p.m.

## Action Calendar – Public Hearings

### 29. Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Lincoln Street

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25N by adding a subsection to implement Residential Preferential Parking (RPP) on the 1500 block of Lincoln Street in RPP Area N.

**Financial Implications:** General Fund - \$2,000

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

**Action:** M/S/C (Arreguin/Wengraf) to hold over Item 29 to January 21, 2020.

**Vote:** All Ayes.

## Action Calendar – Continued Business

### C. Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City *(Continued from December 3, 2019)*

**From:** Disaster and Fire Safety Commission

**Recommendation:** The recommendation as stated above from the Disaster and Fire Safety Commission (DFSC) to the Council includes the following seven components:

1. Allocate full funding of the Fire Department's Safe Passages Program;
2. Initiate immediate action;
3. Recognize that parking restrictions are necessary on some streets for the health and well-being of Berkeley residents;
4. Establish priorities for enacting parking restrictions;
5. Develop a departmental coordinated team effort;
6. Inform the public; and
7. Document and distribute the extent of the access and egress problem.

**Financial Implications:** See report

Contact: Keith May, Commission Secretary, (510) 981-3473

**Action:** Moved to Consent Calendar. Adopted recommendation as revised in materials accepted for consideration at the meeting with further amendments noted below.

*Revise the item to add that the City will help residents/property owners problem solve for unusual circumstances where new red striping of curbs will significantly curtail the ability of residents to access their homes through non-conforming applications or other approaches. Circumstances to be considered:*

2. *Unusual property configurations that render parking alternatives difficult or impossible.*

## Action Calendar – Continued Business

**Da. Public Works Commission Recommendation for the Five-Year Paving Plan**

*(Continued from December 3, 2019)*

**From: Public Works Commission**

**Recommendation:** Adopt a resolution that recommends approval of the Five-Year Paving Plan for FY2020 to FY2024 as proposed by Staff and recommends the creation of a Long-Term Paving Master Plan.

**Financial Implications:** See report.

Contact: Nisha Patel, Commission Secretary, (510) 981-6300

**Db. Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan** *(Continued from December 3, 2019)*

**From: City Manager**

**Recommendation:** Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2020 to FY 2024 and refer to the City Manager consideration of a Long-Term Paving Master Plan to be started after the completion of the public process of T1 Phase 2. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.

**Financial Implications:** See report

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

**Action:** Items Da and Db held over to January 21, 2020.

## Action Calendar – New Business

**30. Urgency Ordinance Amending Accessory Dwelling Unit (ADU) Ordinance to Comply with New State Law and Establish Interim Limits on Development; Amending BMC Chapter 23C.24**

**From: City Manager**

**Recommendation:** Adopt an Urgency Ordinance amending Berkeley Municipal Code Chapter 23C.24 (Accessory Dwelling Units) to comply with new State law and establish interim limits on ADU development pending further analysis, deliberation and adoption of local regulations, in order to help ensure public safety.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Ordinance No. 7,683–N.S.



## Council Action Items

31. **Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group From: Mayor Arreguin, and Councilmembers Bartlett and Kesarwani Recommendation:**

1. Approve a Memorandum of Understanding (MOU) between the City of Berkeley and the Bay Area Rapid Transit District (BART) to establish a process for cooperatively pursuing the implementation of Assembly Bill 2923 (AB 2923, Stats. 2018, Chp. 1000) at the Ashby and North Berkeley BART Stations. This action is pursuant to unanimous City Council direction on May 9, 2019, to direct the City Manager to “engage with BART to develop an MOU that outlines the project planning process including feasibility analysis, project goals, and roles and responsibilities; and direct that the MOU return to Council for adoption.”

2. Establish a Community Advisory Group (CAG) for the purposes of providing input: -To the City Planning Commission as it considers zoning standards that will be consistent with the City’s obligations under AB 2923 for the Ashby and North Berkeley BART station areas; and -To the City and BART as the parties establish a joint vision and priorities document that will be incorporated in eventual Requests for Proposal/Requests for Qualifications for potential developers of the BART Properties.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 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, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila, Harrison.

**Action:** 73 speakers. M/S/C (Arreguin/Kesarwani) to:

Pass the recommendation in the item, authorizing the Mayor and City Manager to execute a Memorandum of Understanding between the City of Berkeley and the Bay Area Rapid Transit District to establish a process for cooperatively pursuing the implementation of Assembly Bill 2923 at the Ashby and North Berkeley BART Stations;

And correct inadvertent omissions in the drafting of the MOU, including a reference to General Plan policy LU-32 on page 2, and noting that the MOU will need to be updated with final language of the Adeline Corridor Specific Plan once it is adopted by Council, and clarify wherever there is a reference to developer to notate “parenthesis – s – end parenthesis”;

And to establish a Community Advisory Group, with members recommended by the Council and appointed by the Mayor and Councilmembers Kesarwani and Bartlett, for the purposes of providing input to the Planning Commission as it considers

## Council Action Items

zoning standards that will be consistent with the City's obligations under Assembly Bill 2923 for the Ashby and North Berkeley BART station areas;

And to refer issues arising from tonight's Council discussion, including requesting a broader access study contingent on funding, seeking additional affordable housing funds, and requiring that the Joint Vision and Priorities Document and the Access Study return to Council for approval, to the City Manager and the Planning Commission process.

**Vote:** All Ayes.

## Information Reports

- 32. City Council Short Term Referral Process – Monthly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Received and filed.
- 33. Examination of Department Directors Transition Procedures Follow-Up Audit - Status Report**  
**From: City Manager**  
Contact: Dave White, City Manager's Office, (510) 981-7000  
**Action:** Received and filed.
- 34. Recommendation Status Reports: Credit Card Audit, Cash Handling, Business License Tax, and Contracts Review Audits**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Received and filed.
- 35. Public Health Division Strategic Plan Update**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Received and filed.
- 36. Report on Workers' Compensation Annual Program Review FY18-19**  
**From: City Manager**  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800  
**Action:** Received and filed.
- 37. goBerkeley Parking Management Program - Recommended Adjustments for February 1, 2020**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Received and filed.

## Information Reports

### 38. Recommendation Follow Up Report, December 2019

**From: Auditor**

Contact: Jenny Wong, Auditor, (510) 981-6750

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda** - 2 speakers.

## Adjournment

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

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

Adjourned at 11:25 p.m.

## Communications

### Item #14: Modification of Measure T1 Phase 1 Project List

1. MiSoon Yang (2)

### Item #25: Support for Non-Violent Activists and Protections of Animals in Commercial Operations

2. Shawna Hamilton

### Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group

3. Mary-Louise Hansen

### Women's Therapy Center

4. Margie Cohen

### Kids Art Contest – North Berkeley BART

5. Beth Gerstein, on behalf of Councilmember Kesarwani

### Trash Pick Up at University and Highway 80

6. Diana Bohn

### Pedestrian Protection at Shattuck and Woolsey

7. Ashleigh Kanat

### UC Berkeley/Citywide Security Concerns

8. Marianna Bacher

### **Public Safety Power Shutoffs**

9. Thomas Gregory

### **Nutrition Standards at Checkout**

10. Darya Minovi, on behalf of the Center for Science in the Public Interest

11. Xochitl Castaneda, on behalf of the Health Initiative of the Americas

12. Amanda Nube

13. Juan Garay

### **Support YSA's Tiny House Village Project**

14. Sara Fread

15. Helen Toy

16. Eunice Orfa Bonfil Tapia

### **2710 Shattuck Apartment Building**

17. Hector Salgado

### **5G/Cell Antenna Regulation**

18. Meaveen O'Connor

19. Carol Pinson

20. Beth Jerde

21. Councilmember Harrison

22. Gar Smith

23. T. Tobey

24. Regina DiMaggio

25. Tom Luce

26. Susan Griffin

27. Vivian Warkentin

### **Opportunity Zones**

28. Margy Wilkinson

### **Police Review**

29. Linda Franklin

### **Affordable Housing Framework**

30. Linda Franklin

### **Here/There Encampment**

31. Pedro Alvarez, Jr.

## **Supplemental Communications and Reports 1**

### **Item #24: 2019 Housing Trust Fund Request for Proposals Funding Reservations**

32. Ranil Abeysekera

**Item #25: Support for Non-Violent Activists and Protections of Animals in Commercial Operations**

33. Revised material, submitted by Councilmember Davila

**Item #30: Urgency Ordinance Amending Accessory Dwelling Unit (ADU) Ordinance to Comply with New State Law and Establish Interim Limits on Development; Amending BMC Chapter 23C.24**

34. Berkeley Neighbors Council Executive Committee

**Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group**

35. Libby Lee-Egan

36. Phyllis Orrick

37. Adam Rogers

38. Gerry Tierney

39. Victoria Eisen

40. Lee Bishop

41. Alfred Twu

42. Jonathan Singh

43. Kim Thompson

44. Will Travis

45. Tedi Siminowsky

46. Andrew Doran

47. Janice Murota

48. North Berkeley Now!

49. Valerie Knepper

50. Betsy Thagard

51. Joann Sullivan

52. 10 identical form letters

**Supplemental Communications and Reports 2**

**Item #28: 2019 Local Hazard Mitigation Plan**

53. Bentham Paulos, Commission, Berkeley Energy Commission

**Item #C: Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City**

54. Supplemental material, submitted by Councilmember Hahn

**Item #Db: Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**

55. Amber Menzies

**Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group**

56. Theo Posselt
57. Alice Philipson
58. Sara and Kathy Dwight
59. Alicia Telford
60. Riti Dhesi
61. Walter Wood
62. Michael Katz
63. Paul Bickmore
64. Pablo Diaz-Gutierrez
65. Jenn Guitart
66. Mark
67. Watson Ladd
68. Teresa Clarke on behalf of South Berkeley Now!
69. Denise Keller
70. Laura Mason, on behalf of Engage
71. Elaine Hutsinpillar
72. Charles Siegel
73. Shawn Drost
74. Laura Klein
75. Liza Lutzker
76. Neal Donnelly
77. Charis Baz
78. Laura Leticia
79. Pamela Montanaro
80. Iris Starr
81. Laura Magnani
82. Barbara Fisher
83. Laura Garcia-Moreno
84. Howard Goldberg
85. Cindi Goldberg
86. Mary Ann Brewin
87. Eileen Hughes
88. Corey Smith, on behalf of Bay Area Housing Advocacy Coalition
89. Tony Corman
90. Paola Laverde, on behalf of the Berkeley Tenants Union
91. Kathleen Tuttle
92. Sophia DeWitt, on behalf of East Bay Housing Organizations
93. Jane Scantlebury
94. Phyllis Orrick
95. Claudia Valas
96. Sean Gibson
97. Chimey Lee

98. Sean Kennedy

**Item #28: 2019 Local Hazard Mitigation Plan**

99.0 (zero) Communications submitted via Berkeley Considers, included summary information.

**Supplemental Communications and Reports 3**

**Appointment of Ali Kashani to the Berkeley Housing Authority Board**

100. Urgency item, submitted by Mayor Arreguin

**Women's Therapy Center Debt Relief Effort: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

101. Urgency item, submitted by Councilmembers Harrison, Robinson, Hahn and Mayor Arreguin

102. Women's Therapy Center

**Item# 16: Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations**

103. Dave Margulius

104. Kelly Hammargren

**Item #24: 2019 Housing Trust Fund Request for Proposals Funding Reservations**

105. Marissa Ashkar

106. Alex Link

**Item #25: Support for Non-Violent Activists and Protections of Animals in Commercial Operations**

107. Anne Greene

108. Holly Zappala

109. Angela Pitkin

110. Robbi Norman

111. Sabrina Harbison

112. Donna Beck

113. Robert Bulger

114. Mary Jaimes

115. Jan Dykema

**Item #29: Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Lincoln Street**

116. Nathan Tsuizaki

**Item #C: Recommendation to Immediately Fund and Implement the Safe Passages Program and Additional Actions to Ensure Emergency Equipment Access to All Parts of the City**

117. Proposed revision, submitted by Councilmember Hahn

**Item #Db: Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**

118. Ben Gerhardstein

**Item #31: Approval of a Memorandum of Understanding between the City of Berkeley and BART on Implementation of State Law AB 2923 at the Ashby and North Berkeley BART Stations and Establishment of a Community Advisory Group**

119. Tobey Wiebe (2)
120. Liat Zavodivker
121. Phil Sanders
122. Mary Law
123. Noah Budnick
124. Ross Esters Blum
125. Elisa Mikiten
126. Elizabeth Horowitz
127. Rebecca and Peretz Wolf-Prusan
128. Kyle Lian
129. Jodi Levin
130. Kevin Burke
131. Jennifer Price Wolf
132. Lois Cantor
133. Elana Naftalin-Kelman
134. Quentin Freeman
135. Samantha Warren
136. Katharine Bierce
137. Dmitriy Ryaboy
138. Janice Schroeder
139. Margy Wilkinson
140. Soula Culver
141. Varsha Sarveshwar, on behalf of the Associated Students of Cal
142. Nathan Tsuizaki
143. Julieta Pisani McCarthy
144. Gramma Grass
145. Fran Wicker
146. Jacqueline Erbe, on behalf of Walk Bike Berkeley
147. Rudabeh Pakravan
148. Richard Barber
149. Vicki Sommer (2)
150. Teresa Clarke
151. Ellen Woods
152. Marcia Poole
153. Friends of Adeline
154. Anna Weinstein
155. Davina Srioudom
156. Ann Rogers
157. Jonathan Sklute
158. Elliott Schwimmer



159. Scot Conner
160. Alan Mitchell Siebuhr
161. Atticus Liu
162. Susan Overton
163. Diego
164. Barak Gila
165. Carole Cool
166. Katy Love
167. Avram Gur Arye
168. Christine Schwartz
169. Patrick Journey
170. Todd Darling
171. Meredith Gold
172. Sarah Abdesahian, on behalf of the Cal Berkeley Democrats
173. Cora Johnson-Grau
174. Michael Caplan
175. Daniel Rosenthal
176. Charles Deuter
177. Aaron Stein-Chester
178. Manuel Hurtado
179. Sarah Bancroft
180. Sara Doudreau
181. Sarah Garrett
182. Lindsay Brothers
183. Elena Topete
184. Karen Roekard
185. Miranda Ewell
186. Theo Posselt
187. Toni Stein
188. Betsy Thagard

**Item #38: Recommendation Follow Up Report, December 2019**

189. Presentation, submitted by the Auditor
190. Berkeley City Auditor

**Street Light Installation Report**

191. Tanko Lighting