



Office of the City Manager

CONSENT CALENDAR  
February 25, 2020

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

RECOMMENDATION

Approve the minutes for the Council meetings of January 14, 2020 (special closed and special), January 21, 2020 (special closed and regular) and January 28, 2020 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 14, 2020 - Special Closed City Council Meeting
2. January 14, 2020 - Special City Council Meeting
3. January 21, 2020 - Special Closed City Council Meeting
4. January 21, 2020 - Regular City Council Meeting
5. January 28, 2020 - Special City Council Meeting
6. January 28, 2020 – Regular City Council Meeting

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**TUESDAY, JANUARY 14, 2020**

**5:00 P.M.**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

**Roll Call:** 5:04 p.m.

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

**Absent:** Kesarwani, Davila, Bartlett

Councilmember Kesarwani present at 5:10 p.m.

Councilmember Davila present at 5:17 p.m.

Councilmember Bartlett present at 5:20 p.m.

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

**CLOSED SESSION:**

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

**1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):**

**a. Title of position to be filled:** Director of Health, Housing & Community Services

**Action:** No reportable action.

**OPEN SESSION:**

No reportable action.

**Adjournment**

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

**Vote:** All Ayes.

Adjourned at 5:55 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of January 14, 2020 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, January 14, 2020**

**6:00 P.M.**

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:** 6:04 p.m.

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

**Absent:** None

**Worksession**

**1. Civic Center Vision and Implementation Plan**

**From: City Manager**

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

**Action:** 6 speakers. Presentation made and discussion held.

**2. goBerkeley Program Update - January 2020**

**From: City Manager**

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

**Action:** Item postponed to January 28, 2020

**Adjournment**

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

**Vote:** All Ayes.

Adjourned at 8:10 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of January 14, 2020 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Civic Center Vision and Implementation Plan**

1. Presentation, submitted by the City Manager's Office

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**TUESDAY, JANUARY 21, 2020**

**4:00 P.M.**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

**Roll Call:** 4:05 p.m.

**Present:** Harrison, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Davila, Bartlett, Hahn

Councilmember Kesarwani present at 4:06 p.m.

Councilmember Davila present at 4:07 p.m.

Councilmember Bartlett present at 4:31 p.m.

**Public Comment - Limited to items on this agenda only – 5 speakers**

**CLOSED SESSION:**

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

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

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

**Employee Organizations:** Berkeley Police Association

**Action:** No reportable action.

**OPEN SESSION:**

No reportable action.

**Adjournment**

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

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

Adjourned at 5:37 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of January 21, 2020 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 21, 2020**  
**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:** 6:02 p.m.

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

**Absent:** None

**Ceremonial Matters:**

1. Recognition of 47<sup>th</sup> Anniversary of Roe v. Wade
2. Recognition in Memory of Hampton Smith, Former City Employee
3. Adjourned in memory of East Bay Regional Parks District Boardmember, Whitney Dotson
4. Adjourned in memory of Jim Slep, Former Berkeley High School Principal

**City Manager Comments:** None

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

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 22 speakers

**Action:** M/S/C (Arreguin/Robinson) to accept revised material from Councilmember Robinson on Item 44.

**Vote:** All Ayes.

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

**Vote:** All Ayes.



## Recess Items

1. **License Agreement: California Jazz Conservatory for Property at 1947 Center Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a license agreement with California Jazz Conservatory (“Jazz School”) for non-exclusive use of space on the fifth floor at 1947 Center Street for a three-month term ending March 31, 2020.  
**Financial Implications:** See report  
Contact: David White, City Manager’s Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,238–N.S.
  
2. **Contract: Capoeira Arts Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with Capoeira Arts Foundation in an amount not to exceed \$150,000.  
**Financial Implications:** See report  
Contact: David White, City Manager’s Office, (510) 981-7000  
**Action:** Adopted Resolution No. 69,239–N.S.

## Consent Calendar

3. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of December 3, 2019 (special closed and regular), December 10, 2019 (special closed and regular) and December 16, 2019 (special closed).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved minutes as submitted.
  
4. **City Council Short Term Referral Process**  
**From: City Manager**  
**Recommendation:** Approve moving Short Term Referral reporting to a quarterly basis, in alignment with Strategic Plan reporting.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved recommendation.

## Consent Calendar

**5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 21, 2020**

**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 - \$7,281,620

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

**Action:** Approved recommendation.

**6. Contracts: Citywide Printing and Copying Services**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to approve contracts and any amendments with the following named firms for Citywide Printing and Copying Services for a total amount not to exceed \$675,000 for a 3 year period starting February 1, 2020 through January 31, 2023, subject to the City's annual budget appropriation process:

1. Synthesis Group Inc. dba Minuteman Press Berkeley in an amount not to exceed \$575,000;

2. In and Out Printing Services, Inc. in an amount not to exceed \$100,000.

**Financial Implications:** Various Funds - \$675,000

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

**Action:** Adopted Resolution No. 69,240–N.S. (Synthesis) and Resolution No. 69,241–N.S. (In and Out).

**7. Contract: Venture Tactical for Personal Protective Equipment for Firefighters**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Venture Tactical to provide personal protective equipment (PPE) for Berkeley Firefighters in an amount up to \$112,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,242–N.S.

**8. Contract: First Spear Of California (FSOC) for Personal Protective Equipment for Firefighters**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with First Spear Of California (FSOC) to provide personal protective equipment (PPE) for Berkeley Firefighters in an amount up to \$47,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,243–N.S.

## Consent Calendar

- 9. Contract: Michael Brady for Emergency Management Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Michael Brady to provide emergency management training for City Emergency Operations Center (EOC) and Department Operations Center (DOC) staff in an amount up to \$166,680.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 69,244–N.S.
- 10. Designate the Line of Succession for the Director of Emergency Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 68,336-N.S.  
**Financial Implications:** None  
Contact: David Brannigan, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 69,245–N.S.
- 11. Grant Application: Funding from Bay Area Urban Areas Security Initiative (UASI) to Support Emergency Medical Training Equipment and Fire/Rescue Utility Vehicle Purchases**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager or her designee to submit grant applications to the Bay Area Urban Areas Security Initiative grant program in the amount of \$56,472 to fund purchase of Emergency Medical Training Equipment and in the amount \$53,134 to fund purchase of a Polaris Fire/Rescue Utility Vehicle, and to accept grant funds and execute resulting grant agreements.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 69,246–N.S. (Equipment) and Resolution No. 69,247–N.S. (Vehicle).

## Consent Calendar

- 12. Grant Application: Funding from California Department of Forestry and Fire Protection to Support Hazardous Fuels Reduction in Berkeley Wildland Urban Interface**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$800,484 to the California Department of Forestry and Fire Protection (Cal Fire) California Climate Investments (CCI) program to fund a three-year vegetation mitigation program to operate in the Wildland Urban Interface (WUI) of Berkeley's Fire Zones 2 and 3, and to accept grant funds and execute a resulting grant agreement.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 69,248–N.S.
- 13. Contract No. 31900132 Amendment: BOSS for Representative Payee Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900132 with vendor Building Opportunities for Self-Sufficiency (BOSS) to provide Representative Payee services. (A representative payee is a person or organization appointed by the Social Security Administration to receive the Social Security or Supplemental Security Income benefits for anyone who is unable to manage or direct the management of his or her benefits.) The amendment will add \$25,000 to the current contract and extend it through June 30, 2020 for a total contract not to exceed amount of \$100,000. The current contract would be extended by four months, pursuant to the MHSA Plan, with additional funding proportionate to the monthly payment terms of the original contract.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,249–N.S.
- 14. Contract No. 10631B Amendment: Resource Development Associates for HOTT Evaluation Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10631B with Resource Development Associates (RDA) to provide evaluation consulting services for the Mental Health Division's Homeless Outreach and Treatment Team (HOTT), in an amount not to exceed \$24,000, for a total contract amount not to exceed \$78,500.  
**Financial Implications:** Mental Health Services Act Prevention and Early Intervention Homeless Outreach Fund - \$24,000  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,250–N.S.

## Consent Calendar

- 15. Release of Resale Restrictions on former Redevelopment Agency Homeowner Loans**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute releases for resale restrictions on seven homeowner loans made by the former Berkeley Redevelopment Agency.  
**Financial Implications:** None  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,251–N.S.
- 16. Grant Applications: California Affordable Housing and Sustainable Communities Infrastructure and Agreements in Connection with the Proposed Blake Apartments and Maudelle Miller Shirek Community Projects**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under agreements (including amendments) with the following developers and/or their affiliates relating to grant applications to the California Affordable Housing and Sustainable Communities program for project-related transportation and infrastructure improvements: a. Satellite Affordable Housing Associates for Blake Apartments (2527 San Pablo), for a total grant amount of up to \$1.422 million; and b. Resources for Community Development for Maudelle Miller Shirek Community (2001 Ashby), for a total grant amount of up to \$2.625 million. 2. Authorizing the City Manager to accept up to \$4.047 million in state AHSC funds from the projects and complete selected transportation improvements if awarded.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,252–N.S.
- 17. Approving a Partial Assignment and Third Amendment to the Disposition and Development Agreement, Ground Leases, and Certain Related Documents for 2012 Berkeley Way**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance approving a Partial Assignment and Third Amendment to the Disposition and Development Agreement for 2012 Berkeley Way, the three ground leases outlined in the Disposition and Development Agreement, and two Reciprocal Easement, Maintenance and Joint Use Agreements required for project operations.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted first reading of Ordinance No. 7,684–N.S. Second reading scheduled for February 11, 2020. Revisions to the leases attached to the ordinance include more precise definitions of the leasehold interest, expanding certain lender rights in the event of various possible negative outcomes such as property damage, destruction, condemnation, or foreclosure, and confirming that leases will be recorded at closing.

## Consent Calendar

- 18. \*\*\*Removed from Agenda by the City Manager\*\*\* Contract No. 9649  
Amendment: Sloan Sakai LLP for Continued Chief Labor Negotiator Services  
From: City Manager  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800**
- 19. Classification and Salary: Establish Mental Health Nurse Classification Series  
From: City Manager  
Recommendation:** Adopt a Resolution amending Resolution No. 68,626-N.S. Classification and Salary Resolution for SEIU Local 1021 CSU & PTRLA to establish the classifications of Mental Health Nurse with a monthly salary range of \$9,348.02 - \$11,363; Senior Mental Health Nurse with a monthly salary range of \$9,815.87 - \$11,931.92; and amending Resolution No. 68,710–N.S. Classification and Salary Resolution for Public Employees Union Local to establish a Supervising Mental Health Nurse classification with a monthly salary range of \$10,307.24 - \$12,528.52 – effective January 21, 2020.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 69,253–N.S.
- 20. 2020 Fee Assessment – State of California Self-Insurance Fund (Workers’ Compensation Program)  
From: City Manager  
Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2020 for administering the Workers’ Compensation Program, in an amount not to exceed \$285,609.  
**Financial Implications:** Workers’ Compensation Self-Insurance Fund - \$285,609  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 69,254–N.S.
- 21. Contract No. 9791 Amendment: Environmental Systems Research Institute, Inc. (ESRI) for Enterprise Graphical Information Systems (GIS) Software License Maintenance and Support  
From: City Manager  
Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9791 with Environmental Systems Research Institute, Inc. (ESRI) for Enterprise GIS software license maintenance and support increasing the amount by \$225,000 for a not-to-exceed total of \$621,000 for the period of July 1, 2020 through June 30, 2023.  
**Financial Implications:** Various Funds - \$225,000  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,255–N.S.

## Consent Calendar

- 22. Contract No. 10264B Amendment: ThirdWave Corporation for Digital Strategic Plan Refresh and RapidWorkflow® Process Modeling (RWPM) Certification Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No 10264B with ThirdWave Corporation for Digital Strategic Plan Refresh and RapidWorkflow® Process Modeling (RWPM) Workshops for an amount not to exceed \$73,658, and a total contract value not to exceed \$329,061 from May 1, 2016 through June 30, 2021.  
**Financial Implications:** Various Funds - \$73,658  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,256–N.S.
- 23. Contract No. 10988 Amendment: Presidio Network Solutions, LLC: Develop and Deliver a roadmap for Cyber Resilience Plan (CRP)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No 10988 with Presidio Network Solutions (“Presidio”) for an amount not to exceed \$28,620 and a total contract value not to exceed \$128,620 from September 21, 2018 through June 30, 2021.  
**Financial Implications:** Various Funds - \$28,620  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 69,257–N.S.
- 24. Donation: Memorial Bench at Cesar Chavez Park in memory of Michael H. Weiss**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Michael H. Weiss.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,258–N.S.
- 25. Amendment to Contract No. 32000034 with Bellingham to Replace Additional Finger Docks at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000034 with Bellingham Inc. to replace damaged finger docks at the Berkeley Marina by increasing the construction contract amount by \$60,000 for a not-to-exceed amount of \$384,335.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 69,259–N.S.

## Consent Calendar

- 26. Contract No. 31900207 Amendment: Recruiting, Advertising, and Marketing Strategy for the Berkeley Police Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900207 with Epic Recruiting, to provide additional recruiting and advertising services for police and professional staff vacancies. This amendment would add \$90,000 for a total contract amount not to exceed \$190,000, and extending the term through April 30, 2021.  
**Financial Implications:** General Fund - \$90,000  
Contact: Andrew Greenwood, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 69,260–N.S.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.
- 27. Contract No. 10645 Amendment: Recology Blossom Valley Organics - North for the Hauling and Processing of Organic (Compostable) Materials**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10645 for a five (5) year term with Recology, Inc.'s Blossom Valley Organics - North facility for the hauling and processing of organic (compostable green and food waste) materials through February 28, 2025 increasing the amount of the contract by \$13,600,000 for a total amount not-to-exceed \$26,661,930.  
**Financial Implications:** Zero Waste Fund - \$13,600,000  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,261–N.S.
- 28. Appointments of Maria Moore, Edward Opton and Farzaneh Izadi to the Mental Health Commission**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution approving the appointment of Maria Moore as a representative of the Special Public Interest Category; Edward Opton, as a representative of the General Public Interest Category; and Farzaneh Izadi as a representative of the Special Public Interest Category to the Mental Health Commission, for three year terms beginning January 22, 2020 and ending January 21, 2023.  
**Financial Implications:** None  
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 69,262–N.S.



## Consent Calendar

29. **Resolution: Oppose the new U.S. base construction in Henoko-Oura Bay of Okinawa**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution in opposition of the new U.S. base construction in Henoko-Oura Bay of Okinawa.  
**Financial Implications:** None  
Contact: Nina Goldman, Commission Secretary, (510) 981-7000  
**Action:** No action taken.  
**Vote:** Ayes – Davila, Bartlett, Harrison, Robinson; Noes – None; Abstain – Kesarwani, Hahn, Wengraf, Droste, Arreguin.

## Council Consent Items

30. **YMCA of the East Bay Youth & Government Program**  
**From: Mayor Arreguin and Councilmember Bartlett**  
**Recommendation:** Adopt a Resolution approving the D-13 expenditure of \$1,500 in an amount not to exceed \$300 per Councilmember, to the YMCA of the East Bay's Youth & Government program.  
**Financial Implications:** Mayor's Discretionary Fund - \$300  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmembers Hahn and Wengraf added as co-sponsors. Adopted Resolution No. 69,263–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$200; Councilmember Robinson - \$100; Councilmember Davila - \$100; Councilmember Harrison - \$100; Councilmember Wengraf - \$300.
31. **Berkeley Youth Alternatives (BYA) 16th Crab Feed on Thursday, February, 27, 2020: 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 \$120 from Councilmember Cheryl Davila, to support Berkeley Youth Alternatives, for their 16th Annual Crab Feed Fundraiser on Thursday, February 27, 2020, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Cheryl Davila and Mayor or any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - \$120  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 69,264–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$120.

## Council Consent Items

- 32. Short Term Referral to the City Manager: 1. Improve and increase External Community Engagement; 2. Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability (Reviewed by the Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee)**  
**From: Councilmembers Davila and Bartlett**  
**Recommendation:** Adopt the following amended actions with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee: 1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new policies and programs which affect “marginalized and front-line communities.” 2. Short Term Referral to the City Manager to report back and identify funding resources and funding needed to adequately implement number 1, including different organizational structure options; and recommendations for funding. 3. Implement and require all City Council items, and staff reports include Climate Impacts in addition to Environmental Sustainability.  
**Financial Implications:** To be determined  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 33. Budget Referral to Conduct an Equal Pay Audit**  
**From: Councilmember Harrison**  
**Recommendation:**  
1. Refer to the June 2020 Budget Process \$20,000 to pay for an Equal Pay Audit for City of Berkeley employees. The audit would include pay band analyses and analyses of job segregation and glass ceilings.  
2. Issue an RFP to complete the Equal Pay Audit  
**Financial Implications:** \$20,000  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

## Council Consent Items

**34. National Zero Waste Conference: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds From: Councilmember Hahn, Mayor Arreguin, and Councilmember Bartlett Recommendation:**

1. Adopt a resolution co-sponsoring the National Zero Waste Conference at UC Berkeley on March 18-19, 2020.
2. Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the National Recycling Coalition, the fiscal sponsor of the conference, 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, (510) 981-7150

**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 69,265–N.S. (Sponsorship) and Resolution No. 69,266–N.S. (Relinquishment) revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Robinson - \$100; Councilmember Davila - \$100.

**35. Small Business Listening Sessions**

**From: Councilmember Hahn**

**Recommendation:** Refer to the City Council's Land Use, Housing & Economic Development policy committee to establish regular Small Business/Enterprise Listening Sessions.

**Financial Implications:** See report

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

**Action:** Mayor Arreguin and Councilmembers Harrison and Bartlett added as co-sponsors. Approved recommendation.

## Council Consent Items

### 36. **Recommendations Related to Code Enforcement and Receivership Actions** (Reviewed by Health, Life Enrichment, Equity, and Community Committee)

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

**Recommendation:** On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following:

- a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years;
- b. How various code enforcement issues at residential properties are currently handled;
- c. Timeframe and mechanisms for achieving code compliance at residential properties;
- d. Any existing assistance programs available to support property owners found to have code violations;
- e. Specific learnings/changes in City practices resulting from the Leonard Powell receivership case;
- f. Other information deemed relevant and appropriate to understand the City's current code enforcement practices for residential properties

Additionally, the Policy Committee requests that the Mayor call a special meeting of the City Council for purposes of a forum based on the recommendations provided by Councilmember Bartlett as the draft plan for a public meeting on receivership.

And third, the Committee requests from the City Manager a specific reply on creating a mechanism to provide legal and technical assistance by an independent third party for individuals who are facing City of Berkeley initiated receivership, and that the reply also include a process for the individual to pick legal and technical representatives of their choice. This response should also include a recommendation from the City Manager and a budget referral.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150; Rashi Kesarwani, Councilmember, District 1, (510) 981-7110; Cheryl Davila, Councilmember, District 2, (510) 981-7120

**Action:** Item 36 held over to February 11, 2020.

### 37. **Co-sponsor Supervisor Keith Carson's Berkeley 2020 Census Town Hall**

**From: Councilmembers Wengraf and Bartlett**

**Recommendation:** That the City of Berkeley co-sponsor Supervisor Keith Carson's Berkeley 2020 Census Town Hall to be held on February 20, 2020 from 5:30 – 7 PM at the Ed Roberts Campus. By co-sponsoring, the Mayor and Councilmembers pledge to publicize and promote the Town Hall to their constituents, and attend themselves if possible.

**Financial Implications:** None

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

**Action:** Mayor Arreguin added as a co-sponsor. Approved recommendation.

## Council Consent Items

- 38. Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmembers Wengraf, Hahn, Bartlett, and Mayor Arreguin**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 each from Councilmembers Wengraf, Hahn and Bartlett and Mayor Arreguin, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf, Hahn, Bartlett and Mayor Arreguin's discretionary Council Office Budgets, and all other Councilmembers who would like to contribute, allows the City of Berkeley to hold the City's 18th Annual Holocaust Remembrance Day program. All are invited to attend on Sunday, April 19th, 11:30 AM at the Magnes Collection of Jewish Art and Life.  
**Financial Implications:** Mayor and Councilmembers' Discretionary Funds - \$500  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 69,267–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Hahn - \$500; Councilmember Robinson - \$100; Councilmember Davila - \$100; Councilmember Harrison - \$100; Councilmember Kesarwani - \$100; Councilmember Droste - \$100; Councilmember Bartlett - \$500; Councilmember Wengraf - \$500.
- 39. Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade**  
**From: Councilmembers Wengraf, Hahn, and Davila**  
**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade and honoring the 47th anniversary of its passage.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 69,268–N.S.
- 40. No War With Iran**  
**From: Councilmembers Robinson and Harrison, Mayor Arreguin, and Councilmember Davila**  
**Recommendation:** Adopt a resolution: 1. Condemning the Trump administration's assassination of a foreign government official, an act of war not authorized by Congress. 2. Endorsing the resolution by Senator Sanders and Representative Khanna to block funding for any military actions against or in Iran without prior Congressional authorization. 3. Endorsing the resolution by Representative Omar and Representative Lee directing the removal of all Armed Forces from hostilities with Iran and requiring that all future actions be explicitly authorized by Congress.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 69,269–N.S. amended to add a resolved clause regarding the endorsement of H.R. 2456.

## Action Calendar – Public Hearings

**41. Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Lincoln Street** *(Continued from December 10, 2019)*

**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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

M/S/C (Davila/Kesarwani) to close the public hearing.

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

Councilmember Wengraf absent 7:15 p.m. – 7:17 p.m.

**Action:** M/S/C (Harrison/Kesarwani) to adopt Resolution No. 69,270–N.S.

**Vote:** All Ayes.

**42. Extension of the Urgency Ordinance Amending the Accessory Dwelling Unit (ADU) Ordinance to Comply with New State Law and Establish Interim Limits on Development for a Period of 10 Months and 15 Days**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt an extension of the Urgency Ordinance (Number 7,683-N.S.) amending Berkeley's ADU Ordinance to comply with new State law, and extend limits on ADU development for a period of 10 months and 15 days, pending further analysis and adoption of local regulations that ensure public safety in Fire Zones 2 and 3.

**Financial Implications:** None

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

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Wengraf) to adopt Ordinance No. 7,685–N.S.

**Vote:** All Ayes.

Recess 8:15 p.m. – 8:26 p.m.

## Action Calendar

**43a. Public Works Commission Recommendation for the Five-Year Paving Plan**

*(Continued from December 10, 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

**43b. Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan** *(Continued from December 10, 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:** 4 speakers. M/S/C (Hahn/Harrison) to adopt Resolution No. 69,271–N.S. as revised in Supplemental Communications Packet #1 to add Michigan Avenue from Maryland Avenue to Spruce Street; revised from Supplemental Communications Packet #2 to add Channing Way from Milvia Street to Shattuck Avenue, and Channing Way from MLK to Milvia Street; delay the Roosevelt Avenue segment to 2024; In addition, refer to the Facilities, Infrastructure, Transportation, Environment, & Sustainability Committee to work with the Public Works Department and the Commission to explore potential bonding and funding opportunities for improving the PCI of residential streets, and creating a paving master plan.

**Vote:** All Ayes.

## Action Calendar

**44. Establishing an Outdoor Emergency Shelter** *(Reviewed by Health, Life Enrichment, Equity & Community Committee)*

**From: Councilmembers Harrison and Davila, Mayor Arreguin, and Councilmember Robinson**

**Recommendation:**

1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities to be provided but not required: A. Climate-controlled, wind-resistant durable tents with wooden pallets for support. B. Seeking an agency to manage and oversee the emergency shelter. C. Portable toilet service and handwashing service. D. Shower and sanitation services. E. Garbage pickup and safe needle disposal.
2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.
3. Temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.
4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.

**Financial Implications:** See report

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

**Action:** M/S/C (Wengraf/Droste) to accept supplemental materials from Councilmember Wengraf on Item 44.

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

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

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

**Action:** 28 speakers. M/S/C (Harrison/Davila) to adopt the item as written in Supplemental Communications Packet #1 and #2, amended as follows:

- Remove “November” from “November budget process”
- Refer to the City Manager to analyze what elements, if any, of the municipal code need to be amended to implement program; any suggested locations to be presented to Council prior to implementation; provide an updated budget; include a good neighbor policy
- Assess the program after one year

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



## Action Calendar

### 45. Confirm Council Action on Measure P Revenue Allocations for FY 2020-2021

**From: Mayor Arreguin**

**Recommendation:** Confirm the City Council's action taken on December 3, 2019 to allocate General Funds generated by the Measure P Transfer Tax increase for existing and new homeless programs and implementation for Fiscal Years 2020 and 2021. Detailed listing of approved expenditures is included in Attachment 1 to the report.

**Financial Implications:** See report

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

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

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

**Action:** 3 speakers. M/S/C (Arreguin/Hahn) to approve the recommendation with the following revisions.

- Strike alternate sources of funding for 5150 transports
- Add conditions for YSA: 1) maximum stay of no more than 24 months; 2) YSA to provide housing, navigation, and case management services; 3) YSA must keep and provide accurate and complete documentation on services provided and financial records

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

### 46. Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations *(Continued from December 10, 2019)*

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell 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:** Moved to Consent Calendar. Adopt Resolution No. 69,272–N.S.

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

## Action Calendar

- 47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow** *(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee)*  
**From: Councilmember Harrison**  
**Recommendation:**  
1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.  
2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Referred to the Agenda & Rules Committee for future scheduling.
- 48. City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee) (Continued from December 3, 2019. Item contains revised and supplemental material.)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order to integrate the previously adopted regulations for policy committees and make associated changes to other sections; update outdated references and practices; conform to the Open Government Ordinance; make other technical corrections; and rescinding any preceding amendatory resolutions.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Item 48 (including revised and supplemental materials) held over to February 4, 2020 special meeting.
- 49a. Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales and Serving of Sugar-Sweetened Beverages**  
**From: Sugar Sweetened Beverage Product Panel of Experts**  
**Recommendation:** The Sugar Sweetened Beverage Product Panel of Experts recommends that the Berkeley City Council adopt a Resolution that City of Berkeley departments and City food services contractors shall not: 1. Serve sugar-sweetened beverages at City meetings and events on City property; 2. Procure sugar-sweetened beverages with City funds; or, 3. Sell sugar-sweetened beverages on City property, including in vending machines.  
**Financial Implications:** See report  
Contact: Dechen Tsering, Commission Secretary, (510) 981-5300

## Action Calendar

**49b. Companion Report: Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales, and Serving Sugar-Sweetened Beverages  
From: City Manager**

**Recommendation:** Recommend that the City Council adopt an amended resolution that recognizes the important principles in the Commission recommendation, clarifies the intent of the measure and provides some flexibility for City programs and staff while still emphasizing availability of healthy options. This amended resolution would require that the majority of all beverages provided or sold at any City event or on any City property (including vending machines) be non-sugar sweetened beverages (as defined in chapter 7.72 of the Berkeley Municipal Code) and education materials be provided to all COB staff to actively discourage the consumption of sugar-sweetened beverages and encourage the consumption of water.

**Financial Implications:** See report

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

**Action:** Items 49a and 49b referred to the Health, Life Enrichment, Equity & Community Committee.

## Information Reports

**50. 2019 Business Survey Results**

**From: City Manager**

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

**Action:** Received and filed.

**51. Referral Response: Small Business Retention Programs**

**From: City Manager**

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

**Action:** Received and filed.

**52. Update on Measure T1 City Infrastructure Bond Program**

**From: City Manager**

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

**Action:** Received and filed.

**53. Animal Care Commission FY 2019/2020 Work Plan**

**From: Animal Care Commission**

Contact: Amelia Funghi, Commission Secretary, (510) 981-6600

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 3 speakers.**

## Adjournment

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

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

Councilmember Davila absent 11:36 p.m. – 11:38 p.m.

Councilmember Hahn absent 11:36 p.m. – 11:38 p.m.

Councilmember Wengraf absent 11:36 p.m. – 11:38 p.m.

Adjourned at 11:38 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of January 21, 2020 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### **Item #41: Implement Residential Preferential Parking (RPP) on the 1500 Block of Lincoln**

1. Anonymous

### **Item #44: Establishing an Outdoor Emergency Shelter**

2. Zipporah Collins
3. Councilmember Harrison

### **Item #46: Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations**

4. Donald Goldmacher

### **Item #47: Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow**

5. David Lerman

### **BART MOU**

6. 11 identical form letter
7. Matt Rosen
8. Eric Glick Rieman
9. Jeannette McNeil
10. Laura Cochrane

11. Ignacio
12. Hayley Currier
13. Lee Bishop
14. Susi Marzuola
15. Paul Bickmore
16. Vivian Warkentin
17. Howard Goldberg
18. Avram

**5G/Telecom**

19. Vivian Warkentin (3)
20. Phoebe Sorgen (2)
21. Soula Culver
22. Cecile Leneman
23. Marge Turngren
24. Mary McGann
25. Whitney Vosburgh
26. Cynthia Papermaster (2)
27. Ellie Marks (3)
28. Councilmember Harrison
29. Cynthia Rahav
30. Ron Pollak (2)
31. Alexander Benn
32. Connie Anderson
33. Avram (2)
34. Pollock & James, Attorneys at Law
35. Ed Schmookler

**Homelessness/Encampments**

36. Carole Marasovic, on behalf of the Homeless Commission (2)
37. Ryan Hilton, on behalf of the Pacific Racing Association
38. David Lerman
39. Meta Baerwalk Pasternak
40. James Wood (4)
41. Erwan Illien
42. Russbumper
43. Pedro Alvarez

**Request for Corrective Action**

44. David Kellogg

**City Manager's Evaluation**

45. Margot Smith (2)
46. Phoebe Sorgen
47. Juli Dickey
48. Judy Ann Alberti

**Affordable Housing**

49. Judith Turley

**Bay Trail Extension**

- 50. Mark Elgood
- 51. Lee Henderson
- 52. David Fraser, on behalf of the Cal Sailing Club
- 53. Caryl Woulfe
- 54. Tom Gandesbery
- 55. Leslie Buck
- 56. Molly Morelock
- 57. Nicholas Waton
- 58. Sheldon Coad
- 59. Sebastian Gomez Biggeri
- 60. Nick Goyhenetche
- 61. David Fraser
- 62. Rick Kosarchuk
- 63. Gene Golfus

**Police Review**

- 64. Racism and Criminal Justice Reform Group, et al
- 65. Phoebe Sorgen
- 66. Jane Welford

**Banning Natural Gas**

67. LR

**Persons with Disabilities**

- 68. Mary Behm-Steinberg
- 69. Councilmember Kesarwani
- 70. Mark Numainville

**Berkeley Police**

71. Carol Denney

**Square Footage Based Special Taxes**

- 72. Shirley Dean
- 73. Auditor

**Youth Spirit Artworks (YSA)**

- 74. Abby Hu
- 75. Eric Friedman
- 76. Hanna Lykke

**Healthy Options at Point of Sale (HOPS)**

- 77. Marty Lynch, CEO of LifeLong Medical Care
- 78. The Latinxas & the Environment Initiative
- 79. Mansour Id-Deen

**Campaign Contributions from Real Estate Developers**

- 80. Margot Smith

**New Smoke-free Signage**

- 81. Carol Denney

**Homeless Measure P Funding**

- 82. David Lerman

**Under Grounding Utility Wires**

- 83. Arek Goetz

**Low Flying Aircraft over Berkeley**

- 84. Judith McEnroe

**Be Wise! Be Bright When Crossing at Night**

- 85. Vivian Clayton

**City Council May Direct the City Attorney**

- 86. Thomas Lord

**Gas Car Sales**

- 87. Dale Miller, on behalf of the Golden Gate Electric Vehicle Association
- 88. Andy Shrader, on behalf of Councilmember Paul Koretz of Los Angeles

**Development of 2435 San Pablo**

- 89. The Berkeley Neighborhoods Council Executive Committee

**Adeline Corridor**

- 90. Chimey Lee

**Acute Housing Crisis – AB 1482**

- 91. Julia Cato, on behalf of the Berkeley Tenants Union

**Misrepresented FCC Regulations, Etc.**

- 92. Arthur Stopes, III (7)

**Harriet Tubman Terrace**

- 93. Harriet Tubman Terrace Tenant Council Steering Committee (3)
- 94. DeAnna Gee, on behalf of the Agent for Owner, Harriet Tubman Terrace (2)

**Downtown Streets Team**

95. Julia Lang

**Drones at Cesar Chavez Park**

96. Carol Denney

97. Max Newton

**Trash Truck Purchases – Reducing Pavement Damage**

98. Bryce Nesbitt

**Pathways STAIR Center**

99. James Wood (9)

100. M. Zint

101. Marcia Poole (3)

102. Eric Friedman

**Bbox Café – A Cashless Business**

103. Carol Denney

**3404 King Street – Covenant House**

104. Pedro Alvarez

**Supplemental Communications and Reports 1**

**Item #17: Approving a Partial Assignment and Third Amendment to the Disposition and Development Agreement, Ground Leases, and Certain Related Documents for 2012 Berkeley Way**

105. Revised material, submitted by Health, Housing & Community Services

**Item #40: No War With Iran**

106. Morey Fox

107. Michael Katz

108. Karl Knobler

109. Judith White

110. Zipporah Collins

111. Marc Pilsuk

112. Tom Luce

**Item #43b: Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**

113. Revised material, submitted by Public Works

**Item #44: Establishing an Outdoor Emergency Shelter**

114. Supplemental material, submitted by Councilmember Harrison

115. McGee-Spaulding Neighbors in Action

116. Councilmember Harrison

117. Marc Pilsuk



118. Tom Luce

**Item #48: City Council Rules of Procedure and Order Revisions**

119. Supplemental material, submitted by Councilmember Hahn

**Supplemental Communications and Reports 2**

**Item #43b: Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**

120. Revised material, submitted by Councilmember Harrison

121. Ben Gerhardtstein

122. Sarah (Sally) Nelson

**Item #44: Establishing an Outdoor Emergency Shelter**

123. Supplemental material, submitted by Councilmember Harrison

124. Alfred Manning

125. Rachel Doughty

126. Marc Pilisuk

127. David Fielder

128. Silvio Dobrovat

129. Elisa Mikiten

130. David Mayer

131. Kelly Hammargren

132. Julie Greer

133. Margy Wilkinson

134. Ann Jensen

135. Tess Taylor

136. East Bay Citizens for Action

137. Sally Abbott

138. Sally Nelson

139. Nancy DeNero

140. Emma Savo

141. Dane Shepard

142. beneficialbug@

143. Berkeley Citizens Action

144. Linda Franklin

145. Chimey Lee

**Item #45: Confirm Council Action on Measure P Revenue Allocations for FY 2020-2021**

146. Katharine Gale, Chair of Homeless Services Panel of Experts

**Item #46: Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations**

147. Supplemental material, submitted by Public Works

**Item #47: Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow**

148. Toni Mester

**Item #49a: Recommendation that the City Council pass a resolution regarding procurement, sales and serving of sugar-sweetened beverages**

149. Margo Wootan, on behalf of Center for Science in the Public Interest

**Item #44: Establishing an Outdoor Emergency Shelter**

150. 1064 Communications submitted via Berkeley Considers, includes summary information.

### **Supplemental Communications and Reports 3**

**Item #12: No War With Iran**

151. Revised material, submitted by Councilmember Robinson

**Item #42: Extension of the Urgency Ordinance Amending the Accessory Dwelling Unit (ADU) Ordinance to Comply with New State Law and Establish Interim Limits on Development for a Period of 10 Months and 15 Days**

152. Presentation, submitted by the Planning and Fire Department

**Item 43a: Public Works Commission Recommendation for the Five-Year Paving Plan**

153. Presentation, submitted by the Public Works Commission

**Item #43b: Companion Report: Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**

154. Presentation, submitted by Public Works

155. Public Works

**Item #44: Establishing an Outdoor Emergency Shelter**

156. Supplemental material, submitted by Councilmembers Droste & Wengraf

157. Steve Smith, on behalf of Norheim & Yost

158. Erin Diehm

159. Diana Gordon

160. Associated Students of Cal

161. Taylor Schreiner

162. The Suitcase Clinic

163. Anita Rice, on behalf of iCommLaw

164. Mary Elieisar

165. Summer Brenner

166. Sandy Simon

167. Terry Taplin

168. Jane Maxwell

169. Cal Berkeley Democrats

170. Scott McCreary

171. Cristine Peterson

- 172. Ednah Friedman
- 173. Susan Spath
- 174. Barbara Michel
- 175. Wendy Patterson

**Item #45: Confirm Council Action on Measure P Revenue Allocations for FY 2020-2021**

- 176. Gael Alcock

**Miscellaneous Communications**

**Gray Panthers**

- 177. Gray Panthers.Org

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, January 28, 2020**

**4:00 P.M.**

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:** 4:04 p.m.

**Present:** Kesarwani, Wengraf, Robinson, Droste, Arreguin

**Absent:** Davila, Bartlett, Harrison, Hahn

Councilmember Davila present at 4:04 p.m.

Councilmember Harrison present at 5:52 p.m.

**Action Calendar**

**1. Fire and Emergency Services Funding and System Design**

**From:** City Manager

**Recommendation:** Receive a presentation on fire and emergency services and various operational and system enhancements and provide direction on funding options including ballot measures, fees, and special studies.

**Financial Implications:** See report

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

**Action:** 7 speakers. Presentation made and discussion held.

**Adjournment**

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

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

Adjourned at 5:58 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of January 28, 2020 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Fire and Emergency Services Funding and System Design**

1. Presentation, submitted by the Fire Department
2. Colin Arnold (2)
3. Kelly Hammargren

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 28, 2020**  
**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:** 6:15 p.m.

**Present:** Kesarwani, Harrison, Robinson, Droste, Arreguin

**Absent:** Davila, Bartlett, Hahn, Wengraf

Councilmember Davila present at 6:17 p.m.

Councilmember Wengraf present at 6:20 p.m.

Councilmember Bartlett present at 6:24 p.m.

**Ceremonial Matters:**

1. Recognition of the Young Musicians Choral Orchestra
2. Recognition of John McNamara, Local Artist
3. Recognition of Raquel Pinderhughes, Local Activist Scholar
4. Adjourned in memory of John Kelly, City Employee
5. Adjourned in memory of Kobe Bryant and the other victims of the January 26 helicopter accident
6. Adjourned in memory of the victims of the earthquake in Turkey

**City Manager Comments:**

1. Update on local preparations for coronavirus

**Public Comment on Non-Agenda Matters:** 7 speakers.

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 32 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Robinson) to accept revised material from the City Manager on Item 5.

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

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

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

Recess 8:25 p.m. – 8:42 p.m.

## Consent Calendar

### 1. **Contract: Lake Research Partners for 2020 Community Survey**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to approve a contract and any amendments with Lake Research Partners to develop and perform one (1) or two (2) surveys of registered voters, provide the associated analysis and reports, and any required polling services. The contract would be for a one year period, starting January 29, 2020 through January 31, 2021 for a total not to exceed amount of \$75,000.

**Financial Implications:** General Fund - \$75,000

Contact: Matthai Chakko, City Manager's Office, (510) 981-7000

**Action:** Adopted Resolution No. 69,273–N.S.

### 2. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 28, 2020**

**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:** T1-Green Infrastructure Fund- \$462,000

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

**Action:** Approved recommendation.

## Consent Calendar

- 3. Participation Agreement with Pension Stabilization Trust for an IRS Section 115 Trust Fund**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution repealing and replacing Resolution No. 68,853-N.S. and authorizing the City Manager, as City's Plan Administrator, to enter into a Participation Agreement with Pension Stabilization Trust (PST), an IRS Section 115 Trust Fund; 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 enter into a Participation Agreement with PST.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 69,274–N.S.
- 4. Contract No. 3200086 Amendment: Albany Community Access to Resources and Services (Albany CARES)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 3200086 with the Albany Community Access to Resources and Services (Albany CARES) in an amount not to exceed \$50,000 for a total not to exceed contract amount of \$100,000, through June 30, 2020.  
**Financial Implications:** Mental Health Services Act - \$50,000  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,275–N.S.  
Vote: Ayes – Kesarwani, Davila, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – Bartlett; Abstain – None; Absent – Hahn.
- 5. Jointly Apply for Infill Infrastructure Grant Funding for 1601 Oxford**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions that enable Satellite Affordable Housing Associates to access State of California Infill Infrastructure Grant (IIG) funds for its 1601 Oxford project by:  
1. Authorizing the City Manager to prepare and submit a joint application for IIG funds; 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 an application, 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. 69,276–N.S. (Joint Application); and Resolution No. 69,277–N.S. (Participation) as amended in the revised materials submitted by the City Manager at the meeting to use the resolution template required by the state.



## Consent Calendar

6. **Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street** *(Reviewed by the Land Use, Housing & Economic Development Committee)*

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the sale of the City-owned, former Redevelopment Agency property at 1631 Fifth Street at market rate and authorizing the City Manager to contract with a real estate broker to manage the sale.

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. Item 6 held over to February 11, 2020.

7. **Agreement with the East Bay Municipal Utility District for Pavement Rehabilitation of Portions of Ellsworth Street and Stuart Street**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a cost sharing Agreement with the East Bay Municipal Utility District for the pavement rehabilitation on Ellsworth Street and Stuart Street during construction of the East Bay Municipal Utility District's Wildcat Pipeline Improvement Project in an amount not to exceed \$855,264 which includes a 20% contingency.

**Financial Implications:** Street Capital Improvement - \$855,264

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

**Action:** Adopted Resolution No. 69,278–N.S.

## Council Consent Items

8. **2020 City Council Committee and Regional Body Appointments**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a one-year term ending January 31, 2021 or until new appointments are made.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 69,279–N.S.

## Council Consent Items

9. **Support the “New Border Vision” to expand public safety, protect human rights, and welcome people to our city**  
**From: Mayor Arreguin and Councilmembers Harrison, Hahn, and Robinson**  
**Recommendation:** Adopt a resolution supporting the “New Border Vision”, a 21st century border policy that begins with the belief that migrants are part of the human family and should be treated with dignity and respect. Send a copy of the Resolution to U.S. Senators Dianne Feinstein and Kamala Harris, Congresswoman Barbara Lee and President Donald Trump.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 69,280–N.S. as revised in Supplemental Communications Packet #1.
10. **Dorothy Day House First Annual Fundraiser: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to Dorothy Day House for their First Annual Fundraiser on February 7, 2020 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 - \$150  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 69,281–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$150; Councilmember Wengraf - \$150; Councilmember Bartlett - \$250; Councilmember Robinson - \$100.
11. **Letter in Support of a Dedicated Bus Lane on the Bay Bridge**  
**From: Councilmember Robinson and Mayor Arreguin**  
**Recommendation:** Send a letter to the California Department of Transportation (Caltrans), the Metropolitan Transportation Commission (MTC), Assemblymember Buffy Wicks, Assemblymember Rob Bonta, Assemblymember Jim Frazier, State Senator Nancy Skinner, and Senator Jim Beall in support of the reinstatement of a dedicated bus lane on the San Francisco-Oakland Bay Bridge.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmembers Kesarwani and Droste added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #2.

## Action Calendar – Public Hearings

### 12. Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, provide direction regarding proposed ordinance language alternatives and take the following action: Adopt the first reading of five ordinances to amend the Berkeley Municipal Code (BMC) Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F which would:

- A. Allow new business types (Delivery-Only Retailers, Consumption Lounges);
- B. Allow Retailers to continue to operate as Microbusinesses;
- C. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for Storefront Retailers;
- D. Allow more opportunities for Commercial Cultivation by expanding location options; and
- E. Protect the health of the general public and youth with additional advertising, signage and sales regulations.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 11:30 p.m. and hold over Item 6 and Item 15 to February 11, 2020.

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

**Public Testimony:** The Mayor opened the public hearing. 44 speakers.

**Action:** M/S/C (Arreguin/Kesarwani) to approve the Staff recommendation to adopt the first reading of five ordinances (1. Ordinance No. 7,686-N.S. amending BMC Title 12 (Health and Safety); 2. Ordinance No. 7,687-N.S. amending BMC Chapter 20.40 (Cannabis Business Signs and Cannabis Product Advertising); 3. Ordinance No. 7,688-N.S. amending BMC Chapter 23C.25 (Cannabis Uses); 4. Ordinance No. 7,689-N.S. amending BMC Sub-Title 23E (Provisions Applicable in All Non-Residential Districts); 5. Ordinance No. 7,690-N.S. amending BMC Sub-Title F (Definitions)) to amend the Berkeley Municipal Code which would:

- A. Allow new business types (Delivery-Only Retailers, Consumption Lounges);
- B. Allow Retailers to continue to operate as Microbusinesses;
- C. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for Storefront Retailers;
- E. Protect the health of the general public and youth with additional advertising, signage and sales regulations.

With the following amendments:

- **Page 17, Section 12.22.035**  
**Approve Alternative A: Staff Recommendation to omit language**

## Action Calendar – Public Hearings

- Page 18, Section 12.22.040.B  
Modify the hours of operation to conform to state law. New language would read as follows:  
  

~~12.22.040.B Retailers shall only allow Customer visits between the hours of 9:00 a.m. and 9:00 p.m.~~ **Retailers may be open to the public and conduct deliveries according to the hours of their respective zoning districts, except as restricted by State law (Code of Regulations Title 16, Division 42, Chapter 3, Section 5403).**
- Page 19, Section 12.22.040.E  
Amend Subsection 7 to read as follows:  
  

**7. All Retailers must prominently display a notice as set forth in subsection 12.22.040E that contains the following language:**

**GOVERNMENT WARNING: THIS PRODUCT CONTAINS CANNABIS, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS PRODUCTS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.**

This is the same language required by state law in California Business and Professions Code Section 26120(c)(1), and is included in labels on cannabis products.
- Page 19, Section 12.22.040.E  
Approve Alternative A: Staff Recommendation to omit language
- Page 20, Section 12.22.040.E  
Approve Alternative A: Staff Recommendation to omit language
- Page 20, Section 12.22.040.F  
Approve Alternative A: Staff Recommendation to permit consumption of cannabis at a Lounge with a Designated Cannabis Smoking Room Ventilation System.
- Page 23, Section 12.22.040.J  
Approve Alternative A: Staff Recommendation to omit language. The state already highly regulates packaging, dosage and has regulations to

## Action Calendar – Public Hearings

prohibit products or marketing attractive to children.

- Page 25, Section 20.40.130.D  
Approve Alternative A: Staff Recommendation to allow signage with logos that depict cannabis or a cannabis product existing prior to the adoption of the ordinance, and prohibiting new signage with logos depicting cannabis or cannabis products.
- Page 27, Section 23C.25.010.A.3  
Approve Alternative A: Staff Recommendation
- Page 28, Section 23C.25.010.B.1  
Reject amendment. Continue to permit Storefront Retailers who comply with state and local regulations by Zoning Certificate.
- Page 28, Section 23C.25.010.B.6  
Approve Alternative D: Planning Commission Recommendation

### Buffers

a. Storefront Retailers may not be located within 600 feet of another Storefront Retailer or a public or private elementary school, 1,000 feet of a public or private middle school or high school, or 600 feet of a City-operated community center or skate park.

b. Notwithstanding Subsection 23C.25.010.B.6.a, a seventh Storefront Retailer, to be operated by an equity business, may not be located within 600 feet of another Storefront Retailer or School.

- Page 29, 23C.25.010.C.1  
Approve Alternative A with the following modification:
  1. Seven Delivery-Only Retailers are permitted citywide, four of which shall be operated by Equity Businesses, and three of which shall be non-Equity Businesses.
- Page 29, Section 23C.25.010.C.4  
Approve Alternative B: Planning Commission Recommendation
  4. Delivery-Only Retailers are permitted in the M District, shall be evaluated and regulated for Zoning purposes in the same way as Warehouse-Based Non-Store Retailers, and shall be subject to the numeric and buffer requirements set forth in this Section for Delivery-Only Retailers.

## Action Calendar – Public Hearings

- Page 29, Section 23C.25.010.D  
Approve Alternative A: Staff Recommendation

### Lounges

1. A Lounge, as defined in Section 12.21.020, may be permitted at an approved Retailer subject to approval of a Use Permit.

2. Lounges must comply with the operational standards established by the City's Department of Health, Housing and Community Services.

- Page 30, Section 23C.25.020.B - Commercial Cannabis Cultivation  
Approve Alternative B: Planning Commission Recommendation:

### Commercial Cannabis

Cultivation is permitted with a Zoning Certificate in the M District, subject to the following limitations:

1. Commercial Cannabis Cultivation shall only occur at licensed Cannabis Businesses.

2. Cannabis may not be dispensed and client, patient or member services and retail sales are prohibited at Cannabis Cultivation Facilities.

- Page 48, Section 23F.04.010 Definitions, Microbusiness  
Approve Alternative B: Planning Commission Recommendation

### **Warehouse Based Non-Store**

**Retail:** Retail activity that is based on sales without on-site customer visits. Such activity includes, but is not limited to, catalog sales, internet web sites, and phone orders. Goods are both stored and distributed from site. This use includes Delivery-Only Retailers located in the Manufacturing (M) District.

Second readings scheduled for February 11, 2020.

In addition, the Council referred to the City Manager to 1) determine if the City can require businesses to post notices on their website, and 2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary.

**Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Wengraf, Robinson, Droste,

## Action Calendar – Public Hearings

- Arreguin; Noes – None; Abstain – None; Absent – Hahn.
13. **Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras** *(Continued from December 3, 2019. Item contains supplemental material.)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.  
**Financial Implications:** None  
Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 69,282–N.S. as revised in supplemental material from City Manager to accept the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for GPS Trackers. Surveillance Use Policy for Automatic License Plate Readers and Body Worn Cameras held over to February 25, 2020.
14. **goBerkeley Residential Shared Parking Pilot Project Update and General Program Update** *(Continued from December 3, 2019 and January 14, 2020.)*  
**From: City Manager**  
**Recommendation:** Receive a presentation providing an update on the Residential Shared Parking Pilot project and the goBerkeley program, and offer any comments to staff on the implementation of the project.  
**Financial Implications:** None  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Item 14 removed from the agenda by the City Manager.

## Council Action Items

## Council Action Items

**15. Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Parking Lots During Overnight Non-Business Hours**

**From: Councilmember Kesarwani, Mayor Arreguin, and Councilmember Harrison**

**Recommendation:** Adopt a resolution to allow recipients of a three-month “Grace Period” permit for safe RV parking to park overnight during non-business hours in designated City-owned parking lots pursuant to California Vehicle Code Section 21107.8(a)(1).

The resolution authorizes the City Manager to determine appropriate City-owned parking lots, with consideration for safe ingress and egress, accessibility of restroom facilities, and other health and safety considerations.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

**Action:** Councilmember Hahn added as a co-sponsor. Item 15, including supplemental material from Councilmember Kesarwani, held over to February 11, 2020.

**16. Public Health Division’s Recommendations on Cannabis**

**From: City Manager**

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

**Action:** Received and filed.

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

## Adjournment

Adjourned at 11:30 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of January 28, 2020 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

**Item #12: Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F**

1. Elizabeth Starr
2. Carol Denney

## BART MOU



3. North Berkeley Now!

**Cashless Business'**

4. Cassia

**5G/Telecom**

5. Vivian Warkentin

6. Max Ventura

7. Aria Cahir

8. Alexander Benn

9. Larry Rail

10. Charlie Schad

**Barbara Ann White Recognition**

11. Mansour Id-deen

**Homelessness/Encampments**

12. Liz Werner

13. Lori Pottinger

**Echo Campground**

14. Sage Linda Spatz

**E-Scooters**

15. Vivian Warkentin

**The Next Power Outage**

16. David Peattie

**Supplemental Communications and Reports 1**

**Item #6: Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street**

17. Rhiannon

**Item #9: Support the "New Border Vision" to expand public safety, protect human rights, and welcome people to our City**

18. Revised material, submitted by Mayor Arreguin

**Item #12: Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F**

19. Elizabeth Starr

20. Don Duncan, on behalf of Patient's Care Collective

21. Jack Saunders

22. Tom Miller

23. 53 identical form letters, in support of consumption lounges

**Item #15: Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Lots During Overnight Non-Business Hours**

- 24. Revised material, submitted by Councilmember Kesarwani
- 25. Diana Bohn

**Supplemental Communications and Reports 2**

**Item #11: Letter in Support of a Dedicated Bus Land on the Bay Bridge**

- 26. Revised material, submitted by Councilmember Robinson

**Item #12: Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F**

- 27. 82 identical form letters, in support of consumption lounges
- 28. Carol Denney (3)
- 29. Kristi Knoblich Palmer
- 30. Bryan Buckley
- 31. Amanda Reiman
- 32. Lynn Silver
- 33. Chimey Lee
- 34. Sophia Scherr
- 35. Bronya Feldman
- 36. Margret Elliott
- 37. Carl Resnikoff
- 38. Jack Sack
- 39. Sabrina Fendrick, on behalf of the Berkeley Patients Group
- 40. Sean Craven
- 41. Alexandra Burk
- 42. Phil Flickinger
- 43. Michael Aschoff
- 44. Daniel Kosmal

**Item #15: Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Lots During Overnight Non-Business Hours**

- 45. Supplemental material, submitted by Councilmember Harrison
- 46. Justin Dorset
- 47. Scott Huffman
- 48. Stephanie Thomas

**Item #15: Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Parking Lots During Overnight Non-Business Hours**

- 49. 209 Communications submitted via Berkeley Considers, includes summary information

**Supplemental Communications and Reports 3**

**Item #5: Jointly apply for Infill Infrastructure Grant Funding for 1610 Oxford**

- 50. Revised material, submitted by Health, Housing & Community Services

**Item #7: Agreement with the East Bay Municipal Utility District for Pavement Rehabilitation of Portions of Ellsworth Street and Stuart Street**

51. June Kodani

**Item #13: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras**

52. Michael Olson

**Item #12: Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F**

53. Presentation, submitted by the Planning Department

54. 33 identical form letters, in support of consumption lounges

55. Charles Pappas

56. Frank Jaffe

57. Bronya Feldmann

58. Jim Hicks

59. Zackary Babineau

60. Peter Basmarjian

61. Ben Kruse

62. Serena Chen

63. Elena Lingas

64. Roy Harkow

65. Kira McDonough

66. Mira Stein

67. Elliott Schwimmer

68. Ilona Sturm

69. Nigel Sussman

70. Shelly Andrade

71. Yakow Sack

72. Andrew Marrinson

73. Linda Henn

74. Legal Cannabis for Consumer Safety

75. Tracie Rowson

76. Peter Hanauer

77. Sandy Young

78. Lyan Pernala

79. Holly Callahan

80. Kristina Hill

81. Suzaynn Schick, on behalf of the Division of Occupational and Environmental Medicine

82. Cynthia Hallett

83. Judy Hunt

84. Amrita Singhal

85. Carol Denney

86. Allie Chiappetta

87. Timothy Carter
88. Mike Vanderman
89. Nicole Strasser
90. Rob Perez
91. Linda Worthman
92. Martha Belcher
93. Monika Mann
94. Joseph Cadiz
95. Mary Wyand
96. Brandy

**Item #15: Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Lots During Overnight Non-Business Hours**

97. C. Mark Humbert, on behalf of the Claremont Elmwood Neighborhood Assoc.
98. Barbara Sullivan
99. Jed Donnelley
100. Cal Collier
101. Linda Franklin
102. Pam Speich
103. Beth Anderson
104. Crystal Brunzell
105. Michael Bolgatz
106. Fred Norton
107. Kristen Swehla, on behalf of Urban Remedy
108. Molly Kennedy
109. Laura Stachel
110. Dawn Thomas
111. Jonathan Jaffe
112. Patty Reidenbach
113. Samuel Hatton
114. Jenny Harrison
115. Meredith Paulley
116. Robyn del Rosario, on behalf of Goorin Brothers Hat Shop
117. Tamara White
118. Teresa, on behalf of Eastbay Tow
119. Joanne Harano
120. Kristi Roberts, on behalf of The Elmwood Business Association
121. Jason Goebel, on behalf of Summer Kitchen and Bake Shop
122. Sheila Jordan
123. Claudia Kawczynska
124. Genna Souza
125. Lobsang
126. Kara Hammond, on behalf of Baker & Commons
127. Marion Abbott & Ann Leyhe, on behalf of Mrs. Dalloway's Bookstore
128. David Salk, on behalf of the Elmwood Theater Foundation
129. Patrick Horan
130. Ezra Proctor, on behalf of Summer Kitchen and Bake Shop

- 131. Councilmember Harrison
- 132. Elisa Mikiten
- 133. Toni Mester
- 134. Jared Hammond
- 135. Julie McCormick
- 136. Bill Williams
- 137. Brie Fulton
- 138. Andrea Meghrouni-Brown
- 139. Ann Swidler
- 140. Margot Smith

**Miscellaneous Communications**  
**Current PCI Conditions for Year 2020**

- 141. Charles Clarke

