



Office of the City Manager

CONSENT CALENDAR
November 19, 2019

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

RECOMMENDATION

Approve the minutes for the Council meetings of October 15, 2019 (special closed and regular), October 21, 2019 (special), October 22, 2019 (special closed and special) and October 29, 2019 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. October 15, 2019 – Special Closed City Council Meeting
2. October 15, 2019 – Regular City Council Meeting
3. October 21, 2019 – Special City Council Meeting
4. October 22, 2019 – Special Closed City Council Meeting
5. October 22, 2019 – Special City Council Meeting
6. October 29, 2019 – Special Closed City Council Meeting
7. October 29, 2019 – Regular City Council Meeting

**MINUTES
THE BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, OCTOBER 15, 2019

4:30 P.M.

**School District Board Room – 1231 Addison Street, Berkeley, CA 94702
TELECONFERENCE LOCATION – 2911 Lorina Street, Berkeley, CA 94705**

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: 4:34 p.m.

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

Absent: Kesarwani, Davila

Councilmember Kesarwani present at 4:35 p.m.

Councilmember Davila present at 4:37 p.m.

Public Comment - Limited to items on this agenda only – 15 speakers

CLOSED SESSION:

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

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

- a. *1444 Fifth Street LLC v. City of Berkeley*, Alameda County Superior Court Case No. 19032434

Action: Item held over to October 22, 2019.

2. 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 taken.

OPEN SESSION:

No reportable action.

Adjournment

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

Vote: All Ayes.

Adjourned at 6:46 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council on October 15, 2019.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 15, 2019
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION – 2911 LORINA STREET, BERKELEY, CA 94705

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: 6:54 p.m.

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

Absent: Davila

Councilmember Davila present at 6:56 p.m.

Ceremonial Matters:

1. Recognition of Jacqueline Omania, Oxford Elementary Teacher
2. Recognition of Leslie Ewing, Pacific Center Director
3. Recognition of Butterfly Effect – Migration is Beautiful Project – Supporting Immigrant Children
4. Adjourn in memory of Michael Diehl, Former City Commissioner and Local Activist

City Manager Comments:

1. Planning Department Open House at the Permit Service Center, 1947 Center Street, October 16 from 4:00pm – 6:00pm.
2. Update on the EOC activation for the Public Safety Power Shut-Off

City Auditor Comments:

The City Auditor noted Item 43, the Planning Department Customer Service Audit, and that the audit is being closed out successfully.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Wengraf/Kesarwani) to add an urgent item to the agenda related to the emergency declaration for the public safety power shut-off.

Vote: All Ayes.

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

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 18 speakers.

Consent Calendar

Resolution Ratifying and Terminating the Proclamation of Emergency by the Director Emergency Services Due to PG&E Public Safety Power Shutoff

From: City Manager

Recommendation: Adopt a Resolution Ratifying and Terminating the Proclamation of Emergency by the Director of Emergency Services due to the PG&E Public Safety Power Shutoff on October 9, 2019.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6998

Action: Adopted Resolution No. 69,125–N.S.

1. Grant from The Center at Sierra Health Foundation

From: City Manager

Recommendation: Adopt a Resolution accepting a \$50,000 grant from The Center at Sierra Health Foundation for expansion of Medication Assisted Treatment (MAT) services for individuals with Opioid Use Disorders at Berkeley Mental Health.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,126–N.S.

2. Annual Commission Attendance and Meeting Frequency Report

From: City Manager

Recommendation: Adopt a Resolution approving a revised commission meeting frequency schedule and to accept the annual Commission Attendance and Meeting Frequency Report.

Financial Implications: None

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

Action: Adopted Resolution No. 69,127–N.S.

Consent Calendar

- 3. Contract: Stryker for Purchase of Three Gurneys for the Fire Department Ambulances**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with Stryker to finance the purchase of three additional gurneys and equip all seven ambulances with the powered cot fastener system (power load system) for Fire Department ambulances which will allow transport of the sick and injured, increasing the amount by \$39,714 for a total not to exceed amount of \$74,000.
Financial Implications: See report
Contact: David Brannigan, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,128–N.S.
- 4. Assembly Bill 626 – Microenterprise Home Kitchen Operations**
From: City Manager
Recommendation: Staff recommends that the Mayor and City Council consider authorizing the permitting of Microenterprise Home Kitchen Operations (MEHKOs) as provided in Assembly Bill 626 (AB-626) through a resolution or ordinance.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Approved recommendation.
- 5. Contract No. 7258F Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7258F with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$60,903 for a total contract amount not-to-exceed \$985,747 from March 23, 2007 through June 30, 2021.
Financial Implications: Cost Allocation Fund - \$60,903
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,129–N.S.
- 6. Contract: (D.L. Falk Construction) for Central Library Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Central Library Improvements Project, Specification No. 19-11312-C; 2. Accepting the bid of D.L. Falk Construction as the lowest responsive and responsible bidder; 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$3,056,900, which includes a contingency of \$277,900.
Financial Implications: Library Tax Fund - \$3,056,900
Contact: Elliot Warren, Library, (510) 981-6100
Action: Adopted Resolution No. 69,130–N.S.

Consent Calendar

7. **Contract: Redwood Engineering Construction for James Kenney Park, Picnic, and Play Area Renovation**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the James Kenney Park, Picnic, and Play Area Renovation project, Specification No. 18-11216-C; and 2. Rejecting the lowest bid from Bay Construction Company as non-responsive; and 3. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the James Kenny Park, Picnic, and Play Area Renovation project at 1720 Eighth Street, Berkeley, CA 94710, in an amount not to exceed \$1,191,342, which includes a contract amount of \$992,785 and a 20% contingency in the amount of \$198,557.
Financial Implications: Various Funds - \$1,191,342
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,131–N.S.
8. **Contract: J.A. Gonsalves & Son Construction, Inc. for Bay Trail Extension to Berkeley Marina - Segment Three**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Bay Trail Extension—Segment 3 project (Bid Specification No. 18-11177-C; Federal Project No. STPL-5057(042)); and 2. Accepting the bid of J.A. Gonsalves & Son Construction, Inc. as the lowest responsive and responsible bidder on the Project, and authorizing the City Manager to execute a contract with J.A. Gonsalves & Son Construction, Inc., and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications in an amount not to exceed \$505,684, which includes a contract amount of \$439,725 and a 15 percent contingency in the amount of \$65,959.
Financial Implications: Various Funds - \$505,684
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,132–N.S.

Consent Calendar

9. **Grant Application: The Air District Vehicle Trip Reduction Grant Program – the Berkeley Marina Bicycle Electronic Locker Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$71,510 to the Bay Area Air Quality Management District (“Air District”) Vehicle Trip Reduction Grant Program for the Berkeley Marina Bicycle Electronic Locker Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,133–N.S.
10. **Mills Act Contract – 2524 Dwight Way**
From: City Manager
Recommendation: Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with NCR Properties LLC/Nathan D. George for the City Landmark property at 2524 Dwight Way.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,134–N.S.
11. **Mills Act Contract – 1730 Spruce Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with Jeff Lipton for the City Landmark property at 1730 Spruce Street.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,135–N.S.

Consent Calendar

12. Mills Act Contract – 2526 Hawthorne Terrace

From: City Manager

Recommendation: Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with John Komoroske and Daniel McDonald for the City Landmark property at 2526 Hawthorne Terrace.

Financial Implications: See report

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

Action: Moved to Action Calendar. 0 speakers. Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 69,136–N.S. authorizing and directing the City Manager to enter into a Mills Act contract with John Komoroske and Daniel McDonald for the City Landmark property at 2526 Hawthorne Terrace.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – None; Abstain – None; Absent – Robinson, Droste, Wengraf (Recused due to residing within 500 feet of the subject property).

Councilmember Droste absent 8:31 p.m. – 8:36 p.m.

Councilmember Robinson absent 8:29 p.m. – 8:41 p.m.

13. Contracts: On-Call Construction and Project Management Services: Kitchell/CEM Inc. and Cooper Pugeda Management, Inc.

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services in support of the City’s annual Facilities Capital Improvement Projects (CIP) program, each for a period of November 1, 2019 through June 30, 2022:

1. Kitchell/CEM, Inc., for an amount not to exceed \$500,000.
2. Cooper Pugeda Management, Inc., for an amount not to exceed \$500,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,137–N.S. (Kitchell/CEM) and Resolution No. 69,138–N.S. (Cooper Pugeda).

14. Renewal of the Elmwood Avenue BID for Calendar Year 2020

From: Elmwood Advisory Board

Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board’s (hereafter “Elmwood BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the Annual Report and preliminary budget for proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019

Financial Implications: See report

Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530

Action: Adopted Resolution No. 69,139–N.S.

Consent Calendar

15. Renewal of the Solano Avenue BID for Calendar Year 2020

From: Solano Avenue BID Advisory Board

Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2019 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

Financial Implications: See report

Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530

Action: Adopted Resolution No. 69,140–N.S.

16. Resolution: Protect from deportation beneficiaries of DACA, TPS, and DED

From: Peace and Justice Commission

Recommendation: Adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA (Deferred Action for Childhood Arrivals), TPS (Temporary Protected Status), and DED (Deferred Enforced Departure).

Financial Implications: None

Contact: Bre Slimick, Commission Secretary, (510) 981-7000

Action: Adopted Resolution No. 69,141–N.S.

Council Consent Items

17. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Mayor Arreguin and Councilmember Davila

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign 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. 69,142–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$250; Councilmember Hahn - \$250; Councilmember Wengraf - \$100; Councilmember Bartlett - \$100.

Council Consent Items

18. Grant Referral for Capoeira Arts Foundation

From: Mayor Arreguin and Councilmembers Kesarwani and Davila

Recommendation: Refer a Grant of \$150,000 for the benefit of the Capoeira Arts Foundation (CAF) to the mid-year budget process to support their purchase of the Casa De Cultura-1901 San Pablo Ave-in partnership with BrasArte to create a permanent home for their organizations, their school, the United Capoeira Association (UCA) Berkeley, and for other Brazilian art forms.

Financial Implications: See report

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

Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation as revised material in Supplemental Communications Packet #2 from Councilmember Kesarwani and Mayor Arreguin to change the grant to a forgivable loan.

19. Health Impact Assessment Outreach Coordinator

From: Mayor Arreguin, and Councilmembers Harrison and Droste

Recommendation: Refer to the Mid-Year Budget Process an amount of \$25,000 for Berkeley's contribution towards a budget of \$50,000 to support an Outreach Coordinator for the purpose of community education about the health impacts associated with the proposed closure of Alta Bates Hospital as indicated in the Health Impact Analysis completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018.

Financial Implications: See report

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

Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

20. Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson

From: Mayor Arreguin

Recommendation: Excuse Mayor Jesse Arreguin and Councilmember Rigel Robinson from the September 24, 2019 Council meeting due to attending official business of the City.

Financial Implications: None

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

Action: Approved recommendation.

Council Consent Items

21. Referral to City Manager to Authorize Additional Inclement Weather Shelter at Old City Hall from October 15, 2019 - April 30, 2020

From: Councilmembers Davila, Harrison, Bartlett, and Kesarwani

Recommendation:

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from October 15, 2019 - April 30, 2020, to provide safe, indoor locations for our unhoused community during inclement weather, including cold temperatures below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$140,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through April 30, 2020, and possible program expansion in order to increase the number of unhoused people served.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Adopted Resolution No. 69,150–N.S.

22. National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E) Youth Council Fundraiser to send 15 youth members to the 111th Annual NAACP Youth Convention in Boston, Massachusetts in June 2020: Relinquishment of Council Office Budget Fund to the General Fund & Grant of Such Funds

From: Councilmembers Bartlett, Davila, and Harrison

Recommendation: Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Inter-City Services, Inc. 501(c)3 (organized by the National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E.) Youth Council). The funds should be relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.

Financial Implications: Councilmember's Discretionary Funds - \$250

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

Action: Adopted Resolution No. 69,143–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$250; Councilmember Harrison - \$100; Councilmember Hahn - \$100; Councilmember Wengraf - \$100; Mayor Arreguin - \$100.

Council Consent Items

- 23. Relinquishment of Council Office Budget Fund to the General Fund and Grant of Such Funds for Savo Island Cooperative Homes' 40th Anniversary Celebration**
From: Councilmember Bartlett
Recommendation: Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Savo Island Cooperative Homes' 40th Anniversary Celebration. The funds should be relinquished to the City's general fund for this purpose from the discretionary Council Office budget of Councilmember Ben Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 69,144–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$50; Councilmember Harrison - \$250; Councilmember Hahn - \$100; Councilmember Wengraf - \$100; Mayor Arreguin - \$100.
- 24. Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology** *(Reviewed by the Public Safety Committee)*
From: Councilmembers Harrison and Davila
Recommendation: Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmembers Bartlett and Hahn added as co-sponsors. Moved to Action Calendar. 6 speakers. M/S/C (Harrison/Arreguin) to adopt first reading of Ordinance No. 7,676–N.S. Second reading scheduled for October 29, 2019.
Vote: All Ayes.
- 25. Resolution in Support of the 2019 United Auto Workers General Motors Strike**
From: Councilmembers Harrison and Davila
Recommendation: Adopt a resolution in support of the United Auto Workers General Motors strike for fair wages, affordable quality healthcare, and job security.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 69,145–N.S.

Council Consent Items

26. Berkeley City Club Conservancy Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmembers Hahn and Robinson

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the Berkeley City Club Conservancy, a 501(c)(3) non-profit organization, to preserve the landmark Julia Morgan Berkeley City Club building and to celebrate its upcoming centennial in 2030, 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: Councilmember's Discretionary Funds - \$250

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

Action: Adopted Resolution No. 69,146–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$50; Councilmember Harrison - \$100; Councilmember Wengraf - \$100; Councilmember Robinson - \$100; Councilmember Bartlett - \$100; Mayor Arreguin - \$100.

27. Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley
From: Councilmember Wengraf

Recommendation: Adopt a Resolution declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley.

Financial Implications: None

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

Action: Councilmembers Hahn and Droste and Mayor Arreguin added as co-sponsors. Adopted Resolution No. 69,147–N.S.

28. Budget Referral: RFP for a Freestanding Public Restroom Facility *(Continued from September 24, 2019)*

From: Councilmember Robinson

Recommendation: Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.

Financial Implications: See report

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

Action: Moved to the Action Calendar. 5 speakers. M/S/C (Droste/Robinson) to approve the recommendation.

Vote: All Ayes.

Recess 9:13 p.m. – 9:25 p.m.

Council Consent Items

29. Referral: Telegraph Shared Streets

From: Councilmember Robinson, Mayor Arreguin, and Councilmember Harrison

Recommendation: Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project.

Financial Implications: See report

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

Action: Councilmember Droste added as a co-sponsor. Item held over to October 29, 2019.

30. Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Councilmembers Robinson, Davila, Bartlett, and Hahn

Recommendation: Adopt first reading of an ordinance adopting a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,677–N.S. Second reading scheduled for October 29, 2019.

31. Adopt Resolution to Support Seamless Transit Principles

From: Councilmember Droste, Mayor Arreguin, and Councilmembers Kesarwani and Robinson

Recommendation: Adopt a Resolution to support Seamless Transit Principles in order to pursue an integrated reliable regional transit system connecting the Bay Area.

Financial Implications: Staff time

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: Adopted Resolution No. 69,148–N.S.

Action Calendar – Old Business

- 32. Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer (SHPO)** *(Continued from September 10, 2019)*
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a revised Programmatic Agreement (PA) with the California State Historic Preservation Officer (SHPO) to clarify which rehabilitation activities would not require SHPO's review.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Item removed from the agenda by the City Manager.
- 33. IKE Smart City Kiosk Locations, Phase One** *(Continued from September 24, 2019)*
From: City Manager
Recommendation: Approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: 7 speakers. M/S/C (Arreguin/Droste) to approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC. Direction provided to draft an amended agreement with IKE Smart City regarding limitations on third-party data sharing and privacy protection.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Hahn.
- 34. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses** *(Continued from September 24, 2019)*
From: City Manager
Recommendation: Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: 2 speakers. M/S/C (Arreguin/Hahn) to approve the recommendation.
Vote: All Ayes.
- 35. Deaccession of Berkeley Big People** *(Continued from September 24, 2019)*
From: City Manager
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: 1 speaker. Report received and discussion held.

Action Calendar – Old Business

- 36. Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council** *(Continued from September 24, 2019)*
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Item referred to the Agenda and Rules Committee for scheduling.
- 37. Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard** *(Continued from September 24, 2019)*
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:20 p.m.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Davila; Abstain – None; Absent – Droste.
Action: 2 speakers. Report received and discussion held.
- 38. Referral Response: Lava Mae Mobile Shower and Hygiene Services** *(Continued from September 24, 2019)*
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: M/S/C (Arreguin/Wengraf) to hold Item 38 over to October 29, 2019.
Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.
- 39. Settlement Authority of City Manager for Workers' Compensation Claims**
From: City Manager *(Continued from September 24, 2019)*
Recommendation: Adopt a Resolution to establish and grant authority to the City Manager or his/her designee to settle workers' compensation claims up to \$75,000 per employee claim, and establish and grant authority to the Human Resources Director to settle workers' compensation claims up to \$50,000 per employee claim.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: 0 speakers. M/S/C (Arreguin/Robinson) to adopt Resolution No. 69,149–N.S. to establish and grant authority to the City Manager or his/her designee to settle workers' compensation claims up to \$75,000 per employee claim, and establish and grant authority to the Human Resources Director to settle workers' compensation claims up to \$50,000 per employee claim.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Davila; Abstain – None, Absent – Droste.

Councilmember Droste absent 10:01 p.m. – 11:20 p.m.

Action Calendar – Old Business

- 40. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**
(Continued from September 24, 2019)
From: Mayor Arreguin and Councilmembers Harrison and Droste
Recommendation: Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Hahn added as a co-sponsor. Item held over to October 29, 2019.
- 41. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy**
(Continued from September 24, 2019)
From: Councilmembers Robinson, Droste, Harrison, and Mayor Arreguin
Recommendation: Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:
1. Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act.
 2. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
 3. Encourage the use of quick builds by expediting quick-build projects under \$1 million. (a) "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.
 4. Require staff to report progress back to Council every two years.
- Furthermore, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.
Financial Implications: Staff time
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: M/S/C (Arreguin/Robinson) to hold over Item 41 to October 29, 2019
Vote: All Ayes.

Information Reports

42. **FY 2019 Third Quarter Investment Report: Ended March 31, 2019**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
43. **Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.
44. **Adoption of Homeless Commission's Fiscal Year 2020 Workplan**
From: Homeless Commission
Contact: Peter Radu, Commission Secretary, (510) 981-5400
Action: Received and filed.

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

Adjournment

Adjourned at 11:20 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of October 15, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #16: Resolution: Protect from deportation beneficiaries of DACA, TPS and DED

1. NorCal TPS Coalition

Item #20: Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson

2. Jessica Behrman

Item #24: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology

3. 34 form letters in support of
4. Edward Piou
5. Shauna Haines

Traffic Circle Policy and Program Recommendations

6. Karen Gillard

5G

7. Vivian Warkentin (2)
8. Gar Smith (2)
9. Councilmember Wengraf
10. Ellie Marks
11. Cindy Rahav
12. Phoebe Sorgen (3)
13. Sandy Nixon

Encampments/Homelessness

14. Jingjing Dai
15. Margy Wilkinson (3)
16. Bryan Bowman
17. Diana
18. Erwan Illian

City of Berkeley Sewer Service Fee

19. Barbara Gilbert
20. Pam Speich

Housing

21. East Bay Democratic Socialists of America
22. Samuel Kohn, on behalf of the Human Welfare Community Action Commission

Electrification Generates Huge Amounts of Greenhouse Gas

23. David Lerman (2)

Berkeley Ranks 289 out of 300, Near the Bottom as a Safest City

24. Steven Donaldson
25. Barbara Gilbert

BPD Automated License Plate Readers

26. George Perezvelez, on behalf of the Police Review Commission

City of Berkeley Marina

27. Erwan Illian

Toxicity and Environmental Remediation in West Berkeley

28. Terry Taplin

Endless Construction Ruining Our Streets

29. Barbara Gilbert

Motorized Scooters and Skateboards

30. Summer Brenner

31. Sally Nelson

West Campus Pool

32. Helga Recke

War on Triangle Park

33. Carol Denney

34. Martin Nicolaus

Vaping

35. Sabrina Fendrick, on behalf of Berkeley Patients Group

Police Review Commission

36. Judith White

37. M. Rivka Polantnick

RV's and Councilmember Harrison

38. Jessica Behrman

North Berkeley Crime Spree

39. Jessica Behrman

Street Paving Priorities

40. Bill Pottinger

41. Janet

42. Councilmember Wengraf

Aquatic Park Pollution

43. Igor Tregub, on behalf of the Sierra Club San Francisco Bay

44. Joan Wager

Addressing Climate Change

45. Robert Kenney, Vice-President of PG&E

TOPA

46. Avram Gur Arye (2)

Residential Smoking Ban

47. Thomas Lord

48. Maria T. Garcia de la Noceda

Undergrounding Utilities

49. Kathryn Kennedy

Scofflaw Cyclists

50. John Rice

Unfunded Employee Pension and Healthcare Liabilities

51. David Lerman (2)

Cracked Sidewalk

52. David Kupler

53. Tony Benado

54. City of Berkeley Customer Service (311)

Mental Health Commission Concerns

55. Margaret Fine

Supplemental Communications and Reports 1

Adjourn in memory of Michael Diehl, Former City Commissioner and Local Activist

56. Kim Nemirow

Item #6: Contract: (D.L. Falk Construction) for Central Library Improvements Project

57. Melinda Carmack, on behalf of the Berkeley Public Library Foundation

Item #18: Grant Referral for Capoeira Arts Foudation

58. Lisa Bullwinkel

Item #27: Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

59. Louise Brown

60. Chris McKee

61. Michael Scott

62. John Sterns

63. Shelley Golomb

64. Brian Gilbane

65. Adam Ratoosh

66. Gertrude Allen

67. Janet Dreifort

68. Sandra Schlesinger

69. Howard Hertz

70. Richard Boyden

71. Robert Holloway

72. Susan Brand

73. Olda Shalygin

74. Michael Bank

75. Gail Machlis

76. Molly Raphael
77. George Leitmann
78. Gina Rieger
79. Bob Flasher
80. Liliana Cardile and Stefano Schiavon
81. Carlo Sequin
82. Nicole Chabot
83. Pam Valois
84. Rachel Sing
85. Theodore Raphael
86. Linnea Christiani
87. Sally Francis
88. Lyn Alhorn
89. Cynthia Johnson
90. William Hurley
91. Barbara Bibel
92. Dyan Whyte
93. Mark Galbraith
94. Vicki Piovia
95. Anne Pardee and Steve Beckendorf
96. Kevin Padian
97. Carol Curtis
98. Robin Johnston
99. Patrice Ignelzi
100. Meg Sedlak
101. Patricia Robak
102. Jan Raymond
103. Bohun Kinloch
104. Allison Wren and Darrin Banks
105. Kathleen Jain
106. Lynn Glaser
107. Robert Smith
108. Pierre Olivier
109. Joan Garvin
110. John Clarke
111. Kim Marder
112. Brenda Shank
113. Sue von Baeyer
114. Suzanne P. McKee

Item #32: Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer (SHPO)

115. Margie Cochran, Residential Access Coordinator for The Center for Independent Living

Item #34: Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses

116. Kelsie Kerr, Owner of Standard Fare

Item #41: Referral: Develop a Bicycle Lane Pedestrian Street Improvements Policy

- 117. Edward Medina
- 118. David Shere
- 119. Dean Wyrzykowski

Supplemental Communications and Reports 2

Item #18: Grant Referral for Capoeira Arts Foundation

- 120. Revised material, submitted by Councilmember Kesarwani

Item #24: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology

- 121. Chimey Lee
- 122. Brian Hofer, on behalf of Secure Justice

Item #27: Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

- 123. M.K.
- 124. Terry Pink Alexander and John Blaustein
- 125. Connie and Paul Riccardi
- 126. Harris Brody
- 127. Rick Dishnica
- 128. Maria Rita F. Biasin
- 129. Sharla Sullivan, on behalf of EBMUD (2)
- 130. Karl Reeh
- 131. Sabina McMurty
- 132. Max Ventura
- 133. Wanda Warkentin
- 134. Terry Mandel
- 135. Nancy Rader
- 136. Marvin Snow
- 137. Katherine Pope
- 138. Laura Louis
- 139. Nathan Glendenning
- 140. Marilyn Ichioka

Item #29: Referral: Telegraph Shared Streets

- 141. Varsha Sarveshwar, on behalf of the ASUC at Cal

Item #30: Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear

- 142. Samantha Warren, on behalf of the Cal Berkeley Democrats (2)
- 143. Davina Srioudom
- 144. James Weichert

145. Pablo Chong Herrera
146. Timothy Etter
147. Zach Carter
148. Jon Corn
149. Riya
150. Bailey Henderson
151. Laurel Halvorson
152. Luka Cheney
153. Varsha Sarveshwar, on behalf of the ASUC at Cal
154. Sarah Abdesahian, on behalf of the Middle Eastern-North African Recruitment and Retention Center

Item #41: Referral: Develop a Bicycle Lane Pedestrian Street Improvements Policy

155. Steve Solnit
156. Ben Gerhardstein
157. Alfred Twu
158. Holly Mines
159. Julie Bussgang
160. Tom Lent
161. Lori Hines
162. James Wichert
163. Davina Srioudom
164. Pablo Chong Herrera
165. Elizabeth Grubb
166. Marjorie Alvord
167. Jon Corn
168. Riya
169. Samantha Warren
170. Dave Campbell
171. Jane Scantlebury
172. Bailey Henderson
173. Courtney Brousseau
174. Aaron Stein-Chester
175. Laurel Halvorson
176. M.K.
177. Luka Cheney
178. Robert Clear
179. Emmerich Anklam
180. Jodi Levin
181. Avi Flamholz
182. Julie Elis

Item #44: Adoption of Homeless Commission's Fiscal Year 2020 Workplan

183. Katharine Gale, on behalf of Homeless Services Panel of Experts

Supplemental Communications and Reports 3

Urgency Item: Resolution Ratifying and Terminating the Proclamation of Emergency by the Director of Emergency Services Due to PG&E Public Safety Power Shutoff

184. Dee Williams-Ridley, City Manager

Item #18: Grant Referral for Capoeira Arts Foundation

185. Moni Law (2)

Item #26: Berkeley City Club Conservancy Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

186. Berkeley City Club Conservancy

Item #27: Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

187. Diane Weber

188. TJ Cutillo

189. Councilmember Wengraf

Item #28: Budget Referral: RFP for a Freestanding Public Restroom Facility

190. Siegel Yee Brunner and Mehta Lawfirm

Item #33: IKE Smart City Kiosk Locations, Phase One

191. Mark Thompson, on behalf of IKE Smart City

Item #37: Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard

192. Presentation, submitted by HHCS

Item #41: Referral: Develop a Bicycle Lane Pedestrian Street Improvements Policy

193. Katy Love

194. Bill Powning

195. Brit Harvey

196. Jacqueline Park

197. Sadie Ciostello

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES
MONDAY, OCTOBER 21, 2019**

9:00 A.M.

Community Room – Main Branch Library, 2031 Bancroft Way, Berkeley, CA 94704

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: 9:19 a.m.

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

Absent: Davila, Bartlett

Councilmember Davila present at 9:29 a.m.

Public Comment – Items on this agenda only – 1 speaker

Action Calendar

1. Discussion of Systems Realignment and Direction on Potential Changes to the City’s Legislative Process and Related Processes

From: City Manager

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Action: Presentations made and discussion held.

Adjournment

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

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

Noes – None; Abstain – None; Absent – Bartlett.

Adjourned at 1:52 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting of October 21, 2019 as approved by the Berkeley City Council.

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: Discussion of Systems Realignment and Direction on Potential Changes to the City's Legislative Process and Related Processes

1. Supplemental material, submitted by Mayor Arreguin

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, OCTOBER 22, 2019

4:30 P.M.

**School District Board Room – 1231 Addison Street, Berkeley, CA 94702
Teleconference Location – 2911 Lorina Street, Berkeley, CA 94705**

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: 4:37 p.m.

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

Absent: Harrison

Public Comment - Limited to items on this agenda only – 1 speaker

CLOSED SESSION:

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

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

- a. *1444 Fifth Street LLC v. City of Berkeley*, Alameda County Superior Court Case No. 19032434

Action: No reportable action taken.

- b. *Gilmore v. City of Berkeley*, Alameda County Superior Court Case No. RG18925180

Action: M/S/C (Arreguin/Hahn) to approve the staff recommendation to authorize the City Attorney to enter into a settlement agreement with a provision to remove resale restrictions, to resolve *Gilmore v. City of Berkeley*, Case No. RG18925180.

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

Councilmember Davila absent 6:37 p.m. – 6:42 p.m.

OPEN SESSION:

The City Council met in closed session and authorized the City Attorney to enter into a settlement agreement with a provision to remove resale restrictions, to resolve Gilmore v. City of Berkeley, Case No. RG18925180.

Adjournment

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

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

Adjourned at 6:42 p.m.

I hereby certify that the foregoing is a true and correct record of the Closed Session meeting held on October 22, 2019.

Mark Numainville
City Clerk

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

Tuesday, October 22, 2019

6:00 P.M.

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION – 2911 LORINA STREET, BERKELEY, CA 94705

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: 6:50 p.m.

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

Absent: None

Report from Closed Session

The City Council met in closed session and authorized the City Attorney to enter into a settlement agreement with a provision to remove resale restrictions, to resolve Gilmore v. City of Berkeley, Case No. RG18925180.

Worksession

1. Update on Berkeley's 2020 Vision

From: City Manager

Contact: Erin Steffen, City Manager's Office, (510) 981-7000

Action: 9 speakers. Presentation made and discussion held.

Recess 8:46 p.m. – 8:58 p.m.

2. Census 2020

From: City Manager

Contact: Dave White, City Manager's Office, (510) 981-7000; Erin Steffen, City Manager's Office, (510) 981-7000

Action: 0 speakers. Presentation made and discussion held.

3. Short-Term Rentals in Berkeley

From: City Manager

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400; Henry Oyekanmi, Finance, (510) 981-7300

Action: 5 speakers. Presentation made and discussion held.

Adjournment

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

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

Councilmember Bartlett absent 8:58 p.m. – 10:57 p.m.

Councilmember Kesarwani absent 9:00 a.m. – 10:57 p.m.

Councilmember Davila absent 10:41 p.m. – 10:57 p.m.

Councilmember Droste absent 10:47 p.m. – 10:57 p.m.

Adjourned at 10:57 p.m.

I hereby certify that the forgoing is a true and correct record of the special meeting of October 22, 2019 as approved by the Berkeley City Council.

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: Update on Berkeley's 2020 Vision

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

Item #2: Census 2020

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

Item #3: Short-Term Rentals in Berkeley

3. Presentation, submitted by the Planning Department

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, OCTOBER 29, 2019

5:00 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: 5:03 p.m.

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

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 5:07 p.m.

Councilmember Bartlett present at 5:10 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. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)**

Grievance Regarding Emergency Call Back for IT employees

Service Employees International Union Local 1021 Community Services & Part-time Recreation Leaders Association

(CSMCS Case No. ARB-18-0314)

Action: M/S/C (Hahn/Wengraf) to provide direction to staff to settle a pending grievance regarding IT emergency callbacks -- (CSMCS Case No. ARB-18-0314). Staff will bring back a side letter to effectuate the settlement in open session.

Vote: All Ayes.

OPEN SESSION:

The City Council met in closed session and provided direction to staff to settle a pending grievance regarding IT emergency callbacks -- (CSMCS Case No. ARB-18-0314). Staff will bring back a side letter to effectuate the settlement in open session.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:33 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council held on October 29, 2019.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, October 29, 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: 6:07 p.m.

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

Absent: None

Closed Session Report:

The City Council met in closed session and provided direction to staff to settle a pending grievance regarding IT emergency callbacks -- (CSMCS Case No. ARB-18-0314). Staff will bring back a side letter to effectuate the settlement in open session.

Ceremonial Matters:

1. Recognition of Carlos Baron, Local Artist and Founder of La Pena Cultural Center
2. Recognition of Domestic Violence Awareness Month
3. Adjourned the meeting in memory of Elijah Cummings, Civil Rights Leader and Former Congressman
4. Adjourned the meeting in memory of John Conyers, Civil Rights Leader and Former Congressman

City Auditor Comments:

1. The City Auditor gave a presentation on the Domestic Violence Response audit (Item 13)

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Wengraf/Robinson) to add an urgent item to the agenda related to the emergency declaration for the public safety power shut-off.

Vote: All Ayes.

Action: M/S/C (Wengraf/Robinson) to accept revised materials from Councilmember Harrison on Item 23.

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

Councilmember Droste absent 7:03 p.m. – 7:06 p.m.

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

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

Vote: All Ayes.

Resolution Ratifying the Proclamation of Emergency by the Director of Emergency Services Due to PG&E Public Safety Power Shutoff

From: City Manager

Recommendation: Adopt a Resolution Ratifying the Proclamation of Emergency by the Director of Emergency Services due to the PG&E Public Safety Power Shutoff on October 25, 2019.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6998

Action: Adopted Resolution No. 69,151–N.S.

1. **Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology** *(Reviewed by the Public Safety Committee)*

From: Councilmembers Harrison, Davila, Bartlett, and Hahn

Recommendation: Adopt second reading of Ordinance No. 7,676-N.S. amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,676-N.S.

Consent Calendar

- 2. Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmembers Robinson, Davila, Bartlett, and Hahn
Recommendation: Adopt second reading of Ordinance No. 7,677-N.S. adopting a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Adopted second reading of Ordinance No. 7,677-N.S.
- 3. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of September 3, 2019 (special closed), September 10, 2019 (special closed and regular), September 17, 2019 (special closed and special) and September 24, 2019 (special closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved minutes as submitted.
- 4. City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee)*
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: Moved to Action Calendar. Item held over to November 12, 2019.
- 5. Revised Conflict of Interest Code**
From: City Manager
Recommendation: Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 68,201–N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 69,152–N.S.

Consent Calendar

- 6. Contract: Berkeley Convention and Visitor's Bureau, d.b.a. Visit Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, not to exceed \$7,966,000 of Berkeley Tourism Business Improvement District (BTBID) funds to support tourism marketing and promotion for the period through June 30, 2027.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,153–N.S.
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 29, 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 - \$160,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation as revised in Supplemental Communications Packet #1.
- 8. Recommendation and Contract: Management Partners for Management Consultancy Services (Reviewed by the Agenda & Rules Committee)**
From: City Manager
Recommendation: Adopt a Resolution accepting the recommendation of the City Council Agenda & Rules Committee authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Management Partners in an amount not to exceed \$45,500 for the period from November 12, 2019 through July 31, 2021 to provide management consultancy services to the City Council of the City of Berkeley to conduct a performance evaluation of the City Manager.
Financial Implications: General Fund - \$45,500
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,154–N.S.

Consent Calendar

- 9. Contract No. 103580-1 (9821) Amendment: First Alarm Security & Patrol, Inc., dba First Security Services for Citywide Security Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the not-to-exceed value of Contract No. 103580-1 (9821) by \$300,000, from \$2,784,798 to \$3,084,798 to fund continued services through the contract expiration date of February 29, 2020. The \$300,000 additional spending authority provides the City with the necessary funding to finalize the on-going RFP #19-11316-C (Re-issued) for Citywide Unarmed Security Guard Services.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,155–N.S.
- 10. Contract No. 10874B Amendment: Street Level Advisors for Zoning and Development Fee Feasibility Analyses**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10874B with Street Level Advisors, to analyze the impact of fees and other variables on development project feasibility, increasing the contract amount by \$150,000 to a new total not-to-exceed contract amount of \$225,400 and extending the contract period to December 31, 2022.
Financial Implications: Permit Service Center Fund - \$150,000
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,156–N.S.
- 11. Contract No. 10742 Amendment: Redwood Toxicology Services for Drug and Alcohol Testing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10742 and any necessary future amendments with Redwood Toxicology Services for drug and alcohol testing for the Police Department, increasing the amount by \$200,000 for a total not to exceed amount of \$250,000 subject to the City's annual budget appropriation process.
Financial Implications: General Fund - \$200,000
Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,157–N.S.
- 12. Approval of One Additional Meeting for Children, Youth, and Recreation Commission in Calendar Year 2019**
From: Children, Youth, and Recreation Commission
Recommendation: Adopt a Resolution approving one additional meeting for the Children, Youth, and Recreation Commission in calendar year 2019.
Financial Implications: Minimal
Contact: Stephanie Chu, Commission Secretary, (510) 981-6700
Action: Adopted Resolution No. 69,158–N.S.

Consent Calendar

13. Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees

From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by April 28, 2020, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Human Resources Department. They have agreed to our findings and five of our recommendations. Please see our report for their complete response.

Financial Implications: See report

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

Action: Approved recommendation as revised in Supplemental Reports Packet #2 to include the presentation materials.

Council Consent Items

14. Budget Referral: Berkeley Age-Friendly Continuum

From: Mayor Arreguin and Councilmember Bartlett

Recommendation: Refer to the mid-year budget process \$20,000 for the Berkeley Age-Friendly Continuum.

Financial Implications: See report

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

Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

15. Extension of the Joint Subcommittee for the Implementation of State Housing Laws

From: Mayor Arreguin and Councilmember Harrison

Recommendation: Adopt a Resolution extending the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) to complete its work by July 2020, with Joint Subcommittee providing its recommendations to Council by the end of September 2020.

Financial Implications: Staff time

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

Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 69,159–N.S.

- 16. Budget Referral: Funding Illegal Dumping Component of “Clean & Livable Commons Initiative”**
From: Councilmembers Kesarwani and Harrison, and Mayor Arreguin
Recommendation: Refer to the November budget process consideration for providing \$200,000 to fund a key component of the “Clean & Livable Commons Initiative” unanimously passed by the City Council on February 28, 2019 to: -Add lighting, cameras and signs at strategic locations in Berkeley to help deter illegal dumping; and -Explore increasing the penalties for illegal dumping.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.
- 17. Referral to the Civic Arts Commission to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists**
From: Councilmembers Kesarwani, Droste, Wengraf, and Hahn
Recommendation: Referral to the Civic Arts Commission to prioritize within their current Work Plan creating a process for awarding competitive grants to Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved recommendation.
- 18. Information on the City’s Existing Code Enforcement Practices for Residential Properties**
From: Councilmember Kesarwani
Recommendation: Request the City Manager provide a brief report or presentation on the City’s code enforcement practices for residential properties for the purposes of educating the City Council and the public on current practice. The requested information may include: -Reporting on the various ways in which code enforcement issues have been brought to the attention of the City over the last five years (i.e., neighbor complaint, 911 call to the property, etc.); -How various code enforcement issues at residential properties are currently handled (i.e., which City departments and which type of staff are involved, what they do, etc.); -Timeframe and mechanisms for achieving code compliance at residential properties; -Any existing assistance programs available to support property owners found to have code violations, such as financial assistance, mental health services, technical advice, etc.; -Specific learnings/change in City practices resulting from the Leonard Powell receivership case; -Other information deemed relevant and appropriate to understand the City’s current code enforcement practices for resident properties.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Item withdrawn from the agenda by Councilmember Kesarwani.

- 19. Consider The Homeless Films, Food & Discussion Event on November 5, 2019: 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 \$250 from Councilmember Cheryl Davila, to support the Consider The Homeless “Films, Food & Discussion” Event on November 5, 2019, 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 - \$250
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,160–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$100; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Robinson - \$100; Councilmember Bartlett - \$100.
- 20. Letter in Support of HR 1595: Secure And Fair Enforcement Banking Act of 2019**
From: Councilmembers Davila and Harrison
Recommendation: Send a Letter to Congresswoman Barbara Lee in Support of HR 1595: Secure And Fair Enforcement Banking Act of 2019, and direct the city clerk or designee to send a letter to our state representatives.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.
- 21. Budget Referral: Allocate \$27,000 from the General Fund to Secure Potential Matching State Certified Local Government Landmarks Preservation Grants**
From: Councilmembers Harrison and Hahn
Recommendation: Refer to the FY 2021 November Budget Process to allocate \$27,000 from the General Fund to secure potential matching state Certified Local Government landmarks preservation grant.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation as revised in Supplemental Communications Packet #1.

- 22. Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations and to All Existing Buildings Prior to Execution of a Contract for Sale or Close of Escrow** *(Reviewed by the Facilities, Infrastructure, Technology, Environment & Sustainability Committee)*
From: Councilmembers Harrison, Wengraf, Hahn, and Bartlett
Recommendation: Refer to the Disaster and Fire Safety Commission to consider an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow. Ask the Commission to consider other triggers as appropriate.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation.
- 23. Oversized Vehicle Restrictions on Bicycle Boulevards**
From: Councilmembers Harrison, Robinson, and Bartlett
Recommendation:
1. Refer to the Transportation Commission a draft ordinance amending Berkeley Municipal Code Chapter (BMC) 14.56.070 to prohibit commercial trucks exceeding three tons gross vehicle weight from utilizing streets comprising the bicycle boulevards network.
2. Refer to the City Manager to update BMC 14.56.070 as more Berkeley streets become Bicycle Boulevards, as outlined in the 2017 Bicycle Plan.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Moved to Action Calendar. Councilmember Hahn added as a co-sponsor. 5 speakers. M/S/C (Droste/Robinson) to approve the recommendation as amended in the revised materials submitted by Councilmember Harrison to request that the commission work with business associations, the size limitations, the streets subject to the restrictions, and the clarifications added by Councilmember Wengraf related to emergency vehicles.
Vote: All Ayes.
- 24. Budget Referral and Approving Installation of Cameras at Ohlone Park Mural**
From: Councilmembers Harrison and Kesarwani
Recommendation:
1. Pursuant to Berkeley Municipal Code 2.99.060, declare that a camera installed in Ohlone Park at the corner of Hearst Street and Milvia Street will provide benefits to the community that outweigh costs and concerns.
2. Refer \$6,000 to the FY20 November 2019 AAO Process for the purpose of purchasing and installing a surveillance camera.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Approved recommendation.

Action Calendar – Public Hearings

25. Renewal of the Elmwood Avenue BID for Calendar Year 2020

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2019-20 and, if no majority protest exists, levy annual assessments in the District for calendar year 2020 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7530

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

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

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

Councilmember Bartlett absent 7:49 – 7:59

Councilmember Harrison absent 7:49 p.m. – 7:52 p.m.

Action: M/S/C (Hahn/Robinson) to adopt Resolution No. 69,161–N.S.

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

26. Renewal of the Solano Avenue BID for Calendar Year 2020

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2019-20 and, if no majority protest exists, levy annual assessments in the District for calendar year 2020 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, (510) 981-7530

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

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

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

Action: M/S/C (Hahn/Wengraf) to adopt Resolution No. 69,162–N.S.

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

Action Calendar – Public Hearings

27. Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program

From: City Manager

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

Financial Implications: See report

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

Action: The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Wengraf) to continue the public hearing to November 12, 2019.

Vote: All Ayes.

Recess 8:00 p.m. – 8:12 p.m.

Action Calendar – Old Business

28. Referral Response: Lava Mae Mobile Shower and Hygiene Services *(Continued from October 15, 2019)*

From: City Manager

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

Action: Item held over to November 12, 2019.

29. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention *(Continued from October 15, 2019)*

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

Recommendation: Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.

First Reading Vote: All Ayes.

Financial Implications: Staff time

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

Action: Item held over to November 12, 2019.

Action Calendar – Old Business

30. **Referral: Telegraph Shared Streets** *(Continued from October 15, 2019)*
From: Councilmember Robinson, Mayor Arreguin, and Councilmembers Harrison and Droste

Recommendation: Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project.

Financial Implications: See report

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

Action: Moved to Consent Calendar as revised material in Supplemental Communications Packet #1.

Action Calendar – Old Business

31. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy
(Continued from October 15, 2019)

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

Recommendation: Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:

1. Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act.
2. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
3. Encourage the use of quick builds by expediting quick-build projects under \$1 million. (a) "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.
4. Require staff to report progress back to Council every two years.

Furthermore, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.

Financial Implications: Staff time

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

Action: M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m. and to carry over items 4, 28, and 35 to November 12, 2019.

Vote: All Ayes.

Action: 11 speakers. M/S/C (Robinson/Arreguin) to adopt Recommendation #1 as written below.

Refer to the City Manager to develop a comprehensive ordinance with input from the Public Works & Transportation Commissions governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:

- *Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met:*

Action Calendar – Old Business

- *Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.*
- *Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.*
- *The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.*
- *Improvements are necessary to comply with the Americans with Disabilities Act.*
- *Encourage the use of quick builds by expediting quick-build projects under \$1 million.*
 - *“Quick-build” is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.*
- *Require staff to report progress back to Council every two years.*

Vote: All Ayes.

Action: M/S/C (Robinson/Arreguin) to adopt Recommendation #2 as written below.

Refer to the City Manager to establish a paving pilot program to prioritize bikeways and Vision Zero pedestrian high-injury streets by allocating at least 50 percent of the repaving budget towards such streets, to be implemented from 2022 to 2025 and earlier when feasible. Staff should evaluate the program’s success and report back to Council. In developing the program, staff should prioritize improving both safety and the pavement condition index (PCI) city-wide and on bikeways and pedestrian high-injury streets. Moreover, to advance equity, staff should use the project priorities outlined in the Bicycle Plan and forthcoming Pedestrian Plan, together with pavement quality information, to identify the highest-priority bikeways and high-injury street sections for repaving. Both plans incorporate equity factors to prioritize projects. Staff will present the pilot program to the Council for approval prior to implementation.

- *Bikeways are defined as the street network that the Bicycle Plan recommends for bicycle infrastructure. A map of this street network is shown in Attachment 2.*
- *Vision Zero pedestrian high-injury streets are defined as the streets where a high proportion of severe and fatal pedestrian injuries occur. These streets will be identified in the Pedestrian Master Plan, which staff are currently updating. A draft map of these streets is shown in Attachment 3.*

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

Action Calendar – Old Business

Action: 11 speakers. M/S/C (Robinson/Arreguin) to adopt Recommendation #3 as written below.

Finally, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.

Vote: All Ayes.

Action Calendar – New Business

32. Reserving General Funds for Housing Trust Fund Program Predevelopment Applications for 2526 San Pablo Avenue, 2001 Ashby Avenue, and 2321-2323 10th Street and Possible Measure U1 Funding Reservation

From: City Manager

Recommendation: Adopt a Resolution:

1. Reserving General Funds received pursuant to Measure U1 in the following amounts: -\$500,000 for Satellite Affordable Housing Associates' new construction development at 2527 San Pablo Avenue; and -\$1.2 million for Resources for Community Development's new construction development at 2001 Ashby Avenue; and -\$50,000 for Northern California Land Trust's renovation of 2321-2323 10th Street.
2. Conditioning NCLT's predevelopment loan on the organization demonstrating compliance with the requirements of its 2017 Development Loan Agreement for 1340-48 Blake Street and 2425 California Street, including: -Updating its plan for assessing the feasibility of converting 1340-48 Blake and 2425 California to cooperatives; and -Updating its organizational documents to reflect a tripartite structure.
3. Conditioning the loan for 2001 Ashby Avenue on RCD's evaluating ways to reduce or eliminate the project's proposed parking spaces and/or parking footprint, if possible, in consideration of the needs of the residents, community services space, and climate change mitigation.
4. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.

Financial Implications: See report

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

Action: Moved to Consent Calendar. Adopted Resolution No. 69,163–N.S.

Action Calendar – New Business

33a. Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance

From: Housing Advisory Commission

Recommendation: Approve modifications to policies related to the enforcement of the Smoke-Free Multi-Unit Housing Ordinance, as follows:

1. Increase staffing to implement enforcement of the ordinance as part of the next budget;
2. Improve signage related to the ordinance in residential buildings;
3. Make the complaint process less onerous and more user-friendly, including enabling complainants to submit complaints electronically, providing complaint forms in different languages, and removing language requiring the statements to be “sworn,” and considering other, less threatening language that still expects a complaint be provided under the best of appellant’s knowledge;
4. Relax the current requirements around how the Ordinance-based complaint form must be completed in order to be processed (e.g., removing the requirement of providing two separate complaints from different individuals within a six-month period, if the building contains two or fewer units, removing the requirement of providing a sworn statement under penalty of perjury); and
5. Refer to the Community Health and Cannabis Commissions the question of whether the use of recreational (non-medical) cannabis should be incorporated into the Smoke-Free Housing Ordinance.

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

33b. Companion Report: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance

From: City Manager

Recommendation: The City Manager appreciates the Housing Advisory Commission’s efforts to strengthen the implementation of the Smoke-free Multi-Unit Housing ordinance and recommends that the proposed modifications be referred to the City Manager Office for an analysis of the financial and legal feasibility of the proposed changes.

Financial Implications: See report

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

Action: Items 33a and 33b referred to the Health, Life Enrichment, Equity & Community.

Council Action Items

34. Proposed Formula Retail (Chain Store) Regulations

From: Councilmember Hahn

Recommendation:

1. Refer to the City Manager and Planning Commission to finalize and return to the City Council for adoption an Ordinance and related amendments to the Berkeley Municipal Code, if any, based on the Draft Formula Retail Ordinance attached hereto, to establish Formula Retail regulations for Commercial and Manufacturing Districts in the City of Berkeley.
2. Refer to the City Manager and Planning Commission to: a. Recommend establishment of Business District boundaries and names, as provided for in Section 23E.18.030(B) of the proposed Formula Retail Ordinance, and b. Through a process that includes public notice and input, as described in the proposed Formula Retail Ordinance, recommend for each Business District whether to allow unlimited Formula Retail, limited Formula Retail (some or all use categories allowed with a Use Permit, Neighborhood Notice, Design Review and findings) or to prohibit Formula Retail.

Financial Implications: See report

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

Action: Councilmember Harrison added as a co-sponsor. Item referred to the Land Use, Housing & Economic Development Committee as amended in Supplemental Communications Packet #1.

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

From: Councilmember Robinson

Recommendation:

1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement of the Idaho Stop and Dead Red conventions for persons operating a bicycle, after the operator has yielded to any other road users with the right of way, by prohibiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Sections 22450(a) and 21453(a).
2. Refer to the City Manager to develop a ticket diversion program to educate bicyclists as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants.
3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.

Financial Implications: See report

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

Action: Item held over to November 12, 2019 including revised material in Supplemental Communications Packet #1 from Councilmember Robinson.

Information Reports

- 36. City Council Short Term Referral Process – Monthly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 37. Referral Response: City Property for Affordable Housing and Modular Micro-Unit Buildings**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Received and filed.
- 38. LPO NOD: 1440 Hawthorne Terrace/#LMIN2018-0003**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.
- 39. LPO NOD: 1450 Hawthorne Terrace/#LMIN2018-0002**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.
- 40. LPO NOD: 2018-36 University Avenue/#LMSAP2019-0002 for the UC Theater Building**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Received and filed.
- 41. goBerkeley Parking Management Program - Parking Rate and Time Limit Adjustments for New North Shattuck Area for December 1, 2019**
From: City Manager
Contact: Phillip Harrington, Director, Department of Public Works (510) 981-6303
Action: Received and filed.
- 42. Children, Youth and Recreation Commission 2019 Work Plan**
From: Children, Youth, and Recreation Commission
Contact: Stephanie Chu, Commission Secretary, (510) 981-6700
Action: Received and filed.
- 43. Civic Arts Commission Fiscal Year 2020 Work Plan**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Received and filed.

Information Reports

- 44. Fiscal Year 2020 Commission on Aging Work Plan**
From: Commission on Aging
Contact: Richard Castrillon, Commission Secretary, (510) 981-5190
Action: Received and filed.
- 45. Berkeley Energy Commission Work Plan for 2019-2020**
From: Energy Commission
Contact: Billi Romain, Commission Secretary, (510) 981-7400
Action: Received and filed.
- 46. Report from Sister City Delegation to Gongju, Republic of Korea**
From: Mayor Arreguin and Councilmember Robinson
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Received and filed.

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

Adjournment

Adjourned at 11:30 p.m.

I hereby certify that the forgoing is a true and correct record of the regular meeting of October 29, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

5G Telecom

1. Elizabeth Starr
2. Vivian Warkentin
3. Phoebe Anne Sorgen

RV Parking Under University Avenue

4. Berkeley Warehouse (2)
5. Stacie Gancayco-Adlao, on behalf of Zen Booth
6. Danielle Rose Hacker
7. Genevieve Wilson

City Manager Web Page

8. David Lerman

Kiwibots

9. Therese Fitzpatrick (2)

Acquisition and Use of Surveillance Technology, GPS Tracking, and Biometric Time Clocks Notice of Violation

10. Weinberg, Roger & Rosenfeld, on behalf of SEIU Local 1021

Racial Disparities in Homeless Population

11. Erica Etelson

Endorse Ratification of U.N. Convention on the Rights of the Child

12. Peace and Justice Commission

Downtown Street Construction

13. Paul Glusman

Berkeley Low Income Housing

14. Linda Franklin (2)

Experience Contesting a Parking Violation

15. Tejal Bhamre

Manufactured Housing

16. Avram Gur Arye (3)

Encampments/Homelessness

17. Eric Friedman

Parking on Narrow City Streets

18. Paul Casperson and Marilyn Pollack

Safe Passages Project Pilot

19. JoAnn Lorber

Police Review Commission Amendment on the 2020 Ballot

20. Ammar Ansari

21. Sarah Shehata

22. Emma Gobler

23. Meghan Schwartz

Berkeley Social Housing

24. Hannah Forsberg

PG&E Email Addresses

25. Juty Blue

Traffic Circle Trees

26. Donna Mickleson

Supplemental Communications and Reports 1

Item #7: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 29, 2019

27. Revised material, submitted by Finance

Item #21: Budget Referral: Allocate \$27,000 from the General Fund to Secure Potential Matching State Certified Local Government Landmarks Preservation Grants

28. Revised material, submitted by Councilmember Harrison

Item #30: Referral: Telegraph Shared Streets

29. Revised material, submitted by Councilmember Robinson

Item #31: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

30. Revised material, submitted by Councilmember Robinson

31. Jennifer Frohlich

32. Michael Ho

33. Connor Jackson

34. Andy Peterson

Item #34: Proposed Formula Retail (Chain Store) Regulations

35. Supplemental material, submitted by Councilmember Hahn

Item #35: Referral: Measures to Address Traffic Enforcement and Bicycle Safety

36. Revised material, submitted by Councilmember Robinson

Supplemental Communications and Reports 2

Item #13: Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees

37. Supplemental material, submitted by the City Auditor's Office

Item #23: Oversized Vehicle Restrictions on Bicycle Boulevards

38. Ben Gerhardstein, on behalf of the Walk Bike Berkeley Coordinating Committee

Item #31: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

39. Revised material, submitted by Councilmember Robinson

40. Watson Ladd

Item #33a: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance

41. Carol Denney (2)

Item #35: Referral: Measures to Address Traffic Enforcement and Bicycle Safety

42. John Rice

43. Robert Zucker

- Item #35: Referral: Measures to Address Traffic Enforcement and Bicycle Safety**
44. 205 Communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Urgency Item: Resolution Ratifying and Terminating the Proclamation of Emergency by the Director of Emergency Services Due to PG&E Public Safety Power Shutoff

45. Urgency Item, submitted by the City Manager

Item #13: Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees

46. Presentation, submitted by the Auditor's Office
47. Report Highlights, submitted by the Auditor's Office
48. Moni Law (2)

Item #23: Oversized Vehicle Restrictions on Bicycle Boulevards

49. Revised material, submitted by Councilmember Harrison

Item #30: Referral: Telegraph Shared Streets

50. Riya Master
51. Sylvia Targ
52. Stuart Baker, TBID Executive Director
53. Pablo Chong Herrera
54. Ella Smith, on behalf of the Berkeley Student Cooperative
55. Timothy Etter
56. Davina Srioudom

Item #31: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

57. Jeana Zelan Peterson
58. Geoff Lomax
59. Dan Johnson
60. Kendra Levine
61. Samantha Warren, on behalf of the Cal Berkeley Democrats
62. Harry Chomsky
63. Igor Tregub, on behalf of the Sierra Club of San Francisco Bay
64. Terry Taplin

Item #32: Reserving General Funds for Housing Trust Fund Program Predevelopment Applications for 2526 San Pablo Avenue, 2001 Ashby Avenue, and 2321-2323 10th Street and Possible Measure U1 Funding Reservation

65. Nicole Brown, on behalf of the Resources for Community Development

Item #34: Proposed Formula Retail (Chain Store) Regulations

66. Kirsten MacDonald, CEO of the Berkeley Chamber
67. Steven Donaldson, on behalf of Radiant Brands
68. Kevin Gordon, on behalf of Gordon Commercial Real Estate Services

- 69. Denny Abrams, on behalf of Fourth Street Shops
- 70. Eric Muhlebach

Aquatic Park

- 71. Elaine Baden, on behalf of the Berkeley Paddling and Rowing Club

EMF's and 5G

- 72. Regina DiMagio

