

**ANNOTATED AGENDA
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.

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