

ANNOTATED AGENDA
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.

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 Abdeshahian, 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