

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Thursday, April 26, 2018

6:00 P.M.

LONGFELLOW SCHOOL AUDITORIUM – 1500 DERBY STREET, BERKELEY, CA

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:06 p.m.

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

Absent: Bartlett, Worthington

Action: M/S/C (Arreguin/Maio) to accept revised material from Councilmember Harrison on Item #1.

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

Public Comment - Limited to items on this agenda only - 70 speakers.

Recess 8:18 p.m. – 8:32 p.m.

Action Calendar

1. Proposed Policies on Sidewalks and Encampments

From: Mayor Arreguin and Councilmember Hahn

Recommendation: Direct the City Manager to return to Council with (1) an Ordinance codifying Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets, (2) a final Encampment Response Policy, and (3) necessary amendments, if any, to existing policies, Administrative Regulations and/or code sections impacted by the proposed Ordinance and Policy, for Council adoption.

Financial Implications: Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

Action: 70 speakers. M/S/C (Maio/Arreguin) to direct the City Manager to return to Council with (1) an Ordinance for Council adoption codifying Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets; and (2) necessary amendments, if any, to existing policies, Administrative Regulations and/or code sections impacted by the proposed Ordinance. Regulations for Council adoption to be based on the revised materials submitted at the meeting and further amended as below.

- 3.a. BART Access Corridor is a Sidewalk, including a wide plaza area, on the same side of the street as a BART Station entrance, within 25 feet of such entrance and the west side of Shattuck Avenue from Addison Street to Alston Way.
- 3.c. Parklet is an improved area within the dedicated public right-of-way with seating, tables, landscaping and/or other amenities, that is intended for being used temporarily for the enjoyment and use of all citizens. [Definition to conform with proposed code amendments]
- Direction to staff to verify if the Ohlone Greenway is covered under the policy for City Parks or if it should be covered under these regulations
- 9. Lying – first sentence should not be included in the ordinance language.
- 9.iii. iii) On Sidewalks in all Commercial Districts and in the Manufacturing (M), Mixed Manufacturing (MM) and Mixed-Use Light Industrial Zones (MULI) between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday, and 10 a.m. and 10:00 p.m. on Sundays and federal holidays. (Lying is permitted in these locations from 10:00 p.m. and 7:00 a.m. Monday through Saturday, and 6:00 p.m. Sunday to 7:00 a.m. Monday.)
- 10.b. Cushioning Material shall not expand beyond what is reasonably needed to cushion the body while seated or lying, and shall be removed by the owner when not in use.
- In all sections related to dogs, clarify that the dogs must be leashed.
- In all sections where it states “”action requested” change to “action required.”
- 12. Enforcement – staff to analyze which staff should address these regulations and determine if any specificity is required in the regulations.
- 12.a.i. If, based on complaints, direct observation or referrals, City staff become aware that Objects or Cushioning Materials are placed in a location or manner in violation of these or other regulations, written notice shall be provided stating the City’s regulations and the corrective action required. If Objects or Cushioning Materials are unattended notice shall be posted on or directly adjacent to such Objects or Cushioning Materials.
- 12.a.ii. Depending on the impacts of the violation, notice shall state whether corrective action must be taken immediately, or may specify any time period, not to exceed 1 hour, for Objects or Cushioning Material to be moved and brought into compliance with these regulations.
- 12.a.iv. – Deleted
- Remove references to “City staff” throughout and just use “City.”
- 12.b.ii. If the individual does not come into compliance after being provided with notice and an opportunity to comply, a Citation may be issued.

- 12.b.v. Amend the language to state that the City will withdraw the citation on the first occurrence if the person accesses services, but the city may or may not withdraw the citation on subsequent occurrences for the same person.
- 12.c.ii. If an individual does not comply, after being provided with notice and an opportunity, a Citation may be issued.

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

Adjournment

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

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

Adjourned at 9:51 p.m.

Communications

Item 1: Proposed Policies on Sidewalks and Encampments

1. Jerry Cho

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Proposed Policies on Sidewalks and Encampments

2. Charles Siegel
3. Miranda Ewell
4. Sarah Bowles
5. Charles Benton
6. Jo Ann Driscoll
7. Bruce Ackerman
8. Evan McDonald
9. Ian Fraser
10. John Lineweaver
11. Deborah Nicholas
12. Elisa Kingsbury
13. Ann Nomy
14. Chris Horgan (2)
15. Elena Prakoura (2)
16. Sara Hartley
17. Lynn Bradley
18. Elise Proulx
19. Scott Braunstein
20. Alan Saldich
21. Esther Lerman
22. George Gurrola
23. Audrey Ichinose
24. Voltairine de Cleyre

25. Catherine Johnson
26. Alice Feller
27. Eric & Marianne Haesloop
28. Autumn Moon
29. Hilary Winslow
30. Robert Abiad
31. Toni Garrett
32. Dona Bretherick

Supplemental Communications and Reports 3

Item 1: Proposed Policies on Sidewalks and Encampments

33. Supplemental materials, submitted by Councilmember Harrison
34. Amber Whitson
35. Osha Neumann
36. Rosie Merlin
37. Bryce Nesbitt
38. Cheryl Brewster
39. Cara Statucki
40. Joshua Miele (2)
41. Catherine Rauch (2)
42. Sandy Simon
43. Michael Caplan
44. Elana Auerbach
45. Tree Fitzpatrick (2)
46. Stuart Baker
47. Alejandro Soto-Vigil (2)
48. Unknown