

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, September 24, 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: 6:09 p.m.

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

Absent: Robinson, Arreguin

Closed Session Report

The City Council met in closed session and authorized the City Attorney to settle Park v. City of Berkeley (RG 17 852489) for \$110,000.

On Claim No. 0109BC2019-000 by Dhaliwal, Warren, and Fong, Council authorized the City Manager to accept a drainage easement on private property in exchange for rebuilding a drainpipe with existing Engineering Division funds on the property that runs from the City's roadway to a creek.

Ceremonial Matters:

1. Recognition of 50th Anniversary of Berkeley Free Clinic
2. Recognition of Sandy Bails
3. Recognition of Emmaline Campbell
4. Recognition of Indigenous People's Day
5. Adjourn in Memory of Sally Floyd, Berkeley Resident

City Manager Comments:

1. The Mental Health Crisis Line is available to the public at 981-5244
2. Testing and monitoring of the water quality at Aquatic Park will continue
3. The new Lorin District Art Banners were unveiled today, September 24
4. The year-round hours at West Campus Pool start on October 1
5. The Berkeley Police Dept. recruitment site, www.joinberkeleypd.com is now live

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Harrison/Droste) to make the findings that the item related to the Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for four Fire Engines and one 107' Tiller (Ladder Truck) is of urgent necessity and that the subject came to the attention of the agency after the agenda was published, and to add the item to the agenda.

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

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

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

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

Consent Calendar

Urgency Item: Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for four Fire Engines and one 107' Tiller (Ladder Truck)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to purchase four Pierce Quantum Pumpers and one Pierce Quantum 107' Tiller by executing: 1. Purchase Agreement with Pierce Manufacturing, Inc. in an amount not to exceed \$5,582,101 that includes a contingency amount of \$638,479 providing for California sales tax of \$457,281, and a pre-pay discount of \$181,198; and 2. Increase the Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp. by \$4,943,624 (prior to sales tax, equipment only) yielding an amended total NTE amount of \$17,200,459 on Contract No. 078804-1 (8068) with financing pursuant to the amendment to be paid over 7 years at an interest rate of 1.75% and a first payment commencing no later than March 30, 2020; and 3. Purchase Order for direct payment of sales tax in an amount not to exceed \$457,281.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,103–N.S.

Consent Calendar

- 1. Agreement with East Bay Regional Park District for Drainage, Slope, and Maintenance Access Easements in Tilden Regional Park**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,675-N.S. authorizing the City Manager to execute an agreement with the East Bay Regional Park District (EBRPD) for Drainage, Slope and Maintenance Access Easements at Tilden Regional Park.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,675-N.S.
- 2. Contract No. 9900 Amendment: NetFile for Online Campaign Report, Form 700, and Lobbyist Registration Filing and Tracking**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Westcoast Online Information Systems, Inc. dba NetFile, to increase the not-to-exceed amount by \$19,200 for a total not-to-exceed amount of \$133,200, to pay for regular annual maintenance costs for online campaign report and Form 700 filing and tracking, to add to the capacity of online filers by 350 to allow for the addition of commissioner Form 700 e-filing, and to add the services related to the new lobbyist registration filing system through May 31, 2023.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Adopted Resolution No. 69,104–N.S.
- 3. Contract: NV5 for Web Content Copywriting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with NV5 to develop content for the City’s website. The contract would be for a one year period, starting September 25, 2019, for a total contract amount not to exceed \$150,000.
Financial Implications: General Funds - \$150,000
Contact: Matthai Chakko, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,105–N.S.
- 4. IKE Smart City Kiosk Locations, Phase One**
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: Moved to Action Calendar. Item held over to October 15, 2019.

Consent Calendar

- 5. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses**
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: Moved to Action Calendar. Item held over to October 15, 2019.
- 6. Revisions to the Berkeley Revolving Loan Fund Administrative Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the revised Administrative Plan for the Berkeley Revolving Loan Fund (RLF).
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,106–N.S.
- 7. Contract No. 31900273 Amendment: Bay Area Community Services (BACS) to Add Funds for Housing Problem-Solving**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to execute a contract amendment to add \$300,000 to the existing four year (FY20-23) contract with Bay Area Community Services (BACS) for Coordinated Entry System operations, for a revised total contract amount not to exceed \$6,880,149. These funds will be used as flexible funding for people experiencing homelessness and presenting at the North County Housing Resource Center.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,107–N.S.
- 8. Operating Funding for Community Housing Development Organizations**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving operating funding in the amount of \$28,115 each for FY 2020 for Community Housing Development Organizations (CHDOs) Resources for Community Development and Satellite Affordable Housing Associates; and 2. 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: Adopted Resolution No. 69,108–N.S.

Consent Calendar

- 9. Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance**
(Continued from June 11, 2019)
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Received and filed.
- 10. Settlement Authority of City Manager for Workers' Compensation Claims**
From: City Manager
Recommendation: Adopt a Resolution to establish and grant authority to the City Manager to settle workers' compensation claims up to \$75,000 per employee claim.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Moved to Action Calendar. Item held over to October 15, 2019.
- 11. Adopt a Resolution Authorizing the City Manager to Provide a Three Percent (3%) Special Class Commercial License Premium to the Solid Waste Supervisor Job Classification**
From: City Manager
Recommendation: Adopt a Resolution to: (1) Provide Public Employees Union, Local One's (Local One) a three percent (3%) Special Class Commercial License Premium to the Solid Waste Supervisor Job Class; and, (2) provide the incumbents in the Solid Waste Supervisor classification a three percent differential pay (Add Pay) to maintain internal pay equity.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources Director, (510) 981-6800
Action: Adopted Resolution No. 69,109–N.S.
- 12. Contract: Ghilotti Construction Company for John Hinkel Park Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for John Hinkel Park Improvement Project, Specification No. 19-11321-C; and 2. 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 Ghilotti Construction Company, for the John Hinkel Park Improvement Project at 41 Somerset Avenue, Berkeley, CA 94704, in an amount not to exceed \$790,306, which includes a contract amount of \$658,588 and a 20% contingency in the amount of \$131,718.
Financial Implications: Measure WW Parks Bond Fund (Fund 345) and Parks Tax Fund (Fund 138) - \$790,306
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,110–N.S.

Consent Calendar

- 13. Contract: The Dutra Group for the South Cove ADA Accessible Gangway Project at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the South Cove ADA Accessible Gangway Project, (Bid Specification No. 19-11340); and 2. Accepting the bid of The Dutra Group as the lowest responsive and responsible bidder on the Project, and authoring the City Manager to execute a contract with The Dutra Group, 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 \$261,100, and authorizing a 15% contingency of \$39,165.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,111–N.S.
- 14. Contract: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Live Oak Community Center Seismic Upgrade project, Specification No. 19-11320-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Mar Con Builders, Inc.; and 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, with Mar Con Builders, Inc., for the Live Oak Community Center Seismic Upgrade project at 1301 Shattuck Avenue, Berkeley, CA 94704, in an amount not to exceed \$6,271,635, which includes a contract amount consisting of base bids and three alternates of \$5,226,363 and a 20% contingency in the amount of \$1,045,272.
Financial Implications: \$6,271,635
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,112–N.S. as amended in Supplemental Reports and Communications Packet #1 to revise the dollar amounts as follows: Total construction cost is in an amount not to exceed \$5,415,927, which includes a contract amount of \$4,923,570 and a 10% contingency amount of \$492,357.

Consent Calendar

- 15. Contract: Don Fowler Construction for Berkeley Tuolumne Camp Repairs, Specification 19-11333**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Berkeley Tuolumne Camp Cabin Repairs Project (Specification No. 19-11333); 2. Accepting the bid of the lowest responsible bidder, Dow Fowler Construction; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with Don Fowler Construction until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$228,735, which includes a 15% contingency for unforeseen circumstances.
Financial Implications: \$228,735
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,113–N.S.
- 16. Grant Application for Technical Assistance to Develop a Proposal for Challenge Grant for Housing Protection and Preservation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$7,000 to The San Francisco Foundation, in order to receive technical assistance from SEEDs Collaborative to help develop a competitive Partnership for the Bay’s Future Challenge Grant proposal, and to accept grant funds and execute a resulting grant agreement.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,114–N.S.
- 17. Contract No. 31900106 Amendment: Coastland Civil Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900106 with Coastland Civil Engineering (Coastland) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount no to exceed \$900,000, and extending the term of the contract from June 30, 2021 to June 30, 2022.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,115–N.S.

Consent Calendar

18. **Contract No. 10485 Amendment: Fehr & Peers, Inc. for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10485 with Fehr & Peers, Inc. for On-Call Transportation Planning Services, increasing the contract by \$225,000, for a total amount not to exceed \$725,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,116–N.S.

Council Consent Items

19. **Support H.R. 2809 – The Improving Access to Nutrition Act of 2019**
From: Mayor Arreguin and Councilmembers Robinson and Bartlett
Recommendation: Adopt a Resolution in support of H.R. 2809 – The Improving Access to Nutrition Act of 2019. Send a copy of the Resolution to Congressperson Barbara Lee, Senators Dianne Feinstein and Kamala Harris, and President Donald Trump.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 69,117–N.S.
20. **United Against Hate Week 2019**
From: Mayor Arreguin, and Councilmembers Wengraf, Harrison, and Bartlett
Recommendation: Adopt a Resolution approving the D-13 expenditure of \$1,000 in an amount not to exceed \$250 per Councilmember, to Not in Our Town for United Against Hate Week scheduled for November 17-23, 2019.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,118–N.S. amended to add contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$100; Councilmember Harrison - \$100; Councilmember Hahn - \$100; Councilmember Wengraf - \$100.
21. **Clean Air Day 2019**
From: Mayor Arreguin, and Councilmembers Wengraf, Harrison, and Bartlett
Recommendation: Adopt a Resolution declaring October 2nd, 2019 as Clean Air Day.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,119–N.S.

Council Consent Items

- 22. Letter in Support of AB 342, Prohibiting the Use of Public Lands for Oil and Gas Production**
From: Councilmembers Davila, Harrison, and Hahn
Recommendation: Send a Letter to Governor Gavin Newsom In Support of AB 342 by State Assemblymember Al Muratsuchi, prohibiting the State of California from authorizing new construction of oil and gas infrastructure upon public lands 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: Approved recommendation.
- 23. Letter in Support of SB 210, Implementing a Comprehensive Heavy Duty Vehicle Inspection and Maintenance Program**
From: Councilmembers Davila, Harrison, and Hahn
Recommendation: Send a Letter to Governor Gavin Newsom In Support of SB 210 by Senator Connie Leyva, authorizing the California Air Resources Board (CARB) to develop and implement a comprehensive heavy duty vehicle inspection and maintenance program, similar to Smog Check requirements for other vehicles, 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: Approved recommendation.
- 24. Pollinators and Habitat**
From: Councilmembers Harrison, Wengraf and Bartlett
Recommendation: Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment:
1. Refer to City Manager to establish a City Liaison to the Bee City USA program.
2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019.
3. Refer to the City Manager to transition the City's medians to non-turf green infrastructure, including pollinator gardens when appropriate.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

Council Consent Items

25. Naming Berkeley Paths for Women Founders of the Berkeley Path Wanderers Association

From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Wengraf and Davila

Recommendation: Pursuant to Berkeley's Policy for Naming and Renaming Public Facilities, refer to the City Manager and Public Works Commission to consider and return to the City Council a recommendation regarding the naming and renaming of four Berkeley Paths, as identified on the map at Attachment 1, in honor of the four women founders of the Berkeley Path Wanderers:

(a) Rename a path off of Keith Avenue near Shasta Road, currently named Eleanor Path, to "Eleanor Hall Gibson Path," after founder Eleanor Hall Gibson, who passed away in 2016;

(b) Name the following paths, subject to a 2/3 vote of the City Council as provided at Section 2(B) of the Policy, as follows: (i) The extension connector of Walnut Street through the UC complex between Hearst and Berkeley Way to be named "Ruth Armstrong Path" in honor of Ruth Armstrong (Moskovitz); (ii) The path parallel to the top of Solano Avenue running along Los Angeles Avenue up the tunnel slope towards the Marin Circle, to be named "Jacque Ensign Way" in honor of Jacque Ensign; and (iii) The path [TBD] to be named "Pat DeVito Path" in honor of Pat DeVito.

Financial Implications: See report

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

Action: Approved recommendation.

26. Support for League of California Cities Resolution to CPUC

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

Recommendation: Adopt a Resolution in support of the League of California Cities' Resolution to the California Public Utilities Commission (CPUC) requesting that the CPUC amend Rule 20A to allow for the addition of projects in Very High Fire Hazard Severity Zones to the list of eligibility criteria and to increase funding allocations for Rule 20A projects.

Financial Implications: None

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

Action: Adopted Resolution No. 69,120–N.S.

27. Support for ACA - 8: Elections: Voter Qualifications

From: Councilmember Robinson and Mayor Arreguin

Recommendation: Adopt a resolution supporting ACA - 8, which would lower California's voting age to 17.

Financial Implications: None

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

Action: Adopted Resolution No. 69,121–N.S.

Council Consent Items

- 28. Budget Referral: RFP for a Freestanding Public Restroom Facility**
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: Item 28 held over to October 15, 2019 Consent Calendar.
- 29. Referral: Telegraph Crosswalk Art Installations**
From: Councilmember Robinson
Recommendation: Refer to the Civic Arts Commission to develop and return to Council with a plan to:
1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets.
2. Build the winning design on the intersections.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Approved recommendation.
- 30. Russell St. Halloween Celebration: Relinquishment of Council Funds and Sponsorship**
From: Councilmember Droste
Recommendation: Adopt a Resolution approving the expenditure of an amount up to \$870 for the 2019 Russell St. Halloween Celebration with funds relinquished for this purpose from the discretionary Council Office Budget of Councilmember Droste and any other Councilmembers who would like to contribute. The Claremont Elmwood Neighborhood Association is the fiscal sponsor of the event.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180
Action: Adopted Resolution No. 69,122–N.S. amended to add contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$50; Councilmember Hahn - \$100; Councilmember Wengraf - \$100.

Action Calendar – Public Hearings

31. ZAB Appeal: 2325 Sixth Street, Use Permit #ZP2017-0146

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2017-0146 to alter a 6,000 sq. ft. parcel at 2325 Sixth Street by 1) raising the existing one-story, 1,348 sq. ft. single-family residence with an average height of 12 feet - 7 inches, to create a new, 3,330 sq. ft. two-story duplex, with an average height of 22 feet, 2) increasing the total number of bedrooms on the parcel from three to seven, and 4) constructing a two-story, 472 sq. ft. accessory building with an average height of 19 feet - 3 inches, located 1 foot - 6 inches from the rear and side yard property line to the south, that would consist of a two-car garage on the ground floor and a workshop on the second floor.

Financial Implications: None

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

Public Testimony: The Vice-Mayor opened the public hearing. 14 speakers. M/S/C (Davila/Kesarwani) to close the public hearing.

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

Action: M/S/C (Davila/Kesarwani) to adopt Resolution No. 69,123–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2017-0146 to alter a 6,000 sq. ft. parcel at 2325 Sixth Street by 1) raising the existing one-story, 1,348 sq. ft. single-family residence with an average height of 12 feet - 7 inches, to create a new, 3,330 sq. ft. two-story duplex, with an average height of 22 feet, 2) increasing the total number of bedrooms on the parcel from three to seven, and 4) constructing a two-story, 472 sq. ft. accessory building with an average height of 19 feet - 3 inches, with the ground floor located 1 foot - 6 inches from the rear and side yard property line to the south and the second floor's wall set back five feet from the rear property line with no windows allowed on the wall facing the rear neighbor, that would consist of a two-car garage on the ground floor and a workshop on the second floor.

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

Action: M/S/C (Davila/Wengraf) to hold over Item 4, Item 5, and Item 41 to October 15, 2019.

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

Recess 9:20 p.m. – 9:37 p.m.

Action Calendar – Old Business

32. **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 May 14, 2019)*

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Item 32 held over to October 15, 2019.

Action Calendar – New Business

33. Resolution for the Allowance of 3404 King Street to Operate a Shelter for Homeless Youth

From: City Manager

Recommendation: Adopt a resolution that:

1. Authorizes the City Manager to negotiate a lease with Covenant House, for \$1 per year, for the purposes of becoming a lessee at 3404 King Street and establishing a public facility open to the homeless at that property.
2. Authorizes the City Manager to negotiate a management agreement with Covenant House for said facility; and
3. Authorizes the City Manager to amend Contract No. 31900239 with Covenant House to include the operation of a 12-bed transitional housing program and to increase the not-to-exceed amount of the contract by \$357,020 (the amount currently awarded to Fred Finch Youth Center for the Turning Point transitional housing program) to a new total of \$1,630,572.

Financial Implications: See report

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

Action: M/S/Failed (Wengraf/Kesarwani) to suspend the rules and extend the meeting to 11:20 p.m.

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

Action: M/S/Carried (Wengraf/Kesarwani) to suspend the rules and extend the meeting to 11:15 p.m.

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

Action: 32 speakers. M/S/C (Hahn/Wengraf) to adopt Resolution No. 69,124–N.S. amended to remove the authorizations in parts 1 and 2 of the City Manager's recommendation. In addition, the Council directs the City Manager to: 1) reach out to all possible facilities for placement of TAY services throughout the community, that have not already been explored, including churches, synagogues, community centers and other similar facilities, with an emphasis on areas that do not currently host homeless services and facilities; 2) organize four community meetings with Senior Staff including a representative of the City Manager's Office, HHCS, Covenant House and the Police Department to address various community concerns; and 3) to work with Covenant House, the Community and Fred Finch (if relevant) to consider possible program models that could allow the City to enter into a lease, and, if a path forward is found, to bring a proposed program model, security and other neighborhood provisions, and a proposed lease back to Council for consideration as a package.

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

Council Action Items

- 34. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy**
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: Item 34 held over to October 15, 2019.

Action Calendar – Old Business

- 35. Referral Response: Lava Mae Mobile Shower and Hygiene Services** *(Continued from September 10, 2019)*
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Item 35 held over to October 15, 2019.

Action Calendar – Old Business

36a. Health Study to be Conducted by Division of Public Health to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's Homeless *(Continued from September 10, 2019)*

From: Homeless Commission

Recommendation: The Homeless Commission recommends that Council direct that the City Division of Public Health conduct a study gathering data on health conditions, health disparities and mortality rates of Berkeley's homeless for the last five years.

Such recommendation includes compiling information on Berkeley's homeless including persons living in shelters, in vehicles, on the streets, and any other location not intended for human habitation and who move between these settings. Such study shall include data on specific health conditions and make a comparative analysis between the homeless and Berkeley's general population and shall include demographics such as race, age, gender and known disability. Such study shall include how long the homeless person has lived on the streets and/or in shelters and attempt to track back the nature of their various residences for five years as is feasible.

Data for mortality rates among Berkeley's homeless shall also be gathered for the last five years. The mortality rates shall be examined for persons living in shelters, in vehicles, on the streets and any other location not intended for human habitation. The cause of death shall be identified and demographics such as race, age, gender and known disability compiled. Tracking the housing status of the persons, for the last five years, shall be identified as is feasible. If feasible, the length of residence in Berkeley shall be identified.

A comparative analysis with the general population shall be made. To the extent feasible and within legal constraints, whether or not the deceased individual was under the care of a medical provider shall be identified. All personal information should be redacted so as to comply with federal, state and local laws.

Recommendations shall be made to improve the health conditions of the homeless and decrease the mortality rates of homeless persons. Recommendations, within the City Division of Public Health's purview shall be made initially by them and return to Council where further recommendations can be made. Council shall provide the opportunity for the Homeless Commission, any other relevant commission, and the public to weigh in on recommendations following the release of the data/study.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

Action Calendar – Old Business

36b. Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless *(Continued from September 10, 2019)*

From: City Manager

Recommendation: The Homeless Commission's recommendation to conduct a study on the health conditions, disparities, and mortality rates of Berkeley's homeless population addresses important issues within the City. Staff greatly appreciate the Commission's continued advocacy for the unhoused and their suggestions to gather as much relevant information as possible. Therefore, staff recommend asking Alameda County to explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.

Financial Implications: None

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

Action: No action taken on Item 36a. Item 36b moved to Consent Calendar as amended below:

Refer to staff to reach out to the UC Berkeley School of Public Health, the Goldman School at UC, and other programs at UC or Berkeley Community College, to determine if there are grad students to study data and health conditions of homeless people in our community.

To refer to staff to continue to improve the health services and access to healthcare for homeless individuals.

Send a letter to Alameda County requesting data on deaths of identified homeless individuals.

Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.

37a. Utilization of City-Owned Property at 1281 University Avenue to House up to 8-10 RV Dwellers *(Continued from September 10, 2019)*

From: Homeless Commission

Recommendation: The Homeless Commission recommends that the currently unused City-owned property at 1281 University Avenue be used to house, on an interim basis, up to 8-10 RV dwellers, or as many as the property can safely accommodate, selected by the City of Berkeley. The RV dwellers would be selected by the City of Berkeley based on the strength of their ties to the community such as employment in Berkeley, attending school in Berkeley and families with children in Berkeley schools.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, (510) 981-5400

Action: Item 37a moved to Consent Calendar for the purpose of taking no action.

Action Calendar – Old Business

- 37b. Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8 - 10 RV Dwellers** *(Continued from September 10, 2019)*
From: City Manager
Recommendation: Refer to the City Manager to conduct a feasibility analysis of 1281 University Avenue as an interim site to host Recreational Vehicle (RV) dwellers.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Item 37b held over to November 12, 2019.
- 38. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention** *(Continued from September 10, 2019)*
From: Mayor Arreguin and Councilmember Harrison
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 Droste added as a co-sponsor. Item 38 held over to October 15, 2019.

Information Reports

- 39. City Council Short Term Referral Process – Monthly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 40. Deaccession of Berkeley Big People**
From: City Manager
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Moved to Action Calendar. Item 40 held over to October 15, 2019.
- 41. Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard**
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Moved to Action Calendar. Item held over to October 15, 2019.

Information Reports

42. **2019 Housing Advisory Commission Work Plan**
From: Housing Advisory Commission
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
Action: Received and filed.
43. **Planning Commission Workplan 2019-2020**
From: Planning Commission
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
Action: Received and filed.

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

Adjournment

Adjourned at 11:15 p.m.

Communications

Item #4: IKE Smart City Kiosk Locations, Phase One

1. Andy Kellogg, on behalf of the Lorin Business Association

Item #31: ZAB Appeal: 2325 Sixth Street

2. Jenkins Family, owners of 2325 Sixth Street
3. Mary Beth Thomsen
4. Toni Mester
5. Bacilia Macias Architecture

Item #40: Deaccession of Berkeley Big People

6. Chuck Cornwall
7. Matthew Passmore, Chair of the Public Art Subcommittee

ZAB Appeal: 0 Euclid – Verizon Cell Tower

8. Paul Teicholz
9. Bronwyn Hall
10. Angelina DeAntonis

Youth Spirit Works – Tiny House

11. Sally Hindman, on behalf of Youth Spirit Artworks

Aquatic Park – E Coli

12. Barbara Gilbert
13. Eric Friedman

Public Safety Cameras

14. David Lerman

ADU Laws

15. Paul Rubin

RV's

16. Cymbre Potter

17. Eric Friedman

Opportunity Zone

18. Barbara Gilbert

Berkeley Housing Cooperative Village

19. Tom Minogue Hastings

5G

20. Phoebe Anne Sorgen (2)

21. Stephanie Thomas

22. 19 form letters

City Vehicle Emissions Audit

23. Dave Margulius

Marijuana Use

24. Lynn Silver, on behalf of the public Health Institute

Adeline Plan

25. South Berkeley Now!

Housing for a Diverse, Equitable and Creative Berkeley

26. Abigail Gutmann-Gonzalez and Keith Brower Brown, on behalf of the East Bay Democratic Socialists of America

Berkeley Police Department Bicycle Enforcement Policies

27. Liza Lutzker, Ben Gerhardstein, Ben Paulos and Robert Prinz, on behalf of Walk Bike Berkeley and Bike East Bay

Homelessness

28. Juli Dickey

29. Diana Bohn

30. Erwan Illian

Facial Recognition

31. Diana Bohn

32. Carol Denney

Non-Emergency Berkeley Police Department Phone Line

33. David Lerman

Smoking in Multi-Unit Housing

34. Carlos Rivas

Supplemental Communications and Reports 1

Item #4: IKE Smart City Kiosk Locations, Phase One

35. Steve Jaffe, on behalf of IKI Smart City

36. Matthew Jervis, on behalf of the Downtown Berkeley Association

37. Stuart Baker, on behalf of the Telegraph Business Improvement Association

38. Andy Kellogg, on behalf of the Lorin Business Association

Item #6: Revisions to the Berkeley Revolving Loan Fund Administrative Plan

39. Sara Stevens on behalf of the Sustainable Economies Law Center

Item #14: Contract: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project

40. Revised material, submitted by Parks, Recreation, and Waterfront Department

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

41. Stuart Baker, on behalf of the Telegraph Business Improvement Association

Item #29: Referral: Telegraph Crosswalk Art Installations

42. Stuart Baker, on behalf of the Telegraph Business Improvement Association

Item #33: Resolution for the Allowance of 3404 King Street to Operate a Shelter for Homeless Youth

43. Susan Ayasse Grand

Item #34: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

44. John Rice

45. Diane Rice

46. Gus Dedo

47. Sabina McMurty

Item #35: Referral Response: Lava Mae Mobile Shower and Hygiene Services

48. Maris Arnold

Item #40: Deaccession of Berkeley Big People

49. Adina Polen

50. Richard Whitlock

51. Karen Eichler

52. Catherine Bathrick

53. Liz Hoadley

54. Gary Mattern

55. Sue

56. Charlie Ruppert

- 57. Marsha Gale
- 58. Chuck Cornwall
- 59. Martha Wold Cornwall
- 60. Lois Tucker
- 61. Barbara Tien
- 62. Matthew G. Passmore

Supplemental Communications and Reports 2

Item #26: Support for League of California Cities Resolution to CPUC

- 63. 3 form letters in support of
- 64. Cynthia Larson
- 65. Bill Pottinger
- 66. Scott Wren
- 67. Alison Lingo
- 68. Kori Kody
- 69. Martin Izquierdo
- 70. Charlotte and Ken Gray
- 71. Liliana Cardile and Stefano Schivon
- 72. Phyllis Steiber

Item #31: ZAB Appeal: 2325 Sixth Street

- 73. Mary Beth Thomsen
- 74. Joel Mark

Item #33: Resolution for the Allowance of 3403 Kings Street to Operate a Shelter for Homeless Youth

- 75. Supplemental material, submitted by HHCS
- 76. Thomas Alexander and Elisabeth Jewel, on behalf of the Fred Finch Youth Center
- 77. Emily Modde and John Cornwell

Item #34: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

- 78. Julie Bussgang

Item #40: Deaccession of Berkeley Big People

- 79. Marguerite Lee
- 80. Julia Goodman

Item #34: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy

- 81. 456 Communications submitted via Berkeley Considers, includes summary information

Supplemental Communications and Reports 3

Urgency Item: Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for four Fire Engines and one 107' Tiller (Ladder Truck)

- 82. Time Critical Item, submitted by Public Works

Item #26: Support for League of California Cities Resolution to CPUC

- 83. Patricia Reedy
- 84. Maria Riddle
- 85. Jan Novie
- 86. David Long
- 87. Christina Crowley
- 88. Karen Ackerman
- 89. Tim Campbell
- 90. Pam Speich
- 91. Lauren Dundes

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

- 92. Varsha Sarveshwar, on behalf of the Associated Students University of California

Item #29: Referral: Telegraph Crosswalk Art Installations

- 93. Varsha Sarveshwar, on behalf of the Associated Students University of California

Item #31: ZAB Appeal: 2325 Sixth Street, Use Permit #ZP2017-0146

- 94. Presentation, submitted by the Planning Department
- 95. Presentation, submitted by the Jenkins Family - Applicant
- 96. Shirley Dean (2)
- 97. Adria Angelo
- 98. Toni Mester

Item #33: Resolution for the Allowance of 3404 King Street to Operate a Shelter for Homeless Youth

- 99. Pedro Alvarez, Jr. and Kevin McNulty
- 100. Emily Modde

Item #37a: Utilization of City-Owned Property at 1281 University Avenue to House up to 8-10 RV Dwellers

- 101. David Lerman
- 102. Lillian Lerman

Ceremonial Matters #4 (Indigenous People's Day)

- 103. Moni Law
- 104. The Berkeley Indigenous People's Day Committee

City Manager Comments

- 105. Submitted by the City Manager's Office