Preliminary Matters

Roll Call: 6:07 p.m.

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

Absent: None

Closed Session Report:

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

Ceremonial Matters:

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

City Auditor Comments:

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

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.
Consent Calendar

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

**Vote:** All Ayes.

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

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

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

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

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

**Vote:** All Ayes.

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

**From:** City Manager

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

**Financial Implications:** See report

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

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

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

**From:** Councilmembers Harrison, Davila, Bartlett, and Hahn

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

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,676-N.S.
2. **Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

   **From:** Councilmembers Robinson, Davila, Bartlett, and Hahn

   **Recommendation:** Adopt second reading of Ordinance No. 7,677-N.S. adopting a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.

   **First Reading Vote:** All Ayes.

   **Financial Implications:** See report

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

   **Action:** Adopted second reading of Ordinance No. 7,677-N.S.

3. **Minutes for Approval**

   **From:** City Manager

   **Recommendation:** Approve the minutes for the Council meetings of September 3, 2019 (special closed), September 10, 2019 (special closed and regular), September 17, 2019 (special closed and special) and September 24, 2019 (special closed and regular).

   **Financial Implications:** None

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

   **Action:** Approved minutes as submitted.

4. **City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee)*

   **From:** City Manager

   **Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order to integrate the previously adopted regulations for policy committees and make associated changes to other sections; update outdated references and practices; conform to the Open Government Ordinance; make other technical corrections; and rescind any preceding amendatory resolutions.

   **Financial Implications:** None

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

   **Action:** Moved to Action Calendar. Item held over to November 12, 2019.

5. **Revised Conflict of Interest Code**

   **From:** City Manager

   **Recommendation:** Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 68,201–N.S.

   **Financial Implications:** None

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

   **Action:** Adopted Resolution No. 69,152–N.S.
6. **Contract: Berkeley Convention and Visitor’s Bureau, d.b.a. Visit Berkeley**  
From: City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors’ Bureau, d.b.a. Visit Berkeley, not to exceed $7,966,000 of Berkeley Tourism Business Improvement District (BTBID) funds to support tourism marketing and promotion for the period through June 30, 2027.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 69,153–N.S.

7. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 29, 2019**  
From: City Manager  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - $160,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation as revised in Supplemental Communications Packet #1.

8. **Recommendation and Contract: Management Partners for Management Consultancy Services (Reviewed by the Agenda & Rules Committee)**  
From: City Manager  
**Recommendation:** Adopt a Resolution accepting the recommendation of the City Council Agenda & Rules Committee authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Management Partners in an amount not to exceed $45,500 for the period from November 12, 2019 through July 31, 2021 to provide management consultancy services to the City Council of the City of Berkeley to conduct a performance evaluation of the City Manager.  
**Financial Implications:** General Fund - $45,500  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 69,154–N.S.
dba First Security Services for Citywide Security Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the 
not-to-exceed value of Contract No. 103580-1 (9821) by $300,000, from $2,784,798 
to $3,084,798 to fund continued services through the contract expiration date of 
February 29, 2020. The $300,000 additional spending authority provides the City 
with the necessary funding to finalize the on-going RFP #19-11316-C (Re-issued) for 
Citywide Unarmed Security Guard Services.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,155–N.S.

10. Contract No. 10874B Amendment: Street Level Advisors for Zoning and 
Development Fee Feasibility Analyses
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an 
amendment to Contract No. 10874B with Street Level Advisors, to analyze the 
impact of fees and other variables on development project feasibility, increasing the 
contract amount by $150,000 to a new total not-to-exceed contract amount of 
$225,400 and extending the contract period to December 31, 2022.
Financial Implications: Permit Service Center Fund - $150,000
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
Action: Adopted Resolution No. 69,156–N.S.

11. Contract No. 10742 Amendment: Redwood Toxicology Services for Drug and 
Alcohol Testing
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend 
Contract No. 10742 and any necessary future amendments with Redwood 
Toxicology Services for drug and alcohol testing for the Police Department, 
increasing the amount by $200,000 for a total not to exceed amount of $250,000 
subject to the City’s annual budget appropriation process.
Financial Implications: General Fund - $200,000
Contact: Andrew Greenwood, Police, (510) 981-5900
Action: Adopted Resolution No. 69,157–N.S.

12. Approval of One Additional Meeting for Children, Youth, and Recreation 
Commission in Calendar Year 2019
From: Children, Youth, and Recreation Commission
Recommendation: Adopt a Resolution approving one additional meeting for the 
Children, Youth, and Recreation Commission in calendar year 2019.
Financial Implications: Minimal
Contact: Stephanie Chu, Commission Secretary, (510) 981-6700
Action: Adopted Resolution No. 69,158–N.S.
Consent Calendar

13. Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees  
   From: Auditor  
   Recommendation: We recommend City Council request that the City Manager report back by April 28, 2020, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Human Resources Department. They have agreed to our findings and five of our recommendations. Please see our report for their complete response.  
   Financial Implications: See report  
   Contact: Jenny Wong, Auditor, (510) 981-6750  
   Action: Approved recommendation as revised in Supplemental Reports Packet #2 to include the presentation materials.

Council Consent Items

14. Budget Referral: Berkeley Age-Friendly Continuum  
   From: Mayor Arreguin and Councilmember Bartlett  
   Recommendation: Refer to the mid-year budget process $20,000 for the Berkeley Age-Friendly Continuum.  
   Financial Implications: See report  
   Contact: Jesse Arreguin, Mayor, (510) 981-7100  
   Action: Councilmember Hahn added as a co-sponsor. Approved recommendation.

15. Extension of the Joint Subcommittee for the Implementation of State Housing Laws  
   From: Mayor Arreguin and Councilmember Harrison  
   Recommendation: Adopt a Resolution extending the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) to complete its work by July 2020, with Joint Subcommittee providing its recommendations to Council by the end of September 2020.  
   Financial Implications: Staff time  
   Contact: Jesse Arreguin, Mayor, (510) 981-7100  
   Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 69,159–N.S.
16. **Budget Referral: Funding Illegal Dumping Component of “Clean & Livable Commons Initiative”**  
From: Councilmembers Kesarwani and Harrison, and Mayor Arreguin  
**Recommendation:** Refer to the November budget process consideration for providing $200,000 to fund a key component of the “Clean & Livable Commons Initiative” unanimously passed by the City Council on February 28, 2019 to: -Add lighting, cameras and signs at strategic locations in Berkeley to help deter illegal dumping; and -Explore increasing the penalties for illegal dumping.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Councilmember Hahn added as a co-sponsor. Approved recommendation.

17. **Referral to the Civic Arts Commission to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists**  
From: Councilmembers Kesarwani, Droste, Wengraf, and Hahn  
**Recommendation:** Referral to the Civic Arts Commission to prioritize within their current Work Plan creating a process for awarding competitive grants to Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley.  
**Financial Implications:** Staff time  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation.

18. **Information on the City’s Existing Code Enforcement Practices for Residential Properties**  
From: Councilmember Kesarwani  
**Recommendation:** Request the City Manager provide a brief report or presentation on the City’s code enforcement practices for residential properties for the purposes of educating the City Council and the public on current practice. The requested information may include: -Reporting on the various ways in which code enforcement issues have been brought to the attention of the City over the last five years (i.e., neighbor complaint, 911 call to the property, etc.); -How various code enforcement issues at residential properties are currently handled (i.e., which City departments and which type of staff are involved, what they do, etc.); -Timeframe and mechanisms for achieving code compliance at residential properties; -Any existing assistance programs available to support property owners found to have code violations, such as financial assistance, mental health services, technical advice, etc.; -Specific learnings/change in City practices resulting from the Leonard Powell receivership case; -Other information deemed relevant and appropriate to understand the City’s current code enforcement practices for resident properties.  
**Financial Implications:** Staff time  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Item withdrawn from the agenda by Councilmember Kesarwani.
19. **Consider The Homeless Films, Food & Discussion Event on November 5, 2019: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
   **From:** Councilmembers Davila and Bartlett  
   **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember including $250 from Councilmember Cheryl Davila, to support the Consider The Homeless “Films, Food & Discussion” Event on November 5, 2019, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.  
   **Financial Implications:** Councilmember's Discretionary Funds - $250  
   **Contact:** Cheryl Davila, Councilmember, District 2, (510) 981-7120  
   **Action:** Adopted Resolution No. 69,160–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - $250; Councilmember Harrison - $100; Councilmember Wengraf - $100; Councilmember Hahn - $100; Councilmember Robinson - $100; Councilmember Bartlett - $100.

   **From:** Councilmembers Davila and Harrison  
   **Recommendation:** Send a Letter to Congresswoman Barbara Lee in Support of HR 1595: Secure And Fair Enforcement Banking Act of 2019, and direct the city clerk or designee to send a letter to our state representatives.  
   **Financial Implications:** None  
   **Contact:** Cheryl Davila, Councilmember, District 2, (510) 981-7120  
   **Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

   **From:** Councilmembers Harrison and Hahn  
   **Recommendation:** Refer to the FY 2021 November Budget Process to allocate $27,000 from the General Fund to secure potential matching state Certified Local Government landmarks preservation grant.  
   **Financial Implications:** See report  
   **Contact:** Kate Harrison, Councilmember, District 4, (510) 981-7140  
   **Action:** Approved recommendation as revised in Supplemental Communications Packet #1.

*From: Councilmembers Harrison, Wengraf, Hahn, and Bartlett*

**Recommendation:** Refer to the Disaster and Fire Safety Commission to consider an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow. Ask the Commission to consider other triggers as appropriate.

**Financial Implications:** See report

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

**Action:** Approved recommendation.

23. **Oversized Vehicle Restrictions on Bicycle Boulevards**

*From: Councilmembers Harrison, Robinson, and Bartlett*

**Recommendation:**
1. Refer to the Transportation Commission a draft ordinance amending Berkeley Municipal Code Chapter (BMC) 14.56.070 to prohibit commercial trucks exceeding three tons gross vehicle weight from utilizing streets comprising the bicycle boulevards network.
2. Refer to the City Manager to update BMC 14.56.070 as more Berkeley streets become Bicycle Boulevards, as outlined in the 2017 Bicycle Plan.

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. Councilmember Hahn added as a co-sponsor. 5 speakers. M/S/C (Droste/Robinson) to approve the recommendation as amended in the revised materials submitted by Councilmember Harrison to request that the commission work with business associations, the size limitations, the streets subject to the restrictions, and the clarifications added by Councilmember Wengraf related to emergency vehicles.

**Vote:** All Ayes.

24. **Budget Referral and Approving Installation of Cameras at Ohlone Park Mural**

*From: Councilmembers Harrison and Kesarwani*

**Recommendation:**
1. Pursuant to Berkeley Municipal Code 2.99.060, declare that a camera installed in Ohlone Park at the corner of Hearst Street and Milvia Street will provide benefits to the community that outweigh costs and concerns.
2. Refer $6,000 to the FY20 November 2019 AAO Process for the purpose of purchasing and installing a surveillance camera.

**Financial Implications:** See report

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

**Action:** Approved recommendation.
Action Calendar – Public Hearings

25. Renewal of the Elmwood Avenue BID for Calendar Year 2020
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2019-20 and, if no majority protest exists, levy annual assessments in the District for calendar year 2020 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Wengraf/Hahn) to close the public hearing.
Vote: Ayes – Kesarwani, Davila, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Harrison.

Councilmember Bartlett absent 7:49 – 7:59
Councilmember Harrison absent 7:49 p.m. – 7:52 p.m.

Action: M/S/C (Hahn/Robinson) to adopt Resolution No. 69,161–N.S.
Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

26. Renewal of the Solano Avenue BID for Calendar Year 2020
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2019-20 and, if no majority protest exists, levy annual assessments in the District for calendar year 2020 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Wengraf/Hahn) to close the public hearing.
Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Action: M/S/C (Hahn/Wengraf) to adopt Resolution No. 69,162–N.S.
Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.
Action Calendar – Public Hearings

27. Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 14.52 to add the North Shattuck metered parking area to the goBerkeley parking program.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300

Action: The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Wengraf) to continue the public hearing to November 12, 2019.
Vote: All Ayes.

Recess 8:00 p.m. – 8:12 p.m.

Action Calendar – Old Business

28. Referral Response: Lava Mae Mobile Shower and Hygiene Services (Continued from October 15, 2019)
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Item held over to November 12, 2019.

From: Mayor Arreguin and Councilmembers Harrison, Droste, and Hahn
Recommendation: Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Item held over to November 12, 2019.
30. **Referral: Telegraph Shared Streets** *(Continued from October 15, 2019)*

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

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

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar as revised material in Supplemental Communications Packet #1.
Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy
(Continued from October 15, 2019)

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

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

1. Require simultaneous implementation of recommendations in the City’s Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act.

2. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.

3. Encourage the use of quick builds by expediting quick-build projects under $1 million. (a)"Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.

4. Require staff to report progress back to Council every two years.

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

Financial Implications: Staff time

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

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

Vote: All Ayes.

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

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

- Require simultaneous implementation of recommendations in the City’s Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met:
Action Calendar – Old Business

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

Vote: All Ayes.

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

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

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

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

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

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

**Vote:** All Ayes.

Action Calendar – New Business

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

From: City Manager

**Recommendation:** Adopt a Resolution:

1. Reserving General Funds received pursuant to Measure U1 in the following amounts: -$500,000 for Satellite Affordable Housing Associates’ new construction development at 2527 San Pablo Avenue; and -$1.2 million for Resources for Community Development’s new construction development at 2001 Ashby Avenue; and -$50,000 for Northern California Land Trust’s renovation of 2321-2323 10th Street.

2. Conditioning NCLT’s predevelopment loan on the organization demonstrating compliance with the requirements of its 2017 Development Loan Agreement for 1340-48 Blake Street and 2425 California Street, including: -Updating its plan for assessing the feasibility of converting 1340-48 Blake and 2425 California to cooperatives; and -Updating its organizational documents to reflect a tripartite structure.

3. Conditioning the loan for 2001 Ashby Avenue on RCD’s evaluating ways to reduce or eliminate the project’s proposed parking spaces and/or parking footprint, if possible, in consideration of the needs of the residents, community services space, and climate change mitigation.

4. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 69,163–N.S.
33a. **Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance**

*From: Housing Advisory Commission*

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

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

**Financial Implications:** See report

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

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

*From: City Manager*

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

**Financial Implications:** See report

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

**Action:** Items 33a and 33b referred to the Health, Life Enrichment, Equity & Community.
34. **Proposed Formula Retail (Chain Store) Regulations**  
   From: Councilmember Hahn  
   **Recommendation:**  
   1. Refer to the City Manager and Planning Commission to finalize and return to the City Council for adoption an Ordinance and related amendments to the Berkeley Municipal Code, if any, based on the Draft Formula Retail Ordinance attached hereto, to establish Formula Retail regulations for Commercial and Manufacturing Districts in the City of Berkeley.  
   2. Refer to the City Manager and Planning Commission to: a. Recommend establishment of Business District boundaries and names, as provided for in Section 23E.18.030(B) of the proposed Formula Retail Ordinance, and b. Through a process that includes public notice and input, as described in the proposed Formula Retail Ordinance, recommend for each Business District whether to allow unlimited Formula Retail, limited Formula Retail (some or all use categories allowed with a Use Permit, Neighborhood Notice, Design Review and findings) or to prohibit Formula Retail.  
   **Financial Implications:** See report  
   **Contact:** Sophie Hahn, Councilmember, District 5, (510) 981-7150  
   **Action:** Councilmember Harrison added as a co-sponsor. Item referred to the Land Use, Housing & Economic Development Committee as amended in Supplemental Communications Packet #1.

35. **Referral: Measures to Address Traffic Enforcement and Bicycle Safety**  
   From: Councilmember Robinson  
   **Recommendation:**  
   1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement of the Idaho Stop and Dead Red conventions for persons operating a bicycle, after the operator has yielded to any other road users with the right of way, by prohibiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Sections 22450(a) and 21453(a).  
   2. Refer to the City Manager to develop a ticket diversion program to educate bicyclists as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants.  
   3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.  
   **Financial Implications:** See report  
   **Contact:** Rigel Robinson, Councilmember, District 7, (510) 981-7170  
   **Action:** Item held over to November 12, 2019 including revised material in Supplemental Communications Packet #1 from Councilmember Robinson.
36. **City Council Short Term Referral Process – Monthly Update**  
   From: City Manager  
   Contact: Mark Numainville, City Clerk, (510) 981-6900  
   **Action:** Received and filed.

37. **Referral Response: City Property for Affordable Housing and Modular Micro-Unit Buildings**  
   From: City Manager  
   Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
   **Action:** Received and filed.

38. **LPO NOD: 1440 Hawthorne Terrace/#LMIN2018-0003**  
   From: City Manager  
   Contact: Timothy Burroughs, Planning and Development, (510) 981-7400  
   **Action:** Received and filed.

39. **LPO NOD: 1450 Hawthorne Terrace/#LMIN2018-0002**  
   From: City Manager  
   Contact: Timothy Burroughs, Planning and Development, (510) 981-7400  
   **Action:** Received and filed.

40. **LPO NOD: 2018-36 University Avenue/#LMSAP2019-0002 for the UC Theater Building**  
   From: City Manager  
   Contact: Timothy Burroughs, Planning and Development, (510) 981-7400  
   **Action:** Received and filed.

41. **goBerkeley Parking Management Program - Parking Rate and Time Limit Adjustments for New North Shattuck Area for December 1, 2019**  
   From: City Manager  
   Contact: Phillip Harrington, Director, Department of Public Works (510) 981-6303  
   **Action:** Received and filed.

42. **Children, Youth and Recreation Commission 2019 Work Plan**  
   From: Children, Youth, and Recreation Commission  
   Contact: Stephanie Chu, Commission Secretary, (510) 981-6700  
   **Action:** Received and filed.

43. **Civic Arts Commission Fiscal Year 2020 Work Plan**  
   From: Civic Arts Commission  
   Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530  
   **Action:** Received and filed.
Information Reports

44. Fiscal Year 2020 Commission on Aging Work Plan
From: Commission on Aging
Contact: Richard Castrillon, Commission Secretary, (510) 981-5190
Action: Received and filed.

From: Energy Commission
Contact: Billi Romain, Commission Secretary, (510) 981-7400
Action: Received and filed.

46. Report from Sister City Delegation to Gongju, Republic of Korea
From: Mayor Arreguin and Councilmember Robinson
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Received and filed.

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

Adjournment

Adjourned at 11:30 p.m.

Communications

5G Telecom
1. Elizabeth Starr
2. Vivian Warkentin
3. Phoebe Anne Sorgen

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

City Manager Web Page
8. David Lerman

Kiwibots
9. Therese Fitzpatrick (2)

Acquisition and Use of Surveillance Technology, GPS Tracking, and Biometric Time Clocks Notice of Violation
10. Weinberg, Roger & Rosenfeld, on behalf of SEIU Local 1021
Racial Disparities in Homeless Population  
11. Erica Etelson

Endorse Ratification of U.N. Convention on the Rights of the Child  
12. Peace and Justice Commission

Downtown Street Construction  
13. Paul Glusman

Berkeley Low Income Housing  
14. Linda Franklin (2)

Experience Contesting a Parking Violation  
15. Tejal Bhamre

Manufactured Housing  
16. Avram Gur Arye (3)

Encampments/Homelessness  
17. Eric Friedman

Parking on Narrow City Streets  
18. Paul Casperson and Marilyn Pollack

Safe Passages Project Pilot  
19. JoAnn Lorber

Police Review Commission Amendment on the 2020 Ballot  
20. Ammar Ansari  
21. Sarah Shehata  
22. Emma Gobler  
23. Meghan Schwartz

Berkeley Social Housing  
24. Hannah Forsberg

PG&E Email Addresses  
25. Juty Blue

Traffic Circle Trees  
26. Donna Mickleson

Supplemental Communications and Reports 1

Item #7: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 29, 2019  
27. Revised material, submitted by Finance
Item #21: Budget Referral: Allocate $27,000 from the General Fund to Secure Potential Matching State Certified Local Government Landmarks Preservation Grants
28. Revised material, submitted by Councilmember Harrison

Item #30: Referral: Telegraph Shared Streets
29. Revised material, submitted by Councilmember Robinson

Item #31: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy
30. Revised material, submitted by Councilmember Robinson
31. Jennifer Frohlich
32. Michael Ho
33. Connor Jackson
34. Andy Peterson

Item #34: Proposed Formula Retail (Chain Store) Regulations
35. Supplemental material, submitted by Councilmember Hahn

Item #35: Referral: Measures to Address Traffic Enforcement and Bicycle Safety
36. Revised material, submitted by Councilmember Robinson

Supplemental Communications and Reports 2

Item #13: Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees
37. Supplemental material, submitted by the City Auditor’s Office

Item #23: Oversized Vehicle Restrictions on Bicycle Boulevards
38. Ben Gerhardstein, on behalf of the Walk Bike Berkeley Coordinating Committee

Item #31: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy
39. Revised material, submitted by Councilmember Robinson
40. Watson Ladd

Item #33a: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance
41. Carol Denney (2)

Item #35: Referral: Measures to Address Traffic Enforcement and Bicycle Safety
42. John Rice
43. Robert Zucker

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

Supplemental Communications and Reports 3

Urgency Item: Resolution Ratifying and Terminating the Proclamation of Emergency by the Director of Emergency Services Due to PG&E Public Safety Power Shutoff
45. Urgency Item, submitted by the City Manager

**Item #13: Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees**
46. Presentation, submitted by the Auditor’s Office
47. Report Highlights, submitted by the Auditor’s Office
48. Moni Law (2)

**Item #23: Oversized Vehicle Restrictions on Bicycle boulevards**
49. Revised material, submitted by Councilmember Harrison

**Item #30: Referral: Telegraph Shared Streets**
50. Riya Master
51. Sylvia Targ
52. Stuart Baker, TBID Executive Director
53. Pablo Chong Herrera
54. Ella Smith, on behalf of the Berkeley Student Cooperative
55. Timothy Etter
56. Davina Srioudom

**Item #31: Referral: Develop a Bicycle Lane and Pedestrian Street Improvement Policy**
57. Jeana Zelan Peterson
58. Geoff Lomax
59. Dan Johnson
60. Kendra Levine
61. Samantha Warren, on behalf of the Cal Berkeley Democrats
62. Harry Chomsky
63. Igor Tregub, on behalf of the Sierra Club of San Francisco Bay
64. Terry Taplin

**Item #32: Reserving General Funds for Housing Trust Fund Program**
56. Nicole Brown, on behalf of the Resources for Community Development

**Item #34: Proposed Formula Retail (Chain Store) Regulations**
66. Kirsten MacDonald, CEO of the Berkeley Chamber
67. Steven Donaldson, on behalf of Radiant Brands
68. Kevin Gordon, on behalf of Gordon Commercial Real Estate Services
69. Denny Abrams, on behalf of Fourth Street Shops
70. Eric Muhlebach

**Aquatic Park**
71. Elaine Baden, on behalf of the Berkeley Paddling and Rowing Club

**EMF’s and 5G**
72. Regina DiMagio