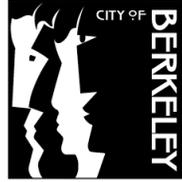


**REVISED AGENDA  
(REVISED TO ADD TELECONFERENCE LOCATION)**



**BERKELEY CITY COUNCIL MEETING**

**Tuesday, October 15, 2019  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION – 2911 LORINA STREET, BERKELEY, CA 94705

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## **Preliminary Matters**

### **Roll Call:**

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourn in memory of Michael Diehl, Former City Commissioner and Local Activist

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

- 1. Grant from The Center at Sierra Health Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a \$50,000 grant from The Center at Sierra Health Foundation for expansion of Medication Assisted Treatment (MAT) services for individuals with Opioid Use Disorders at Berkeley Mental Health.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 2. Annual Commission Attendance and Meeting Frequency Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a revised commission meeting frequency schedule and to accept the annual Commission Attendance and Meeting Frequency Report.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

- 3. Contract: Stryker for Purchase of Three Gurneys for the Fire Department Ambulances**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with Stryker to finance the purchase of three additional gurneys and equip all seven ambulances with the powered cot fastener system (power load system) for Fire Department ambulances which will allow transport of the sick and injured, increasing the amount by \$39,714 for a total not to exceed amount of \$74,000.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473
- 4. Assembly Bill 626 – Microenterprise Home Kitchen Operations**  
**From: City Manager**  
**Recommendation:** Staff recommends that the Mayor and City Council consider authorizing the permitting of Microenterprise Home Kitchen Operations (MEHKOs) as provided in Assembly Bill 626 (AB-626) through a resolution or ordinance.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 5. Contract No. 7258F Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7258F with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$60,903 for a total contract amount not-to-exceed \$985,747 from March 23, 2007 through June 30, 2021.  
**Financial Implications:** Cost Allocation Fund - \$60,903  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 6. Contract: (D.L. Falk Construction) for Central Library Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Central Library Improvements Project, Specification No. 19-11312-C; 2. Accepting the bid of D.L. Falk Construction as the lowest responsive and responsible bidder; 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$3,056,900, which includes a contingency of \$277,900.  
**Financial Implications:** Library Tax Fund - \$3,056,900  
Contact: Elliot Warren, Library, (510) 981-6100

## Consent Calendar

**7. Contract: Redwood Engineering Construction for James Kenney Park, Picnic, and Play Area Renovation**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the James Kenney Park, Picnic, and Play Area Renovation project, Specification No. 18-11216-C; and 2. Rejecting the lowest bid from Bay Construction Company as non-responsive; and 3. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the James Kenney Park, Picnic, and Play Area Renovation project at 1720 Eighth Street, Berkeley, CA 94710, in an amount not to exceed \$1,191,342, which includes a contract amount of \$992,785 and a 20% contingency in the amount of \$198,557.

**Financial Implications:** Various Funds - \$1,191,342

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**8. Contract: J.A. Gonsalves & Son Construction, Inc. for Bay Trail Extension to Berkeley Marina - Segment Three**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Bay Trail Extension—Segment 3 project (Bid Specification No. 18-11177-C; Federal Project No. STPL-5057(042)); and 2. Accepting the bid of J.A. Gonsalves & Son Construction, Inc. as the lowest responsive and responsible bidder on the Project, and authorizing the City Manager to execute a contract with J.A. Gonsalves & Son Construction, Inc., and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications in an amount not to exceed \$505,684, which includes a contract amount of \$439,725 and a 15 percent contingency in the amount of \$65,959.

**Financial Implications:** Various Funds - \$505,684

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**9. Grant Application: The Air District Vehicle Trip Reduction Grant Program – the Berkeley Marina Bicycle Electronic Locker Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$71,510 to the Bay Area Air Quality Management District (“Air District”) Vehicle Trip Reduction Grant Program for the Berkeley Marina Bicycle Electronic Locker Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

**Financial Implications:** See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

10. **Mills Act Contract – 2524 Dwight Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with NCR Properties LLC/Nathan D. George for the City Landmark property at 2524 Dwight Way.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
11. **Mills Act Contract – 1730 Spruce Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with Jeff Lipton for the City Landmark property at 1730 Spruce Street.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
12. **Mills Act Contract – 2526 Hawthorne Terrace**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with John Komoroske and Daniel McDonald for the City Landmark property at 2526 Hawthorne Terrace.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
13. **Contracts: On-Call Construction and Project Management Services: Kitchell/CEM Inc. and Cooper Pugeda Management, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services in support of the City's annual Facilities Capital Improvement Projects (CIP) program, each for a period of November 1, 2019 through June 30, 2022:  
1. Kitchell/CEM, Inc., for an amount not to exceed \$500,000.  
2. Cooper Pugeda Management, Inc., for an amount not to exceed \$500,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300

## Consent Calendar

### 14. **Renewal of the Elmwood Avenue BID for Calendar Year 2020**

#### **From: Elmwood Advisory Board**

**Recommendation:** Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the Annual Report and preliminary budget for proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019

**Financial Implications:** See report

Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530

### 15. **Renewal of the Solano Avenue BID for Calendar Year 2020**

#### **From: Solano Avenue BID Advisory Board**

**Recommendation:** Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2019 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

**Financial Implications:** See report

Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530

### 16. **Resolution: Protect from deportation beneficiaries of DACA, TPS, and DED**

#### **From: Peace and Justice Commission**

**Recommendation:** Adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA (Deferred Action for Childhood Arrivals), TPS (Temporary Protected Status), and DED (Deferred Enforced Departure).

**Financial Implications:** None

Contact: Bre Slimick, Commission Secretary, (510) 981-7000

## Council Consent Items

### 17. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

#### **From: Mayor Arreguin and Councilmember Davila**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

**Financial Implications:** Mayor's Discretionary Fund - \$500

Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 18. Grant Referral for Capoeira Arts Foundation**  
**From: Mayor Arreguin and Councilmembers Kesarwani and Davila**  
**Recommendation:** Refer a Grant of \$150,000 for the benefit of the Capoeira Arts Foundation (CAF) to the mid-year budget process to support their purchase of the Casa De Cultura-1901 San Pablo Ave-in partnership with BrasArte to create a permanent home for their organizations, their school, the United Capoeira Association (UCA) Berkeley, and for other Brazilian art forms.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 19. Health Impact Assessment Outreach Coordinator**  
**From: Mayor Arreguin, and Councilmembers Harrison and Droste**  
**Recommendation:** Refer to the Mid-Year Budget Process an amount of \$25,000 for Berkeley's contribution towards a budget of \$50,000 to support an Outreach Coordinator for the purpose of community education about the health impacts associated with the proposed closure of Alta Bates Hospital as indicated in the Health Impact Analysis completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 20. Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson**  
**From: Mayor Arreguin**  
**Recommendation:** Excuse Mayor Jesse Arreguin and Councilmember Rigel Robinson from the September 24, 2019 Council meeting due to attending official business of the City.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

**21. Referral to City Manager to Authorize Additional Inclement Weather Shelter at Old City Hall from October 15, 2019 - April 30, 2020**

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

**Recommendation:**

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from October 15, 2019 - April 30, 2020, to provide safe, indoor locations for our unhoused community during inclement weather, including cold temperatures below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$140,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through April 30, 2020, and possible program expansion in order to increase the number of unhoused people served.

**Financial Implications:** See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**22. National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E) Youth Council Fundraiser to send 15 youth members to the 111th Annual NAACP Youth Convention in Boston, Massachusetts in June 2020: Relinquishment of Council Office Budget Fund to the General Fund & Grant of Such Funds**

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

**Recommendation:** Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Inter-City Services, Inc. 501(c)3 (organized by the National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E.) Youth Council). The funds should be relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$250

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**23. Relinquishment of Council Office Budget Fund to the General Fund and Grant of Such Funds for Savo Island Cooperative Homes' 40th Anniversary Celebration**

**From: Councilmember Bartlett**

**Recommendation:** Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Savo Island Cooperative Homes' 40th Anniversary Celebration. The funds should be relinquished to the City's general fund for this purpose from the discretionary Council Office budget of Councilmember Ben Bartlett and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$250

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## Council Consent Items

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

**From: Councilmembers Harrison and Davila**

**Recommendation:** Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

**Financial Implications:** See report

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

25. **Resolution in Support of the 2019 United Auto Workers General Motors Strike**  
**From: Councilmembers Harrison and Davila**

**Recommendation:** Adopt a resolution in support of the United Auto Workers General Motors strike for fair wages, affordable quality healthcare, and job security.

**Financial Implications:** None

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

26. **Berkeley City Club Conservancy Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmembers Hahn and Robinson**

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the Berkeley City Club Conservancy, a 501(c)(3) non-profit organization, to preserve the landmark Julia Morgan Berkeley City Club building and to celebrate its upcoming centennial in 2030, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$250

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

27. **Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley**  
**From: Councilmember Wengraf**

**Recommendation:** Adopt a Resolution declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley.

**Financial Implications:** None

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

## Council Consent Items

- 28. Budget Referral: RFP for a Freestanding Public Restroom Facility** *(Continued from September 24, 2019)*  
**From: Councilmember Robinson**  
**Recommendation:** Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 29. Referral: Telegraph Shared Streets**  
**From: Councilmember Robinson, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 30. Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*  
**From: Councilmembers Robinson, Davila, Bartlett, and Hahn**  
**Recommendation:** Adopt first reading of an ordinance adopting a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 31. Adopt Resolution to Support Seamless Transit Principles**  
**From: Councilmember Droste, Mayor Arreguin, and Councilmembers Kesarwani and Robinson**  
**Recommendation:** Adopt a Resolution to support Seamless Transit Principles in order to pursue an integrated reliable regional transit system connecting the Bay Area.  
**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Old Business

- 32. Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer (SHPO)** *(Continued from September 10, 2019)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a revised Programmatic Agreement (PA) with the California State Historic Preservation Officer (SHPO) to clarify which rehabilitation activities would not require SHPO's review.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 33. IKE Smart City Kiosk Locations, Phase One** *(Continued from September 24, 2019)*  
**From: City Manager**  
**Recommendation:** Approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 34. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses** *(Continued from September 24, 2019)*  
**From: City Manager**  
**Recommendation:** Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530

## Action Calendar – Old Business

35. **Deaccession of Berkeley Big People** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, (510) 981-7530
36. **Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300
37. **Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
38. **Referral Response: Lava Mae Mobile Shower and Hygiene Services** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
39. **Settlement Authority of City Manager for Workers' Compensation Claims**  
**From: City Manager** *(Continued from September 24, 2019)*  
**Recommendation:** Adopt a Resolution to establish and grant authority to the City Manager or his/her designee to settle workers' compensation claims up to \$75,000 per employee claim, and establish and grant authority to the Human Resources Director to settle workers' compensation claims up to \$50,000 per employee claim.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
40. **Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention** *(Continued from September 24, 2019)*  
**From: Mayor Arreguin and Councilmembers Harrison and Droste**  
**Recommendation:** Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.  
First Reading Vote: All Ayes.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Action Calendar – Old Business

### 41. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy

*(Continued from September 24, 2019)*

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

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

1. Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act.
2. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
3. Encourage the use of quick builds by expediting quick-build projects under \$1 million. (a) "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.
4. Require staff to report progress back to Council every two years.

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

**Financial Implications:** Staff time

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

## Information Reports

### 42. FY 2019 Third Quarter Investment Report: Ended March 31, 2019

**From: City Manager**

Contact: Henry Oyekanmi, Finance, (510) 981-7300

### 43. Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service

**From: City Manager**

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

### 44. Adoption of Homeless Commission's Fiscal Year 2020 Workplan

**From: Homeless Commission**

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

## Public Comment – Items Not Listed on the Agenda

### Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries:  
Main - 2090 Kittredge Street  
Claremont Branch – 2940 Benvenue  
West Branch – 1125 University  
North Branch – 1170 The Alameda  
South Branch – 1901 Russell

#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 3, 2019.*

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item #16: Resolution: Protect from deportation beneficiaries of DACA, TPS and DED**

1. NorCal TPS Coalition

### **Item #20: Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson**

2. Jessica Behrman

### **Item #24: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology**

3. 34 form letters in support of
4. Edward Piou
5. Shauna Haines

### **Traffic Circle Policy and Program Recommendations**

6. Karen Gillard

### **5G**

7. Vivian Warkentin (2)
8. Gar Smith (2)
9. Councilmember Wengraf
10. Ellie Marks
11. Cindy Rahav
12. Phoebe Sorgen (3)
13. Sandy Nixon

### **Encampments/Homelessness**

- 14. Jingjing Dai
- 15. Margy Wilkinson (3)
- 16. Bryan Bowman
- 17. Diana
- 18. Erwan Illian

### **City of Berkeley Sewer Service Fee**

- 19. Barbara Gilbert
- 20. Pam Speich

### **Housing**

- 21. East Bay Democratic Socialists of America
- 22. Samuel Kohn, on behalf of the Human Welfare Community Action Commission

### **Electrification Generates Huge Amounts of Greenhouse Gas**

- 23. David Lerman (2)

### **Berkeley Ranks 289 out of 300, Near the Bottom as a Safest City**

- 24. Steven Donaldson
- 25. Barbara Gilbert

### **BPD Automated License Plate Readers**

- 26. George Perezvelez, on behalf of the Police Review Commission

### **City of Berkeley Marina**

- 27. Erwan Illian

### **Toxicity and Environmental Remediation in West Berkeley**

- 28. Terry Taplin

### **Endless Construction Ruining Our Streets**

- 29. Barbara Gilbert

### **Motorized Scooters and Skateboards**

- 30. Summer Brenner
- 31. Sally Nelson

### **West Campus Pool**

- 32. Helga Recke

### **War on Triangle Park**

- 33. Carol Denney
- 34. Martin Nicolaus

### **Vaping**

- 35. Sabrina Fendrick, on behalf of Berkeley Patients Group

**Police Review Commission**

- 36. Judith White
- 37. M. Rivka Polantnick

**RV's and Councilmember Harrison**

- 38. Jessica Behrman

**North Berkeley Crime Spree**

- 39. Jessica Behrman

**Street Paving Priorities**

- 40. Bill Pottinger
- 41. Janet
- 42. Councilmember Wengraf

**Aquatic Park Pollution**

- 43. Igor Tregub, on behalf of the Sierra Club San Francisco Bay
- 44. Joan Wager

**Addressing Climate Change**

- 45. Robert Kenney, Vice-President of PG&E

**TOPA**

- 46. Avram Gur Arye (2)

**Residential Smoking Ban**

- 47. Thomas Lord
- 48. Maria T. Garcia de la Noceda

**Undergrounding Utilities**

- 49. Kathryn Kennedy

**Scofflaw Cyclists**

- 50. John Rice

**Unfunded Employee Pension and Healthcare Liabilities**

- 51. David Lerman (2)

**Cracked Sidewalk**

- 52. David Kupler
- 53. Tony Benado
- 54. City of Berkeley Customer Service (311)

**Mental Health Commission Concerns**

- 55. Margaret Fine

## **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.