

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 12, 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:** 6:53 p.m.

**Present:** Kesarwani, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Davila, Bartlett, Wengraf

Councilmember Wengraf present at 6:55 p.m.

Councilmember Davila present at 6:56 p.m.

Councilmember Bartlett present at 7:08 p.m.

### **Ceremonial Matters:**

1. Honoring Lena Wolff and Miriam Klein Stahl
2. Honoring Ray Yep, Public Works Commissioner

**City Manager Comments:** None

**City Auditor Comments:** None

**Public Comment on Non-Agenda Matters:** 10 speakers.

### **Consent Calendar**

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

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

Councilmember Droste absent 7:22 p.m. – 7:26 p.m.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 6 speakers.

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

**Vote:** All Ayes.

### **Resolution Terminating 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 Terminating the Proclamation of Emergency by the Director of Emergency Services due to the PG&E Public Safety Power Shutoff on October 25, 2019, ratified by Council on October 29, 2019 (Resolution No. 69,151 N.S.).

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 69,165–N.S.

#### **1. Revision to the 2020 City Council Meeting Schedule**

**From:** City Manager

**Recommendation:** Adopt a Resolution revising the City Council regular meeting schedule for 2020, with starting times of 6:00 p.m. and rescinding Resolution No. 69,029-N.S.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 69,166–N.S.

#### **2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 12, 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 - \$40,093,600

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

**Action:** Approved recommendation.

## Consent Calendar

- 3. Contract No. 31900203 Amendment: Resource Development Associates for Crisis, Assessment and Triage Line Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900203 with Resource Development Associates (RDA) to provide additional evaluation consulting services for the Crisis, Assessment and Triage (CAT) line, in an amount not to exceed \$15,000 for a total contract amount not to exceed \$63,000 through June 30, 2021. The amended contract will include a revised scope of services, paid for with the additional funding requested here.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,167–N.S.
- 4. Contract: Berkeley Unified School District for Mental Health MHSA-Funded Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2020 in an amount not to exceed \$392,778.  
**Financial Implications:** Various Funds - \$392,778  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 69,168–N.S.
- 5. Authorize the City Manager to Submit Senate Bill 2 Planning Grants Program Application**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit the application for Senate Bill 2 Planning Grants Program (PGP) in the amount of \$310,000 and sign documents or amendments when the grant is awarded.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400  
**Action:** Adopted Resolution No. 69,169–N.S.

## Consent Calendar

### 6. Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code

**From: City Manager**

**Recommendation:**

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions, and schedule a Public Hearing for the second reading on December 3, 2019, pursuant to state law; and
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2019 California Building Standards Code, approving cost effectiveness studies relevant to local amendments to the 2019 California Energy Code, and rescinding Resolution No. 67,736-N.S.

**Financial Implications:** See report

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

**Action:** 1. Adopted first reading of Ordinance No. 7,678–N.S. as revised in the Supplemental 1 Communications packet. Second reading scheduled for December 3, 2019. 2. Adopted Resolution No. 69,170–N.S.

### 7. Companion Report: Recommendations for a Fossil Fuel Free Berkeley *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Item contains revised material.)*

**From: City Manager**

**Recommendation:** Refer to the City Manager to continue to implement existing policies and programs that are consistent with the recommendations in the Berkeley Energy Commission's Fossil Fuel Free Berkeley Report, such as the Building Energy Saving Ordinance and development of new building codes that promote building electrification, and also to complete new evaluations and analyses of current and potential future greenhouse gas reduction programs and policies in order to inform next steps for accelerating progress to a Fossil Fuel Free Berkeley.

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar to consider with Item 31. See action for Item 31.

## Consent Calendar

- 8. Contracts: On-Call Environmental Consulting Services: GSI Environmental, Inc., Wood Environment & Infrastructure Solutions, Inc., and Northgate Environmental Management, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call citywide environmental consulting services, each for a period of November 1, 2019 through November 30, 2022:
1. GSI Environmental, Inc. for an amount not to exceed \$150,000.
  2. Wood Environment & Infrastructure Solutions, Inc. \$300,000.
  3. Northgate Environmental Management, Inc. for an amount not to exceed \$150,000.
- Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,171–N.S. (GSI); Resolution No. 69,172–N.S. (Wood); Resolution No. 69,173–N.S. (Northgate).
- 9. Final Map of Tract 8369: 2747 San Pablo Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 8369, a forty-two unit condominium project consisting of thirty-nine residential units, two live/work units, and one commercial unit, located at 2747 San Pablo Avenue.  
**Financial Implications:** None  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 69,174–N.S.
- 10. Stop Sign Warrant Policy**  
**From: Transportation Commission**  
**Recommendation:** Adopt the attached Berkeley Stop Sign Warrant to supplement state law for determining when stop signs may be warranted to protect pedestrians, wheelchair users and/or bicyclists in the City of Berkeley.  
**Financial Implications:** See report.  
Contact: Farid Javandel, Commission Secretary, (510) 981-6300  
**Action:** Approved recommendation.

## Council Consent Items

## Council Consent Items

- 11. Support of SB 378 – Reducing Deenergization Events**  
**From: Mayor Arreguin and Councilmembers Wengraf, Harrison, and Hahn**  
**Recommendation:** Adopt a Resolution in support of SB 378 (Wiener), which would place commonsense regulations on deenergization events such as PG&E’s Public Safety Power Shutoffs. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Scott Wiener and Nancy Skinner, and Assemblymember Buffy Wicks.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 69,175–N.S.
- 12. Budget Referral: BART Station Environmental Planning**  
**From: Mayor Arreguin**  
**Recommendation:** Refer to the budget process \$250,000 for BART station planning. This budget allocation will allow the initiation of environmental review required as part of developing and adopting zoning for the Ashby and North Berkeley BART Stations that is in conformance with Assembly Bill 2923.  
**Financial Implications:** \$250,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmembers Robinson, Kesarwani, and Bartlett added as co-sponsors. Approved recommendation.
- 13. Modifying Appointments to City Council Standing Policy Committees**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution modifying appointments to City Council Standing Policy Committees.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Moved to Action Calendar. 2 speakers. M/S/C (Arreguin/Harrison) to adopt Resolution No. 69,176–N.S. modifying appointments to City Council Standing Policy Committees.  
**Vote:** Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Harrison.
- 14. Support Impeachment Actions to Immediately Remove the 45th President of the United States**  
**From: Councilmembers Davila and Harrison**  
**Recommendation:** Adopt a Resolution supporting impeachment efforts to immediately remove the 45th President of the United States, and send a letter including this resolution to California State Assemblymember Buffy Wicks, California State Senator Nancy Skinner, US House of Representatives Speaker Nancy Pelosi, as well as, Congress Representatives Barbara Lee, Alexandria Ocasio-Cortez, Rashida Tlaib and Ayanna Pressley.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 69,177–N.S.

## Council Consent Items

- 15. Additional funding to Enhance Services at the Berkeley Drop-In Center**  
**From: Councilmember Bartlett**  
**Recommendation:** That the Council refers to the November Budget Annual Appropriations Ordinance to fund \$210,000 to enhance services at the Berkeley Drop-In Center, specifically for the installation of a public shower, installation of washer and dryer, renovation of the existing publicly accessible restroom, and additional payee service capacity. This request will provide one-time funding for the renovation of permits and installation of the washer, dryer, and shower.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Councilmember Davila added as a co-sponsor. Approved recommendation.
- 16. Additional funding for Berkeley Community Gardening Collaborative/Moving South Berkeley Forward**  
**From: Councilmember Bartlett, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** That the Council refers to the November Budget Annual Appropriations Ordinance to fund \$10,582.06 to Berkeley Community Gardening Collaborative for a coordinator for the year-long Moving South Berkeley Forward project.  
**Financial Implications:** \$10,582.06  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Councilmember Davila added as a co-sponsor. Approved recommendation.
- 17. Budget Referral: Evaluation and Implementation of Pedestrian and Bicycle Safety Along Oxford Street**  
**From: Councilmember Harrison**  
**Recommendation:** Refer \$75,000 to the FY20 2019 AAO Process for the purpose of assessing, identifying, and implementing improvements to pedestrian and bicycle safety across Oxford Street, particularly between University Avenue and Bancroft Street.  
**Financial Implications:** Excess Equity - \$75,000  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Hahn) to refer \$75,000 to the FY20 2019 AAO Process for the purpose of assessing, identifying, and implementing improvements to pedestrian and bicycle safety across Oxford Street, particularly between University Avenue and Bancroft Street.  
**Vote:** Ayes – Kesarwani, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila; Absent – Bartlett.

Councilmember Bartlett absent 7:58 p.m. – 8:23 p.m.

## Council Consent Items

### 18. Request for Information: Police Dispatch

**From: Councilmember Harrison**

**Recommendation:** Refer to the City Manager a request for information clarifying:

1. when non-emergency phone calls to the police are directed to the Berkeley Police Department and when to the California Highway Patrol or other outside agencies, and 2. what staffing or technological changes would be needed to direct more calls to Berkeley dispatch.

**Financial Implications:** Staff time

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

**Action:** Approved recommendation.

### 19. Budget Referral: Expansion of Homeless Navigation Facilities and Programs

**From: Councilmember Hahn and Mayor Arreguin**

**Recommendation:** Pursuant to Measure P Panel of Expert Investment Area Priorities #1 and #2:

-Authorize the establishment of a third sleeping unit at the Berkeley Pathways STAIR Center to increase capacity, and direct staff to explore options to operate and provide services to the expanded population.

-Refer to the budget process to allocate funds to establish a third sleeping unit and additional facilities as needed to increase capacity at the STAIR Center, and to fund operational and programmatic needs.

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. 2 speakers. (Hahn/Kesarwani) to add Councilmember Kesarwani as a co-sponsor, and approve the recommendation revised to read as follows:

Pursuant to Measure P Panel of Expert Investment Area Priorities #1 and #2:

-Refer to the budget process to allocate funds to establish a third sleeping unit and additional facilities as needed to increase capacity at the STAIR Center, approximately \$100,000, and to fund operational and programmatic needs, approximately \$600,000 for 15 additional beds and \$750,000 for 23 additional beds, inclusive of rehousing flexible funds.

-If the City Council allocates sufficient funding, refer to the City Manager the establishment of a third sleeping unit at the Berkeley Pathways STAIR Center to increase capacity, and options to operate and provide services to the expanded population.

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

Councilmember Kesarwani absent 8:34 p.m. – 8:36 p.m.



## Council Consent Items

### 20. Wildfire Mitigation Mid-Year Budget Referral

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

**Recommendation:** Refer to the Mid-Year Budget Process an amount of \$550,000 for wildfire mitigation measures, including the removal of fire fuel on City properties and the extension by six additional months of the Fire Captain position to provide wildfire safety planning, Safe Passages implementation, and oversight of mitigation programs and public education.

**Financial Implications:** \$550,000

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

**Action:** Councilmember Droste added as a co-sponsor. Approved recommendation.

## Action Calendar – Public Hearings

### 21. Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program *(Continued from October 29, 2019)*

**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

**Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Wengraf/Hahn) to close the public hearing.

**Vote:** Ayes – Kesarwani, Davila Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes - None; Abstain – None; Absent – Harrison (recused – lives within 500 feet of the proposed area).

**Action:** M/S/C (Hahn/Wengraf) to adopt first reading of Ordinance No. 7,679-N.S. amending Berkeley Municipal Code (BMC) Chapter 14.52 to add the North Shattuck metered parking area to the goBerkeley parking program, and accept the revised material in the Supplemental 1 Communications Packet. Second reading scheduled for December 3, 2019.

**Vote:** Ayes – Kesarwani, Davila Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes - None; Abstain – None; Absent – Harrison (recused – lives within 500 feet of the proposed area).

Councilmember Harrison absent 8:38 p.m. – 8:40 p.m.

## Action Calendar – Public Hearings

### 22. Adoption of the 2019 California Fire Code with Local Amendments

**From: City Manager**

**Recommendation:**

1. Adopt the first reading of an Ordinance repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48;
2. Adopt a Resolution setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code (“CFC”) and rescinding Resolution number 67,743–N.S.;
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 3, 2019.
4. Conduct a public hearing, and upon conclusion, adopt a Resolution establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 67,990–N.S. and all Resolutions amendatory thereof.

**Financial Implications:** See report

Contact: David Brannigan, Fire, (510) 981-3473

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

M/S/C (Wengraf/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Robinson) to:

1. Adopt first reading of Ordinance No. 7,680–N.S. repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48. Second reading scheduled for December 3, 2019.
2. Adopt Resolution No. 69,178–N.S. setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code (“CFC”) and rescinding Resolution number 67,743–N.S.
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 3, 2019.
4. Adopt Resolution No. 69,179–N.S. establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 67,990–N.S. and all Resolutions amendatory thereof.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 23. Public Hearing and Approval of California Municipal Finance Authority Bond Financing for 1601 Oxford Street

**From: City Manager**

**Recommendation:**

1. Conduct the public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended; and
2. Adopt a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority (CMFA) for the benefit of Satellite Affordable Housing Associates or an affiliate thereof, a California limited partnership (the “Borrower”), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Internal Revenue Code and the California Government Code Section 6500 (and following).

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers. M/S/C (Bartlett/Hahn) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Harrison/Hahn) to adopt Resolution No. 69,180–N.S. approving the issuance of the Bonds by the California Municipal Finance Authority (CMFA) for the benefit of Satellite Affordable Housing Associates or an affiliate thereof, a California limited partnership (the “Borrower”), to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Internal Revenue Code and the California Government Code Section 6500 (and following).

**Vote:** All Ayes.

### 24. ZAB Appeal: 2701 Shattuck Avenue, Use Permit #ZP2016-0244

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution approving “Plan B”, as presented to the Council on November 12, 2019 for Use Permit #ZP2016-0244 to construct a 5-story, 60-foot tall, mixed-use building with 57 dwelling units (including five Very Low Income units and three live/work units), and 14 parking spaces, and dismissing the appeal.

**Financial Implications:** None

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

**Action:** Appeal withdrawn by appellants. No action taken on Item 24.

## Action Calendar – Old Business

## Action Calendar – Old Business

- 25. Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8 - 10 RV Dwellers** *(Continued from September 24, 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:** 1 speaker. M/S/C (Arreguin/Kesarwani) to take no action on Item 25.  
**Vote:** All Ayes.
- 26. City Council Rules of Procedure and Order Revisions** *(Reviewed by the Agenda & Rules Committee. Continued from October 29, 2019.)*  
**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 rescinding any preceding amendatory resolutions.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Item 26 and the corresponding revised material in the Supplemental 1 Communications Packet continued to November 19, 2019.
- 27. Referral Response: Lava Mae Mobile Shower and Hygiene Services** *(Continued from October 29, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400  
**Action:** Moved to the Consent Calendar. Report deemed accepted.
- 28. Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention** *(Continued from October 29, 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 referred to the Agenda and Rules Committee for scheduling.

## Action Calendar – Old Business

### 29. Referral: Measures to Address Traffic Enforcement and Bicycle Safety

*(Continued from October 29, 2019. Item contains revised material.)*

**From: Councilmember Robinson**

**Recommendation:**

1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection 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 Section 22450(a).
2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education 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. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions.
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:** 8 speakers. M/S/C (Hahn/Robinson) to:

1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection after the operator has yielded to any other road users with the right of way, by limiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Section 22450(a), and to develop a process for evaluating the before and after effects on safety.
2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education 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. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions.
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.

**Vote:** All Ayes.

Recess 9:42 p.m. – 10:01 p.m.

## Action Calendar – New Business

## Action Calendar – New Business

**30. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.

**Financial Implications:** None

Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – Davila, Droste.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:25 p.m.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Davila, Droste; Abstain – Wengraf.

**Action:** 4 speakers. Item 30 referred to the Agenda & Rules Committee as Unfinished Business for scheduling.

## Action Calendar – New Business

31. **Recommendations for a Fossil Fuel Free Berkeley** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*

**From: Energy Commission**

**Recommendation:** The Berkeley Energy Commission recommends the City Council refer to the City Manager to implement the recommendations listed below as well as additional measures outlined in the attached report to aggressively reduce greenhouse gas (GHG) emissions in the city and the region.

**Financial Implications:** Unknown

Contact: Billi Romain, Commission Secretary, (510) 981-7400

**Action:** 3 speakers. M/S/C (Robinson/Harrison) to:

1. Receive the report from the Energy Commission in Item 31 and thank the Commission for its work.
2. Adopt the recommendation from the City Manager in Item 7 to refer to the City Manager to continue to implement existing policies and programs that are consistent with the recommendations in the Berkeley Energy Commission's Fossil Fuel Free Berkeley Report, such as the Building Energy Saving Ordinance and development of new building codes that promote building electrification, and also to complete new evaluations and analyses of current and potential future greenhouse gas reduction programs and policies in order to inform next steps for accelerating progress to a Fossil Fuel Free Berkeley, and to add the report from the Energy Commission in Item 31 as an appendix to the report from the City Manager in Item 7.

**Vote:** All Ayes.

32. **Bird Safe Berkeley Requirements**

**From: Community Environmental Advisory Commission**

**Recommendation:** Refer to the Planning Commission and the City Attorney the attached ordinance amending Berkeley Municipal Code Title 23C, adding a new Chapter 23C.27 establishing bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.

**Financial Implications:** See report

Contact: Viviana Garcia, Commission Secretary, (510) 981-7460

**Action:** Moved to the Consent Calendar. Approved the recommendation revised to read as follows: "Refer to the Planning Commission and the City Manager to consider the attached ordinance amending Berkeley Municipal Code Title 23C, adding a new Chapter 23C.27 establishing bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval."

## Council Action Items

## Council Action Items

### 33. **Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services**

**From: Councilmember Hahn and Mayor Arreguin**

**Recommendation:** Refer to the budget process to allocate funds to provide transportation for mobility-impaired individuals experiencing homelessness who are engaged with rehousing and other services through the STAIR Center, The Hub, or other City of Berkeley-funded homeless services.

Refer to staff to determine needs and establish the best method for providing such transit services. Options include, but are not limited to, helping one or more service providers to purchase or lease wheelchair-accessible vehicle(s), or to repair or retrofit currently owned vehicle(s), providing additional vouchers for existing Paratransit services, providing additional taxi scripts (as recommended by the Homeless Commission), or contracting with a suitable transportation service. Consistent with the Americans with Disabilities Act (ADA), vehicles purchased, leased, or otherwise procured for these purposes should include the option of/access to a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard.

**Financial Implications:** See report

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

**Action:** Moved to the Consent Calendar. Councilmember Harrison added as a co-sponsor. Approved recommendation as revised in the Supplemental Communications Packet 2 and further amended to read as follows:

“Refer to the budget process to allocate funds to provide transportation for mobility-impaired individuals experiencing homelessness who are engaged with rehousing and other services through the STAIR Center, The Hub, or other City of Berkeley-funded homeless services.

Refer to staff to determine needs and establish the best method for providing transit services to mobility-impaired individuals, and to also consider potential transit needs of other individuals engaged with rehousing and homeless services. For the mobility-impaired, options include, but are not limited to, helping one or more service providers to purchase or lease wheelchair-accessible vehicle(s), or to repair or retrofit currently owned vehicle(s), providing additional vouchers for existing Paratransit services, providing additional taxi scripts (as recommended by the Homeless Commission), or contracting with a suitable transportation service. Also consider making mobility services and transportation available during enforcement activities, both for people and belongings.

Consistent with the Americans with Disabilities Act (ADA), vehicles purchased, leased, or otherwise procured for the mobility-impaired should include the option of/access to a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard.”

## Information Reports



## Information Reports

**34. Age-Friendly Berkeley Update**

**From: City Manager**

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

**Action:** Received and filed.

**35. Denial of Request to Waive Fees, 2992 Adeline Street**

**From: City Manager**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

Adjourned at 11:25 p.m.

## Communications

**Item 20: Wildfire Mitigation Mid-Year Budget Referral**

1. Laurie McWhorter, on behalf of Councilmember Wengraf

**Item 24: ZAB Appeal: 2701 Shattuck Avenue, Use Permit #ZP2016-0244**

2. Ben Libbey
3. Diego Aguilar-Canabal

**Item 25: Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8 - 10 RV Dwellers**

4. Berkeley Warehouse (3)
5. Ben Zlotkin, on behalf of Edition One Group
6. Peter Nervo
7. Rose Hill, on behalf of Studio 4
8. Farr Hariri, on behalf of Belfiore Cheese Company

**Homelessness/Encampments**

9. Parisa Jorjani (3)

**Homeless Project**

10. Alfred Twu
11. Irene Rosenthal
12. Tom Luce
13. Gabriela Kramer

**PG&E – Public Safety Power Shutoff**

14. Nina Beety

**Utility Undergrounding**

15. Lloyd Morgan, on behalf of Environmental Health Trust

**5G**

16. Arthur Stopes III (2)

**Upper Hearst Project Lawsuit**

17. Somya Jain, on behalf of Local Government Relations Director for Cal

18. Ruben Lizardo, Director of Local Government Relations Director for Cal

**Cannabis**

19. Susan Soares

**Measure O Template**

20. Phyllis Orrick

**Berkeley Transfer Center**

21. Robert Abiad

**Triangle Park on Telegraph**

22. Therese Fitzpatrick

**Pedestrian Safety**

23. David Lerman

**Traffic Circle Trees**

24. Ernest Machen

**Herbert Bradford Cleaveland**

25. Miriam Berg

26. Tracy Taylor

**Opportunity Zones**

27. Margy Wilkinson

**Tenant Eviction Notice**

28. Selma Rockett (2)

**Standards for Building Shadows**

29. Topher Brennan

**PRC Charter**

30. Peace and Justice Commission

31. 6 identically worded letters

32. 9 mail@changemail.org

**Support Artist – 1740 San Pablo Live/Work Space**

33. Susan Duhan Felix

**Mental Health Treatment Pilot Plan**

34. Eric Friedman

35. Margy Wilkinson (2)

**City Council Not Reading Emails**

36. Margy Wilkinson

**Affordable Housing Framework**

37. Jessica Woodard

**Removal of Big People from the Bridge**

38. Jordan Klein, on behalf of the City of Berkeley

**Supplemental Communications and Reports 1**

**Item #6: Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code**

39. Supplemental material, submitted by Planning and Development

**Item #21: Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program**

40. Revised material, submitted by Public Works

**Item #24: ZAB Appeal: 2701 Shattuck Avenue, Use Permit #ZP2016-0244**

41. Supplemental material, submitted by Planning and Development

42. Betsy Thagard

**Item #25: Companion Report: Utilization of City-Owned Property at 1281 University Avenue to House up to 8-10 RV Dwellers**

43. Linda Franklin

**Item #26: City Council Rules of Procedure and Order Revisions**

44. Revised material, submitted by the City Clerk

**Item #30: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras**

45. George Perezvelez, Chairperson, Police Review Commission

**Supplemental Communications and Reports 2**

**Item #6: Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code**

46. Miya Kitahara on behalf of StopWaste

**Item #24: ZAB Appeal: 2701 Shattuck Avenue, Use Permit #ZP2016-0244**

47. Ali Sidisalah
48. Noemi Levine
49. Lee Bishop
50. Mohamed Touzari
51. Theo Posselt
52. Hayley Currier
53. Bhima Sheridan
54. Milo Trauss
55. Louise Rosenkrantz
56. Elizabeth Ditmars
57. Alexander Benn
58. Joshua D'Amato
59. Thomas Graly
60. Pablo Chong Herrera
61. Samantha Warren
62. Todd Darling

**Item #29: Referral: Measures to Address Traffic Enforcement and Bicycle Safety**

63. Alejandro Chavez
64. Liza Lutzker and Ben Gerhardstein, on behalf of Walk Bike Berkeley
65. Paul Rauber
66. Charles Siegel
67. Tom Lent

**Item #30: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras**

68. Revised material, submitted by Councilmember Harrison
69. Supplemental material, submitted by the City Manager

**Item #32: Bird Safe Berkeley Requirements**

70. Sally Hughes
71. Zofia Burr
72. Hannelore Lewis
73. Robin Pulich
74. Eleni Sotos
75. Corinne Greenberg
76. Martin Nicolaus
77. Pam Shandrick
78. Ian Duncan
79. Golden Gate Audubon Society
80. Michael Scott
81. Dorothy Gregor
82. Jennifer Michels
83. Laura Cholodenko
84. Nancy Parker

85. Robert Lewis
86. Andi Cassidy
87. Deanna Ewers
88. Pauline Fong
89. Laura Klein
90. Daniella Salzman
91. Emily Ladner
92. Marilyn Siegel
93. Ed Vine
94. David Jaber
95. Judith Dickman
96. Mary Law
97. Jennifer Steele
98. Kevin Steen
99. Marina Imfeld
100. Lisa and Ken Wahl
101. Tony Corman
102. Crystal Brunzell
103. Steve Scholl
104. Kate Rakelly
105. Katie Slive
106. Ryan Kladar
107. Kathleen Shiring
108. Jesse Greenspan
109. Steve Robey
110. Erin Diehm
111. Anna Cobbett
112. Michele Bernal
113. Sarah Swanson-Hysell
114. Jeremy Nichols
115. Phil Price
116. Gail Kurtz
117. Kenneth Weidner
118. Isaac Turiel
119. Jane Graly
120. June Kodani
121. Diane Perea
122. Melanie Lawrence
123. Juli Dickey
124. Morton Paley
125. Mari Vlastos
126. Alana Shindler and Bernard Rosen
127. Fredrick Seil
128. Mari Litsky
129. Sally de Becker
130. Jessica Danelon

- 131. Amy Parsons
- 132. Rachel Eiseman Tanner

**Item 33: Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services**

- 133. Supplemental material, submitted by Councilmember Hahn

**Supplemental Communications and Reports 3**

**Urgency Item: Resolution Terminating the Proclamation of Emergency by the Director of Emergency Services Due to PG&E Public Safety Power Shutoff**

- 134. Agenda material, submitted by the City Manager

**Item 21: Amend BMC Chapter 14.52 Adding the North Shattuck Metered Parking Area to the goBerkeley Program**

- 135. Presentation, submitted by Public Works

**Item #24: ZAB Appeal: 2701 Shattuck Avenue, Use Permit #ZP2016-0244**

- 136. Presentation, submitted by Planning
- 137. Cal Berkeley Democrats
- 138. Shirley Dean
- 139. Timothy Etter
- 140. Davina Srioudom
- 141. Varsha Sarveshar, on behalf of Associated Students of Cal
- 142. Meher Mann

**Item #29: Referral: Measures to Address Traffic Enforcement and Bicycle Safety**

- 143. Melanie Curry

**Item #32: Bird Safe Berkeley Requirements**

- 144. Kimberly Ryan

**Miscellaneous Communications**

**Funding for Homeless Youth, Ages 16 to 25**

- 145. Sally Hindman