

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING**

**Tuesday, March 8, 2016**

**7:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – DARRYL MOORE  
DISTRICT 3 – MAX ANDERSON  
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 7:02 p.m.

**Present:** Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington, Bates

**Absent:** Anderson

**Ceremonial Matters:** None.

**City Manager Comments:**

1. Transportation Strategic Plan Community Meeting: March 16, 5:00 p.m., South Berkeley Senior Center
2. Tibetan Flag Raising: March 10, 8:00 a.m., Civic Center Park

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

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

**Consent Calendar**

**Action:** M/S/C (Worthington/Maio) to accept supplemental material from Councilmember Worthington on Item 17 and from staff on Item 10.

**Vote:** Ayes – Maio, Moore, Arreguin, Wengraf, Worthington, Bates; Noes – Droste; Abstain – Capitelli; Absent – Anderson.

**Action:** M/S/C (Maio/Worthington) to accept supplemental material from Councilmember Maio on Item 33.

**Vote:** Ayes – Maio, Moore, Arreguin, Wengraf, Worthington, Bates; Noes – Droste; Abstain – Capitelli; Absent – Anderson.

## Consent Calendar

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

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.

### 1. Zoning Amendments to B.M.C. Chapter 23C.08 - Demolition and Dwelling Unit Controls

**From:** Councilmember Arreguin

**Recommendation:** Adopt second reading of Ordinance No. 7,458-N.S. (as developed by staff) repealing and re-enacting Berkeley Municipal Code Sections 23C.08.010, 23C.08.020 and 23C.08.030, and adding Section 23C.08.035 to modify and clarify the conditions under which dwelling units may be demolished.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

**Action:** Adopted second reading of Ordinance No. 7,458-N.S.

### 2. Amending the Berkeley Municipal Code Chapter 3.80 to Prohibit City Employees from Serving on Boards

**From:** Councilmembers Wengraf, Arreguin, Droste, and Capitelli

**Recommendation:** Adopt second reading of Ordinance No. 7,460-N.S. amending the Berkeley Municipal Code, Chapter 3.80 to prohibit City employees from serving on boards and commissions, as outlined in the report.

**First Reading Vote:** Ayes – Maio, Moore, Capitelli, Wengraf, Droste, Bates; Noes – Anderson, Arreguin, Worthington; Abstain – None; Absent – None.

**Financial Implications:** See report

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

**Action:** 4 speakers. Moved to Action Calendar. M/S/C (Bates/Wengraf) to adopt the second reading of Ordinance No. 7,460-N.S.

**Vote:** Ayes – Maio, Moore, Capitelli, Wengraf, Droste, Bates; Noes – Arreguin, Worthington; Abstain – None; Absent – Anderson.

### 3. Revision of Landmarks Preservation Ordinance Appeals Process; Amending Berkeley Municipal Code Section 3.24.300

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,461-N.S. amending Section 3.24.300 of the Berkeley Municipal Code to revise the Landmark Preservation Ordinance appeal process to mirror the Zoning Ordinance appeal process for Use Permits.

**First Reading Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Droste, Bates; Noes – Anderson, Worthington; Abstain – None; Absent – None.

**Financial Implications:** None

Contact: Zach Cowan, City Attorney-981-6950

**Action:** Adopted second reading of Ordinance No. 7,461-N.S.

## Consent Calendar

- 4. Amendments to Berkeley Housing Code and Berkeley Municipal Code Chapters 19.40 and 12.48 Regarding Inspections of Exterior Elevated Elements**  
**From: City Manager**  
**Recommendation:**  
1. Adopt second reading of Ordinance No. 7,462-N.S. amending Section 19.40.035 of the Berkeley Municipal Code Chapter 19.40 (Berkeley Housing Code), and  
2. Adopt second reading of Ordinance No. 7,463-N.S. amending Section 12.48.055 of the Berkeley Municipal Code Chapter 12.48 (Residential Rental Housing Safety Program), to clarify the conditions and frequency of inspection and certification requirements for the Exterior Elevated Elements (E3) program as recommended by the E3 Task Force.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,462-N.S. and Ordinance No. 7,463-N.S.
- 5. Zoning Ordinance Amendments to BMC Section 23E.72.040 Regarding Medical Cannabis Cultivation in the Manufacturing (M) District**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,464-N.S. amending the existing medical cannabis cultivation ordinance, Berkeley Municipal Code Section 23E.72.040, in response to new State regulations.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,464-N.S.
- 6. Prohibiting Possession of High-Capacity Magazines; Adding BMC Chapter 13.74**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance adding a new Chapter 13.74 to the Berkeley Municipal Code, prohibiting possession of High-capacity magazines in Berkeley.  
**Financial Implications:** Minor impact on staff workload.  
Contact: Zach Cowan, City Attorney-981-6950  
**Action:** Adopted first reading of Ordinance No. 7,465–N.S. Second reading scheduled for March 29, 2016.

## Consent Calendar

**7. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance after Council Approval on March 8, 2016**

**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 - \$975,000

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

**8. Disaster Council Reestablishment; Repealing and Reenacting Berkeley Municipal Code Chapter 2.88**

**From: City Manager**

**Recommendation:** Adopt first reading of an ordinance repealing and reenacting Berkeley Municipal Code Chapter 2.88 to create and specify the respective duties and responsibilities of the Office of Director of Emergency Services, Disaster Council, and the Disaster and Fire Safety Commission.

**Financial Implications:** None

Contact: Gil Dong, Fire, 981-3473

**Action:** Adopted first reading of Ordinance No. 7,466–N.S. Second reading scheduled for March 29, 2016.

**9. Side Letter of Agreement – SEIU Local 1021 Maintenance and Clerical Chapters**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union Local 1021 Maintenance and Clerical Chapters to modify Section 29.1 of the Memorandum Agreement regarding the replacement of Health Net as the City's health insurance provider, with Sutter Health Plus.

**Financial Implications:** See report

Contact: Sarah Reynoso, Human Resources, 981-6800

**Action:** Adopted Resolution No. 67,388–N.S.

## Consent Calendar

### 10. **Contract: HM Construction for Berkeley Rose Garden Trellis Rehabilitation** **From: City Manager**

**Recommendation:** Adopt a Resolution:

1. Approving the plans and specifications for Berkeley Rose Garden Trellis Rehabilitation project, Specification No. 15-10961-C; and
2. Accepting the bid of HM Construction as the lowest responsive and responsible bidder for the amount of their Base Bid of \$291,350 plus Additive Bid Item No.2 for \$35,000, for a total contract of \$326,350; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with HM Construction, for the Berkeley Rose Garden Trellis Rehabilitation project at 1201 Euclid Avenue, in an amount not to exceed \$391,620, which includes a contract amount of \$326,350 and a 20% contingency in the amount of \$65,270.

**Financial Implications:** Various Funds - \$391,620

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

**Action:** Adopted Resolution No. 67,389–N.S. as amended in the supplemental material submitted by city staff to add the following test to the resolution:

*BE IT FURTHER AND FINALLY RESOLVED that:*

- *the City Council is aware that the contract with HM Construction that is approved by this resolution will only begin the Berkeley Rose Garden Trellis Rehabilitation project;*
- *the completion of this project as soon as feasible is a critical priority for the Council;*
- *while the City Council would prefer that the entire project be completed in one immediate phase, it understands that funding for doing so is not currently available;*
- *the City Council has been informed by City staff that the remainder of the necessary funding will be available in FY 2018;*
- *the Council anticipates and expects that staff will return to the Council with a contract to complete the Berkeley Rose Garden Trellis Rehabilitation project once the FY 2018 budget is approved in June 2017; and*
- *the Council directs the City Manager to provide it with an update on the timing and finding for the Berkeley Rose Garden Trellis Rehabilitation project as part of the FY 2018 budget.*

## Consent Calendar

- 11. Purchase Order: 3T Equipment Company, Inc. for One Sewer Closed Circuit Television Camera Van**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order for one Sewer Closed Circuit Television Camera Van with 3T Equipment Company, Inc. in an amount not to exceed \$177,800.  
**Financial Implications:** Sanitary Sewer Operation Fund - \$177,800  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,390–N.S.
- 12. Contract No. 9361B Amendment: Pakpour Consulting Group, Inc. for Additional Contract Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9361B with Pakpour Consulting Group, Inc. for additional contract services, increasing the contract by \$100,000 for a total amount not to exceed \$600,000.  
**Financial Implications:** Off Street Parking Fund - \$600,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,391–N.S.

## Council Consent Items

- 13. Appoint Damion McNeil to the Berkeley Housing Authority**  
**From: Mayor Bates**  
**Recommendation:** Appoint Damion McNeil to the Berkeley Housing Authority to serve a four-year term.  
**Financial Implications:** None  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Adopted Resolution No. 67,392–N.S.
- 14. Electric Vehicles for the City Fleet**  
**From: Mayor Bates and Councilmember Wengraf**  
**Recommendation:** Request that the City Manager return to the Council with a Fleet Climate Action Plan for transition to all-electric vehicles (EVs) or plug-hybrids for the City fleet. The plan could: 1. set annual targets for greenhouse gas (GHG) reductions from City fleet operations in support of the City's Climate Action Plan; 2. require replacing all non-emergency vehicles and all possible emergency vehicles with EVs or plug-in hybrids by April 1, 2025, with an interim goal of a certain percent by April 1, 2018; 3. require conversion wherever possible to hybrid vehicles in cases where EVs or plug-in hybrids are not yet feasible; and 4. consider the Additional Measures as described in the report.  
**Financial Implications:** See report  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Approved recommendation revised to state "plug-in hybrids."

## Council Consent Items

- 15. LifeLong Medical Care’s 40th Anniversary: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount of up to and not to exceed \$150 per councilmember to LifeLong Medical Care with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Maio and any councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$150  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 67,393–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Bates - \$150; Councilmember Wengraf - \$100; Councilmember Maio - \$150; Councilmember Moore - \$100; Councilmember Capitelli - \$100.
- 16. Support UC Berkeley Subcontractor Workers and the Speakers Boycott**  
**From: Councilmembers Arreguin and Worthington**  
**Recommendation:** Adopt a Resolution supporting UC Berkeley Subcontractor Workers and endorsing AFSCME Local 3299’s Speakers Boycott. Send a copy of the resolution to UC Berkeley Chancellor Nicholas Dirks.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Item held over to the March 15, 2016 meeting.

## Council Consent Items

### 17. Letter to Chancellor Dirks Urging UC Berkeley to Build More Student Housing From: Councilmember Arreguin and Mayor Bates

**Recommendation:** Send a letter to UC Berkeley Chancellor Nicholas Dirks urging UC Berkeley to build more student housing to address the needs of existing students and planned enrollment increases.

**Financial Implications:** None

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

**Action:** Approved recommendation to send the letter as written in the supplemental material submitted by Councilmember Worthington.

*President Napolitano,*

*Thank you for creating the President's Student Housing Initiative. The City of Berkeley greatly appreciates your commitment to accelerating the timetable in completing current student housing developments and also expanding the pool of student housing in the future. We share your concerns in both keeping housing as affordable as possible for UC students and maintaining sufficient amounts of housing to meet an ever-increasing demand. We appreciate your written commitment to meet with undergraduate and graduate student leaders. All of the above-mentioned features of the initiative are exemplary and we commend you for your leadership on this important issue.*

*In moving forward to implement your housing initiative, we encourage consideration of public-private partnerships (P3), which have the potential to address important concerns and help us meet the need for thousands of additional units of student housing. A model P3 project could meet the needs of all stakeholders, including students, the university, workers, environmentalists, and neighbors.*

*There are three high-priority criteria for specific features of a P3 that would build strong public support for using this tool to meet the need for student housing. These include:*

- 1. Ensuring student costs will be comparable to residence hall rates and can be controlled in agreement with private developers.*
- 2. Meeting labor standards which include prevailing wage and recognized apprenticeship programs in accordance with the history and tradition of UC's construction projects. Alternatively, a project labor agreement could be considered.*
- 3. Retaining or expanding current UC sustainability standards to ensure green buildings.*

*We encourage consideration of P3 agreements, provided they include the aforementioned components.*

*Multiple sections of the Berkeley General Plan support increased housing in downtown Berkeley. Increasing student housing in the downtown would help us implement the vision of transit-oriented development. There are multiple opportunity sites for student housing in downtown Berkeley. The Telegraph Avenue area from Bancroft to Dwight is ideal for more student housing, given its close proximity to campus and the possibility of students walking or bicycling to class. Telegraph Avenue has been recognized as a Priority Development Area and contains multiple opportunity sites. Already, hundreds of millions of dollars have been invested in the Telegraph area in the recent years. The Telegraph Property Business Improvement District has put forward a powerful plan for community improvements, and the City of Berkeley adopted the South Side Plan, to which the University jointly agreed. Creating housing delivers on the goals of the South Side Plan. This also meets the demands of the area's overwhelming student population, who support additional student housing in their neighborhood.*

*The City currently has zoning barriers and obstacles which prevent creation of additional housing on or near Telegraph Avenue. Recently, the City Council voted unanimously to refer to the Planning Commission to remove those housing barriers, thus allowing the potential for numerous projects which could add many additional student housing units.*

*Thank you again for prioritizing the needs of students by creating the President's Student Housing Initiative. The City of Berkeley stands ready to help in any way possible to accomplish these goals.*



## Council Consent Items

- 18. Letter to the NFL Requesting Compensation for Police Services at Super Bowl City**  
**From: Councilmember Arreguin**  
**Recommendation:** Send a letter to the National Football League (NFL) requesting that the City of Berkeley receive compensation for providing Berkeley Police Department officers for security at Super Bowl City in San Francisco.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Moved to Action Calendar. 0 speakers. M/S/Failed (Arreguin/Droste) to approve the recommendation.  
**Vote:** Ayes – Moore, Arreguin, Worthington, Droste; Noes – Capitelli, Bates; Abstain – Maio, Wengraf; Absent – Anderson.
- 19. Proclamation Declaring April 24, 2016 as Armenian Genocide Commemoration Day in Berkeley**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a proclamation declaring April 24, 2016 Armenian Genocide Commemoration Day in Berkeley.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted proclamation.
- 20. Proclamation Honoring George Berkeley**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a proclamation honoring May 24 as George Berkeley Day.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted proclamation.
- 21. Proclamation in Honor of the 14th Annual Holocaust Remembrance Day Event**  
**From: Councilmembers Worthington and Wengraf**  
**Recommendation:** Adopt the Holocaust Remembrance Day Proclamation for the 14th Annual Holocaust Remembrance Day event.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted proclamation.

## Council Consent Items

- 22. Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Worthington and Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, to support the Holocaust Remembrance Day Event with funds relinquished to the City's general fund for this purpose that the City of Berkeley is able to invite and support the community on this event from Councilmember Kriss Worthington's discretionary Council Office Budget and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$1,000  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted Resolution No. 67,394–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$200; Councilmember Moore - \$100; Councilmember Capitelli - \$100; Councilmember Maio - \$100; Mayor Bates - \$100.
- 23. Support the “No Place Like Home” State Legislative Proposals and Send a Letter to Governor Jerry Brown**  
**From: Councilmember Worthington**  
**Recommendation:** Support the “No Place Like Home” State Legislative Proposals and send a letter to Governor Jerry Brown.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation with revisions to correct the spelling of “Berkeley” and delete “Jerry” in the salutation of the letter.
- 24. Cigarette and Tobacco Litter Ordinance; Referral to Community Health Commission**  
**From: Councilmember Worthington**  
**Recommendation:** Referral to the Community Health Commission to establish an ordinance that would diminish pollution from cigarettes waste similarly to San Francisco's Cigarette Abatement Fee Ordinance.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation revised to refer the item to the Community Environmental Advisory Commission instead of the Community Health Commission.
- 25. Support Increased Housing Funding Proposal in President Obama's FY 2017 Budget Proposal**  
**From: Councilmember Worthington**  
**Recommendation:** Send a letter to US Senators Boxer and Feinstein requesting support for President Obama's proposal to increase HUD's funding.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.

## Council Consent Items

- 26. Require Immediate Action to Either Collect Over \$641,000 Owed in Lien or Bring Owner in Compliance with Agreement**  
**From: Councilmember Worthington**  
**Recommendation:** Take swift and immediate action to require the owner of the lot on the corner of Haste Street and Telegraph to pay over \$641,000 owed to the City in lien or to bring the owner in compliance with the agreement to use the lot to provide affordable housing for the community, as well as a public restroom.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item failed.  
**Vote:** Ayes – Arreguin, Worthington; Noes – Capitelli, Wengraf; Abstain – Maio, Moore, Droste, Bates; Absent – Anderson.
- 27. Refer to Labor Commission: Appropriate Policies to Support Drivers for Taxi, For-Hire and App-Dispatch Companies**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the Labor Commission to examine the feasibility of Berkeley and/or the state of California to support driver's request for employee status and of possible union representation.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item failed.  
**Vote:** Ayes – Arreguin, Worthington, Droste; Noes – Bates; Abstain – Maio, Moore, Capitelli, Wengraf; Absent – Anderson.
- 28. Support California Single Use Plastic Bag Ban in November 2016 State Election**  
**From: Councilmember Worthington**  
**Recommendation:** Support the California Single Use Plastic Bag Ban in November 2016 state election.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmember Wengraf added as a co-sponsor. Approved recommendation.
- 29. Send a Letter to California Governor Jerry Brown Requesting a Delay of Execution and Consideration of Clemency for Death Row Inmate Kevin Cooper**  
**From: Councilmember Worthington**  
**Recommendation:** That the City Council send a letter to California Governor Jerry Brown requesting a delay of execution and consideration of clemency for death row inmate Kevin Cooper.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation with the revisions to delete "consideration of clemency" from the letter and "Jerry" from the salutation.

## Action Calendar – Old Business

**30. a. Recommendation for the Five-Year Paving Plan** *(Continued from February 9, 2016)*

**From: Public Works Commission**

**Recommendation:** Adopt a Resolution approving the first two years (2016-2017) of the Five Year Paving Plan as proposed by staff. The Public Works Commission recommends further consideration of the last three years (2018-2020) of the plan to: Better incorporate potential changes due to on-going drought; Assure the City of Berkeley takes full advantage of lessons learned from prior test sites; Best optimize green infrastructure to provide multiple benefits, and Better evaluate full life-cycle costs, especially of alternative treatments.

**Financial Implications:** Unknown

Contact: Sean Rose, Commission Secretary, 981-6300

**b. Draft Mid–Program Review Report for Measure M Integrated Streets Investment Plan and Update of the 5-Year Street Paving Plan, FY 2016 to FY 2020** *(Continued from February 9, 2016)*

**From: City Manager**

**Recommendation:**

1. Adopt the recommendation from the Public Works Commission; and
2. Review the attached Draft Mid–Program Review Report for Measure M Integrated Streets Investment Plan.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** 4 speakers. M/S/C (Wengraf/Worthington) to adopt Items 30.a. and 30.b. including Resolution No. 67,395–N.S. approving the first two years (2016-2017) of the Five Year Paving Plan as proposed by staff. The Public Works Commission recommends further consideration of the last three years (2018-2020) of the plan to: Better incorporate potential changes due to on-going drought; Assure the City of Berkeley takes full advantage of lessons learned from prior test sites; Best optimize green infrastructure to provide multiple benefits, and Better evaluate full life-cycle costs, especially of alternative treatments.

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.

**31. Final Status Report on West Berkeley Industry** *(Continued from February 9, 2016)*

**From: Councilmembers Maio and Droste**

Contact: Linda Maio, Councilmember, District 1, 981-7110

**Action:** 5 speakers. M/S/C (Maio/Moore) to reconsider the item in three months with an update from Councilmembers Maio and Droste.

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.

Recess 8:57 p.m. – 9:10 p.m.

## Action Calendar – Old Business

**32. a. Living Wage for All City of Berkeley Employees** *(Continued from February 9, 2016)*

**From: City Manager**

**Recommendation:** Direct the City Manager to develop a more detailed plan for raising eight (8) unrepresented classifications to the Living Wage level, and to analyze its fiscal implications citywide. The plan would include adjustments to the current salary pay schedule for the impacted classification, and a corresponding budget adjustment for those City departments that have employees in the impacted classifications.

**Financial Implications:** See report

Contact: Paul Buddenhagen, Health, Housing and Community Services, 981-5400

**b. City Manager Referral: Create a Pathway for City Employees to Earn a Living Wage Within Two Years** *(Continued from February 9, 2016)*

**From: Councilmember Worthington**

**Recommendation:** Refer to the City Manager to create a pathway for City full-time and part-time employees to earn a living wage within two years.

**Financial Implications:** See report

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

**Action:** 0 speakers. M/S/C (Worthington/Bates) to hold the item over to June 14, 2016.

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.

## Action Calendar – Old Business

### 33. In Support of Ending Drone Warfare *(Continued from February 9, 2016)*

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

**Recommendation:** Adopt a Resolution urging the U.S. government to: 1. Halt the use of all drones for extrajudicial killing, since extrajudicial killing is illegal under international law, 2. Halt all drone surveillance that assaults basic freedoms and inalienable rights and terrorizes domestic life in Pakistan, Afghanistan, Iraq, Yemen and Somalia, 3. Prohibit the sale, and distribution of drones and drone technology to foreign countries in order to prevent the proliferation of this menacing threat to world peace, freedom and security, and 4. Work with the international community to ban the use of drones for military purposes.

Urge Senators Dianne Feinstein and Barbara Boxer and Representative Barbara Lee to help to end the use of drones in warfare by promoting legislation that will achieve these ends; and

Direct the City Clerk to send copies of this resolution to President Barack Obama, Senator Dianne Feinstein, Senator Barbara Boxer, and Representative Barbara Lee.

#### **Financial Implications:** Unknown

Contact: Eric Brenman, Commission Secretary, 981-5400

**Action:** 9 speakers. M/S/C (Bates/Wengraf) to support H.R. 2183 (Lee) and to request an update from Congresswoman Lee on her efforts.

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.

**Action:** M/S/Failed (Arreguin/Worthington) to adopt the commission item with the addition of one Whereas clause and the resolved clause as follows:

*Whereas, representative Barbara Lee expressed her concern about drone warfare by introducing HR 2183 bringing transparency and oversight to US drone policy. To direct the director of the CIA to cease lethal drone operations, and for other purposes.*

*NOW THEREFORE BE IT RESOVED that the Council of the City of Berkeley urges the U.S. government to*

- 1. Halt the use of all drones for extrajudicial killing, in light of the fact that the legality of drones is under investigation by legal scholars and practitioners including two successive UN Special Rapporteurs on extrajudicial killings;*
- 2. Halt all drone surveillance, which assaults basic freedoms and inalienable rights, as exemplified by current U.S. drone surveillance in countries such as Pakistan, Afghanistan, Iraq, Yemen, and Somalia;*
- 3. Halt the production of militarized drones used for surveillance and targeted killing and prohibit the production, sale, and distribution of these militarized drones and associated technology to foreign countries in order to prevent the proliferation of this menacing threat to world peace, freedom and security; and*
- 4. Work with others in the international community to push for a ban of militarized drones worldwide.*

**Vote:** Ayes – Arreguin, Worthington; Noes – Bates; Abstain – Maio, Moore, Capitelli, Wengraf, Droste; Absent – Anderson.

## Action Calendar – Old Business

### 34. **Allocating Additional Property Transfer Tax Revenue to the Housing Trust Fund** *(Continued from February 9, 2016)*

**From: Councilmember Arreguin**

**Recommendation:** Adopt a Resolution modifying Council Budget Development Policies to allocate 25% of Funds from the Property Transfer Tax above \$10.5 million to the Housing Trust Fund. The remaining 75% of funding in excess of \$10.5 million will be allocated to the Capital Improvement Fund (Fund 610).

**Financial Implications:** See report

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

**Action:** M/S/C (Maio/Wengraf) to accept supplemental material from staff on Item 34.

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Abstain – Droste; Absent – Anderson.

**Action:** 4 speakers. M/S/C (Capitelli/Bates) to call the question on Item 34.

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Droste, Bates; Noes – Worthington; Abstain – None; Absent – Anderson.

**Action:** M/S/Failed (Arreguin/Worthington) Adopt a Resolution modifying Council Budget Development Policies to allocate 25% of Funds from the Property Transfer Tax above \$10.5 million to the Housing Trust Fund. The remaining 75% of funding in excess of \$10.5 million will be allocated to the Capital Improvement Fund (Fund 610).

**Vote:** Ayes – Arreguin, Worthington; Noes – Capitelli, Bates; Abstain – Maio, Moore, Wengraf, Droste; Absent – Anderson.

### 35. **Refer to the Rent Stabilization Board to Consider Creating an Ordinance Preventing Evictions for Minor Offenses** *(Continued from February 9, 2016)*

**From: Councilmembers Worthington, Anderson, and Arreguin**

**Recommendation:** Refer to the Housing Advisory Commission, and the Rent Stabilization Board to consider creating an ordinance preventing evictions for minor offenses.

**Financial Implications:** Minimal

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

**Action:** 6 speakers. M/S/Failed (Worthington/Arreguin) to delete the referral to the Housing Advisory Commission and delete items #1 and #7.

**Vote:** Ayes – Arreguin, Worthington, Droste; Noes – Bates; Abstain – Maio, Moore, Capitelli, Wengraf; Absent – Anderson.

## Action Calendar – Old Business

36. **Housing Trust Fund Loan for \$1,000,000** *(Continued from February 9, 2016)*  
**From: Councilmember Worthington**  
**Recommendation:** Loan \$1,000,000 to the Housing Trust Fund.  
**Financial Implications:** \$1,000,000  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** M/S/Failed (Bates/Wengraf) to table the item.  
**Vote:** Ayes – Maio, Capitelli, Wengraf, Bates; Noes – Arreguin, Worthington; Abstain – Moore, Droste; Absent – Anderson.

**Action:** 4 speakers. M/S/Failed (Worthington/Arreguin) to adopt Item 36.  
**Vote:** Ayes – Arreguin, Worthington; Noes – Bates; Abstain – Maio, Moore, Capitelli, Wengraf, Droste; Absent – Anderson.

37. **One Communication by City Staff and Location of Next Council Meeting on Mini-Dorms and Group Living Accommodations**  
**From: Open Government Commission**  
**Recommendation:** To the extent that a particular communication from City of Berkeley staff represented a communication to a sole interest group, convey its impropriety to the City Manager; and to the extent possible, schedule the anticipated single-subject meeting regarding amending Berkeley Municipal Code (BMC) Chapter 13.42 to adopt additional operating standards for Mini-Dorms and Group Living Accommodations (GLAs) (which Council previously recommended for UC Berkeley or Willard Middle School) either on or reasonably close to the UC Berkeley campus.  
**Financial Implications:** None.  
Contact: Savith Iyengar, Commission Secretary, 981-6950  
**Action:** Discussion held. No action taken.

**Action:** M/S/C (Maio/Bates) to suspend the rules and extend the meeting to 11:20 p.m.  
**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Worthington, Droste, Bates; Noes – None; Abstain – Wengraf; Absent – Anderson.

## Council Action Items

38. **Schedule a Follow-up Worksession on Housing**  
**From: Councilmember Worthington**  
**Recommendation:** That the Council schedule a follow-up worksession on housing to include a diverse pool of speakers.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item held over to March 15, 2016.



## Council Action Items

### 39. **Adopt a Council Prioritization Process for Referrals: Reweighted Range Voting From: Councilmember Droste**

**Recommendation:** Adopt a system of Reweighted Range Voting to prioritize Council referrals and refer to city staff to develop the following:

- 1) A schedule of annual meetings for Council to hold prioritization sessions.
- 2) A system of Reweighted Range Voting (RRV) for Council to identify and establish priorities among all existing and unaddressed referrals at prioritization sessions.
  - a) If a Councilmember does not rate a specific referral, the Councilmember's default score for that referral is a zero (0).
- 3) Protocol for referrals passed after a prioritization session takes place. "New" referrals – those passed between one prioritization session and the next, will go into a holding position until they can be prioritized at the following session, unless:
  - a) Council designates a referral as urgent if the referred work is necessary to protect life safety or is necessary to secure or avoid losing time-sensitive funding (e.g., grant funding that the funding agency may take back unless a specific action is taken).
  - b) Staff designates an item as "short term" that can be addressed within a three month time frame.
- 4) Basic background information on referrals prior to prioritization sessions, including but not limited to a broad indication of staff time and financial resources required to complete a referral, an estimate of the impact of each referral in terms of citywide outcomes.
- 5) A window, prior to prioritization sessions, in which sponsoring Councilmembers can identify any referrals that are no longer needed and should be removed from the prioritization process.
- 6) Once a Strategic Plan is completed, all referrals should have a nexus to the Strategic Plan.

**Financial Implications:** Staff time

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Moved to Consent Calendar. Approved recommendation.

### 40. **Workforce Housing Affordability Plan**

**From: Councilmembers Droste, Capitelli, and Moore**

**Recommendation:** Refer to the City Manager the addition of a new workforce housing option to the inclusionary housing law that raises the percentage of inclusionary units by allowing the production of more subsidized units at a reduced subsidy per unit. Additionally, request that the City Manager return with "affordable by design" suggestions to help address the underproduction of middle-income units in Berkeley.

**Financial Implications:** Staff time

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Item held over to April 5, 2016.

## Information Reports

### 41. Update: Crude By Rail

**From: Councilmember Maio**

Contact: Linda Maio, Councilmember, District 1, 981-7110

**Action:** Received and filed.

## Public Comment – Items Not Listed on the Agenda –

3 speakers.

## Adjournment in Memory of:

1. Lewis Suzuki, Local Artist

Adjourned at 11:20 p.m.

## Communications

### Item 37: One Communication by City Staff and Location of Next Council Meeting on Mini-Dorms and Group Living Accommodations

1. Marium Navid

### Clarification of Council Rules

2. Open Government Commission

### Unfunded Liabilities (2)

3. Barbara Gilbert

### Police Activity

4. Eric Friedman
5. Julianna Dickey
6. Charlene Woodcock

### Cell Tower Concern

7. Laurie Freeman (2)

### Bancroft Food Trucks

8. Gil Rothschild
9. Virginia Scholtes
10. Sean Howell
11. Austin Uhler
12. Reed Frye
13. Brittany Arsiniega
14. Alfredo Diez

### King Pool Railing

15. Berkeley Aquatic Group – Referred to the City Manager by Councilmember Maio

### 1229 San Pablo Avenue

16. Tania Macdonald

- 17. Hillary Curtis
- 18. Melissa Blanco

**Bike Lane on Fulton**

- 19. Joanna Jansen
- 20. Farid Javandel

**Berkeley Housing**

- 21. Dorothy Walker

**Supplemental Communications and Reports 1**

**Item 10: Contract: HM Construction for Berkeley Rose Garden Trellis Rehabilitation**

- 22. Leila Moncharsh, on behalf of the Berkeley Architectural Heritage Association

**Item 39: Adopt a Council Prioritization Process for Referrals: Reweighted Range Voting**

- 23. Aaron Hamlin, on behalf of The Center for Election Science

**Supplemental Communications and Reports 2**

**Item 1: Zoning Amendments to B.M.C. Chapter 23C.08 - Demolition and Dwelling Unit Controls**

- 24. Lindsay Nelson

**Item 10: Contract: HM Construction for Berkeley Rose Garden Trellis Rehabilitation**

- 25. Leila Moncharsh, on behalf of the Berkeley Architectural Heritage Association

**Support UC Berkeley Subcontractor Workers and the Speakers Boycott**

- 26. Matthew Lewis, on behalf of the Associated Students of the University of California

**Item 17: Letter to Chancellor Dirks Urging UC Berkeley to Build More Student Housing**

- 27. Berkeley Tenants Union
- 28. Nicholas Garcia
- 29. Sarah O'Connor
- 30. Joseph West

**Item 33: In Support of Ending Drone Warfare**

- 31. Arnie Passman
- 32. Phoebe Sorgen

**Item 34: Allocating Additional Property Transfer Tax Revenue to the Housing Trust Fund**

- 33. Berkeley Tenants Union
- 34. East Bay Housing Organizations

**Item 38: Schedule a Follow-up Worksession on Housing**

- 35. Boomer Vicente

**Item 39: Adopt a Council Prioritization Process for Referrals: Reweighted Range Voting**

36. Greg Wolfe

**Item 40: Workforce Housing Affordability Plan**

37. Berkeley Tenants Union

**Supplemental Communications and Reports 3**

**Item 2: Amending the Berkeley Municipal Code Chapter 3.80 to Prohibit City Employees from Serving on Boards**

38. Mansour Id-deen, on behalf of the Berkeley NAACP

**Item 9: Side Letter of Agreement – SEIU Local 1021 Maintenance and Clerical Chapters**

39. Barbara Gilbert

**Item 10: Contract: HM Construction for Berkeley Rose Garden Trellis Rehabilitation**

40. Revised materials, submitted by Parks, Recreation & Waterfront

**Item 17: Letter to Chancellor Dirks Urging UC Berkeley to Build More Student Housing**

41. Revised materials, submitted by Councilmember Worthington

**Item 30: Recommendation for the Five-Year Paving Plan**

42. Barbara Gilbert

**Item 33: In Support of Ending Drone Warfare**

43. Councilmember Maio

**Item 34: Allocating Additional Property Transfer Tax Revenue to the Housing Trust Fund**

44. Supplemental materials, submitted by Heath Housing & Community Services