

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, April 5, 2016
7:00 P.M.**

School District Board Room - 1231 Addison St., Berkeley, CA (ADA Accessible Entrance)

Please enter at 1222 University Avenue

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: 7:18 p.m.

Present: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington, Bates.

Absent: None.

Ceremonial Matters:

1. Recognition of Financial Literacy Month – April 2016
2. Armenian Genocide Commemoration Day – April 24, 2016
3. National Service Recognition Day – April 5, 2016
4. Recognition of the Berkeley Project
5. Recognition of Cecile Pineda Day – April 5, 2016

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 17 speakers.

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

Vote: All Ayes.

Consent Calendar – Continued Business

A. Remove Numeric Limitations (“Quotas”) in the North Shattuck (C-NS), Telegraph Avenue (C-T), and Solano Avenue (C-SO) Commercial Districts; Amending Berkeley Municipal Code Title 23 *(Continued from March 29, 2016)*

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,470-N.S. amending Title 23 of the Berkeley Municipal Code to remove numeric limitations (“Quotas”) in the North Shattuck (C-NS), Telegraph Avenue (C-T), and Solano Avenue (C-SO) Commercial Districts.

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

Financial Implications: None

Contact: Carol Johnson, Planning and Development, 981-7400

Action: Adopted second reading of Ordinance No. 7,470-N.S.

Consent Calendar

1. Housing Trust Fund Predevelopment Loan Funding

From: City Manager

Recommendation: Adopt a Resolution waiving the \$100,000/10% funding limits in the Housing Trust Fund (HTF) Guidelines section VI. A. 1 to allow for the award of up to \$200,000 total, with up to \$50,000 per project in predevelopment funding. If the staff and/or Housing Advisory Commission reviews result in recommendations for higher individual or total funding awards, staff would bring these to the Council for consideration.

Financial Implications: See report

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

Action: Adopted Resolution No. 67,425–N.S. amended as below:

Remove “allow awards up to \$200,000” and add that “the City Manager would be authorized to come up with an amount of money that is deemed necessary to do the project predevelopment funding and will return to the council for approval.”

Council Consent Items

2. Co-Sponsor the Bay Area Resilience by Design Challenge

From: Mayor Bates and Councilmember Worthington

Recommendation: Adopt a Resolution co-sponsoring the Bay Area Resilience by Design Challenge and authorize use of the City logo.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Action: Adopted Resolution No. 67,426–N.S.

Action Calendar

- 3. Opposition to Application for a Rail Spur, by the Valero Refinery, to the City of Benicia**
From: Councilmembers Maio and Capitelli
Recommendation: Oppose the Valero Refinery's application for a rail spur, to receive hazardous and volatile crude by rail, to the City of Benicia, and communicate our opposition via formal letter to the Benicia City Council.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Councilmembers Wengraf and Moore added as co-sponsors. Approved recommendation.
- 4. Rising Sun Energy Center's 3rd Annual Bright Night: 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 not to exceed \$50 per council member, including \$50 from Councilmember Maio, to Rising Sun Energy Center, on the occasion of their 3rd Annual Bright Night fundraising event at the Ed Roberts Campus, 6-9pm on April 21, 2016, (more information is available at risingsunenergy.org/bright-night), with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$50
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 67,427–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Moore - \$50; Councilmember Maio - \$50; Councilmember Anderson - \$50.
- 5. City Sponsorship of Financial Literacy Events**
From: Councilmember Moore
Recommendation: Approve City sponsorship of Financial Literacy events for City Employees and the general public.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 6. Analyzing All City-Owned Properties for Potential for Housing Development**
From: Councilmember Wengraf
Recommendation: Request that the City Manager explore the opportunity for the City of Berkeley to build housing on city-owned property: conduct an inventory of city owned properties and return to City Council as soon as possible with an evaluation and analysis of those properties that are appropriate for the development of affordable housing.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmembers Droste and Moore added as co-sponsors. Approved recommendation.

Action Calendar

7. **Proclamation Honoring Asian Americans and Asian Pacific Islander Heritage Month**
From: Councilmember Worthington
Recommendation: Adopt the Proclamation Honoring May as Asian Americans and Asian Pacific Islander Heritage Month
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

8. **Send a Letter Requesting the Alameda County Superior Court Move All Berkeley, Oakland and North County Unlawful Detainer Actions and the Self-Help Center to the Oakland Courthouse**
From: Councilmembers Worthington and Arreguin
Recommendation: That the City of Berkeley send a letter requesting the Alameda County Superior Court move all Berkeley, Oakland and North County unlawful detainer actions and the Self-Help Center to the Oakland Courthouse.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

9. **Refer to Transportation Commission to Reassess UC Berkeley Game Day Parking Fines in RPP areas A, B, D, F and G Surrounding Campus**
From: Councilmembers Droste, Wengraf, and Capitelli
Recommendation: Refer to the Transportation Commission to review current parking fines (\$72) for UC Berkeley Football game day parking in RPP zones A, B, D, F and G and recommend higher fees to deter visitors from parking in those RPP zones.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Approved recommendation.

Recess: 9:30 p.m. – 9:45 p.m.

Action Calendar – Continued Business

- B. **Amending Housing Trust Fund Guidelines Regarding Prevailing Wage Requirements** (*Continued from March 29, 2016*)
From: Councilmember Arreguin
Recommendation: Amend the Housing Trust Fund Guidelines to include the language outlined in the report to amend: Section VI. D. Threshold Criteria and Other Conditions; Section VI. C. 1.e. Project Consideration / Funding Criteria: Community Objectives: Impact on the Community; and Section VI. C. 3. Project Consideration / Funding Criteria: Applicant Qualifications and Experience.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Item removed from the Agenda by Councilmember Arreguin.

Action Calendar – Continued Business

C. Prioritizing Predevelopment with Existing Housing Trust Funds, Reserving \$1,170,000 for Fiscal Year 2016 for Predevelopment, and Initiating Immediate Follow up on Request for Information Responses *(Continued from March 29, 2016)*

From: Councilmember Worthington

Recommendation: That the Council prioritize predevelopment funding to jumpstart potential projects, reserve \$1,170,000 for fiscal year 2016 and \$750,000 for 2017 for projects, and initiate immediate follow up on Request For Information (RFI) responses.

Financial Implications: See report

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

Action: No action taken.

D. Neighborhood Preference in Affordable Housing to Reduce the Impact of Displacement and Ellis Act Evictions *(Continued from March 29, 2016)*

From: Councilmembers Droste, Capitelli, Moore, and Maio

Recommendation: Refer to the City Manager and Planning Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within ½ mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction.

Financial Implications: Staff time

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

Action: Moved to Consent Calendar. Approved recommendation as amended in supplemental material submitted by Councilmembers Arreguin and Moore as below.

- 1) *Refer to the City Manager and Housing Advisory Commission to develop an ordinance amending Berkeley Municipal Code Section 22.20.065 (Affordable Housing Mitigation Fee) to establish requirements that the City maintain a list of households eligible for below market rate units. Establish preferences for people living and working in the City of Berkeley, with particular emphasis on people living within a 1/2 mile of new development projects, and tenants evicted for no-fault evictions including under the state Ellis Act and owner move-in evictions (Measure Y).*
- 2) *Property owners who rent below market rate units could select qualified tenants from the city eligibility list.*
- 3) *Refer to the City Manager to explore contracting with the Berkeley Housing Authority or a non-profit agency to process applications, maintain the eligibility list and monitor compliance with the affordability requirements.*
- 4) *That the Berkeley City Council direct the City Manager to develop various proposals to stem the increasing housing displacement of residents in Berkeley due to the current housing market and report back within 3 (three) months.*

Action Calendar – Old Business

10a. Revise the Affordable Housing Mitigation Fee Program and Fee *(Continued from February 23, 2016)*

From: Mayor Bates

Recommendation: Request that the City Manager return to the Council with a revised Affordable Housing Mitigation Fee ordinance and a Council resolution to 1. increase the percentage of affordable units -- to 20% of market-rate units from the current 10% -- that can be provided in lieu of the Mitigation Fee, 2. expand the level of affordability for such units, and 3. increase the Fee, which is due at Certificate of Occupancy, to \$34,000 from the current \$28,000, and add an alternative option to pay \$28,000 if paid early, when the Building Permit is issued. It is recommended that the revisions take into consideration the findings in the most recent Nexus Study, the input from the Feb. 16, 2016 Special City Council Meeting on housing and the Suggested Revisions section below.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Action Calendar – Old Business

10b. **Modify the Proposed Early Mitigation Fee Discount and Preserve Revenue Towards Units At Or Below 50% AMI and Add Sunset Clause** *(Continued from February 23, 2016)*

From: Councilmember Worthington

Recommendation: That the City of Berkeley amend Council Item 10a to remove the option of paying a substantially-reduced mitigation fee at the issuance of a permit, and to preserve revenue from the mitigation fees to maintain or increase the funds designated towards units for incomes at or below 50% AMI, and add a sunset clause.

Financial Implications: Minimal

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

Action: M/S/C (Bates/Maio) to suspend the rules and extend the meeting to 11:30 p.m.

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

Action: 14 speakers. M/S/Failed (Arreguin/Anderson) to direct staff to return to Council with an ordinance and resolution that establishes the in lieu fee at \$34,000 with no discount, increases the set aside for affordable units to 20 percent of the total units in the project, and limits the use of the in lieu fee for units at 50 percent of area median income. This would only apply to projects that do not have a complete application at the time at the resolution and ordinance are adopted.

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

Action: M/S/C (Bates/Maio) Request that the City Manager return to the Council with a revised Affordable Housing Mitigation Fee ordinance and a Council resolution to 1. increase the percentage of affordable units -- to 20% of market-rate units from the current 10% -- that can be provided in lieu of the Mitigation Fee, 2. expand the level of affordability for such units, and 3. increase the Fee, which is due at Certificate of Occupancy, to \$34,000 from the current \$28,000, and add an alternative option to pay \$30,000 if paid early, when the Building Permit is issued. The in lieu fee discount would sunset after 18 months. This would only apply to projects that do not have a complete application at the time at the resolution and ordinance are adopted. In addition, the suggestion of establishing in lieu fees by zone is referred for inclusion in the next nexus study.

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

Action: M/S/C (Bates/Maio) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: Ayes – Maio, Arreguin, Capitelli, Worthington, Droste, Bates; Noes – More, Anderson, Wengraf.

Action Calendar – Old Business

- 11. Workforce Housing Affordability Plan** *(Continued from March 8, 2016)*
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: Referred to Agenda Committee for future scheduling.
- 12. Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure** *(Continued from March 15, 2016)*
From: Fair Campaign Practices Commission
Recommendation: Adopt the public funding proposal from MapLight and the League of Women Voters (dated January 5, 2015), with the four amendments presented to the City Council on November 10, 2015, and recommend that Council direct staff to merge the amendments with the proposal and make clearer which changes are charter amendments and which changes are ordinance amendments.
Financial Implications: General Fund - \$2,000,000
Contact: Savith Iyengar, Commission Secretary, 981-6950
Action: 4 speakers. M/S/C (Capitelli/Arreguin) to direct staff to prepare the text of the public financing for elections ballot measure.
Vote: Ayes – Moore, Anderson, Arreguin, Capitelli, Worthington, Droste; Noes – Bates; Abstain – Maio, Wengraf.
- 13. Referral: Use of Eminent Domain on Vacant and Blighted Properties** *(Continued from March 15, 2016)*
From: Councilmembers Capitelli, Moore, and Droste
Recommendation: Referral to the City Manager to report back to Council on the feasibility of using eminent domain on vacant and/or blighted properties (both residential and commercial properties, and on vacant lands). The report should identify the scope of public use, including but not limited to: the development of affordable housing, public open space, and/or providing city services for our homeless population.
Financial Implications: Staff time
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Removed from the agenda by Councilmember Capitelli.

Action Calendar – New Business

14. Allocating \$19,120 in General Funds for YEAH!'s Shelter Program for Young Adults

From: City Manager

Recommendation: Adopt a Resolution allocating \$19,120 of General Fund for YEAH!'s shelter program for young adults in response to extraordinary circumstances due to El Nino. To ensure fairness and equity in allocations to community agencies, any additional funding requested by YEAH! should be reviewed and prioritized in the context of the next community agency RFP cycle, to be released in November 2016.

Financial Implications: General Fund - \$19,120

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: Moved to Consent Calendar. Adopted Resolution No. 67,428-N.S. allocating \$19,120 of General Fund for YEAH!'s shelter program for young adults in response to extraordinary circumstances due to El Nino. Amended the recommendation to refer any additional funding to the budget process.

15. Discussion and Direction Regarding Potential Ballot Measures for the November 8, 2016 General Election

From: City Manager

Recommendation:

1. Provide direction to the City Manager about whether to conduct a second community survey and if so, what to include in that survey;
2. Adopt a Resolution amending Contract No. 10208 with Lake Research Partners to increase the contract amount by \$5,529 for a total not to exceed the amount of \$55,029 for the purpose of conducting a second survey.

Financial Implications: See report

Contact: Matthai Chakko, City Manager's Office, 981-7000

Action: 0 speakers. M/S/C (Maio/Capitelli) to:

- 1) a) Provide direction to staff to test the business license tax measure as both a general tax and a special tax at 5 units and \$45 with the language that it would not be passed on to "most" tenants; b) test the public financing of elections measure with the correct ballot wording, noting that as a Charter amendment it can only be changes by a vote of the people, pro/con arguments including but not limited to possible other uses for the \$500,000 annual allocation, and consideration of the language presented by the proponents; c) test the bond measure at \$100 million and \$75 million without using "pools" and "marina" but including "pier," including affordable housing at the senior centers and broader infrastructure needs.
- 2) Adopt Resolution No. 67,429–N.S. amending Contract No. 10208 with Lake Research Partners to increase the contract amount by \$5,529 for a total not to exceed the amount of \$55,029 for the purpose of conducting a second survey.

Vote: All Ayes.

Action Calendar – New Business

16a. **Modify Housing Trust Fund Guidelines Regarding Labor**

From: Housing Advisory Commission

Recommendation: Adopt a Resolution making changes to the Housing Trust Fund Guidelines for the purpose of preventing recipients of Housing Trust Funds from exploiting a potential loophole that would allow them to use the funds for projects that do not employ the sorts of labor standards that are typically required of affordable housing projects.

Financial Implications: None

Contact: Amy Davidson, Commission Secretary, 981-5400

16b. **Proposed Changes to the Housing Trust Fund Guidelines**

From: City Manager

Recommendation: Consider staff's revisions to the Housing Advisory Commission's (HAC) proposed changes to the Housing Trust Fund (HTF) guidelines and if Council wishes to incorporate additional labor requirements, adopt a Resolution which provides alternate language to address some technical issues with the HAC's recommendation, including the applicability of State Prevailing Wage requirements.

Financial Implications: Staff time

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

Action: Item 16.a. moved to the Consent Calendar. Adopted Resolution No. 67,430–N.S. with an amended Exhibit A as written below.

Under Section VI. D. Threshold Criteria and Other Conditions (pp. 18 - 19), add:

6. Prevailing Wages

Funded projects must include the payment of the General Prevailing Rate of Per Diem Wages, as defined in Title 8 of the California Code of Regulations, (Division 1, Chapter 8, Subchapter 3, "Payment of Prevailing Wages Upon Public Works") section 16000, to all workers who perform work that is covered by a State-published prevailing wage determination. The Applicant shall ensure that contract documents and any call for proposals or bids shall specify that all contractors and subcontractors are subject to the provisions of 1771.1 and 1771.4 of the Labor Code with respect to the project. The construction contract shall require the contractor to maintain labor records as required by law, and to make these records available to any enforcement agency in the format prescribed by the California Labor Commissioner or other enforcement agency. Prior to the close of the Program loan, the Sponsor shall provide to the Department a certification that project contractors and subcontractors were currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5, that prevailing wages have been paid or will be paid, and that payroll records are available, consistent with the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code.

Action Calendar – New Business

Under Section VI. C. 1.e. Project Consideration / Funding Criteria: Community Objectives: Impact on the Community (p. 17), add:

x. Contribute to employment that sustains construction worker households at or above area median income levels through utilization of registered apprentices from training programs that regularly enroll and graduate residents of Berkeley and the East Bay Green Corridor.

Under Section VI. C. 3. Project Consideration / Funding Criteria: Applicant Qualifications and Experience, including... (p. 17), changes as follow:

e. track record of successful construction management, including:

- (i) The Applicant's past projects are not encumbered by unlapsed mechanics liens that were filed by or on behalf of workers with claims of unpaid wages or fringe benefits;
- (ii) The Applicant's past projects are not related to unsatisfied final judgments from the California Labor Commissioner.

j. Evidence that the Development Team's construction contractor(s) - with respect to projects completed within the past two years that required the payment of state prevailing wages - have utilized construction trades apprentices who are registered with the state of California at ratios of journeymen to apprentices that are consistent with California Labor Code section 1777.5.

Council Action Items

17a. Addressing the Housing Emergency

From: Mayor Bates

Recommendation:

1. Request the City Manager: A) report to the Council on current housing referrals; and B) come back to Council with a suggested strategy that could lead to the creation of a Housing Action Plan.
2. Request that the City Manager return to the Council with a revised Affordable Housing Mitigation Fee ordinance and a Council resolution.
3. Request that the City Manager establish a procedure for the City Council to review the Affordable Housing Mitigation program on a periodic basis.
4. A) Request the City Manager examine waiving City of Berkeley inspection and business-license fees and taxes on rental units rented to section-8 tenants. B) Request the Rent Stabilization Board examine ways to incentivize landlords to rent to section-8 tenants including waiving registration fees for units rented to section-8 tenants.
5. Request the City Manager examine the City of Berkeley development fees including Plan Review, Inspection, and Permit Fees to determine if they are aligned with actual costs.
6. Request that the City Manager and the Planning Commission draft an ordinance for a new City Density Bonus plan to allow developers of multi-family housing to add up to 15% more density (units) beyond the 35% maximum density currently allowed by the State Density Bonus.
7. A) Request that the Planning Commission draft an ordinance to repeal the Downtown Green Pathway Ordinance and to replace it with a new process that would grant by-right approval, with early landmark determination, to multi-family housing developments, including mixed-use developments, that meet specified criteria, which are described in this report. The new process would apply to all Priority Development Areas (PDAs) in the city. B) Request that the Design Review Committee recommend design standards to include in the criteria for by-right approval.
8. Request the Planning Commission prepare a General Plan Amendment and Zoning Modification for the one half block bounded by Sixth Street, Fifth Street, and Hearst Avenue to change the zoning from Mixed-Use Residential to Commercial West Berkeley.
9. Request the Planning Commission draft an ordinance to establish buffer zones around Priority Development Areas (PDAs), establishing R-3 zoned buffer zones around PDAs on the University Avenue, San Pablo Avenue and Telegraph Avenue corridors.
10. Request the Planning Commission modify the zoning in the area bounded by the west side of College Avenue, the east side of Fulton Street, the north side of Dwight Way and the south side of Bancroft Way, incorporating the area included in the Southside Plan area and reinstate the Multistory Residential (R-4) zoning in areas recently reduced to R-Southside (RS) and Residential Medium Density (R-3).
11. Refer to the Planning Commission the issue of revising height limits on residential buildings with ground-floor residential uses in Priority Development Areas outside of the C-DMU.
12. Adopt a Resolution urging the Alameda County Board of Supervisors to place an affordable housing bond on the November 8, 2016 general election ballot.
13. Request the City Council create a citizens task force to examine the issue of homeownership housing, specifically around condominium ownership and condominium conversions.

Financial Implications: See report

Council Action Items

Contact: Tom Bates, Mayor, 981-7100

17b. Addressing the Housing Emergency

From: Councilmember Worthington

Recommendation: Consider amendments to the Housing Emergency proposal to make it more comprehensive and to prioritize Affordable Housing local funding and policy reform.

Financial Implications: Unknown

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

Action: Items 17.a.a and 17.b. referred to the Agenda Committee for future scheduling.

Council Action Items

18. City Response to Homeless Shelter Crisis

From: Councilmember Arreguin

Recommendation: Take the following actions to respond to the urgent need for shelter for our homeless population, and to implement Resolution No. 67,357-N.S. "Declaring a Homeless Shelter Crisis in Berkeley":

1. Allow full use of the Multi-Agency Service Center (MASC) at 1947 Center Street as a Warming Center. Direct the City Manager to study the feasibility of using the West Berkeley Senior Center as a day-time Warming Center. Engage in discussions with Dorothy Day House about a day-time respite center.
2. Allocate \$15,000 from the General Fund to Youth Spirit Artworks for their Winter Warming Center program, so they can match private grants and continue to provide day-time services for youth from YEAH!
3. Direct staff to develop a winter shelter services program for Fall 2016-Spring 2017 with funding to increase warming centers and emergency shelter.
4. Direct staff to work with service providers and faith-based organizations who have capacity, to add shelter beds during the year.
5. Direct that all bathrooms in City-owned buildings and City-funded community-based organizations and health centers be available to homeless people for use.
6. Prioritize people on the street for Housing First funds who are in frail health, disabled, or with special needs and have a source of income.
7. Fix and open existing storage lockers as quickly as possible.
8. Direct the City Manager to create a list of city-owned properties starting with 1631 Fifth Street, a former Redevelopment Agency parcel in the process of being transferred to the City, for a Tiny House development for the homeless, a successful and growing model for dense urban regions.
9. Schedule a Council work session July 19, 2016 for the Homeless Task Force to make a presentation on a Tiny House pilot program.

Financial Implications: Unknown

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

Action: M/S/C (Worthington/Arreguin) to take up Item 18.2. after the Consent Calendar.

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

Action: 8 speakers. M/S/Failed (Bates/Droste) to refer the funding request to the City Manager for a recommendation on the merits of the request.

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

Action: 8 speakers. M/S/C (Capitelli/Moore) to adopt item 18.2 for the funding request for Y.S.A. and request that the City Manager review the proposal.

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

Action: Referred to the Agenda Committee for future scheduling (except 18.2.)

Council Action Items

19. **Homeless Commission Referral: Examine “Tiny House” Programs and Consider Feasibility for Berkeley**
From: Councilmembers Worthington, Arreguin, and Capitelli
Recommendation: Refer to the Homeless Commission to examine “Tiny House” programs for residentially challenged people and to report back with recommendations on whether to create similar programs for implementation in Berkeley.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Moore added as a co-sponsor. Moved to Consent Calendar.

20. **Expediting Consideration of a Potential \$3 Million Grant to Build a Magical Bridge Playground and Sending a Letter of Intent**
From: Councilmembers Worthington, Capitelli, and Arreguin
Recommendation: Request the City Manager to expedite consideration of a potential \$3 million grant to build a Magical Bridge Playground, and send a letter of intent to the Magical Bridge Foundation.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: M/S/Failed (Worthington/Arreguin) to take up Item 20 after Item 18.
Vote: Ayes – Anderson, Arreguin, Capitelli, Worthington; Noes – Bates; Abstain – Maio, Moore, Wengraf.

Action: Item held over to April 26, 2016.

Action: M/S/C (Bates/Maio) to refer the unfinished business on Housing related matters to the Agenda Committee for future scheduling and consideration of holding a special meeting.

Vote: All Ayes.

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

Adjournments in memory of:

Action: Adjourned the meeting in memory of:

1. Ben Bagdikian, Journalist and Professor
2. Gene Bass, Local Activist
3. Paul Church, Disability Advocate and Former City Employee

Adjourned at 11:45 p.m.

Communications

Item 12: Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure

1. Brad Smith

Item 14: Allocating \$19,120 in General Funds for YEAH!'s Shelter Program for Young Adults

2. Genevieve Wilson

Affordable Housing

3. Sheila Goldmacher (3)
4. Eric Panzer, on behalf of Livable Berkeley
5. Brian Van Straalen
6. Paula Lawrence
7. Jenifer Steele
8. Bob Schildgen
9. John Gilmore
10. Donna Mickelson
11. Martha Nicoloff
12. Bonnie Hughes
13. Ellen Woods
14. Marcia Umland
15. Chimey Lee

Exclusions from Below Market Rate Housing

16. Homeless Commission

Deferred Maintenance for City-Owned Building

17. Civic Arts Commission

Library Book Deletion Policy

18. Geraldine Clifford

Boycott Support Thanks

19. Joseph Williams

Supplemental Communications and Reports 1

Item 10a: Revise the Affordable Housing Mitigation Fee Program and Fee

20. Rob Wrenn

Item 17a: Addressing the Housing Emergency

21. Revised materials, submitted by Mayor Bates
22. Toni Mester
23. George Beier
24. Susan Black

Item 18: City Response to Homeless Shelter Crisis

25. Rob Wrenn

Affordable Housing

26. Avram Gur Arye

27. Sharon Arthur

28. 11 Form Letters, submitted by Marcia Edelen, Judy Nakadegawa, JJ Noire, Julianna Dickey, Margot Smith, Linda Franklin, Donald Goldmacher, Zipporah Collins, Fred Dodsworth, Kitty Calavita, Kate Harrison

Supplemental Communications and Reports 2

Item B: Amending Housing Trust Fund Guidelines Regarding Prevailing Wage Requirements

29. Scott Littlehale

Item 10a: Revise the Affordable Housing Mitigation Fee Program and Fee

30. Charlene Woodcock

31. Shirley Dean

Item 11: Workforce Housing Affordability Plan

32. Karen Chapple

33. Paul Fogel

34. Clay Shentrup

35. Elisa Batista

Item 12: Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure

36. Linda Franklin

37. Jeff Cohen

38. Helen Grieco, on behalf of California Common Cause

39. Daniel Newman

40. 6 exact form letters, submitted by Jane Harada, Joel Hildebrandt, Caryn Graves, Cathleen Quandt, Ana Vertel, James Alexander

Item 17: Addressing the Housing Emergency

41. Shirley Dean

42. Ted Edlin

43. Janice Murota (2)

44. Rhiannon

45. R.P.C. Rodgers

46. Christine Miksza

47. Sharon Entwistle

48. Martha Smith

49. Thomas Turman

50. Rose Glickman

51. Larry Snyder

52. Donna Mickleson

53. Marian Snyder

54. Matthew Lewis

55. Megan Shea

56. Matt Haber

57. Meryl Siegal
58. Judy Stamps
59. Else Revenaugh
60. Martin Schwartz
61. Donna Evans
62. Wanda Mulcahy
63. Dea Lee Harrison
64. Amy Hill
65. Kevin Hoelscher
66. Thien Dang
67. Debra Roisman
68. Cynthia Papermaster

Item 18: City Response to Homeless Shelter Crisis

69. Dirk van Nouhuys
70. Jessica Ou
71. Rick Herbert
72. Alan Roselius
73. Ellen Levin
74. Dylan Gano
75. Genevieve Wilson
76. Marla Browning
77. Ilene Wagner
78. George Millikan
79. Pam Uzzell
80. Jonathann Giammarco
81. Allegra Count
82. Rachel Findley
83. Elaine Emily
84. Morgan Schmidt-Feng
85. Suzanna Aguayo

Affordable Housing

86. Sabina McMurtry
87. David Tursi
88. Dorothy Walker
89. Kazuye Suyematsu
90. John Brogan
91. Edith Hallberg
92. Yolanda Huang
93. Margot Smith
94. Daniel McLoughlin
95. Margy Wilkinson
96. Barbara Rydlander (2)
97. Moni Law
98. Sam Cacas
99. Yoni Landau
100. Tim Frank, on behalf of REAL Berkeley

- 101. Eric Panzer, on behalf of Livable Berkeley
- 102. East Bay Housing Organizations
- 103. Libby Lee-Egan
- 104. Robert Cohen
- 105. Kate Harrison, on behalf of Berkeley Progressive Alliance
- 106. 24 similarly-worded form letters, submitted by Berkeley Citizens Action, Joanne Sultar, Linda Burden, Diane Ichiyasu, Triniti Brodi, Claire Pirie, Alisa Foster, Barbara Brust, Mary Ann Brewin, Cecile Pineda, Diana Bohn, East Bay Citizens for Action, Linda Revsen, Brenda Revsen, Mary Frankel, Pei Wu, Bill Bogert, Christine Schwartz, Matthew Lewis, Meave O'Connor, Boomer Vicente, Martin Nicolaus, Berkeley Tenants Union

Supplemental Communications and Reports 3

Item D: Neighborhood Preference in Affordable Housing to Reduce the Impact of Displacement and Ellis Act Evictions

- 107. Supplemental materials, submitted by Councilmember Moore
- 108. Councilmember Arreguin

Item 10a: Revise the Affordable Housing Mitigation Fee Program and Fee

- 109. Moni Law

Item 12: Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure

- 110. Ashleigh McEvoy

Item 16a: Modify Housing Trust Fund Guidelines Regarding Labor

Item 16b: Proposed Changes to the Housing Trust Fund Guidelines

- 111. Commission on Labor

Item 17: Addressing the Housing Emergency

- 112. Supplemental materials, submitted by Mayor Bates
- 113. Supplemental materials, submitted by Councilmembers Worthington and Capitelli
- 114. Stephen Wollmer
- 115. David & Miriam Wilson
- 116. David Shiver, on behalf of the Southside Neighborhood Consortium
- 117. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group
- 118. Jenna Lewis
- 119. Jeanne Clinton
- 120. Meryl Siegal
- 121. Jane Martin
- 122. Pam Frantz
- 123. Damien Curry
- 124. Eric Eidlin
- 125. Brian MacDougall
- 126. Kris Kargo
- 127. Mary Nash

Item 18: City Response to Homeless Shelter Crisis

- 128. Stephen Myers
- 129. Louise Rubacky

Affordable Housing

- 130. Sandy Young
- 131. Edythe Vassall
- 132. Aditya Ramachandran
- 133. Kelly Hammargren
- 134. Diana Bohn
- 135. Unknown (3)

Proclamation

- 136. Cecile Pineda

Council Meeting Logistics

- 137. Mayor Bates
- 138. Susan Henderson
- 139. Barbara Gilbert

Safety Petition

- 140. Unknown