

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, May 31, 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:** 7:17 p.m.

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

**Absent:** None

### **Ceremonial Matters:**

1. Recognition of Elder Abuse Awareness Month – June 2016
2. Recognition of the World Music Festival – June 11-12

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 1 speaker.

**Public Comment on Consent Calendar and Information Items Only:** 10 speakers.

## **Consent Calendar**

**Action:** M/S/C (Bates/Maio) to accept revised or supplemental material from staff on Item 29.

**Vote:** All Ayes.

**Action:** M/S/Failed (Worthington/Arreguin) to accept revised or supplemental material from Councilmember Arreguin on Item 39.

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

## Consent Calendar

**Action:** M/S/C (Bates/Maio) to accept revised or supplemental material from staff on Item 27.

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

**Action:** M/S/C (Moore/Worthington) to accept revised or supplemental material from staff on Item 26.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**1. Contract No. 9081 Amendment: University Veterinary Hospital for Veterinary Services**

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to extend and increase Contract No. 9081 for \$50,000 with the University Veterinary Hospital (UVH) for off-site veterinary services for Berkeley Animal Care Services (BACS). The contract will be increased by \$50,000. The extension of this contract will be for \$16,666 for FY 2017, with an option to continue with the veterinary services for another two-year period, FY 2018 and FY 2019, not to exceed \$50,000 over the three-year period, not to exceed \$100,000 in total and will be subject to the City's annual appropriation process.

**Financial Implications:** Animal Shelter Fund - \$50,000

Contact: Gil Dong, City Manager's Office, 981-7000

**Action:** Adopted Resolution No. 67,501–N.S.

**2. Berkeley Tourism Business Improvement District Annual Report and Contract**

**From:** City Manager

**Recommendation:** Adopt two Resolutions:

1. Approving the Annual Report and preliminary budget for the Berkeley Tourism Business Improvement District (BTBID) for FY 2017 as recommended by the BTBID Owners' Association; and

2. Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$596,037 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2016 to June 30, 2017.

**Financial Implications:** See report

Contact: Michael Caplan, Economic Development, 981-7530

**Action:** Adopted Resolution No. 67,502–N.S. (Annual Report) and Resolution No. 67,503–N.S. (Contract)

## Consent Calendar

- 3. Assessments: North Shattuck Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Approving the FY 2016 Annual Report proposed budget for FY 2017 of the North Shattuck Business Improvement District (NSBID) and declaring Council's intention to levy an annual assessment for the NSBID for FY 2017; and  
2. Authorizing the City Manager to execute a sole source contract and any amendments with the North Shattuck Association in the amount not to exceed \$548,570 in BID revenues to implement the Management District Plan for the North Shattuck Business Improvement District for the period July 1, 2017 to June 30, 2019 with the option to extend for two additional years.  
**Financial Implications:** See report  
Contact: Michael Caplan, Economic Development, 981-7530  
**Action:** Adopted Resolution No. 67,504–N.S. (Annual Report) and Resolution No. 67,505–N.S. (Contract)
- 4. Assessments: Telegraph Property and Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the FY 2016 Annual Report of the Telegraph Property and Business Improvement District (TBID) and proposed budget for FY 2017, and declaring Council's intention to levy an annual assessment for the TBID for FY 2017.  
**Financial Implications:** See report  
Contact: Michael Caplan, Economic Development, 981-7530  
**Action:** Adopted Resolution No. 67,506–N.S.
- 5. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on May 31, 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 - \$1,163,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 6. Notice of Appropriations Limit for Fiscal Year 2017**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2017 at its meeting of June 28, 2016; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 13, 2016.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 67,507–N.S.

## Consent Calendar

- 7. Sterling Computers: Using Western States Contracting Alliance (WSCA) Pricing Schedule for Structured Query Language (SQL) Enterprise Licenses**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the spending authority for the purchase of twenty-four Structured Query Language (SQL) Server Licenses for a term of thirty-three months, utilizing pricing from the Western States Contracting Alliance (WSCA) pricing schedule for the Fiscal Year 2016 period of July 1, 2015 through June 30, 2016 for the amount not to exceed \$320,378.  
**Financial Implications:** Capital Improvement Fund - \$320,378  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 67,508–N.S.
- 8. Contract No. 10036B Amendment: TruePoint Software Solutions for Accela Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend an existing contract with TruePoint Software Solutions for professional services, increasing the amount by \$41,250, for a total not to exceed of \$141,200 from June 1, 2015 to June 30, 2018.  
**Financial Implications:** Permit Service Center Fund - \$41,250  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 67,509–N.S.
- 9. Contract No. 10217 Amendment: TranSystems, Inc. for Consultant Support Services for the South Cove Parking Lot and Restroom Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10217 with TranSystems, Inc. adding \$29,016 for consultant support services for the South Cove Parking Lot and Restroom Project for a total contract amount not to exceed \$104,971.  
**Financial Implications:** One-Time Grant: No Capital Expenditures - \$29,016  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,510–N.S.
- 10. Regional Solar Electric Installation Program (East Bay SunShares)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a letter of commitment to the Business Council on Climate Change (BC3) to affirm the City of Berkeley’s participation in the Regional Solar Electric Installation Program (East Bay SunShares).  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 67,511–N.S.

## Consent Calendar

- 11. Approval of Match Commitment Letter for FEMA Hazard Mitigation Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a letter of commitment as part of the Planning Department's application for a \$3 million Hazard Mitigation grant from the Federal Emergency Management Agency (FEMA), pledging matching funds of up to \$1 million over a three-year period.  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 67,512–N.S.
- 12. Amending Berkeley Municipal Code Chapter 19.81 to Modify the Building Energy Saving Ordinance (BESO)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Sections 19.81.040, 19.81.050.C, and 19.81.090.L of the Building Energy Saving Ordinance, BMC Chapter 19.81, to postpone the filing due dates by approximately twenty months to accommodate the delayed delivery of the on-line application system, streamline reporting for medium buildings to align with small buildings, and exempt very small structures.  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Adopted first reading of Ordinance No. 7,477–N.S. Second reading scheduled for June 14, 2016.
- 13. Grant Applications: Active Transportation Program Funds/Sacramento Street and North Berkeley BART Pedestrian and Bicycle Improvements**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the Caltrans Active Transportation Program totaling \$1,530,000 for Sacramento Street and North Berkeley BART pedestrian and bicycle traffic safety improvements to accept the grants if awarded; and to execute any resultant agreements and amendments.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,513–N.S.

## Consent Calendar

- 14. Grant Application: Active Transportation Program/Safe Routes to School  
From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to submit grant applications to the Caltrans Active Transportation Program for traffic safety improvements and to accept the grants if awarded, and execute any resultant agreements and amendments for:  
1. John Muir Elementary School for up to \$268,800; and  
2. Oxford Elementary School and Jefferson Elementary School for \$266,385.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,514–N.S. (John Muir) and Resolution No. 67,515–N.S. (Oxford & Jefferson)
- 15. Contract: Granite Rock Company for FY 2016 Street Rehabilitation Project  
From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Street Rehabilitation FY 2016 Project, Specification No. 16-11000-C; 2. Accepting the bid of Granite Rock Company as the lowest responsive and responsible bidder; 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 in an amount not to exceed \$6,297,332.  
**Financial Implications:** Various Funds - \$6,297,332  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,516–N.S.
- 16. Contract No. 8389B Amendment: Recology Blossom Valley Organics – North for Hauling and Processing of Compostable Materials  
From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8389B with Recology Blossom Valley Organics–North for hauling and processing source-separated organic compostable materials, increasing the contract \$500,000 for a total amount not to exceed \$7,954,818.  
**Financial Implications:** Zero Waste Fund - \$500,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,517–N.S.

## Council Consent Items

- 17. Budget Referral: Berkeley Book Festival**  
**From: Mayor Bates**  
**Recommendation:** Refer to the budget process a request for \$50,000 for the Berkeley Book Festival and a request that the program become a regular line item in the budget.  
**Financial Implications:** \$50,000  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Approved recommendation as written in Revised and Supplemental Materials Packet 1.
- 18. Support AB 2200, 2406, and 2411 – The Thurmond Housing Package**  
**From: Councilmembers Arreguin, Maio, Capitelli, and Wengraf**  
**Recommendation:** Adopt a Resolution in Support of the Following Bills: AB 2200 - School Employee Housing Assistance Grant; AB 2406 - Junior Accessory Dwelling Units; AB 2441 - Workforce Housing Pilot Program. Send a copy of the Resolution to Governor Jerry Brown, State Senator Loni Hancock, and Assemblymember Tony Thurmond.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 67,518–N.S. revised to strike all references to AB 2200 and to correct the bill number in the title of the resolution to AB 2441.
- 19. Support AB 2502 – Protecting Local Inclusionary Housing Programs**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution in support of AB 2502, which will protect locally enacted inclusionary housing programs. Send a copy of the resolution to Governor Jerry Brown, State Senator Loni Hancock, and Assemblymembers Kevin Mullin, David Chiu, and Tony Thurmond.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 67,519–N.S.
- 20. Requesting a Comprehensive Report on the State of Homeless Services within the City of Berkeley**  
**From: Councilmember Capitelli**  
**Recommendation:** Request the City Manager direct staff to prepare a report outlining the details of City funded homeless services. The purpose of this report is to help Council and the community understand the various factors related to the allocation of resources to address homelessness within the City. Once the report is complete, it is requested that city staff schedule a worksession to go over the findings.  
**Financial Implications:** Staff time  
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150  
**Action:** Approved recommendation.

## Council Consent Items

- 21. City Manager Referral: Create an Ordinance to Prohibit Housing Discrimination Based on the Source of a Tenant's Income**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to create an ordinance to prohibit housing discrimination based on the source of a tenant's income.  
**Financial Implications:** Staff time  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
- 22. City Manager Referral: Consider Adding Energy Efficient Equity as an Additional Property Assessed Clean Energy Program**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to consider adding Energy Efficient Equity as an additional property assessed clean energy program.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
- 23. Proclamation Honoring "Bridging the Military-Civilian Divide Day"**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt the Proclamation Honoring June 4, 2016, as "Bridging the Military-Civilian Divide Day."  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted proclamation.
- 24. Transportation Commission Referral: Support the "Southside Pilot Project" for Transit Improvements**  
**From: Councilmember Worthington**  
**Recommendation:** Refer the "Southside Pilot Project" to the Berkeley Transportation Commission.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmembers Capitelli, Droste, and Arreguin added as co-sponsors. Approved recommendation.



## Action Calendar – Public Hearings

### 25. Re-Establishment and Expansion of the Downtown Berkeley Property and Business Improvement District

**From: City Manager**

**Recommendation:** Conduct a public hearing on the establishment of the Downtown Berkeley Property Based Business Improvement District (DPBID or “the District”), and upon conclusion if no majority protest exists after tabulation of assessment ballots, adopt two Resolutions:

1. Re-establishing and expanding the Downtown Berkeley Property and Business Improvement District (DPBID) for the ten-year period beginning July 1, 2016 and ending June 30, 2026, with operations to occur over the ten calendar year period beginning January 1, 2017 and ending December 31, 2026 and levying assessments on properties within the District for fiscal year 2017
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association (DBA) not to exceed \$3,940,625 of DPBID funds to support Downtown revitalization for the period January 1, 2017 to December 31, 2019 with the option to extend for two additional years.

**Financial Implications:** See report

Contact: Michael Caplan, Economic Development, 981-7530

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

**Vote:** Ayes – Moore, Anderson, Arreguin, Capitelli, Wengraf, Droste, Bates; Noes – None; Abstain – None; Absent – Maio (Recused for business interest within BID boundaries), Worthington.

**Action:** M/S/C (Moore/Wengraf) to adopt Resolution No. 67,520–N.S. (Re-establishing DPBID) and Resolution No. 67,521–N.S. (Contract)

**Vote:** Ayes – Moore, Arreguin, Capitelli, Wengraf, Droste, Bates; Noes – None; Abstain – Anderson, Worthington; Absent – Maio (Recused for business interest within BID boundaries).

## Action Calendar – New Business

### 26. Placing a General Obligation Bond Measure for Improvements to Existing City Infrastructure and Facilities on the November 8, 2016 Ballot

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of \$100 million for improvements to existing city infrastructure and facilities and submitting to the Berkeley electorate on the November 8, 2016 ballot a measure to authorize a general obligation bond in that amount.

2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282(b).

**Financial Implications:** See report

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** 5 speakers. M/S/C (Maio/Moore) to:

1. Adopt Resolution No. 67,522–N.S. as amended below determining public interest and necessity for issuing a general obligation bond in the amount of \$100 million for improvements to existing city infrastructure and facilities and submitting to the Berkeley electorate on the November 8, 2016 ballot a measure to authorize a general obligation bond in that amount.

- Amend the ballot label in the Resolution to read as follows:

*Shall the City of Berkeley issue general obligation bonds not exceeding \$100,000,000 to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including sidewalks, storm drains, parks, streets, senior and recreation centers, and other important City facilities and buildings?*

*Financial Implications:*

*The average annual cost over the 40-year period the bonds are outstanding would be approximately \$21, \$90, and \$128, respectively, for homes with assessed valuations of \$100,000, \$425,000 and \$600,000.*

- Add a new Whereas clause after the fourth Whereas clause in the text of the measure in Exhibit A to read as follows:

*Whereas, the City's existing and future infrastructure is critical to protecting the public safety and welfare.*

- Add part C under the second Resolved clause in the text of the measure in Exhibit A to read as follows:

*C. Subcommittees of the Public Works Commission and the Parks and Waterfront Commission shall engage in a robust public process to obtain input, and will jointly report to the City Council on an annual basis regarding projects funded by the bond and bond expenditures.*

2. Designate Mayor Bates and Councilmember Maio to file ballot arguments on behalf of the City Council.

**Vote:** All Ayes.

## Action Calendar – New Business

### 27. Placing a Measure on the November 8, 2016 Ballot to Increase the Business License Tax on Owners of Five or More Residential Rental Units

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting a general tax ordinance measure on the November 8, 2016 general municipal ballot to increase the business license tax on owners of five or more residential rental units from 1.081% to 3.793%, prohibiting the pass-through of the tax to most tenants, and directing the Housing Advisory Commission to make recommendations for additional expenditures for affordable housing.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282(b).

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 9 speakers. M/S/C (Maio/Worthington) to

1. Adopt Resolution No. 67,523–N.S. submitting a general tax ordinance measure on the November 8, 2016 general municipal ballot to increase the business license tax on owners of five or more residential rental units from 1.081% to 2.880%, prohibiting the pass-through of the tax to most tenants, and directing the Housing Advisory Commission to make recommendations for additional expenditures for affordable housing with the following amendments.

- The tax rate is changed from 3.793% to 2.880%
- The annual proceeds listed in the ballot label are changed to reflect the new rate
- The text of the ordinance is modified as written in the supplemental materials accepted by Council to change the tax rate, make minor wording edits, clarify the definition of an “interest” in a property, and state the role of the Housing Advisory Commission in recommending funding priorities for increasing affordable housing.

2. Designate Councilmembers Capitelli and Arreguin to file ballot arguments on behalf of the City Council.

**Vote:** All Ayes.

## Action Calendar – New Business

### 28. Placing a Charter Amendment and Ordinance Measure on the November 8, 2016 Ballot to Create a Public Campaign Financing System

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting a Charter Amendment and Ordinance Measure related to Berkeley Charter Article III (Elections) and Municipal Code Chapter 2.12 (Election Reform Act) to create a public campaign financing system to a vote of the electors at the November 8, 2016 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282(b).

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 9 speakers. M/S/Failed (Bates/Maio) to rewrite the measure as an ordinance for Council adoption that covers only the office of Mayor, includes reworded findings, and requires a two-thirds Council vote to amend.

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

**Action:** 6 speakers. M/S/C (Moore/Arreguin) to adopt Resolution No. 67,524–N.S. submitting a Charter Amendment and Ordinance Measure related to Berkeley Charter Article III (Elections) and Municipal Code Chapter 2.12 (Election Reform Act) to create a public campaign financing system to a vote of the electors at the November 8, 2016 General Municipal Election.

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

**Action:** M/S/C (Bates/Moore to designate Councilmembers Worthington, Moore, and Anderson to file ballot arguments on behalf of the City Council.

**Vote:** All Ayes.

### 29. City Council Comments on the FY 2017 Proposed Budget Update

**From: City Manager**

**Recommendation:** Provide comments on the FY 2017 Proposed Budget Update.

**Financial Implications:** See report

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

**Action:** 9 speakers. M/S/C (Worthington/Arreguin) to hold the item over to June 14, 2016.

**Vote:** All Ayes.

## Action Calendar – Old Business

### 30. Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending Titles 23D and 23E *(Continued from May 10, 2016)*

**From: City Manager**

**Recommendation:**

1. Review and consider the Planning Commission and staff recommended versions of the Short-Term Rental Draft Ordinance.
2. Provide direction on outstanding issues, including enforcement related standards and whether to allow Short-Term Rentals in Accessory Dwelling Units (ADUs).
3. A) Adopt first reading of an Ordinance as recommended by staff regarding Short-Term Rental Regulations, adding BMC Chapter 23C.22 and amending Titles 23D and 23E to make related changes.

**-OR-**

B) Adopt first reading of an Ordinance as recommended by the Planning Commission regarding Short-Term Rental Regulations, adding BMC Chapter 23C.22 and amending Titles 23D and 23E to make related changes.

**Financial Implications:** See report

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

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

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

Councilmember Moore absent 10:55 p.m. – 11:02 p.m.

Councilmember Droste absent 10:54 p.m. – 11:02 p.m.

**Action:** 9 speakers. M/S/C (Maio/Arreguin) to state that ADUs should not be allowed for short term rentals in the proposed ordinance.

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Worthington/Anderson) to adopt first reading of Ordinance No. 7,478–N.S. as recommended by the Planning Commission including the amendments below regarding Short-Term Rental Regulations, adding BMC Chapter 23C.22 and amending Titles 23D and 23E to make related changes. Second reading scheduled for June 14, 2016.

1. In Section 23C.22.050.A.1 insert the term “including, but not limited to” when listing the types of proof for host residency as shown below.

*A property owner Host of a Short-Term Rental must provide documentation, including, but not limited to, motor vehicle registration, driver's license, voter registration or other*

## Action Calendar – Old Business

*such evidence, to the City as evidence of property ownership of the proposed Short-Term Rental.*

2. Amend Section 23C.22.020.D by inserting the word “NOT” to state that ADUs would not be allowed to be used for short term rentals.

*D. Short-Term Rentals shall not be allowed in lawful Accessory Dwelling Units.*

3. Add the language from the staff proposal regarding paying all fees and taxes in a timely manner to Section 23C.22.050.L.

*L. Payment of Taxes. Host shall pay all City taxes and fees owed in a timely manner.*

4. Add the language from the staff proposal regarding the 90-day minimum for host occupancy to Section 23C.22.050.B.2.

*2. When the Host is not present, the number of days that the unit can be used for Short-Term Rental purposes shall be limited to 90 days per calendar year.*

5. Amend 23C.22.050.C. to read, “The maximum number of Short-Term Rental Transients allowed for a Short-Term Rental unit shall be as provided for in the Berkeley Housing Code (BMC Chapter 19.40)”

6. Add language to Section 23C.22.050.K that all short term rental units must conform to the City of Berkeley Housing Code requirements.

*K. Housing Code Compliance. Any building or portion thereof used for Short-Term Rentals shall comply with the requirements of the Berkeley Housing Code (BMC Chapter 19.40).*

**Vote:** All Ayes.

### 31. **Tenant Protection Ordinance** *(Continued from May 10, 2016; Item contains revised material.)*

**From:** Councilmember Arreguin

**Recommendation:** Refer to the City Manager and City Attorney to develop a Tenant Protection Ordinance, incorporating the elements described in the Background section of the report.

**Financial Implications:** Staff time

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

**Action:** Moved to Consent Calendar. Approved item as written in the revised material.

## Action Calendar – Old Business

**32. Extending Operating Hours in Commercial Districts** *(Continued from May 10, 2016)*

**From: Councilmember Arreguin**

**Recommendation:** Refer to the Planning Commission to review and amend the Zoning Ordinance to extend operating hours of businesses in commercial districts throughout Berkeley as follows: 24 hours in the Downtown and Northside (Euclid Avenue between Hearst and Ridge) commercial districts seven days a week, however pursuant to state law the sale of alcoholic beverages is limited to 2 a.m.; Friday and Saturday to 2 a.m. in the Elmwood and North Shattuck districts. However, sales and service of alcoholic beverages is limited to full-service restaurants; Seven days a week to 2 a.m. at nodes of the San Pablo district.

Consider applying in these districts the existing regulations in the C-T district on off-sale of alcoholic beverages and on premise consumption of distilled alcoholic beverages at full-service restaurants.

Similar to the existing 24-hour zoning designation in the Telegraph Commercial District, these amendments will allow businesses in these areas to remain open later without an additional Use Permit.

**Financial Implications:** Staff time

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

**Action:** M/S/C (Worthington/Arreguin) to hold over Items 32 and 40 to June 28, 2016 and remove Item 33 from the agenda.

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

Councilmember Moore absent 10:55 p.m. – 11:02 p.m.

Councilmember Droste absent 10:54 p.m. – 11:02 p.m.

**33. Referral to the Housing Advisory Commission Timely Predevelopment Recommendations to Bridge/Berkeley Food and Housing Project** *(Continued from May 17, 2016)*

**From: Councilmembers Worthington and Arreguin**

**Recommendation:** Refer to the Housing Advisory Commission to make predevelopment funding recommendations to Bridge/Berkeley Food and Housing Project to return in time for the June 2016 budget decision.

**Financial Implications:** Minimal

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

**Action:** Item removed from the agenda.

## Action Calendar – New Business

- 34. Authorizing the Issuance of Up to \$15,000,000 in General Obligation Bonds for the Measure M – Street and Integrated Watershed Improvements**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the issuance of \$15,000,000 aggregate principal amount of general obligation bonds (Measure M – Street and Integrated Watershed Improvements), approving an official statement and authorizing actions related hereto.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** M/S/C (Maio/Worthington) to adopt Resolution No. 67,525–N.S. authorizing the issuance of \$15,000,000 aggregate principal amount of general obligation bonds (Measure M – Street and Integrated Watershed Improvements), approving an official statement and authorizing actions related hereto.  
**Vote:** All Ayes.
- 35. Urgency Ordinance Authorizing a Disposition and Development Agreement with BRIDGE Housing for the Parking Lot at 2012 Berkeley Way**  
**From: City Manager**  
**Recommendation:**  
1. Adopt an Urgency Ordinance authorizing the City Manager to execute a Disposition and Development Agreement (DDA) for the parking lot at 2012 Berkeley Way with the BRIDGE Housing Corporation (BRIDGE) for the purpose of maintaining “Difficult to Develop” status which is expected to increase by \$5 million the value of low income housing tax credits to redevelop the site in partnership with the Berkeley Food and Housing Project (BFHP), creating temporary, affordable and permanent supportive housing, and homeless services to help address Berkeley’s current homeless and affordability crisis.  
2. Adopt the first reading of an Ordinance authorizing the City Manager to execute a Disposition and Development Agreement (DDA) for the parking lot at 2012 Berkeley Way with the BRIDGE Housing Corporation (BRIDGE) for the purpose of maintaining “Difficult to Develop” status which is expected to increase by \$5 million the value of low income housing tax credits to redevelop the site in partnership with Berkeley Food and Housing Project (BFHP), creating temporary, affordable and permanent supportive housing, and homeless services to help address Berkeley’s current homeless and affordability crisis.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Moved to Consent Calendar.  
1. Adopted Ordinance No. 7,479–N.S.  
2. Adopted first reading of Ordinance No. 7,480–N.S. Second reading scheduled for June 14, 2016.



## Council Action Items

- 36. Additional 5 Police Officers for the Berkeley Police Department**  
**From: Councilmembers Moore and Capitelli**  
**Recommendation:** Refer the addition of 5 police officers for the Berkeley Police Department to the FY 2017 budget process.  
**Financial Implications:** See report  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Councilmember Wengraf added as a co-sponsor. Moved to Consent Calendar.
- 37. Budget Referrals for FY 2017**  
**From: Councilmember Moore**  
**Recommendation:** Refer the following items to the FY 2017 budget process: \$35,000 for the Berkeley Drop-in in recurring funds to restore it to full funding, the cost to install hawk lights at the Addison crosswalk on 6th, and \$5,000 to K to College for dental kits for youth.  
**Financial Implications:** See report  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Councilmember Anderson added as a co-sponsor. Amended recommendation to include beacon lights on 6<sup>th</sup> and Addison. Moved to Consent Calendar.
- 38. Referral to Planning Commission: Community Hospital Zoning Overlay**  
**From: Councilmember Arreguin**  
**Recommendation:** Refer to the Planning Commission the creation of an overlay zone for the area bounded by Ashby Avenue to the north, Colby Street to the west, Hospital Drive to the south, and Regent Street to the east to maintain existing community hospital uses. The overlay zone would supersede the uses permitted in the underlying zoning districts.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Item held over to June 28, 2016.
- 39. Establishing a Citizens Budget Review Commission**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution establishing a Citizens Budget Review Commission.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Item held over to June 28, 2016.

## Council Action Items

### 40. Creation of Transportation Impact Fee

**From: Councilmember Arreguin**

**Recommendation:** Refer to the City Manager to:

1. Update the November 2005 Nexus Study on the Transportation Impact Fee (also known as the Transportation Services Fee); and
2. Initiate a Process to Establish a Transportation Impact Fee.

**Financial Implications:** Staff time

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

**Action:** Item held over to June 28, 2016.

### 41. June 2016 Budget Referral to Continue Fourth Ambulance Pilot Project for an Additional Year

**From: Councilmember Worthington**

**Recommendation:** Refer to the June 2016 Budget process to continue 4th ambulance pilot project for an additional year.

**Financial Implications:** See report

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

**Action:** Amended recommendation to read "Refer to the June 2016 Budget process to identify a sustainable source of funding for the 4th ambulance pilot project."

## Information Reports

### 42. Report of the Alameda County Transportation Commission for the March 24, 2016 Meeting

**From: Councilmember Capitelli**

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

**Action:** Received and filed.

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

## Adjournment

**Action:** M/S/C (Moore/Arreguin) to adjourn the meeting.

**Vote:**

Adjourned at 11:36 p.m. in memory of:

1. Angela Patton, Local Artist

## Communications

### Minimum Wage Ordinance

1. Harry Brill (2)
2. Raymond Barglow
3. Tobey Wiebe
4. Chris Davis

### **Support for Rent Board Items**

5. Matthew Lewis

### **Support for Berkeley Shellmound Indigenous Sacred Site**

6. Janice Schroeder

7. Stefen

### **Prop AA, Regional Wetlands Tax**

8. Zelda Bronstein

### **Fulton Street Bikeway**

9. Unknown

### **1701 62<sup>nd</sup> Street**

10. Calvin Justice (2)

## **Supplemental Communications and Reports 1**

### **Item 17: Budget Referral: Berkeley Book Festival**

11. Revised materials, submitted by Mayor Bates

### **Item 28: Placing a Charter Amendment and Ordinance Measure on the November 8, 2016 Ballot to Create a Public Campaign Financing System**

12. Brad Smith

### **Item 30: Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending Titles 23D and 23E**

13. Daniel Moore

14. Sheila Goldmacher

## **Supplemental Communications and Reports 2**

### **Item 19: Support AB 2502 – Protecting Local Inclusionary Housing Programs**

15. Rent Stabilization Board

### **Item 26: Placing a General Obligation Bond Measure for Improvements to Existing City Infrastructure and Facilities on the November 8, 2016 Ballot**

16. Caitlin Brostrom

### **Item 27: Placing a Measure on the November 8, 2016 Ballot to Increase the Business License Tax on Owners of Five or More Residential Rental Units**

17. Krista Gulbransen

### **Item 28: Placing a Charter Amendment and Ordinance Measure on the November 8, 2016 Ballot to Create a Public Campaign Financing System**

18. Helen Grieco

19. 18 Form Letters, submitted by Caryn Graves, Mary Prophet, Laurie Rolfe, Stephanie Friedman, MaryAnne Glazar, Ellen Phillips, Joanna Williams, Ana Vertel, Veronique Bucherre, Kris Muller, Shams Kairys, Shauna Haines, Martin Washington, Astrid Giese-Zimmer, Nancy Berman, Irma Zuckermann, Janet Strothman, Charlene Woodcock

**Item 30: Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending Titles 23D and 23E**

- 20. Yassi Eskandari-Qajar
- 21. David Pruess
- 22. Patrick Kehoe
- 23. Matthew Lewis

**Item 31: Tenant Protection Ordinance**

- 24. East Bay Housing Organizations

**Item 32: Extending Operating Hours in Commercial Districts**

- 25. Rigel Robinson
- 26. Matthew Lewis
- 27. Christopher Yamas

**Item 39: Establishing a Citizens Budget Review Commission**

- 28. Isabelle Gaston
- 29. Shirley Dean

**Supplemental Communications and Reports 3**

**Item 26: Placing a General Obligation Bond Measure for Improvements to Existing City Infrastructure and Facilities on the November 8, 2016 Ballot**

- 30. Supplemental materials, submitted by City Manager's Office
- 31. Pil Orbison (2)

**Item 27: Placing a Measure on the November 8, 2016 Ballot to Increase the Business License Tax on Owners of Five or More Residential Rental Units**

- 32. Revised materials, submitted by Councilmember Arreguin
- 33. Stephen Barton

**Item 28: Placing a Charter Amendment and Ordinance Measure on the November 8, 2016 Ballot to Create a Public Campaign Financing System**

- 34. Ava Agree
- 35. Barbara Gilbert

**Item 29: City Council Comments on the FY 2017 Proposed Budget Update**

- 36. Revised materials, submitted by City Manager's Office

**Item 30: Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending Titles 23D and 23E**

- 37. Judith Scherr
- 38. Katharine Bierce
- 39. Norma Harrison

**Item 32: Extending Operating Hours in Commercial Districts**

- 40. Rosa Kwak
- 41. Benyamin bin Mohd Yusof