

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 18, 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: 7:03 p.m.

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

Absent: None.

Ceremonial Matters:

1. Recognition of Local Filmmakers Alan Snitow and Deborah Kaufman
2. Recognition of the Commission on the Status of Women Honorees

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 9 speakers.

Consent Calendar

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

Vote: All Ayes.

Recess Items

- Contract: O.C. Jones & Sons, Inc. for City of Berkeley Solid Waste Management Center and Transfer Station Pavement Rehabilitation Project**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to approve plans and specifications for the City of Berkeley Solid Waste Management Center and Transfer Station Pavement Rehabilitation Project; accept the bid of O.C. Jones & Sons, Inc. as the lowest responsive and responsible bidder; and 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 \$417,600.
Financial Implications: Zero Waste Fund - \$417,600
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,700–N.S.

Consent Calendar

- Reserving Very Low-Income In Lieu Units for Households Holding Section 8 Vouchers and Shelter + Care Certificates; Amending BMC Section 22.20.065**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,506-N.S. amending Section 22.20.065.C.2. of the Berkeley Municipal Code to require that all Very Low-Income units provided in lieu of payment of the affordable housing mitigation fee be reserved for holders of Section 8 vouchers and Shelter + Care certificates.
First Reading Vote: All Ayes.
Financial Implications: Minimal
Contact: Zach Cowan, City Attorney, 981-6950
Action: Amended Section 1 of the Ordinance as written blow. Adopted first reading of Ordinance No. 7,506-N.S. Second reading scheduled for November 1, 2016.
- An applicant for a Development project that is subject to the Fee may elect to avoid the Fee by providing, for the life of the project, a number of units equal to 20% of the market rate units in the project at rental rates affordable to Low-Income and Very Low-Income Households. Subject to administrative regulations promulgated pursuant to subdivision H, in Development projects that have not obtained final approval under Title 23 as of September 20, 2016, ~~40~~80% of the Very Low-Income units provided under this Section shall be reserved for holders of Section 8 vouchers, if any, ~~and 40% shall be reserved for holders of Shelter + Care certificates, if any;~~ provided that this requirement shall terminate and be of no further force or effect as of September 19, 2019.

Consent Calendar

- 3. Adjust Ellis Act Eviction Relocation Assistance the Same as Proposed Owner Move-in Relocation Assistance; Amending BMC Chapter 13.77**
From: Rent Stabilization Board
Recommendation: Adopt second reading of Ordinance No. 7,507-N.S. proposing amendments to the Ellis Implementation Ordinance (B.M.C. Chapter 13.77) to allow a City/Rent Board hearing examiner to adjudicate disputes as to tenants' eligibility to receive the additional \$5,000 relocation assistance.
First Reading Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson, Moore.
Financial Implications: None
Contact: Jay Kelekian, Rent Stabilization Board, 644-6128
Action: Adopted second reading of Ordinance No. 7,507-N.S.
- 4. Car Sharing Policy for One-Way Car Share Two-and-a-Half-Year Pilot Program; Adding BMC Chapter 14.62**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,508-N.S. adding Berkeley Municipal Code Chapter 14.62 to establish a two-and-a-half-year pilot program for qualified organizations operating a one-way car share model (also known as “point-to-point”).
First Reading Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson, Moore.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,508-N.S.
- 5. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of September 13, 2016 (special and regular), September 20, 2016 (special closed, special and regular), and September 27, 2016 (special closed, special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 18, 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: Target Case Management/Linkages Fund - \$80,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.

Consent Calendar

- 7. Contract No. 8595 Amendment: Minuteman Press for Citywide Printing and Copying Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8595 with Minuteman Press, increasing the contract by \$300,000 and increasing the not to exceed amount from \$960,000 to \$1,260,000, for Citywide Printing and Copying Services to fund service delivery for the FY2017 - FY2019 period.
Financial Implications: \$300,000 - Various Funds
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 67,701–N.S.
- 8. Revenue Agreement: Alameda County Transition to Independence Program for Berkeley Mental Health**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a revenue agreement with Alameda County Behavioral Health Care Services, and any amendments thereto, for outpatient mental health services to transition age youth in the amount of \$556,679 for the term July 1, 2016 through June 30, 2017, and approving the designations as listed on the Alameda County Health Care Services CBO Community Agency Contract Signature Authorization form.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,702–N.S.
- 9. Revenue Grant: California Department of Public Health, Sexually Transmitted Diseases Control Branch**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept grant funds from the California Department of Public Health in the projected amount of \$18,692 to be utilized for FY 2017 through FY 2019 for Sexually Transmitted Diseases (STD) Prevention and Control and to execute the resultant revenue agreements, contracts, and any amendments and extensions.
Financial Implications: \$18,692 (Grant)
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,703–N.S.

Consent Calendar

- 10. Contract: Alameda County Public Health Department, Office of Dental Health to Provide Dental Services to the Berkeley Unified School District**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a single-source contract and any amendments or extensions with Alameda County in an amount not to exceed \$159,000 to provide dental services in Berkeley Unified School District for the period of July 1, 2016 through June 30, 2019.
Financial Implications: Various Funds - \$159,000
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,704–N.S.
- 11. Contract: John Snow, Inc. to Evaluate Programs Funded to Reduce the Consumption and Health Impacts of Sugar-Sweetened Beverages**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an expenditure contract in an amount not to exceed \$125,000 with John Snow, Inc., and any amendments or extensions thereto, for the period of November 1, 2016 to October 31, 2017 to design, develop, and conduct a multi-site evaluation of programs funded by the Sugar-Sweetened Beverage (“SSB”) consumption and impact reduction program (the “Healthy Berkeley” program) administered by the Berkeley Public Health Division.
Financial Implications: General Fund - \$125,000
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,705–N.S.
- 12. Appointment of Director of Planning & Development**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Carol Johnson as Director of Planning & Community Development to be effective October 23, 2016.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 67,706–N.S.
- 13. Salary Alignment: Deputy City Auditor for Payroll Management Classification**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 67,237-N.S., Classification and Salary Resolution for Unrepresented Employees, to increase the salary range for the Deputy City Auditor for Payroll Management classification to \$9,528 to \$12,522 per month, effective October 23, 2016.
Financial Implications: \$3,400
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 67,707–N.S.

Consent Calendar

- 14. Classification and Salary: Digital Communication Coordinator Classification**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 67,237-N.S., Classification and Salary Resolution for Unrepresented Employees, to establish the classification of Digital Communications Coordinator with a monthly salary range of \$7,458 - \$9,156, effective October 18, 2016.
Financial Implications: General Fund - \$93,726
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 67,708–N.S.
- 15. Unrepresented Employee Manual Amendment**
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 67,238-N.S. (Unrepresented Employee Manual) and all subsequent amendatory resolutions thereto, and adopting the Unrepresented Employee Manual, that amends several articles that 1) set forth the terms and conditions of employment and health and welfare benefits for the classifications of Battalion Chief; Assistant Fire Chief; and Fire Marshal by eliminating said provisions; and 2) include provisions that align unrepresented employees with represented non-Safety Miscellaneous employees, as well as correcting a typographical error restoring a deleted section omitted from the October 2015 Unrepresented Employee Manual.
Financial Implications: None
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 67,709–N.S.
- 16. Contract No. 9559 Amendment: Integrated Business Consultants of GA for the PacSoft Marina Management System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9559 with Integrated Business Consultants of GA (“Reseller”) for: (1) additional software maintenance, (2) professional services and, (3) the purchase of the mobile application module for the Pacsoft Marina Management System, in an amount not to exceed \$34,089 for a new not to exceed contract amount of \$83,453, and extending the contract term through June 30, 2020.
Financial Implications: Marina Operations/Maint Fund - \$34,089
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 67,710–N.S.

Consent Calendar

- 17. Grant Application: California Youth Soccer Grant Program for the Gilman Fields Youth Soccer Field Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the Proposition 40 California Youth Soccer Grant Program for up to \$1,000,000 for the Gilman Fields Youth Soccer Project.
Financial Implications: \$1,000,000 (Grant)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 67,711–N.S.
- 18. Revenue Grant: California Office of Traffic Safety (OTS) for the 2017 “Selective Traffic Enforcement Program (STEP)” Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept the “Selective Traffic Enforcement Program (STEP)” grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian collisions. The approved OTS grant is for \$265,000 for the period of October 1, 2016 through September 30, 2017 which is Federal Fiscal Year 2017.
Financial Implications: \$265,000 (Grant)
Contact: Andrew Greenwood, Police, 981-5900
Action: Adopted Resolution No. 67,712–N.S.
- 19. Contract: Andes Construction, Inc. For Sanitary Sewer Rehabilitation on Martin Luther King Jr. Way, Vine Street, Jefferson Avenue, Bancroft Way, Milvia Street, Spruce Street Backline, La Loma Avenue and Vincente Avenue Backline**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Martin Luther King Jr. Way, Vine Street, Jefferson Avenue, Bancroft Way, Milvia Street, Spruce Street Backline, La Loma Avenue and Vincente Avenue Backline; accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc. (Andes); and authorizing execution of 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 \$1,292,858.
Financial Implications: Sanitary Sewer Fund - \$1,292,858
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,713–N.S.

Consent Calendar

- 20. Contract No. 8389C Amendment: Recology Blossom Valley Organics North for Hauling and Processing of Compostable Materials**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 8389C with Recology Blossom Valley Organics-North for hauling and processing compostable materials, increasing the contract amount by \$997,303 for a total amount not to exceed \$8,952,121.
Financial Implications: Zero Waste Fund - \$997,303
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,714–N.S.
- 21. Renewal of the Elmwood Avenue BID for Calendar Year 2017**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board’s (hereafter “Elmwood BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the Annual Report and preliminary budget for proposed improvements in the District for calendar year 2017; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2017; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 15, 2016.
Financial Implications: See report
Contact: Jordan Klein, Commission Secretary, 981-7530
Action: Adopted Resolution No. 67,715–N.S.
- 22. Renewal of the Solano Avenue BID for Calendar Year 2017**
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board’s (hereafter “Solano BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the Annual Report and preliminary budget on proposed improvements in the District for calendar year 2017; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2017; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 15, 2016.
Financial Implications: See report
Contact: Eleanor Hollander, Commission Secretary, 981-7530
Action: Adopted Resolution No. 67,716–N.S.
- 23. Additional SSBPPE Commission Meetings in 2016**
From: Sugar Sweetened Beverage Product Panel of Experts
Recommendation: Adopt a Resolution approving two additional meetings of the Sugar-Sweetened Beverage Products Panel of Experts Commission in calendar year 2016.
Financial Implications: General Fund - \$198
Contact: Dechen Tsering, Commission Secretary, 981-5300
Action: Adopted Resolution No. 67,717–N.S.

Council Consent Items

24. Expanding the Downtown Arts District

From: Mayor Bates

Recommendation:

1. Request the Planning Commission examine expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses.
2. Request the City Manager consider the Downtown Arts District as part of the update to the Berkeley Arts and Culture Plan.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Action: Councilmembers Droste, Moore, and Worthington added as co-sponsors. Approved recommendation.

25. Amendments to BMC 23C.23.050 to Allow a Third Option to Satisfy the Private Percent for Art Requirements

From: Mayor Bates

Recommendation: Request the City Manager draft an ordinance for Council adoption to revise BMC 23C.23.050, the One-Percent for Public Art on Private Projects Ordinance, to do the following: 1. Have 5% of the 1% requirement go directly to administration of the Public Art in Private Development program regardless of how the developer decides to satisfy the requirement; and 2. Allow developers the third option of satisfying the Percent for Art requirements with a combination of on-site art and in-lieu payment by modifying BMC 23C.23.050 with suggested language from the report.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

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

26. Revisions to the Public Art in Private Development Program

From: Mayor Bates

Recommendation: Request the City Manager draft a resolution to revise the Public Art in Private Development Program Guide to provide the Civic Arts Commission guidance and more flexibility in the use of the Cultural Trust Fund with the language suggested in the report.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

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

Council Consent Items

27. Requiring Zero-Waste Sorting Signage in Multifamily Buildings

From: Mayor Bates

Recommendation: Refer to the Zero-Waste Commission developing an ordinance and implementation plan to require zero-waste sorting signage at the point of trash collection in all multifamily buildings with shared waste receptacles. The signage would show the different categories of waste (landfill, recycle, compost) and pictures examples of what goes into each. The required signage could also include information on what constitutes household hazardous waste (HHW), with a link to the City's page on HHW disposal and the City's page on zero waste. The ordinance should also require landlords to provide information on proper waste sorting to residents at the time of lease signing.

Financial Implications: Staff time

Contact: Tom Bates, Mayor, 981-7100

Action: Councilmember Droste added as a co-sponsor. Approved recommendation as revised in Supplemental Reports Packet #2.

28. Retroactive City Sponsorship of Latino Heritage Month

From: Councilmember Arreguin

Recommendation: Adopt a Resolution retroactively approving City sponsorship of the Berkeley City College Latin American Club's Latino Heritage Month event on September 15, 2016.

Financial Implications: None

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

Action: Councilmembers Droste, Maio, and Moore added as co-sponsors. Adopted Resolution No. 67,718–N.S.

29. Reimbursement of Expenses for Andy Katz

From: Councilmember Capitelli

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$50 per Councilmember including \$50 from Councilmember Capitelli of Council Office funds to retroactively cover the cost of Office space and other materials for the discussion of Minimum Wage Proposals that went before Council.

Financial Implications: Councilmember's Discretionary Funds - \$50

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

Action: Adopted Resolution No. 67,719–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$50; Councilmember Wengraf - \$50; Councilmember Moore - \$50; Councilmember Arreguin - \$50; Councilmember Anderson - \$50; Mayor Bates - \$50.

Council Consent Items

- 30. Establishing a Committee on City/UC Berkeley/Students Relations**
From: Councilmembers Wengraf, Worthington, and Arreguin
Recommendation: Adopt a Resolution creating a standing committee of the Council on City/UC/Student Relations. This Committee would be a new legislative body that would be staffed by the City in order to ensure compliance with the Brown Act, the Public Records Act and other laws applicable to City legislative bodies. The Committee would consist of the four Councilmembers from the districts adjacent to the University: Districts 4, 6, 7 and 8.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Moved to Action Calendar. 3 speakers. Councilmember Droste added as a co-sponsor. M/S/C (Wengraf/Maio) to adopt Resolution No. 67,720–N.S. creating a standing committee of the Council on City/UC/Student Relations. This Committee would be a new legislative body that would be staffed by the City in order to ensure compliance with the Brown Act, the Public Records Act and other laws applicable to City legislative bodies. The Committee would consist of the four Councilmembers from the districts adjacent to the University: Districts 4, 6, 7 and 8.
Vote: All Ayes.
- 31. City Manager Referral: Renaming Keeler Walk (Path #32) to John Muir Path and Renaming The Short Cut (Path # 45) to Oxford School Path**
From: Councilmember Wengraf
Recommendation: In accordance with the City of Berkeley’s naming policy, refer to the City Manager the renaming of Keeler Walk (Path #32) to John Muir Path and renaming The Short Cut (Path #45) to Oxford School Path.
Financial Implications: Cost of new signage/installation
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.
- 32. Send a Letter to the Board of Directors of Wells Fargo Bank to Terminate CEO John Stumpf for Mismanagement Related to Illegally Opening Millions of Unauthorized Accounts**
From: Councilmember Worthington
Recommendation: That the City Council send a letter to the Board of Directors of Wells Fargo Bank to terminate CEO John Stumpf for mismanagement related to illegally opening millions of unauthorized accounts.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item removed from the agenda by Councilmember Worthington.

Council Consent Items

33. **Send a Letter to President Obama Requesting a Pardon for Edward Snowden, an American Whistleblower Hero Who Defended Civil Liberties**
From: Councilmember Worthington
Recommendation: That the Council send a letter to President Obama requesting a pardon for Edward Snowden, an American whistleblower hero who defended our civil liberties and provided a great public service to the people of United States.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Arreguin, Councilmember Anderson, and Mayor Bates added as co-sponsors. Approved recommendation.
34. **City Manager Referral: Placing as the Top Priority on the Short-term Affordable Housing Action Plan the Implementation of the Short-term Rental Housing Regulations and Fee, and Schedule a Follow-up Housing Worksession**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to place as the top priority on the short-term affordable housing action plan the implementing the short-term rental housing regulations and fee, and schedule a follow-up Housing Worksession as the first Worksession for the new City Council.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to November meeting when short term rental regulation will be considered.

Action Calendar – Public Hearings

35. Awarding Three Non-Exclusive Rubbish Hauling Franchises

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion:

1. Adopt first reading of three Ordinances granting non-exclusive franchises for rubbish collection and transportation to Berkeley Sanitary Service, Inc. dba Republic Services; Biagini Waste Reduction Systems, Inc.; and Waste Management of Alameda County, Inc.; and
2. Direct the City Manager to execute Franchise Agreements with each of those companies.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 1 speaker.

M/S/C (Moore/Bates) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Moore/Wengraf) to:

1. Adopt first reading of Ordinance No. 7,509–N.S. (Berkeley Sanitary Service), Ordinance No. 7,510–N.S. (Biagini Waste Reduction), Ordinance No. 7,511–N.S. (Waste Management) revised to require that the City Manager return to Council prior to exercising options to extend agreements. Second reading scheduled for November 1, 2016.
2. Approved recommendation.

Vote: All Ayes.

Action Calendar – New Business

36. Amending BMC Chapter 12.26 Regarding Recreational Cannabis Businesses

From: City Manager

Recommendation: Adopt first reading of an Ordinance adding Section 12.26.035 to the Berkeley Municipal Code to require City Council approval of a licensing process and standards for recreational cannabis businesses prior to approval of any such businesses.

Financial Implications: None

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

Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,512–N.S. Second reading scheduled for November 1, 2016.

Action Calendar – New Business

37. Referral Response: Modify Numeric Limitations (“Quotas”) in the Elmwood (C-E) Commercial District; Amending BMC Chapters 23E.44 and 23F.04

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Chapters 23E.44 and 23F.04 of the Berkeley Municipal Code to modify numeric limitations (“Quotas”) in the Elmwood (C-E) Commercial District.

Financial Implications: None

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

Action: 1) Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,513–N.S. revised to retain the square footage limitations in Table 23E.44.040. Second reading scheduled for November 1, 2016.

2) Requested that the City Manager review the square footage limitations in Section 23E.44.040 and return with options for modification.

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

38a. Tiny Homes as a Strategy to Increase Housing for the Homeless in Berkeley

From: Homeless Commission

Recommendation: Adopt a Resolution or other recommendation for the following purposes: 1) to support the concept of a Tiny Homes development in Berkeley; 2) to pass enabling legislation that will allow Tiny Homes and Tiny Home communities to be established in Berkeley for the purpose of housing persons who are homeless.

Financial Implications: See report

Contact: Andrew Wicker, Commission Secretary, 981-5400

38b. Tiny Homes and Tiny Home Communities as Homeless Housing Options

From: City Manager

Recommendation: Review and consider information regarding Tiny Home Communities and either:

1. Take no action on the Homeless Commission recommendation. Tiny Homes could be created now on private property as a temporary use through the Administrative Use Permit Process without passing additional enabling ordinances; or

2. Refer the item to the City Manager for further research and analysis. The creation of Tiny Homes on public or private property for long-term use and/or as habitable dwellings with facilities intended as a homeless program would require modifications to the existing zoning and building codes and additional program requirements to ensure such developments are moving clients out of homelessness.

Financial Implications: See report

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

Action: Moved Item 38.b.2. to the Consent Calendar.

Action Calendar – New Business

39. Amend BMC Sections 3.78.030, 040, and 050 Related to Commission Procedures

From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution requesting that the City Manager examine the addition of language to the Berkeley Municipal Code that clarifies aspects of the management of City of Berkeley commissions and the removal and appointment of commissioners.

Financial Implications: Minimal

Contact: Wing Wong, Commission Secretary, 981-5400

Action: 2 speakers. M/S/C (Maio/Moore) to table the item.

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

Councilmember Wengraf absent 8:23 p.m. – 8:27 p.m.

Council Action Items

40. Examining Alameda County Probate Court Process, Including Consideration of Establishing A Grand Jury to Investigate

From: Councilmember Moore, Mayor Bates, and Councilmember Worthington

Recommendation: Adopt a Resolution requesting an examination of the way in which the probate courts in Alameda County function and the City Clerk send copies of the resolution and agenda item to the Alameda County District Attorney Nancy O'Malley, Alameda County Supervisor Keith Carson, Assemblymember Tony Thurmond, and State Senator Loni Hancock.

Financial Implications: None

Contact: Darryl Moore, Councilmember, District 2, 981-7120

Action: Moved to Consent Calendar. Councilmember Anderson added as a co-sponsor. Adopted Resolution No. 67,721–N.S.

Council Action Items

41. City Plan for Emergency Shelter During Winter Season

From: Councilmember Arreguin

Recommendation: Refer the following actions to the City Manager to consider in developing a plan for emergency shelter/services during the upcoming winter season. These actions will help 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 or evening shelter. Engage in discussions with Dorothy Day House about a day-time respite center.
2. Direct staff to develop a winter shelter services program for Fall 2016-Spring 2017 with funding to increase warming centers and emergency shelter.
3. Direct staff to work with service providers and faith-based organizations who have capacity, to add shelter beds during the year.
4. Direct that all bathrooms in City-owned buildings and City-funded community-based organizations and health centers be available to homeless people for use.
5. 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.

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.

Financial Implications: Unknown

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

Action: Councilmember Maio added as a co-sponsor. 31 speakers. Severed vote.

Action: M/S/C (Worthington/Arreguin) to approve the recommendation with revisions to #1, #4, and #5 as follows:

1. Change the address to 1931 Center Street
4. Remove "City-funded community based organizations and health centers"; and note that the Council defers to the City Manager on appropriate use of city buildings for this purpose
5. Revised to state, "Direct the City Manager to identify city-owned properties that could be used for a Tiny House development for the homeless..."

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

Action: M/S/C (Worthington/Arreguin) to create an ad hoc subcommittee of the Council (Capitelli, Maio, Arreguin, Moore) to review possible locations for a camp and report back at the November 1, 2016 meeting.

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

Council Action Items

42. City Manager Referral: Consider Mitigations for Minimum Wage Increases to Support Small Businesses and Non-Profits by Addressing Parking, Permit and High Rents Issues

From: Councilmember Worthington

Recommendation: Refer to the City Manager to consider mitigations for minimum wage increases to support small businesses and non-profits by attempting to address parking, permits and high rents issues. The timeline goal for Phase One improvements would be October 1, 2017. The timeline goal for Phase Two improvements would be October 1, 2018.

Financial Implications: Minimal

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

Action: 0 speakers. M/S/C (Worthington/Bates) to hold the item over to November 1, 2016.

Vote: All Ayes.

43. City Manager Referral: Increasing the Number of City Issued Parking Permits for BUSD Teachers, Staff and Substitutes

From: Councilmembers Worthington and Droste

Recommendation: Refer to the City Manager to examine increasing the number of City issued parking permits for BUSD teachers, staff and substitutes.

Financial Implications: Minimal

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

Action: Moved to Consent Calendar with recommendation revised as follows:

Refer to the City Manager and the 2x2 Committee to examine improving parking availability or increasing the number of City issued parking permits for BUSD teachers, staff and substitutes.

Information Calendar

44. Use of Renewable Diesel Fuel in City Fleet

From: City Manager

Contact: Phillip Harrington, Public Works, 981-6300

Public Comment – Items Not Listed on the Agenda – 10 speakers.

Adjournment

Adjourned at 9:40 p.m. in memory of:

1. Those that lost their lives in the Loma Prieta Earthquake
2. Those that lost their lives in the Oakland-Berkeley Hills Fire

Communications

Item 43: City Manager Referral: Increasing the Number of City Issued Parking Permits for BUSD Teachers, Staff and Substitutes

1. Sharon Arthur
2. Kevin Kunze

Central Library Concerns

3. Nathan Dahl – Referred to the City Manager by Councilmember Arreguin

2902 Adeline Street / 1942 Russell Street

4. Bruce Coughran

Pacific Steel Casting Synthetic Minor Operating Permit

5. Collin McCarthy, on behalf of the West Berkeley Alliance for Clean Air and Safe Jobs – Referred to the City Manager by Councilmember Arreguin

Open Letter to Robert Reich

6. Harry Brill

Unfunded Pension Liabilities

7. Eric Friedman

Public Hearing Publications

8. Rhiannon

Supporting the End of the Dog Meat Festival in Yulin, China

9. Jung Kim
10. Kathy Gleason

Music Scholarships

11. Karen McKie

Berkeley Shootings

12. Heather Zadig

2211 Harold Way

13. Erik Schmitt

Permit Process for Cell Antennas

14. Monique Webster

Stop Signs

15. Sally Nelson
16. Sabrina McMurtry

Cannabis Dispensary Selection

17. Bianca Blesching

2631- 2637 Durant Avenue

18. David Trotter, on behalf of OPHCA, LLC (Voluminous exhibits available for viewing in the City Clerk's Office)

Supplemental Communications and Reports 1

Item 37: Referral Response: Modify Numeric Limitations (“Quotas”) in the Elmwood (C-E) Commercial District; Amending BMC Chapters 23E.44 and 23F.04

19. Julia Elliott & Sabra Stepak

Supplemental Communications and Reports 2

Item 27: Requiring Zero-Waste Sorting Signage in Multifamily Buildings

19. Revised materials, submitted by Mayor Bates

Item 37: Referral Response: Modify Numeric Limitations (“Quotas”) in the Elmwood (C-E) Commercial District; Amending BMC Chapters 23E.44 and 23F.04

20. Elmwood Business Association

Supplemental Communications and Reports 3

Item 41: City Plan for Emergency Shelter During Winter Season

21. Peace & Justice Commission - Referred to the City Manager by Councilmember Anderson

Company Town

22. Unknown