



Office of the City Manager

CONSENT CALENDAR  
February 28, 2017

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of January 17, 2017 (special closed), January 24, 2017 (regular), and January 31, 2017 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 17, 2017–Special Closed City Council Meeting
2. January 24, 2017–Regular City Council Meeting
3. January 31, 2017–Special City Council Meeting
4. January 31, 2017–Regular City Council Meeting

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
TUESDAY, JANUARY 17, 2017**

**5:30 P.M.**

Cypress Room – 2180 Milvia Street, Berkeley, CA

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 5:32 p.m.

**Present:** Councilmembers Bartlett, Davila, Droste, Hahn, Maio, Wengraf and Mayor Arreguin.

**Absent:** Councilmember Worthington.

Councilmember Worthington present at 5:35 p.m.

**Public Comment - Limited to items on this agenda only – 11 speakers.**

**CLOSED SESSION:**

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

Pending litigation – one case

*United States Postal Service v. City of Berkeley*  
U.S. District Court Case Civ. No. 16-cv-04815WHA

**Action:** No reportable action taken.

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property address: 1231 Addison Street, Berkeley, CA  
Agency Negotiators: Dee Williams-Ridley, City Manager  
Mark Numainville, City Clerk  
Negotiating parties: City of Berkeley, 2180 Milvia Street, Berkeley, CA  
Building Owner – Berkeley Unified School District, 2020 Bonar Street, Berkeley  
Under negotiation: Price and terms for payment and use of facility

**Action:** No reportable action taken.

**OPEN SESSION:**

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action.

## Adjournment

**Action:** M/S/C (Maio/Wengraf) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 7:04 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of January 17, 2017.

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 24, 2017**  
**7:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 7:00 p.m.

**Present:** Councilmembers Bartlett, Davila Droste, Hahn, Maio, Wengraf, Worthington and Mayor Arreguin.

**Absent:** None.

**Ceremonial Matters:**

1. Recognition of Dorothy and Bob Bryant, Local Artists

**City Manager Comments:**

1. Adeline Corridor Open House, Saturday 1/28/17 from 10am – 3pm at the Ed Roberts Campus

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

**Public Comment on Consent Calendar and Information Items Only:** 20 speakers.

**Consent Calendar**

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

**Vote:** All Ayes.

## Recess Items

- 1. Appointment of Interim Health Officer**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to appoint Robert A. Benjamin, M.D. as the Interim Health Officer for the City of Berkeley.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 67,798–N.S.

## Consent Calendar

- 2. Referral Response: Revisions to the Public Art in Private Development Program Including Amendments to BMC 23C.23.050**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,526-N.S. revising Berkeley Municipal Code Section 23C.23.050, the One-Percent for Public Art on Private Projects Ordinance, to allow developers the option of satisfying the Percent for Art requirements with a combination of on-site art and in-lieu payment.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Adopted second reading of Ordinance No. 7,526-N.S.

## Consent Calendar

### 3. **Emergency Measures to Address Homeless Crisis**

**From: Mayor Arreguin**

**Recommendation:** Adopt second reading of Ordinance No. 7,527-N.S. amending Berkeley Municipal Code Section 14.48.170.

**First Reading Vote:** Ayes – Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Maio.

**Financial Implications:** Unknown

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Moved to Action Calendar. 13 speakers. M/S/C (Arreguin/Worthington) to adopt first reading of Ordinance No. 7,527–N.S. Second reading scheduled for February 14, 2017. Amended paragraphs B and C of Section 14.48.170 to read as below:

#### **14.48.170 Temporary noncommercial uses.**

*B. The Traffic Engineer may adopt regulations specifying what objects may be permitted under this Section and where such objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it is applied in a manner that does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to insulating material used to sit on such as, but not limited to, blankets, cushions or mats. Regulations adopted by the Traffic Engineer under this Section shall not take effect until they have been presented to the City Council for approval at a regularly scheduled meeting.*

*C. After approval by the City Council, Traffic Engineer regulations adopted pursuant to this Section shall be publicized by the City in a manner substantially equivalent to the manner in which ordinances are publicized.*

**Vote:** All Ayes.

### 4. **Referral Response: Standards for Testing and Certification of DAS Antennas, Amending BMC Chapter 16.10**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance adding Berkeley Municipal Code subdivision 16.10.100.G requiring regular testing of wireless telecommunications facilities in the public right of way to verify compliance with FCC standards.

**Financial Implications:** None

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** Item held over to February 14, 2017.

## Consent Calendar

**5. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of November 1, 2016 (special and regular), November 15, 2016 (special closed, special and regular), November 29, 2016 (special closed, special and regular), December 8, 2016 (special), and December 13, 2016 (special closed, special and regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved minutes as submitted. Councilmember Hahn noted as abstaining on the minutes for the meetings of November 1, November 15, and November 29.

**6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 24, 2017**

**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:** \$3,630,000

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

**7. Mental Health Services Act (MHSA) Fiscal Years (FY) 2016 - 2017 Annual Update**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year (FY) 2016 - 2017 Annual Update, and authorize the City Manager to send the MHSA FY2016-2017 Annual Update to appropriate state officials.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 67,799–N.S.

**8. Grant Award: Berkeley Pilgrimage Foundation to the Berkeley Meals on Wheels Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting a \$10,000 grant to the Berkeley Meals on Wheels Program from the Berkeley Pilgrimage Foundation.

**Financial Implications:** Fund Raising Activities Fund - \$10,000 (Grant)

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

**Action:** Adopted Resolution No. 67,800–N.S.

## Consent Calendar

- 9. Contract No. 9613B Amendment: Lakehurst Hall, Inc. for Temporary Housing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9613B with the Lakehurst Hall, Inc. for the provision of temporary housing to mental health clients increasing the contract amount by \$100,000 for a total contract amount not to exceed \$149,500, and extending the term through June 30, 2019.  
**Financial Implications:** Mental Health Service Act Fund - \$100,000  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 67,801–N.S.
- 10. Revenue Contract: Community Services Block Grant for Calendar Year 2017**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 17F-2001 for the initial amount of \$70,482, and execute any resultant agreements and amendments that may increase the contract amount up to an estimated \$265,577 to provide services for low-income people for the period January 1, 2017 to December 31, 2017.  
**Financial Implications:** \$70,482 (Grant)  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 67,802–N.S.
- 11. Designating City’s Labor Negotiator under Govt. Code Section 54957.6**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in closed sessions with the City Council to discuss labor negotiations with certain unions and rescinding Resolution No. 66,971–N.S.  
**Financial Implications:** None  
Contact: Sarah Reynoso, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 67,803–N.S.
- 12. Contract No. 9105D Amendment: Meyers Nave for Chief Labor Negotiations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9105D in the amount of \$80,000 with Meyers Nave for Chief Labor Negotiator services, for a revised total contract amount not to exceed \$250,000.  
**Financial Implications:** General Fund - \$80,000  
Contact: Sarah Reynoso, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 67,804–N.S.



## Consent Calendar

- 13. Unrepresented Employees – CalPERS Cost-Share Agreement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution affirming CalPERS Employee Pension Contribution through a 20516 Contract Amendment for all Miscellaneous Unrepresented employees (Classic and New Members) totaling 1.0% effective June 4, 2017 and an additional 7.0% (for a total of 8.0%) effective December 31, 2017.  
**Financial Implications:** None  
Contact: Sarah Reynoso, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 67,805–N.S.
- 14. Digital Strategic Plan (DSP)**  
**From: City Manager**  
**Recommendation:** Formally approve the Digital Strategic Plan for Fiscal Years 2017 – 2021.  
**Financial Implications:** See report  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Approved recommendation.
- 15. Contract No. 7167F Amendment: SunGard Public Sector Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7167F with SunGard Public Sector for maintenance and support of the City’s FUND\$ system, increasing the amount of the current contract by \$161,317 for a total not to exceed \$1,505,283 from July 1, 2006 through June 30, 2017.  
**Financial Implications:** Various Funds - \$161,317  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 67,806–N.S.
- 16. Contract No. 9906A Amendment: Government Finance Officers Association (GFOA) for Extension of Enterprise Resource Planning (ERP) Advisory Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9906A with Government Finance Officers Association (GFOA) for extension of Enterprise Resource Planning (ERP) Advisory Services to replace the current FUND\$ system, increasing the amount by \$9,450, for a total not to exceed \$154,285 from March 15, 2016 to July 31, 2017.  
**Financial Implications:** FUND\$ Replacement Fund - \$9,450  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 67,807–N.S.

## Consent Calendar

- 17. Contracts: ServiceNow Corporation for Software Licensing and Alcor Solutions Inc. for Implementation of Information Technology (IT) Service Management and IT Asset Management Solution**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Authorizing the City Manager to execute a contract with ServiceNow Corporation for Software Licensing for Information Technology Service Management Asset Management Solution, for a total not to exceed \$261,756 from February 14, 2017 to March 31, 2020  
2. Authorizing the City Manager to execute a contract with Alcor Solutions Inc. for Implementation of Information Technology Service Management and Information Technology Asset Management Solution, for a total not to exceed \$491,894 from February 14, 2017 to March 31, 2020.  
**Financial Implications:** General Fund - \$753,650  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 67,808–N.S. (ServiceNow) and Resolution No. 67,809–N.S. (Alcor Solutions)
- 18. Contract No. 9535 Amendment: Carducci and Associates for Landscape Architectural Services for the Artificial Turf Replacement Project at the Tom Bates Regional Sports Complex**  
**From: City Manager**  
**Recommendation:** Adopt Resolution authorizing the City Manager to execute an amendment to Contract No. 9535 with Carducci and Associates for landscape architecture services for the Artificial Turf Replacement Project at the Tom Bates Regional Sports Complex by increasing the amount by \$100,000 for a new contract amount not to exceed \$320,000.  
**Financial Implications:** Gilman Fields Reserve AC Fund - \$100,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,810–N.S.
- 19. Contract No. 10258 Amendment: Redwood Engineering Construction for Ohlone Dog Park Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10258 with Redwood Engineering Construction for the Ohlone Dog Park Renovation project, increasing the amount by \$61,000 for an amended total amount not to exceed \$389,800.  
**Financial Implications:** Parks Tax Fund - \$61,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,811–N.S.

## Consent Calendar

- 20. Contract: Redwood Engineering Construction for Willard Park Play Area and Pathway Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for Willard Park Play Area and Pathway Renovation Project, Specification No. 16-11002-C; and 2. Rejecting the non-responsive bid from the lowest bidder, Integra Construction Services; and; and 3. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the Willard Park Play Area and Pathway Renovations project at 2720 Regent Street, Berkeley, CA 94705, in an amount not to exceed \$302,400, which includes a contract amount of \$252,000 and a 20% contingency in the amount of \$50,400.  
**Financial Implications:** Various Funds - \$302,400  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,812–N.S.
- 21. Reject All Bids and Re-bid the South Cove Parking Lot and Restroom Project Specification No. 16-11056-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to reject bids and direct staff to re-scope and re-advertise the work associated with the South Cove Parking Lot and Restroom Project, Specification No. 16-11056-C.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,813–N.S.
- 22. Referral from City Council on Emergency Cache Gas Generators for Measure GG Funding**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** Do not replace existing disaster cache generators with new propane generators because propane generators are currently being provided in new disaster caches and because of lack of available funding and staff time. The Commission will reconsider in the FY18/19 budget cycle.  
**Financial Implications:** None  
Contact: David Brannigan, Commission Secretary, 981-3473  
**Action:** Approved recommendation.

## Consent Calendar

23. **Berkeley Family Friendly and Environment Friendly Workplace Ordinance; Adding BMC Chapter 13.101**  
**From: Commission on Labor**  
**Recommendation:** Adopt first reading of an Ordinance adding Chapter 13.101 titled the Berkeley Family Friendly and Environment Friendly Workplace Ordinance.  
**Financial Implications:** None  
Contact: Delfina Geiken, Commission Secretary, 981-5400  
**Action:** Adopted first reading of Ordinance No. 7,528–N.S. Second reading scheduled for February 14, 2017.
24. **Audit Report: City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation**  
**From: Auditor**  
**Recommendation:** Request that the City Manager report back by July 25, 2017, and every six months thereafter, regarding the status of recommendations until reported fully implemented.  
**Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Approved recommendation.

## Council Consent Items

25. **Sixth Annual Martin Luther King Jr. Celebration January 16, 2016: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Mayor Arreguin**  
**Recommendation:**
1. Adopt a Resolution retroactively co-sponsoring the 6th Annual Martin Luther King Jr. Celebration Breakfast on January 16, 2017.
  2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 6th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
- Financial Implications:** Mayor's Discretionary Funds - \$250  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 67,814–N.S. (Co-Sponsorship) and Resolution No. 67,815–N.S. (Relinquishment of Funds) revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Droste - \$250; Councilmember Hahn - \$250; Councilmember Davila - \$250; Councilmember Maio - \$250; Mayor Arreguin - \$250.

## Council Consent Items

**26. Support for SB 54 California Values Act**

**From: Mayor Arreguin**

**Recommendation:** Send a letter to Senate President pro Tempore Kevin de León, State Senator Nancy Skinner, and Assemblymember Tony Thurmond in support of SB 54, the California Values Act.

**Financial Implications:** Minimal

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Councilmembers Droste, Bartlett, and Hahn added as co-sponsors.

Approved recommendation revised to add Governor Jerry Brown and Assemblymember Anthony Rendon to the recipient list and amend the letter to add that state and local resources not be used for participation in special registry.

**27. Special RPP Designation, Grant Street between Ohlone Park and Delaware Street**

**From: Councilmember Maio**

**Recommendation:** Request the City Manager to designate a special “no 2-hour parking grace period” residential permit parking zone for the one cul-de-sac block of Grant Street between Ohlone Park and Delaware Street.

**Financial Implications:** None

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

**Action:** Moved to Action Calendar. 2 speakers. Mayor Arreguin added as a co-sponsor. M/S/C (Maio/Hahn) to approve the recommendation revised to include a request of the City Manager to provide the Council with information on the process for approving the RPP designation and a request for increased enforcement.

**Vote:** All Ayes.

**28. Financial and Infrastructure Opportunities Workshop**

**From: Councilmembers Maio, Bartlett, and Droste**

**Recommendation:** Refer to Agenda Committee to schedule a Council workshop or presentation on financial opportunities related to refinancing existing GO Bonds and Fees.

**Financial Implications:** None

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

**Action:** Approved recommendation.

## Council Consent Items

**29. Socially Responsible Banking Services for the City of Berkeley**

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

**Recommendation:** Request that the City Manager initiate a process for proposals from providers of banking services that uses criteria articulated in the 2013 process, but adds and emphasizes criteria related to ethical business practices. Ask for an extension of the existing contract with Wells Fargo should additional time be needed.

**Financial Implications:** None

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

**Action:** Moved to Action Calendar. Mayor Arreguin added as a co-sponsor. 12 speakers. M/S/C (Maio/Wengraf) to approve the recommendation and refer the item to the City Manager and include consideration of provisions of a socially responsible banking policy such as elements of social and environmental justice, requirement for a code of fair treatment, low pay inequity between executives and rank and file, and support for human rights.

**Vote:** All Ayes.

**30. Alameda County Family Justice Center: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

**From: Councilmembers Maio and Wengraf**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$175 per councilmember, including \$175 from Councilmember Maio, to the Alameda County Family Justice Center, on the occasion of their 10th Annual 'One' Gala, to be held on Saturday, January 28, 2017, (more information is available at [acfjc.org](http://acfjc.org)), with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$175

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

**Action:** Adopted Resolution No. 67,816–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$175; Councilmember Maio - \$175.

## Council Consent Items

- 31. Berkeley Public Library Foundation 15th Annual Authors Dinner: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Maio, Hahn, and Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per councilmember including \$500 from Councilmember Maio, to the Berkeley Public Library Foundation 15th Annual Authors Dinner with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$500  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 67,817–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$500; Councilmember Maio - \$500; Mayor Arreguin - \$500.
- 32. Women's Daytime Drop-in Center: 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 \$200 per councilmember, including \$200 from Councilmember Maio, to the Women's Daytime Drop-in Center with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$200  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 67,818–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$200; Councilmember Maio - \$200.
- 33. Healthy Black Families: 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 \$200 per councilmember, including \$200 from Councilmember Maio, to Healthy Black Families, Inc. (more information is available at [healthyblackfamiliesinc.org](http://healthyblackfamiliesinc.org)), with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$200  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 67,819–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$200; Councilmember Maio - \$200; Councilmember Worthington - \$200; Mayor Arreguin - \$200.

## Council Consent Items

**34. Budget Referral: “Berkeley Inclusion in Opportunity Index” - Request Availability Study for Affirmative Action in City Contracting**

**From: Councilmembers Bartlett, Worthington, and Davila**

**Recommendation:** Refer to the 2016-2017 budget an allocation to perform an Availability Study to analyze the City’s use of local, small, emerging, minority, and women business enterprises in City construction, architecture, engineering, professional services, goods and other services contracts.

**Financial Implications:** Staff time

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

**Action:** Approved recommendation as revised below and amended to change the fiscal years to 2018-2019.

*Refer to the FY2018 and FY2019 biennial budget an allocation to perform an Availability Study to analyze the City’s use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods and other services contracts.*

**35. Referral to City Manager: “Step Up Housing” Initiative - Micro-Units to House Homeless and Very Low-Income People**

**From: Councilmembers Bartlett, Maio, and Droste**

**Recommendation:** Refer to the City Manager to take the following actions through the Ad Hoc Committee on Homeless Solutions: 1. Identify parcels of City owned land for citing assisted-living modular micro unit buildings. 2. Amend the permitting and approvals process to facilitate the rapid creation of below market housing. 3. Obtain zoning approval and a building permit for a 4 story and approximately 100 unit building consisting of stackable modular units. 4. Upon completing construction, allocate \$1,000 per unit per month from the budget to lease the building. The actual construction costs of the building will be privately financed at no charge to the City. 5. Identify a housing non-profit to be responsible for managing and operating the building. 6. Establish criteria for selecting individuals and determining eligibility. These need-based criteria will take into account seniors, disabled people, and Berkeley natives who have become homeless.

**Financial Implications:** Staff time

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

**Action:** Item held over to February 14, 2017 with supplemental materials.

**36. Proclamation Reaffirming the City of Berkeley’s Commitment to Roe v. Wade**

**From: Councilmembers Wengraf and Droste**

**Recommendation:** Adopt a Proclamation reaffirming the City of Berkeley’s commitment to Roe v. Wade on the 44th anniversary of its passage.

**Financial Implications:** None

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

**Action:** Councilmembers Hahn and Maio added as co-sponsors. Adopted proclamation.



## Council Consent Items

**37. Berkeley BABIES Initiative**

**From: Councilmember Droste**

**Recommendation:** Request that the City Manager create a provision and enforcement mechanism to ensure that all publically-accessible City buildings install and maintain at least one baby diaper-changing accommodation that is accessible in both men and women's restrooms or a single diaper-changing accommodation that is accessible to all genders. In addition, request that the City Manager provide recommendations to mandate all businesses to provide changing stations in either women's and men's restrooms or gender-neutral restrooms.

**Financial Implications:** Staff time

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

**Action:** Councilmembers Wengraf, Maio, and Hahn added as co-sponsors.  
Approved recommendation.

**38. Berkeley Mothers Initiative**

**From: Councilmember Droste**

**Recommendation:** Request that the City Manager ensure that all City buildings provide and maintain at least one private place reasonably close to an employee's workspace for breastfeeding mothers to pump.

**Financial Implications:** Staff time

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

**Action:** Councilmembers Wengraf, Maio, and Hahn added as co-sponsors.  
Approved recommendation.

## Action Calendar – Public Hearings

**39. Echo Lake Youth Camp Fee Increase in FY2017**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution: 1. Increasing current fees for Echo Lake Youth Camp by 6.5%; and 2. Rescinding Resolution No. 67,497-N.S. and all amendatory resolutions.

**Financial Implications:** See report

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

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

M/S/C (Maio/Davila) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Wengraf) to adopt Resolution No. 67,820–N.S. to 1. Increasing current fees for Echo Lake Youth Camp by 6.5%; and 2. Rescinding Resolution No. 67,497-N.S. and all amendatory resolutions.

**Vote:** All Ayes.

Recess 9:28 p.m. – 9:40 p.m.

## Action Calendar – Public Hearings

**40. ZAB Appeal: 2597 Telegraph Avenue**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution approving Use Permit No. 2015-0018 to construct a four-story, approximately 25,200-sq. ft., 10-unit townhouse development on the vacant portion of a parcel that contains a three-story, mixed-use Landmark building (the Gorman Building) with four existing dwelling units; and to legalize the existing operation of a commercial parking lot for carsharing.

**Financial Implications:** None

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

**Action:** Rescheduled to February 14, 2017.

## Action Calendar – Old Business

**41a. Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending BMC Titles 23D and 23E** *(Continued from December 13, 2016)*

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,521-N.S. regarding Short-Term Rental Regulations, adding Berkeley Municipal Code Chapter 23C.22 and amending Berkeley Municipal Code Titles 23D and 23E to make related changes.

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

**Financial Implications:** See report

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

## Action Calendar – Old Business

### 41b. Short-Term Rental Regulations Ordinance, Amending BMC 23C.22 and Amending Titles 23D and 23E

**From:** City Manager

**Recommendation:** Adopt first reading of an Ordinance regulating Short-Term Rentals, 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:** 11 speakers. M/S/C (Hahn/Davila) to adopt the first reading of Ordinance No. 7,521–N.S. as submitted by Councilmember Hahn in Supplemental Reports Packet #1, including the revisions submitted by Mayor Arreguin in Supplemental Reports Packet #2, retaining the stricken sentence in 23C.22.020.C., and with further amendments in Section 23C.22.020.D., and Section 23C.22.030.C. as listed below. Second reading scheduled for February 14, 2017.

*Section 23C.22.020.D.*

*D. Short-Term Rentals are allowed in Accessory Buildings and in existing Accessory Dwelling Units (“ADU”s) unless such ADUs are or have been used for long term rentals by the current owner, as defined by the requirements of the Rent Stabilization and Good Cause for Eviction Ordinance. Short-Term Rentals shall not be allowed in Accessory Dwelling Units permitted after the date of this ordinance.*

*Section 23C.22.030.C.*

*C. “Host Present” or “Host Presence” means the Host is living in the Host Residence during the short-term rental period. For purposes of an Accessory Building or authorized Accessory Dwelling Unit, the Host is present if he or she is present in the primary dwelling or Accessory Dwelling Unit.*

**Vote:** All Ayes.

## Action Calendar – Old Business

42. **Modify the Zoning Ordinance, Amending Accessory Buildings and Structures, BMC Chapter 23D.08, and Adding a Definition of Kitchen to Definitions, BMC Section 23F.04.010** *(Continued from December 13, 2016)*

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,522-N.S. amending Zoning Ordinance Accessory Buildings and Structures, Berkeley Municipal Code Section 23D.08, and adding a definition of Kitchen to Definitions, Berkeley Municipal Code Section 23F.04.010.

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

**Financial Implications:** See report

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

**Action:** 1 speaker. M/S/C (Wengraf/Maio) to adopt the first reading of Ordinance No. 7,522–N.S. as written in Supplemental Reports Packet #1, and amended to add a new paragraph to Section 23D.08.005 as written below. Second reading scheduled for February 14, 2017.

*23D.08.005.A.5.*

*Only one accessory building per parcel may be rented as a short-term rental.*

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Action Calendar – Old Business

43. **General Fund Reserve Policy** *(Continued from December 13, 2016. Item contains revised and supplemental materials.)*

**From: City Manager**

**Recommendation:** Adopt a Resolution to amend the General Fund Reserve Policy. The purpose of the policy is to establish a minimal general fund reserve level, designate specific portions of the reserve for stabilization and catastrophic purposes, and define the use, funding and replenishment guidelines of the funds.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:40 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Worthington) to suspend the rules and extend the meeting to 11:50 p.m.

**Vote:** Ayes – Maio, Davila, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain - Bartlett.

**Action:** 2 speakers. M/S/C (Hahn/Worthington) to adopt Resolution No. 67,821–N.S. with Exhibit A as written in Supplemental Reports Packet #1 and amended as follows:

- Change the term for reaching the 30% target from 15 years to 10 years.
- Correct an error in the Methodology section to state 30% instead of 20%.
- Change the vote threshold for approving allocations of reserve funds (not excess equity) from majority to two-thirds.
- Plan to revisit the criteria at a future date.

**Vote:** All Ayes.

44. **Amend the General Fund Reserve Policy Utilizing a Gradual Step-Based Pathway to Increase the General Fund Reserve Policy** *(Continued from December 13, 2016. Item contains revised material.)*

**From: Councilmember Worthington**

**Recommendation:** That the Council amend the General Fund Reserve Policy by utilizing a gradual step-based pathway to increase it incrementally, as well as providing a substantial increase in the short-term.

**Financial Implications:** See report

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

**Action:** See action on Item 43.

45. **Referral Response: Establishment of Affordable Housing Small Sites Program** *(Continued from December 13, 2016)*

**From: City Manager**

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

**Action:** Item held over to February 14, 2017.

## Action Calendar – Old Business

46. **Contract No. 10088 Amendment: Executive Diversity Services, Inc. for Professional Consulting Services** (*Continued from December 13, 2016*)  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10088 with Executive Diversity Services, Inc. to provide diversity and inclusion training services to City employees by increasing the expenditure authorization by \$285,000 for a total not to exceed \$483,000.  
**Financial Implications:** Employee Training Fund - \$285,000  
Contact: Sarah Reynoso, Human Resources, 981-6800  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 67,822–N.S.
47. **Referral Response: Planning Commission Response to Council Referral to Allow Medical Office Use in the Mixed Use-Light Industrial District** (*Continued from December 13, 2016*)  
**From: City Manager**  
**Recommendation:**  
1. Affirm the Planning Commission’s recommendation to not allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI);  
--OR--  
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapters 23E.80 and 23F.04 to allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI).  
**Financial Implications:** Unknown  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Moved to Consent Calendar. Adopted recommendation #1.

## Action Calendar – New Business

- 48a. **Change Template for City Consent or Action Calendar Items to Include Access and Universal Design Considerations**  
**From: Commission on Disability**  
**Recommendation:** Recommend that the submission template for City of Berkeley Council Consent and Action items include accessibility as a consideration for all items submitted.  
**Financial Implications:** Staff time  
Contact: Kenneth Emeziem, Acting Commission Secretary, 981-6300

## Action Calendar – New Business

**48b. Companion Report: Change Template for City Consent or Action Calendar Items to Include Access and Universal Design Considerations**

**From: City Manager**

**Recommendation:** Take no action in support of the recommendation made in the Commission on Disability's report entitled "Change Template for City Consent or Action Calendar Items to include Access and Universal Design Considerations." The recommendation suggests adding a Section to the City Council Consent and Action Staff Report Templates entitled "Impact on Accessibility for Persons with Disabilities and Others."

**Financial Implications:** Unknown

Contact: Phil Harrington, Public Works, 981-6300

**Action:** 2 speakers. M/S/C (Maio/Wengraf) to direct the City Manager to have staff work with the commission to identify for the Council items that are of special concern related to accessibility.

**Vote:** All Ayes.

**49a. Support for Oregon Park Senior Apartments**

**From: Housing Advisory Commission**

**Recommendation:** Direct staff to work with Oregon Park Senior Apartments to undertake a physical needs assessment and to consider assistance with financing to address any issues identified in the physical needs assessment, and to hold the fines in abeyance in the interim.

**Financial Implications:** None

Contact: Amy Davidson, Commission Secretary, 981-5400

**49b. Companion Report: Support for Oregon Park Senior Apartments**

**From: City Manager**

**Recommendation:** Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources.

**Financial Implications:** See report

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

**Action:** Items 49.a. and 49.b. held over to February 28, 2017.

## Information Reports

**50. Housing Accountability Act**

**From: City Manager**

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** Moved to Action Calendar. M/S/C (Arreguin/Davila) to hold the item over to February 28, 2017.

**Vote:** All Ayes.

## Information Reports

**51. Referral Response: Steamworks**

**From: City Manager**

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

**Action:** Moved to Action Calendar. M/S/C (Davila/Worthington) to hold the item over to March 14, 2017.

**Vote:** Maio, Davila, Bartlett, Hahn, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Councilmember Wengraf absent 8:42 p.m. – 8:51 p.m.

**52. Berkeley Economic Dashboards, December 2016 Update**

**From: City Manager**

Contact: Jordan Klein, Economic Development, 981-7530

**Action:** Received and filed.

**53. Status Report: Performance Audit of the Payroll Audit Division**

**From: Auditor**

Contact: Ann-Marie Hogan, Auditor, 981-6750

**Action:** Received and filed.

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

### Adjournment in memory of:

**Action:** M/S/C (Maio/Arreguin) to adjourn the meeting in memory of:

1. Huston Smith, UC Berkeley Professor
2. Daschel Butler, Former Berkeley Police Chief
3. Emilie Inman, Teacher
4. Alan Strauss, Local Activist
5. Laura Jadwin, Recent Homeless Fatality
6. Recent Homeless Fatality, Identity Unknown

**Vote:** All Ayes.

Adjourned at 11:41 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 24, 2017 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### Item 3: Emergency Measures to Address Homeless Crisis



1. Dorothea Dorenz
2. Eric Friedman
3. Gay Scott
4. James Wood (2)
5. Betsy Bigelow-Teller
6. Vicki Sommer
7. Mike Lee
8. Michael Stevens (3)
9. Viktor Salitrennik and Andrea Young
10. Sheila Goldmacher
11. Diana Bohn
12. Genevieve Wilson
13. Marcello Barbero (2)
14. Nova Blazej/Sophie Hahn
15. Anna Bellomo
16. Jack Bautista (2)
17. Joshua Bloom/Sophie Hahn
18. Joann Sullivan
19. Kyle Kloss (2)
20. Robert Lauriston
21. Emma Johnson-Weiss
22. Marguerite Conrad
23. Evan McDonald
24. Margy Wilkinson
25. Ethan Kanat
26. Phyllis Fox
27. Kathryn Horsley
28. Heather Hensley/Susan Wengraf
29. Dana Johnson
30. Sallie Hanna-Rhyne
31. Katharine Bierce
32. Carole Pertofsky
33. Helen Walker
34. Richard Roos-Collins
35. Alix Gade
36. Jon Rosso
37. Peter Levitt
38. Tree Fitzpatrick

**Item 7: Mental Health Services Act (MHSA) Fiscal Years (FY) 2016 - 2017 Annual Update**

39. Eric Friedman

**Item 35: Referral to City Manager: "Step Up Housing" Initiative - Micro-Units to House Homeless and Very Low-Income People**

40. Carol Denney

**Item 40: ZAB Appeal: 2597 Telegraph Avenue**

## **Communications**

- 41. Telegraph Business Improvement District
- 42. Aran Kaufer

### **Crude by Rail Activities**

- 43. Michael Brune, on behalf of the Sierra Club

### **Election Comments**

- 44. Joel Mark

### **Broken Windows on 4<sup>th</sup> Street**

- 45. William Tomaszewski

### **Tuolumne Camp Support**

- 46. Richard Thomason
- 47. Bill Rentz
- 48. Allan Sindelar
- 49. Elizabeth Powell
- 50. Carol Hart

### **Public Record Act Request**

- 51. Eric Friedman

### **Accident at San Pablo Avenue/Blake Street**

- 52. Maggie Hopkins
- 53. Cynthia Hallett/Cheryl Davila
- 54. Joseph Cadiz/Tamlyn Bright
- 55. Liz Williams
- 56. Lyan Pernala
- 57. Heidi Wohlwend
- 58. Holly Callahan
- 59. Bronson Frick
- 60. Rebecca Milliken
- 61. Carrie Bennett

### **Berkeley Art Center**

- 62. Paul & Helen Canin
- 63. Melinda diSessa
- 64. Christine Meuris
- 65. Elizabeth Sher
- 66. Susan Jokelson
- 67. Sally Goldstein
- 68. Joanna Foley
- 69. Sally Donnell

### **Standard of Proof**

- 70. Police Review Commission

### **Shooting**

- 71. Francie Maguire

### **Berkeley Bike Plan**

- 72. Preston Jordan, on behalf of Albany Strollers & Rollers

## Communications

### Parking Permits

73. Madeline Lamperti

### Berkeley Animal Rights Center

74. Wayne Hsiung

### Drilling Wastewater/Livermore Aquifer

75. Kelly Hammargren

### Notice of Intent to File Suit/2750 Dwight Way

76. Theresa Rettinghouse

### 1900 Fourth Street Project Notification

77. Kathleen McLean

## Supplemental Communications and Reports 1

### Item 3: Emergency Measures to Address Homeless Crisis

78. 16 petitions, submitted by Therese Fitzpatrick, Jai Noire, Elisa, S.E. Whitney, Less Eustres, Sheila Jordan, Jane Stillwater, Linda Olivenbaum, Yuri Gottesman, John Van Eyck, Julia Cato, Phil Allen, Joseph Holmes, Daniel Borgstrom, David Ramin, Olivia deBree

79. Katharine Bierce

80. Elisa Cooper

81. Kamran Ghanbari

82. Margy Wilkinson

### Item 34: Budget Referral: "Berkeley Inclusion in Opportunity Index" - Request Availability Study for Affirmative Action in City Contracting

83. Revised materials, submitted by Councilmember Bartlett

### Item 35: Referral to City Manager: "Step Up Housing" Initiative - Micro-Units to House Homeless and Very Low-Income People

84. Revised materials, submitted by Councilmember Bartlett

### Item 41b: Short-Term Rental Regulations Ordinance, Amending BMC 23C.22 and Amending Titles 23D and 23E

85. Revised materials, submitted by Councilmember Hahn

### Item 42: Modify the Zoning Ordinance, Amending Accessory Buildings and Structures, BMC Chapter 23D.08, and Adding a Definition of Kitchen to Definitions, BMC Section 23F.04.010

86. Revised materials, submitted by Councilmember Hahn

### Item 43: General Fund Reserve Policy

87. Revised materials, submitted by Mayor Arreguin and Councilmember Hahn

## Supplemental Communications and Reports 2

### Item 3: Emergency Measures to Address Homeless Crisis

88. Revised materials, submitted by Mayor Arreguin

89. JP Massar

**Item 29: Socially Responsible Banking Services for the City of Berkeley**

90. Karen Rusiniak, on behalf of the Transition Berkeley Steering Committee

**Item 34: Budget Referral: “Berkeley Inclusion in Opportunity Index” - Request Availability Study for Affirmative Action in City Contracting**

91. Revised materials, submitted by Councilmember Bartlett

92. Margy Wilkinson

**Item 35: Referral to City Manager: “Step Up Housing” Initiative - Micro-Units to House Homeless and Very Low-Income People**

93. Supplemental materials, submitted by Councilmember Hahn

94. Thomas Lord

95. David Mayer

96. Patricia Motzkin

**Item 41b: Short-Term Rental Regulations Ordinance, Amending BMC 23C.22 and Amending Titles 23D and 23E**

97. Revised materials, submitted by Mayor Arreguin

98. Rob Wrenn

99. Rent Stabilization Board

100. Matthew Lewis

**Item 43: General Fund Reserve Policy**

101. Brad Smith

**Item 49: Support for Oregon Park Senior Apartments**

102. Marian Wolfe

**Supplemental Communications and Reports 3**

**Item 3: Emergency Measures to Address Homeless Crisis**

103. Kelly Hammargren

**Item 23: Berkeley Family Friendly and Environment Friendly Workplace Ordinance; Adding BMC Chapter 13.101**

104. Heather Branstetter

**Item 35: Referral to City Manager: “Step Up Housing” Initiative - Micro-Units to House Homeless and Very Low-Income People**

105. Daniel McMullan

**Item 41a: Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending BMC Titles 23D and 23E**

**Item 41b: Short-Term Rental Regulations Ordinance, Amending BMC 23C.22 and Amending Titles 23D and 23E**

106. Catherine Lazio

**Item 43: General Fund Reserve Policy**

107. Presentation, submitted by City Manager’s Office

108. Barbara Gilbert

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, January 31, 2017**

**5:30 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 5:33 p.m.

**Present:** Councilmembers Bartlett, Davila, Droste, Maio, Worthington and Mayor Arreguin.

**Absent:** Councilmembers Hahn and Wengraf.

Councilmember Hahn present at 5:34 p.m. Councilmember Wengraf present at 5:35 p.m.

**Worksession**

**1. Update on the Berkeley Strategic Planning Process**

**From:** City Manager

Contact: Timothy Burroughs, City Manager’s Office, 981-7000

**Action:** Presentation made and discussion held.

**Public Comment - Items on this agenda only - 1 speakers.**

**Adjournment**

**Action:** M/S/C (Maio/Wengraf) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 6:17 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of January 31, 2017.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item 1: Update on the Berkeley Strategic Planning Process**

1. Presentation, submitted by City Manager's Office

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 31, 2017**  
**7:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 7:00 p.m.

**Present:** Councilmembers Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Mayor Arreguin.

**Absent:** None.

**Ceremonial Matters:**

1. Adjourn in Memory of Roger Hanna Morash and Valerie Morash, Local Residents

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 4

**Public Comment on Consent Calendar and Information Items Only:** 2 speakers.

**Consent Calendar**

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

**Vote:** All Ayes.

## Consent Calendar

**1. Contract Amendments: Winter Shelter and Extended Warming Center Activities From: City Manager**

**Recommendation:** Adopt four Resolutions:

1. Authorizing the City Manager to execute an amendment to Contract No. 10000B with Dorothy Day House to add \$30,000 to expand the existing Berkeley Emergency Storm Shelter (BESS) and operate a nightly winter shelter at two locations for up to 81 nights through February 28, 2017 for a total contract amount not to exceed \$192,648; and
2. Should Council approve an extension of the BESS to continue to operate through April 15, 2017, add an additional \$50,000 for an additional 46 nights at two locations, for a total contract amount not to exceed \$242,648; and
3. Authorizing the City Manager to execute an amendment to Contract No. 10030B with Building Opportunities for Self-Sufficiency (BOSS) to add \$4,200 to provide additional warming center hours at 1931 Center Street and 2140 Dwight Way for a total contract amount not to exceed \$731,536; and
4. Authorizing the City Manager to execute an amendment to Contract No. 9990B with Berkeley Food and Housing Project (BFHP) to add \$5,000 to add additional warming center hours at 1931 Center Street for a total contract amount not to exceed \$3,457,258; and
5. Authorizing the City Manager to execute an amendment to Contract No. 9982A with the Alameda County Network of Mental Health Clients for the Berkeley Drop-in Center (BDIC) to add \$4,840 to add additional warming center hours at 3234 Adeline Street for a total contract amount not to exceed \$184,474.

**Financial Implications:** See report

Paul Buddenhagen, Housing and Community Services, 981-5400

**Action:** Adopted Resolution No. 67,823–N.S. (Dorothy Day); Resolution No. 67,824–N.S. (BOSS) revised to state the correct dollar amount of \$4,200 in the resolved clause; Resolution No. 67,825–N.S. (BFHP); Resolution No. 67,826–N.S. (AC Network)

**2. Contract: 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 a contract with Recology Blossom Valley Organics – North for hauling and processing compostable materials, in an amount not to exceed \$13,061,930 for the five year period March 1, 2016 to March 1, 2021.

**Financial Implications:** Zero Waste Fund - \$13,061,930

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 67,827–N.S.



## Council Consent Items

### 3. **Opposing the Repeal of the Affordable Care Act**

**From: Mayor Arreguin and Councilmember Hahn**

**Recommendation:** Adopt a Resolution opposing the repeal or roll back of the Affordable Care Act. Send a copy of the Resolution to President Donald Trump, U.S. Senators Dianne Feinstein and Kamala Harris, and Congresswoman Barbara Lee.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Councilmembers Droste and Davila added as co-sponsor. Adopted Resolution No. 67,828–N.S.

### 4. **Public Process for Implementation of Measure T1**

**From: Mayor Arreguin**

**Recommendation:** Direct the City Manager to establish a delineated and robust public process for the implementation of Measure T1 that would include two (2) Lead Commissions (Public Works and Parks), affected commissions, and the public based on the following guidelines: 1. A minimum of three joint meetings for the general public and participating commissions to provide input on criteria and projects. Public meetings should be held in workshop format, to allow citizens to engage with commissions and staff to provide input on criteria and project priorities. Staff and commissions will engage in robust public outreach, including online forums to gather comments from residents. 2. An agreement from all participants of project ranking criteria that would include, but not be limited to: complexity (“shovel ready” to master plan), safety, environmental impact, equity in outcomes and impact across all city neighborhoods, cost/matching fund/grant availability, and resiliency. 3. A program-based development approach to maximize the benefit of phasing larger projects or multiple project implementation. 4. Opportunity to review staff recommendations and suggest modifications based on matching criteria and public input. 5. Development of a long-term plan for projects that will extend beyond the funding capacity of T1, including possible future funding mechanisms. 6. An ongoing oversight and reporting process including timelines for financial reassessment.

The proposed public process would supplement the City Manager’s proposed timeline for implementation of Measure T1.

**Financial Implications:** Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Moved to Action Calendar. 1 speaker. M/S/C (Worthington/Wengraf) to approve the recommendation as revised in Supplemental Reports Packet #1.

**Vote:** All Ayes.

## Council Consent Items

- 5. City Maintained Below Market Rate Units (BMR) Online Resource**  
**From: Councilmembers Maio, Hahn, and Mayor Arreguin**  
**Recommendation:** Establish a City maintained online resource that would provide a brief overview of the history and purpose of Below Market Rate (BMR) units, a current list of all buildings that contain BMR units and the characteristics of the units, the % of median income qualification levels for the units, the HUD published income guidelines for % of median and family size, the property owner, rental agent, and/or management company contact information, and other relevant information that would be helpful to potential renters of BMR units. The City shall update the information as more units become available, and quarterly, to ensure that information is current.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Councilmember Droste added as a co-sponsor. Approved recommendation.
- 6. Berkeley Partners for Parks to the Friends of the Rose Garden: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Susan Wengraf, to the Berkeley Partners for Parks with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Susan Wengraf and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$250  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Adopted Resolution No. 67,829–N.S.
- 7. Supporting HR 5 and SR 9 in Support of Planned Parenthood**  
**From: Councilmembers Wengraf, Maio, and Hahn**  
**Recommendation:** Adopt a Resolution in support of HR 5 (Burke & Garcia) and SR 9 (Jackson) and send a letter of support to the California Assembly and Senate members.  
**Financial Implications:** Minimal  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 67,830–N.S.

## Action Calendar – Public Hearings

### 8. Public Hearing on 2702, 2704, and 2706 Shasta Road

**From: City Manager**

**Recommendation:** Conduct a public hearing on the Zoning Adjustments Board decisions for 2702, 2704, and 2706 Shasta Road.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 15 speakers. M/S/C (Droste/Maio) to close the public hearing.

**Vote:** All Ayes.

#### a. ZAB Appeal: 2702 Shasta Road

**From: City Manager**

**Recommendation:** Upon conclusion of the agendized public hearing, adopt a Resolution approving Use Permit No. ZP2016-0022 to construct a new, approximately 3,136 square-foot, three-story, single-family dwelling with a 264 square-foot attached garage and an average building height of 23 feet on an existing 7,656 square foot, vacant parcel, and to reduce the rear yard setback from 20 feet to seven feet, and dismiss the appeal.

**Financial Implications:** None

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

**Action:** M/S/C (Maio/Droste) to adopt Resolution No. 67,831–N.S. approving Use Permit No. ZP2016-0022 to construct a new, approximately 3,136 square-foot, three-story, single-family dwelling with a 264 square-foot attached garage and an average building height of 23 feet on an existing 7,656 square foot, vacant parcel, and to reduce the rear yard setback from 20 feet to seven feet, and dismiss the appeal.

**Vote:** All Ayes.

#### b. ZAB Appeal: 2704 Shasta Road

**From: City Manager**

**Recommendation:** Upon conclusion of the agendized public hearing, adopt a Resolution approving Use Permit No. ZP2016-0023 to construct a new, approximately 2,840 square-foot, three-story, single-family residence with a 600 square-foot attached garage and an average building height of 28 feet on an existing vacant parcel, and to reduce the rear yard setback from 20 feet to 11.5 feet, and dismiss the appeal.

**Financial Implications:** None

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

**Action:** M/S/C (Maio/Droste) to adopt Resolution No. 67,832–N.S. approving Use Permit No. ZP2016-0023 to construct a new, approximately 2,840 square-foot, three-story, single-family residence with a 600 square-foot attached garage and an average building height of 28 feet on an existing vacant parcel, and to reduce the rear yard setback from 20 feet to 11.5 feet, and dismiss the appeal.

**Vote:** Ayes – Maio, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Davila.

## Action Calendar – Public Hearings

### 8c. ZAB Appeal: 2706 Shasta Road

**From:** City Manager

**Recommendation:** Upon conclusion of the agendized public hearing, adopt a Resolution approving Use Permit No. ZP2016-0024 to construct a new, approximately 2,720 square-foot, three-story, single-family residence with a 300 square-foot attached garage and an average building height of 28 feet on an existing vacant parcel, and to reduce the rear yard setback from 20 feet to 8.5 feet, and dismiss the appeal.

**Financial Implications:** None

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

**Action:** M/S/C (Maio/Droste) to adopt Resolution No. 67,833–N.S. approving Use Permit No. ZP2016-0024 to construct a new, approximately 2,720 square-foot, three-story, single-family residence with a 300 square-foot attached garage and an average building height of 28 feet on an existing vacant parcel, and to reduce the rear yard setback from 20 feet to 8.5 feet, and dismiss the appeal.

**Vote:** Ayes – Maio, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Davila.

### 9. Extend Residential Preferential Parking Program on Sections of Harper Street, Allston Street, Grant Street, and Claremont Avenue

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Sections 25M, 25C, and 25L by adding subsections to extend the Residential Preferential Parking Program on four city blocks.

**Financial Implications:** General Fund - \$2,079

Contact: Phillip Harrington, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. 4 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Bartlett/Droste) to adopt Resolution No. 67,834–N.S. as revised in Supplemental Reports Packet #1.

**Vote:** All Ayes.

## Action Calendar – New Business

### 10a. Medical Cannabis Ordinance Revisions and Cultivation Application Process From: Medical Cannabis Commission

**Recommendation:**

1. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.25: Medical Cannabis Cultivation;
2. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.23: Medical Cannabis General Regulations, including MCC recommendations (Alternative A);
3. Adopt first reading of an Ordinance amending BMC Section 12.26.030: Patients Access to Medical Cannabis Act of 2008, Definitions;
4. Adopt first reading of an Ordinance amending the BMC by amending BMC Chapter 12.27: Medical Cannabis Dispensaries and Collectives; and
5. Affirm, deny or revise the Medical Cannabis Commission's recommendation regarding a selection process.

**Financial Implications:** See report

Contact: Elizabeth Greene, Commission Secretary, 981-7400

### 10b. Medical Cannabis Ordinance Revisions and Cultivation Application Process From: City Manager

**Recommendation:**

1. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.25: Medical Cannabis Cultivation;
2. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.23: Medical Cannabis General Regulations, including staff recommendations (Alternative B);
3. Adopt first reading of an Ordinance amending BMC Section 12.26.030: Patients Access to Medical Cannabis Act of 2008, Definitions;
4. Adopt first reading of an Ordinance amending the BMC by amending BMC Chapter 12.27: Medical Cannabis Dispensaries and Collectives; and
5. Revise the Medical Cannabis Commission's recommendation regarding a selection process.

**Financial Implications:** See report

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

**Action:** 4 speakers. M/S/C (Worthington/Droste) to:

1. Adopt first reading of Ordinance No. 7,529–N.S. Second reading scheduled for February 14, 2017.
2. Adopt first reading of Ordinance No. 7,530–N.S. amended to include the recommendation from the Medical Cannabis Commission for Section 12.23.030.F.4. and the recommendation from the City Manager for Section 12.23.020.K. Second reading scheduled for February 14, 2017.
3. Adopt first reading of Ordinance No. 7,531–N.S. Second reading scheduled for February 14, 2017.
4. Adopt first reading of Ordinance No. 7,532–N.S. Second reading scheduled for February 14, 2017.

## Action Calendar – New Business

5. Amend each ordinance listed above to include language that the ordinance will not be effective until a Zoning Ordinance is in effect to limit cultivation sites to six locations.

6. Request that the Planning Commission consider the six location limit on an expedited basis and the use a first-come/first served application process.

7. Request that the City Manager provide an information report to Council with analysis of the questions presented by Councilmember Hahn.

**Vote:** Ayes – Maio, Davila, Bartlett, Worthington, Droste, Arreguin; Noes – Hahn; Abstain – None; Absent – Wengraf.

Councilmember Wengraf absent 9:21 p.m. – 10:15 p.m.

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

### Adjournment

**Action:** M/S/C (Maio/Worthington) to adjourn the meeting.

**Vote:** Ayes – Maio, Davila, Bartlett, Hahn, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Adjourned at 10:15 p.m. in memory of Roger Hanna Morash and Valerie Morash, Berkeley Residents

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 31, 2017 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### Item 8: Public Hearing on 2702, 2704, and 2706 Shasta Road

1. David & Diane WeberShapiro (2)
2. Alissa McLean (3)

### Amendment to Leafblower Ordinance

3. Carol Denney

### Accessibility at North Branch Library

4. Barbara Gilbert
5. Thuyen Nguyen
6. Leona Rubinoff

### Air Pollution

7. Charlene Woodcock

### Berkeley Post Office

8. Unknown

## **Supplemental Communications and Reports 1**

### **Item 4: Public Process for Implementation of Measure T1**

9. Revised materials, submitted by Mayor Arreguin

### **Item 8: Public Hearing on 2702, 2704, and 2706 Shasta Road**

10. Elaine Chan

11. Paul Newacheck

12. Susan Nunes

13. Ira Lapidus & Brenda Webster

### **Item 9: Extend Residential Preferential Parking Program on Sections of Harper Street, Allston Street, Grant Street, and Claremont Avenue**

14. Revised materials, submitted by Public Works

15. Enythe Green

16. Dennis & Vivien Tuma

## **Supplemental Communications and Reports 2**

### **Item 4: Public Process for Implementation of Measure T1**

17. Olga Bolotina, on behalf of the Sierra Club

### **Item 8: Public Hearing on 2702, 2704, and 2706 Shasta Road**

18. Judith Bloom

19. Shirley Dean

20. Dan McDunn

### **Item 9: Extend Residential Preferential Parking Program on Sections of Harper Street, Allston Street, Grant Street, and Claremont Avenue**

21. Lisa Caplan

22. Austin Hastings

23. Donald Oppenheim

### **Item 10: Medical Cannabis Ordinance Revisions and Cultivation Application Process**

24. Matthew Witemyre, on behalf of Solidarity Nursery Cooperative

## **Supplemental Communications and Reports 3**

### **Item 8: Public Hearing on 2702, 2704, and 2706 Shasta Road**

25. Presentation, submitted by Planning & Development Department

26. Matthew Wadlund

27. Dan & Shirley Dean

28. Shasta Neighbors Against the Shasta Road Projects

### **Item 10b: Medical Cannabis Ordinance Revisions and Cultivation Application Process**

29. Presentation, submitted by Planning & Development Department

### **Election Commentary**

30. Unknown

### **Redwood Gardens/HUD Article**

31. Wendy Knox Carr

