

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, March 14, 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: 7:19 p.m.

Present: Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin

Absent: None

Ceremonial Matters:

1. Recognition of Dr. Marian Diamond, Professor Emerita, University of California, Berkeley

City Manager Comments:

1. Berkeley Emergency Prep Fair, LeConte Elementary School, 10:00 a.m. – 2:00 p.m., Saturday, March 18, 2017
2. Community Meeting on T1 Bond Program, Frances Albrier Community Center, 10:00 a.m. – 12:00 p.m., Saturday, March 18, 2017
3. Community Meeting on T1 Bond Program, Live Oak Community Center, 12:00 p.m. - 3:00 p.m., Saturday, March 25, 2017

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 15 speakers.

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

- 1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 14, 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: Various Funds - \$1,675,773
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 2. Classification and Salary: Waterfront Supervisor and Side Letter of Agreement, Public Employees Union – Local One**
From: City Manager
Recommendation: Adopt two Resolutions: 1. Amending Resolution No. 67,484-N.S., Classification and Salary Resolution for Public Employees Union – Local One, to establish the classification of Waterfront Supervisor with a monthly salary range of \$7,507 - \$9,218 effective March 14, 2017; and 2. Authorizing the City Manager to execute and implement a Side Letter of Agreement with Public Employees Union – Local One to modify Section 20.1 of the Memorandum of Understanding regarding classifications eligible for an annual salary shoe allowance of \$200 by adding Waterfront Supervisor.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 67,853–N.S. (Classification and Salary); and Resolution No. 67,854–N.S. (Side Letter)
- 3. Contract: Tyler Technologies for New World Computer Aided Dispatch (CAD) and Fire Records Management System (RMS)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new contract and any amendments with Tyler Technologies for New World's CAD and RMS modules for three years from March 15, 2017 to June 30, 2020 in an amount not-to-exceed \$1,164,210.
Financial Implications: Various Funds - \$1,164,210
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 67,855–N.S.

Consent Calendar

- 4. Contract: GHD, Inc. for Berkeley Municipal Pier Structural Condition Assessment & Ferry Transportation Feasibility Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with GHD, Inc. in an amount not to exceed \$236,000 for professional consultant services.
Financial Implications: Marina Operations/Maint Fund - \$236,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 67,856–N.S.
- 5. Contract: Western Tree Removal Specialists for Emergency Work at Berkeley Cazadero Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Western Tree Removal Specialists for emergency tree removal services at Berkeley Cazadero Camp in an amount not to exceed \$109,341.
Financial Implications: General Fund - \$109,341
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 67,857–N.S.
- 6. Amending Contract No. 10217 with TranSystems, Inc. for Design Revisions and Construction Support Services for the South Cove Parking Lot and Restroom Project and the Accessible Gangway Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract amendment for Contract No. 10217 with TranSystems, Inc. adding \$63,000 for design revisions and construction support services for the South Cove Parking Lot and Restroom Project and the Accessible Gangway Project for a total contract amount not to exceed \$350,596.
Financial Implications: One-Time Grant: No Capital Expenditures - \$63,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 67,858–N.S.

Consent Calendar

- 7. Contract: Redgwick Construction for Tunnel Road Access Improvements and Ashby/Telegraph Intersection Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Tunnel Road Access Improvements and Ashby/Telegraph Intersection Improvements Project; accepting the bid of Redgwick Construction Company as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$951,649.
Financial Implications: CalTrans Fund - \$951,649
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,859–N.S.
- 8. Purchase Order: National Auto Fleet Group for Seven 25-Yard Heavy Duty Rear Loading Refuse Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in National Joint Powers Alliance contract bid procedures, and authorizing the City Manager to execute a purchase order for seven 25-yard heavy-duty rear loading refuse trucks with National Auto Fleet Group in an amount not to exceed \$2,195,600.
Financial Implications: Equipment Replacement Fund - \$2,195,600
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,860–N.S.
- 9. Filling Vacancies Among the Elected Representatives for the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointment of Mr. Daniel McMullan (District 2), as an elected representative for the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 18, 2017 meeting, and that his term expires November 21, 2018.
Financial Implications: None
Contact: Wing Wong, Commission Secretary, 981-5400
Action: Adopted Resolution No. 67,861–N.S.
- 10. Audit Report: Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better**
From: Auditor
Recommendation: Request the City Manager report back by September 12, 2017, and every six months thereafter, regarding actions to strengthen Berkeley's ethical climate until recommendations are fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Approved recommendation.

Council Consent Items

- 11. Amending BMC Chapter 12.96: Regulating Changes to Health Care Facilities From: Mayor Arreguin, and Councilmembers Droste, Hahn, and Worthington**
Recommendation: Adopt a first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.96 to ensure appropriate notice is delivered and posted and public hearings are conducted prior to the closing of a hospital, clinic or out-patient facility that serves the City of Berkeley.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted first reading of Ordinance No. 7,535–N.S. Second reading scheduled for March 28, 2017.
- 12. Approving City Co-sponsorship of the Persian New Year Festival From: Mayor Arreguin and Councilmember Hahn**
Recommendation: Adopt a Resolution approving city co-sponsorship of the Persian New Year Festival which will take place on Tuesday, March 14, 2017.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 67,862–N.S.
- 13. Support SB 3, the Affordable Housing Bond Act of 2018 From: Mayor Arreguin and Councilmember Hahn**
Recommendation: Adopt a Resolution in support of SB 3, the Affordable Housing Bond Act of 2018, introduced by State Senator Jim Beall. Send a copy of the resolution to Assemblymember Tony Thurmond, State Senators Nancy Skinner and Jim Beall, and Governor Jerry Brown.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmembers Droste and Davila added as co-sponsors. Adopted Resolution No. 67,863–N.S.
- 14. Support of SB 687 – Attorney General Authority on Hospital Closures From: Mayor Arreguin and Councilmember Hahn**
Recommendation: Adopt a Resolution in support of SB 687, authored by State Senator Nancy Skinner, which will give the Attorney General of California the authority to oversee and consent to the sale/closure of non-profit hospitals. Send a copy of the Resolution to Assemblymember Tony Thurmond, State Senator Nancy Skinner, and Governor Jerry Brown.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmembers Droste and Davila added as co-sponsors. Item held over to April 4, 2017.

Council Consent Items

- 15. Support of SB 300 (Monning): The Health Warning Label on Sugar-Sweetened Beverages Act**
From: Councilmember Maio, Mayor Arreguin, and Councilmember Hahn
Recommendation: Adopt a Resolution expressing the City of Berkeley's support of SB 300 (Monning): The Health Warning Label on Sugar-Sweetened Beverages Act.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Councilmember Droste added as a co-sponsor. Adopted Resolution No. 67,864–N.S.
- 16. Denouncing Presidential Executive Order to Build a Border Wall and Urging the City of Berkeley to Divest from Companies Supporting or Participating in the Construction of a Border Wall**
From: Councilmember Bartlett and Mayor Arreguin
Recommendation: Adopt a Resolution denouncing the presidential executive order to build a wall along the U.S.-Mexico border and recommend that the City of Berkeley divest from any companies involved in the construction of a border wall.
Financial Implications: Minimal
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmember Droste added as a co-sponsor. Adopted Resolution No. 67,865–N.S. as revised in Supplemental Reports Packet #2.
- 17. Supporting Senate Constitutional Amendment 3 - Establishing 55% Vote Threshold for Local Library Bond Construction Projects**
From: Councilmember Hahn
Recommendation: Support Senate Constitutional Amendment 3 (SCA 3), which lowers the vote threshold for the passage of local library construction bond projects from the current two-thirds local vote requirement to 55%, and send a letter of support to Senator Bill Dodd and each of the members of the State Senate Governance and Finance Committee before March 20, 2017.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 18. Support for SB-31 (Lara) California Religious Freedom Nondisclosure Act**
From: Councilmembers Wengraf and Hahn
Recommendation: Adopt a Resolution and send a letter in favor of SB 31 (Lara) urging our representatives to support this bill. Letter should be sent to State Senator Lara, State Senator Nancy Skinner, Assemblyman Tony Thurmond and Governor Brown.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmembers Droste and Davila added as co-sponsors. Adopted Resolution No. 67,866–N.S.

Council Consent Items

- 19. Support Assembly Bill 674**
From: Councilmembers Worthington and Hahn
Recommendation: Support Assembly Bill 674 which makes Election Day a holiday on the first Tuesday after the first Monday in November of each year in which a statewide or national election is held, send letters of support to both State Senator Nancy Skinner and Assemblymember Tony Thurmond.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmembers Droste and Davila added as co-sponsors. Approved recommendation.
- 20. Support Californians for A Healthy California Act (SB-562)**
From: Councilmembers Worthington and Hahn
Recommendation: Adopt a Resolution supporting SB-562 and write a letter to State Senator Nancy Skinner and Assembly Member Tony Thurmond urging them to vote Yes on this bill.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmembers Droste and Davila added as co-sponsors. Adopted Resolution No. 67,867–N.S.
- 21. Non-Citizen Voting in Berkeley Elections Refer to Peace and Justice Commission**
From: Councilmember Worthington
Recommendation: Refer to the Peace and Justice Commission to consider preparation of an amendment to the Berkeley City Charter to be presented to the voters in Berkeley that would allow a non-citizen resident the right to vote in Berkeley city elections.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmembers Davila and Bartlett added as co-sponsors. Approved recommendation.
- 22. Support Climate Reality Project Within the UC System**
From: Councilmember Worthington
Recommendation: Adopt a Resolution in which the Berkeley City Council encourages the UC Regents to support the Climate Reality Project within the UC System.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 67,868–N.S.

Council Consent Items

- 23. Potential Recreational Opportunities at Willard Park and Pool**
From: Councilmember Droste, Mayor Arreguin, and Councilmembers Worthington and Bartlett
Recommendation: Refer the issue of recreational opportunities in the vicinity of Willard Park to the City Manager, Parks and Waterfront Commission and the 2X2 Committee of the City Council and the Board of Education to determine the best course of action for increased recreational equity in South Berkeley, including but not limited to the re-opening of Willard Pool. Authorize staff to develop cost estimates for a minimal level of repairs to get Willard Pool operational.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Approved recommendation.
- 24. Referral to Consider Caregiver Parking in Residential Shared Parking Pilot**
From: Councilmembers Droste, Maio, Wengraf
Recommendation: Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Approved recommendation.

Action Calendar – Public Hearings

25. ZAB Appeal: 1441 Grizzly Peak Blvd

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving Use Permit No. ZP2015-0089 to construct a three-story, approximately 3,200-sq. ft., single-family residence with an average height of 25 ft. - 7 in. on a vacant, Hillside parcel at 1441 Grizzly Peak Boulevard, and to reduce the required front yard setback from a minimum of 20 ft. to 14 ft. - 1 in. due to steep topographic conditions at this property.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 5 speakers. M/S/C (Maio/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Droste) to adopt Resolution No. 67,869–N.S. approving Use Permit No. ZP2015-0089 to construct a three-story, approximately 3,200-sq. ft., single-family residence with an average height of 25 ft. - 7 in. on a vacant, Hillside parcel at 1441 Grizzly Peak Boulevard, and to reduce the required front yard setback from a minimum of 20 ft. to 14 ft. - 1 in. due to steep topographic conditions at this property.

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

Recess 9:07 p.m. – 9:19 p.m.

Action Calendar – Public Hearings

26. Agreements, with Other Law Enforcement Agencies, Police Departments or Private Security Organizations

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution approving agreements, understandings or policies existing or revised as of August 4, 2016 between the Berkeley Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations in order to maintain the current level of police resources and emergency services. Review attached Suspicious Activity Report and Mutual Aid requests/responses provided annually per City Council request.

Financial Implications: See report

Contact: Andrew Greenwood, Police, 981-5900

Public Testimony: The Mayor opened the public hearing. 35 speakers.

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

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

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

1. Adopt Resolution No. 67,870–N.S. approving agreements, understandings or policies existing or revised as of August 4, 2016 between the Berkeley Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations in order to maintain the current level of police resources and emergency services, and amended to remove the agreements with NCRIC and UASI.

2. Continue consideration of the agreements with NCRIC and UASI to April 25, 2017.

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

Councilmember Worthington absent 9:43 p.m. – 10:54 p.m.

Action Calendar – Old Business

27. Referral Response: Steamworks *(Continued from January 24, 2017)*

From: City Manager

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

Action: Moved to Consent Calendar. Received and filed.

28. Traffic Engineer Regulations for Objects on Sidewalks *(Continued from February 14, 2017)*

From: City Manager

Contact: Phillip Harrington, Public Works, 981-6300

Action: Item held over to April 4, 2017.

Action Calendar – Old Business

- 29. Establish a 90 Day Deadline to Either Collect Over \$641,000 Owed in Lien or to Bring Owner in Compliance with Agreement** *(Continued from February 14, 2017)*
From: Councilmember Worthington
Recommendation: Establish a 90 day deadline to require the owner of the lot on the corner of Haste Street and Telegraph to pay over \$641,000 owed to the City in lien or to bring the owner in compliance with the agreement to use the lot to provide affordable housing for the community, as well as a public restroom.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over with the revised material in Supplemental Reports Packet #2 to a future meeting date.
- 30. goBerkeley Parking Management Program - Recommended Adjustments for March 1, 2017 (Expansion Areas)** *(Continued from February 28, 2017)*
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Item removed from the agenda by the City Manager.
- 31a. Support for Oregon Park Senior Apartments** *(Continued from February 28, 2017)*
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
- 31b. Companion Report: Support for Oregon Park Senior Apartments** *(Continued from February 28, 2017)*
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:** Moved Item 31b to the Consent Calendar revised to add the following conditions:
1. Oregon Street Park Apartments will conduct a financial audit.
 2. Oregon Street Park Apartments will conduct a full assessment of the structure of the building and the facility needs.
 3. Oregon Street Park Apartments will hire a property manager to oversee the financials and the property.
 4. The City will commit to holding the fines in abeyance until such time that conditions 1-3 are completed.

Action Calendar – New Business

- 32. Public Meeting on Re-Establishment of the Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Conduct a public meeting on City Council's intention to renew the Berkeley Tourism Business Improvement District (BTBID) for 10 years starting July 1, 2017.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: 0 speakers. M/S/C (Wengraf/Maio) to approve proceeding with a public hearing on April 25, 2017 to renew the Berkeley Tourism Business Improvement District.
Vote: All Ayes.
- 33. Debt Management and Disclosure Policy**
From: City Manager
Recommendation: Adopt a Resolution approving the Debt Management and Disclosure Policy.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Moved to Consent Calendar. Adopted Resolution No. 67,871–N.S.

Action Calendar – New Business

34. **Modifications to the Accessory Dwelling Unit (ADU) Ordinance and Related, for Compliance with State Law; Amending BMC Chapters 23D.10 and 23F.04**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapters 23D.10 (Berkeley's ADU Ordinance) and 23F.04 (Definitions) in order to maintain compliance with California Code Section 65852.2 (State ADU law).

Financial Implications: None

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

Action: 1 speaker. M/S/C (Worthington/Hahn) to: accept revised material from the City Manager.

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

Action: M/S/C (Bartlett/Droste) to adopt first reading of Ordinance No. 7,536–N.S. as submitted in the revised material from the City Manager, and as revised to include the following Sub-Sections:

23D.10.040.A.3 Accessory Dwelling Units shall not be required to provide fire sprinklers, if they are not required for the primary residence, as specified in 65852.2(e).

23D.10.040.A.4 Accessory Dwelling Units shall not be considered new residential uses for the purposes of calculating utility connection fees or capacity charges.

a. An Accessory Dwelling Unit created within the footprint of or by addition to a single family residence

i. may not be required to install a new or separate utility connection between the Accessory Dwelling Unit and the utility, and

ii. may not be required to pay a related connection fee or a capacity charge.

b. A freestanding Accessory Dwelling Unit may be required to install a separate utility connection between it and the utility, and may be assessed a connection fee or usage charge. However, that fee or charge shall be proportionate to the burden it would create and shall not exceed the reasonable cost of providing that service.

Second reading scheduled for March 28, 2017.

Vote: All Ayes.

Action Calendar – New Business

35a. Recommendations to Promote Sidewalk Safety for People with Disabilities in Berkeley

From: Commission on Disability

Recommendation:

1. Increase the public signage in Berkeley instructing bicyclists that a) riding on sidewalks; b) using curb cuts to access sidewalks; and c) riding in crosswalks is illegal (per BMC section 14.68.130). Recommend that new signs include reference to a fine that will be enacted should they break that rule. (We would like to recommend that optional attendance at a bike safety class conducted by a local bike agency could waive the monetary fine.) These signs should be posted on blocks with high pedestrian traffic, including blocks with commercial business and also specifically at the site of any new city bike-share “stations”. “No bikes” stencils should be considered for all curb cuts to educate cyclists not to use those to access sidewalks.
2. Add signage to existing stop signs at certain dangerous intersections instructing bicyclists that “all bikes must stop.”
3. Work with stakeholders such as bicycle merchants, UC Berkeley, and any bicycle rental or bike-share programs to develop: a) posters about sidewalk safety that can be hung in their establishments; b) FAQs or instructional brochures given to all new bike owners outlining rights and illegal behavior; and c) forms for bike renters to sign indicating that they have read the City of Berkeley rules, understand what is legal and illegal in terms of bicycle behavior, and agree to comply.
4. Review current legislation to investigate whether new legislation should be enacted to further protect pedestrians.
5. Work with Berkeley law enforcement to ensure that pedestrian safety laws (such as BMC section 14.68.130) are enforced and that ticketing of individuals who endanger pedestrian safety are prioritized.

Financial Implications: See report

Contact: Kenneth Emeziem, Commission Secretary, 981-6300

Action Calendar – New Business

35b. Companion Report: Recommendations to Promote Sidewalk Safety for People with Disabilities in Berkeley

From: City Manager

Recommendation: The City Manager concurs with the intent of the Commission on Disability report entitled “Recommendations to Promote Sidewalk Safety for People with Disabilities in Berkeley,” that the City should continue to improve sidewalk safety and accessibility. The City Manager, however, advises a gradual approach to implement the process in three phases. Phase I would ask the Transportation Commission to analyze the scope of work and budgetary implications recommended in the Commission report. Further, this phase would require staff support to assess the recommendation’s consistency with the Berkeley Municipal Code (BMC) and State of California traffic regulations.

Following this evaluation, in partnership with the Berkeley Police Department (BPD) and other agencies and organizations (including local business associations), Phase II would seek to educate the public about the dangers of bicycle riding on sidewalks, and prioritize enforcement of existing BMC Sections related to bicycle riding, specifically BMC Section 14.68.130. Concurrent with this education and enforcement effort, the City should “opt-in” to the bicycle traffic ticket diversion program established by “Bicycle Traffic School Bill,” State Assembly Bill 902 (2015).

The City Manager suggests other recommendations be addressed in a third, ongoing phase wherein the City would install and maintain additional signs and markings to support expanded education and prioritized enforcement.

Financial Implications: Unknown

Contact: Phillip Harrington, Public Works, 981-6300

Action: Moved Item 35b to the Consent Calendar.

Council Action Items

36. Non-Voting UC Berkeley Student Representative to the Berkeley City Council

From: Mayor Arreguin and Councilmembers Wengraf and Droste

Recommendation: Adopt a Resolution to establish a non-voting UC Berkeley Student Representative to the Berkeley City Council, on a pilot basis for the period of March 28, 2017 to May 12, 2017. The Council shall evaluate whether to establish a permanent Student Representative at the conclusion of the pilot period. The Student Representative shall be filled by the Associated Students of the University of California (ASUC) External Affairs Vice President or their designee.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Item referred to the Agenda Committee for future scheduling.

Council Action Items

- 37. Tenant Protection Ordinance, Amending BMC Chapter 13.79**
From: Mayor Arreguin, and Councilmembers Worthington, Bartlett, and Davila
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.79 to prohibit tenant harassment.
Financial Implications: Unknown
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,537–N.S. as revised in Supplemental Reports Packet #2. Second reading scheduled for March 28, 2017.
- 38. Opposing Religious and Ethnic Registries, Participation in the Federal Executive Order of an Immigration Ban and Restricting the Use of City Resources to Support such Registries and Bans**
From: Councilmember Davila, Mayor Arreguin, and Councilmember Hahn
Recommendation: Adopt a Resolution disallowing the use of City of Berkeley resources to create or maintain registries or databases or in support of an immigration ban of individuals on the basis of religious affiliation, kinship, belief, or practice; national origin; or ethnicity.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Moved to Consent Calendar. Councilmember Bartlett added as co-sponsor. Adopted Resolution No. 67,872–N.S. as revised in Supplemental Reports Packet #1 and with further revisions to the second resolved clause to read as follows:
BE IT FURTHER RESOLVED that the City of Berkeley calls all city staff, departments, boards, elected officials, and individuals, organizations and communities living, working or operating in Berkeley to not comply with any executive order that the City Council votes to find the order infringes on civil liberties and human rights and act to assert a defense of the fundamental values of social justice, equity and mutual respect.

Information Reports

- 39. Banking Services with Wells Fargo Bank**
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Moved to Consent Calendar. Item held over to April 25, 2017.
- 40. Status Report – Leases Audit: Conflicting Directives Hinder Contract Oversight**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 2 speakers.

Adjournments in memory of:

Action: M/S/C (Davila/Hahn) to adjourn the meeting in memory of:

1. Bette Kroening, Local Restaurateur
2. Nicole Milner, Local Musician
3. Leslie Gordon, Berkeley Resident

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

Adjourned at 10:54 p.m.

Communications

Item 23: Potential Recreational Opportunities at Willard Park and Pool

1. David Lerman

Item 25: ZAB Appeal: 1441 Grizzly Peak Blvd

2. Pamela Sihvola
3. Tetsu Tokunaga and Jiamin Wan

Item 39: Banking Services with Wells Fargo Bank

4. Jack Kurzweil
5. Morpheus Ravenna

Library Concerns

6. Dorothea Dorenz

Free Speech

7. Robert & Jeanie Minor

Age Discrimination in Housing

8. Elisa Cooper

Cragmont Avenue Mudslide

9. Phoebe Sorgen

Sanctuary City

10. Diana Bohn

Street Paving

11. Dorothea Dorenz

Encampment Concerns

12. Rodolfo Olortegui
13. Adam Bredenberg

Support for Impeachment

14. Pamela Christian

1900 Fourth Street
15. Charlene Woodcock

Supplemental Communications and Reports 1

Item 25: ZAB Appeal: 1441 Grizzly Peak Blvd

16. Pamela Sihvola

Item 26: Agreements, with Other Law Enforcement Agencies, Police Departments or Private Security Organizations

17. Sheila Goldmacher

18. Cynthia Jean Johnson, on behalf of the Berkeley Unitarian Universalist Social Justice Committee

19. Chip Gibbons, on behalf of the Bill of Rights Defense Committee/Defending Dissent Foundation

20. SuperBOLD

Item 38: Opposing Religious and Ethnic Registries, Participation in the Federal Executive Order of an Immigration Ban and Restricting the Use of City Resources to Support such Registries and Bans

21. Revised materials, submitted by Councilmembers Davila, Barlett, Hahn, and Mayor Arreguin

22. Tony Hansen

Item 39: Banking Services with Wells Fargo Bank

23. Jessica Stanton

Supplemental Communications and Reports 2

Item 11: Amending BMC Chapter 12.96: Regulating Changes to Health Care Facilities

24. Wilson Wendt, on behalf of Alta Bates Summit Medical Center

Item 16: Denouncing Presidential Executive Order to Build a Border Wall and Urging the City of Berkeley to Divest from Companies Supporting or Participating in the Construction of a Border Wall

25. Revised materials, submitted by Councilmember Bartlett

Item 25: ZAB Appeal: 1441 Grizzly Peak Blvd

26. Catherine Roha

27. Bella Feldman

28. Jody Hinshaw

29. Pamela Sihvola

Item 26: Agreements, with Other Law Enforcement Agencies, Police Departments or Private Security Organizations

30. Police Review Commission

31. Sheila Goldmacher

32. SuperBOLD

33. James McFadden

34. JJ Noire

Item 29: Establish a 90 Day Deadline to Either Collect Over \$641,000 Owed in Lien or to Bring Owner in Compliance with Agreement

35. Revised materials, submitted by Councilmember Worthington

Item 34: Modifications to the Accessory Dwelling Unit (ADU) Ordinance and Related, for Compliance with State Law; Amending BMC Chapters 23D.10 and 23F.04

36. Revised materials, submitted by Councilmember Bartlett

37. Debra Sanderson, on behalf of Berkeley Citizens for Backyard Homes

Item 37: Tenant Protection Ordinance, Amending BMC Chapter 13.79

38. Revised materials, submitted by Mayor Arreguin

39. Pam Webster

40. Sasha Woodward

41. Karin Wertheim

42. Ernie Adams

43. Patrick Kehoe

44. Jerome McGadney

45. Sheila Goldmacher

46. Martin Gutherz

47. Berkeley Tenants Union

Item 38: Opposing Religious and Ethnic Registries, Participation in the Federal Executive Order of an Immigration Ban and Restricting the Use of City Resources to Support such Registries and Bans

48. Kathryn Horsley

49. Police Review Commission

Supplemental Communications and Reports 3

Item 22: Support Climate Reality Project Within the UC System

50. Craig Williams

Item 25: ZAB Appeal: 1441 Grizzly Peak Blvd

51. Presentation, submitted by Planning & Development Department

52. Kathleen Wasser

Item 26: Agreements, with Other Law Enforcement Agencies, Police Departments or Private Security Organizations

53. Phil Allen

54. Bob Martin

55. J.A. Ellis

56. Darin Bauer

Item 34: Modifications to the Accessory Dwelling Unit (ADU) Ordinance and Related, for Compliance with State Law; Amending BMC Chapters 23D.10 and 23F.04

57. Presentation and revised materials, submitted by Planning & Development Department

Berkeley Drop-In Center

58. Peter Rasmussen