

# AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, March 28, 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 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 8 – LORI DROSTE

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Swearing in of newly elected District 4 Councilmember.

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

*In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## **Consent Calendar**

*The Council will first determine whether to move items on the agenda for action or "information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*After hearing from public speakers regarding items remaining on the Consent Calendar, any Councilmember may move any information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.*

- 1. Amending BMC Chapter 12.96: Regulating Changes to Health Care Facilities From: Mayor Arreguin, and Councilmembers Droste, Hahn, and Worthington**  
**Recommendation:** Adopt second reading of Ordinance No. 7,535-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, 981-7100
- 2. 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 second reading of Ordinance No. 7,536-N.S. 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).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Carol Johnson, Planning and Development, 981-7400

## Consent Calendar

- 3. Tenant Protection Ordinance, Amending BMC Chapter 13.79**  
**From: Mayor Arreguin, and Councilmembers Worthington, Bartlett, and Davila**  
**Recommendation:** Adopt second reading of Ordinance No. 7,537-N.S. amending Berkeley Municipal Code Chapter 13.79 to prohibit tenant harassment.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Mayor, 981-7100
- 4. Confirming the Results of the March 7, 2017 Special Municipal Election**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the results of the March 7, 2017 Special Municipal Election for City Council District 4.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900
- 5. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of February 7, 2017 (special), February 14, 2017 (special closed and regular), February 27, 2017 (special closed), and February 28, 2017 (special closed, special and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 28, 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 - \$1,435,000  
Contact: Henry Oyekanmi, Finance, 981-7300
- 7. Write-Off Uncollectible Accounts Receivable for Ambulance Billings**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to write off uncollectible outstanding accounts receivable in the amount of \$18,569,309 relating to ambulance billings in the Fire Department dating back to 2000.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300

## Consent Calendar

- 8. Contract No. 10450 Amendment: Berkeley Free Clinic for Clinical Laboratory Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10450 with Berkeley Free Clinic (BFC) for the provision of laboratory services increasing the not to exceed amount by \$15,000 for a total Not-to-Exceed amount of \$65,000 through June 30, 2017.  
**Financial Implications:** General Fund - \$15,000  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 9. Contract: Optimas Services, Inc. for Consultant Services for MediCal Administrative Activities and Targeted Case Management Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for consultant services to the Health, Housing & Community Service Department for MediCal Administrative Activities and Targeted Case Management programs for a period not to exceed one year for an amount not to exceed \$60,000.  
**Financial Implications:** Target Case Management/Linkages Fund - \$60,000  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 10. Revenue Grant Agreement: MediCal Administrative Activities Funding from the State of California to Conduct Public Health Promotion Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion for Medi-Cal Administrative Activities (MAA) Program in the projected amount of \$175,000 per year for three years, Fiscal Years 2017 through 2019.  
**Financial Implications:** Target Case Management/Linkages Fund - \$525,000  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 11. Revenue Grant Agreement: Funding Support from the State of California to Conduct HIV/AIDS Surveillance in Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant agreement to the State of California in the projected amount of \$29,088 per year for three years for a total of \$87,264 for Fiscal Years 2017, 2018 and 2019 to be utilized to conduct HIV/AIDS Surveillance services; to accept the grant; and to execute any resultant revenue agreements, amendments, and extensions.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

## Consent Calendar

- 12. Contract No. 5224E Amendment: Application Associates for Citywide Computer Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 5224E with Application Associates for citywide computer training, increasing the amount by \$90,000 for a total not to exceed \$360,000, from April 1, 2001 to June 30, 2019.  
**Financial Implications:** Employee Training Fund - \$90,000  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 13. Contract No. 8865E Amendment: Accela, Inc. for Software Maintenance & Support, Professional Services and Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8865E with Accela, Inc., for gold software maintenance and support, professional services and training, increasing the amount by \$59,907 for a total not to exceed \$1,424,795, from December 12, 2011 to June 30, 2019.  
**Financial Implications:** Various Funds - \$59,907  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 14. Contract: Tyler Technologies for Enterprise Resource Planning (ERP) System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Tyler Technologies, Inc. for software licensing, implementation, maintenance, and related services for the Enterprise Resource Planning (ERP) System for the City, for an amount not to exceed \$3,313,635 from April 1, 2017 through June 30, 2023.  
**Financial Implications:** \$3,313,635  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 15. Contract: Ray's Electric for Ashby/Claremont and Ashby/Hillegass Intersections Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Ashby/Claremont and Ashby/Hillegass Intersections Improvements Project, Specification No. 17-11095-C; accepting the bid of Ray's Electric 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 \$687,978.  
**Financial Implications:** Various Funds - \$687,978  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

16. **Berkeley Fire Department Ambulance Billing Follow-Up Audit**  
**From: Auditor**  
**Recommendation:** Request that the City Manager report back by September 26, 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

## Council Consent Items

17. **Issue an RFP to Develop a Specific Housing Project with Units and Facilities Appropriate for Formerly Homeless and Other Very Low Income Residents**  
**From: Ad Hoc Committee on Homelessness (Mayor Arreguin and Councilmembers Maio, Davila, and Hahn)**  
**Recommendation:** Issue an RFP for the small City-owned lot in the 1200 block of University Avenue (aka 1920 West Street) to create small residential units, with appropriate on-site common spaces and services, affordable to very, very low income persons, with incomes below 30% of AMI.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, 981-7100
18. **Support for the Investigation to Impeach President Donald Trump**  
**From: Mayor Arreguin and Councilmember Hahn**  
**Recommendation:** Adopt a Resolution supporting an investigation into the impeachment of President Donald Trump and sending a copy of the Resolution to Congresswoman Barbara Lee.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100
19. **Berkeley Public Schools Fund Spring Luncheon, May 12, 2017: Relinquishment of Council Office Budget Fund 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 \$200 per councilmember, including \$200 from Councilmember Maio, to the Berkeley Public Schools Fund, on the occasion of their annual Spring Luncheon, to be held on Friday, May 12, 2017, from 11am-1:30pm at Hs Lordships Restaurant on the Berkeley Marina, (more information is available at [berkeleypublicschoolsfund.org/spring-luncheon-2017](http://berkeleypublicschoolsfund.org/spring-luncheon-2017)), 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:** Councilmembers' Discretionary Funds - \$200  
Contact: Linda Maio, Councilmember, District 1, 981-7110

## Council Consent Items

### 20. **Anti-Displacement Public Advocate**

**From: Councilmembers Bartlett, Davila, and Mayor Arreguin**

**Recommendation:** Secure funding for an Office of the Anti-Displacement Public Advocate (APA), to be located in a community agency, which will be tasked with preventing the displacement of Berkeley residents, community, faith and cultural institutions, and small businesses. The APA will be an entity external to the City. The APA will engage in advocacy; provide legal representation; coordinate housing counselling and financial literacy training; conduct stakeholder meetings; provide outreach to community members at-risk of displacement; and publish quarterly public reports on outcomes and impact in reducing displacement.

**Financial Implications:** See report

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

### 21. **Signage Ordinance, Amending BMC Chapter 20.20.020**

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

**Recommendation:**

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 20.20.020 to allow new signage at the Tarea Hall Pittman South Branch Library to be installed.

2. Send a letter to the Board of Library Trustees (BOLT) requesting that BOLT help expedite fabrication and installation of the MLK Jr. Way sign as quickly as possible, and maintain existing Tarea Hall Pittman signage on Russell St.

3. Request that BOLT Trustee/Councilmember Hahn report once a month to Council on progress of MLK Jr. Way sign installation.

**Financial Implications:** Minimal

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

### 22. **Security Camera Database**

**From: Councilmembers Wengraf, Droste, and Worthington**

**Recommendation:** Request that the City Manager return to Council with an update on the referral to create a voluntary database of security cameras in Berkeley. With an increase in crime, residents are anxious to help the Berkeley Police Department solve cases and arrest the perpetrators.

**Financial Implications:** Minimal

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

### 23. **Support AB 1316 (Quirk and Weber) Childhood Lead Poisoning Prevention**

**From: Councilmembers Wengraf and Davila**

**Recommendation:** Send a letter to President pro Tempore Kevin de Leon, State Senator Nancy Skinner, and Assemblymembers Tony Thurmond, Bill Quirk and Shirley Weber in support of AB 1316 (Quirk and Weber), to require that all children in California be tested for lead exposure.

**Financial Implications:** Minimal

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

## Council Consent Items

24. **Ordinance to Ban the Sale of Fur in Berkeley**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt an Ordinance to eliminate the sale of fur apparel products in order to promote community awareness of animal welfare.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
25. **Proclamation Declaring the April 24, 2017 Armenian Genocide Commemoration Day in Berkeley**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a proclamation declaring the April 24, 2017 Armenian Genocide Commemoration Day in Berkeley.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
26. **Telegraph Ave Summer of Love Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Droste and Worthington**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 each from Councilmembers Droste and Worthington, to the Telegraph Ave Summer of Love 50th Anniversary (organized by the Telegraph Ave Business Improvement District), with funds relinquished to the City's general fund for this purpose from the discretionary council office budgets of Councilmembers Droste and Worthington, and any other councilmembers who would like to contribute.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$250  
Contact: Lori Droste, Councilmember, District 8, 981-7180

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*



## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

- 27. ZAB Appeal: 2597 Telegraph Avenue** *(Continued from January 24, 2017)*  
**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 Calendar – Old Business

- 28. Referral Response: Standards for Testing and Certification of DAS Antennas, Amending BMC Chapter 16.10** *(Continued from February 14, 2017 – Item contains revised material)*  
**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
- 29. Housing Accountability Act** *(Continued from February 28, 2017)*  
**From: City Manager**  
Contact: Zach Cowan, City Attorney, 981-6950

## Action Calendar – Old Business

- 30. Progress Report for the Development of a Comprehensive Plan for the Funding of Undergrounding Utility Wires in Berkeley** *(Continued from February 28, 2017)*  
**From: Public Works Commission; Disaster and Fire Safety Commission; Transportation Commission**  
**Recommendation:**  
1. Approve the following work item: a. An updated work plan to develop a comprehensive plan (the “Undergrounding Plan”) for the funding of undergrounding utility wires in Berkeley.  
2. Accept the following informational items: a. A baseline study for the development of an undergrounding program, prepared by Harris and Associates, dated July 22, 2016. b. An application to U.C. Berkeley’s Goldman School of Public Policy to conduct Phase 2 studies for the development of an undergrounding program. c. Hold a workshop with service providers, such as PG&E, AT&T, Comcast, in early 2017 to get their input on the development of an undergrounding program.  
**Financial Implications:** None  
Contact: Tracy Clay, Commission Secretary, 981-6300; David Brannigan, Commission Secretary, 981-3473; Farid Javandel, Commission Secretary, 981-6300
- 31. Readopt “Lease Agreement: Friends of DxE for Telegraph of Channing Mall, 2425 Channing Way Suite C” with Minor Amendments** *(Continued from February 28, 2017 – Item contains revised material)*  
**From: Councilmember Worthington**  
**Recommendation:** That the Council, readopt lease agreement for the Friends of DxE International at 2425 Channing Suite C at the premises for the purposes of operating an office with supporting retail activities to include revised amendments.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

## Action Calendar – New Business

- 32. Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street**  
**From: City Manager**  
**Recommendation:**  
1. Adopt an urgency ordinance authorizing the acquisition of 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street for \$6,650,000; and  
2. Adopt first reading of an ordinance authorizing the acquisition of 1001, 1007, and 1011 University Avenue and 1925 Ninth Street for \$6,650,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300

## Action Calendar – New Business

### 33a. Referral Response: Cigarette Butt Pollution Prevention

**From: Community Environmental Advisory Commission**

**Recommendation:** Direct the City Manager to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location. This pilot program would: a) Place a total of four receptacles for cigarette butt disposal in front of three adult schools and a bus stop where smoking behavior continues despite its prohibition. The receptacles are to be placed in front of: i. Berkeley City College, 2050 Center Street; ii. Language Studies International on 2015 Center Street; iii. Kaplan International, Berkeley, 150 Berkeley Square; and iv. a selected major bus stop in the vicinity of an entrance to the Downtown Berkeley BART station; and b) Exhibit graphics on the receptacles to remind and inform the public that tobacco litter is hazardous to the health of the Bay; and c) Enter into a partnering agreement with the Downtown Berkeley Association (DBA) for upkeep of the receptacles for the duration of the one-year pilot program, including sending collected butts to the company for recycling; and d) TerraCycle® will track the weight of butts received, and share the data with the City of Berkeley and CEAC commissioners to help track and assess the success of the pilot program; and e) Identify funding sources to expand the pilot program if successful at the end of the one year trial.

**Financial Implications:** See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7400

### 33b. Companion Report: Cigarette Butt Pollution Prevention

**From: City Manager**

**Recommendation:** Refer to the City Manager further consideration of the proposal from the Community Environmental Advisory Commission (CEAC) to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location.

**Financial Implications:** See report

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

## Information Reports

### 34. Measure T1 Funds for Reconstruction of the Berkeley Rose Garden Pergola

**From: Landmarks Preservation Commission**

Contact: Fatema Crane, Commission Secretary, 981-7400

### 35. Referral Response: Recreational Cannabis Recommendations

**From: Medical Cannabis Commission**

Contact: Elizabeth Greene, Commission Secretary, 981-7400

### 36. City Auditor Fiscal Year 2017 Audit Plan

**From: Auditor**

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

## Public Comment – Items Not Listed on the Agenda –

### Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries:  
Main - 2090 Kittredge Street  
Claremont Branch – 2940 Benvenue  
West Branch – 1125 University  
North Branch – 1170 The Alameda  
South Branch – 1901 Russell

#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 16, 2017.***



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.*

### **Item 18: Support for the Investigation to Impeach President Donald Trump**

1. Spencer Naar

### **Item 24: Ordinance to Ban the Sale of Fur in Berkeley**

2. Voluminous correspondence available for viewing in the City Clerk's Office

### **Item 27: ZAB Appeal: 2597 Telegraph Avenue**

3. Berkeley Architectural Heritage Association
4. Livable Berkeley

### **Violence in Berkeley**

5. Olivia Liou
6. Robert Epstein
7. Sharon Smith
8. Stacy Taylor
9. Norm
10. Unknown

### **1900 Fourth Street**

11. Stephanie Manning
12. Kathleen McLean
13. Andrew Galvan

### **Meeting at Starry Plough**

14. Janice Greenberg

### **Proposed Resolution**

15. Judy Nakadegawa

### **Comments on Zoning**

16. Berkeley Design Advocates
17. Steve Marinot

**Gas-Powered Leaf Blowers**

18. Bob Martin

**Realm School**

19. Yarery Estrada

**1610-1648 University Avenue**

20. Maulin Chokshi

**Cesar Chavez Park Upgrades**

21. Martin Nicolaus

**Zero Net Energy Policy**

22. Charlene Woodcock

**Board of Library Trustees**

23. Steve Douglas

24. Jeffrey Kaplan

**Smart Parking Proposal**

25. Manny Krakaris

**Berkeley Municipal Code Clarification**

26. Robert Lauriston

**3D Printed Homes**

27. Harvey Sherback

**Live Oak Park**

28. Margot Smith

**Easy Does It**

29. Yvette Hoffer

**PG&E / Anchor Poles**

30. Fred Dodsworth

**Additional Administrative Powers to Zoning Officer**

31. Rent Stabilization Board

**Berkeley Bike Plan**

32. Stuart Cohen, on behalf of TransForm

33. Tom Holub

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day of the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.