

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, April 25, 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.*

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 Section 23C.22.050, Short-Term Rental Regulations**
From: Mayor Arreguin
Recommendation: Adopt second reading of Ordinance No. 7,544-N.S. amending Berkeley Municipal Code Section 23C.22.50, Short-Term Rental Regulations.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of March 7, 2017 (specials), March 14, 2017 (special closed, special and regular), March 27, 2017 (special closed), and March 28, 2017 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

Consent Calendar

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 25, 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 - \$4,561,223

Contact: Henry Oyekanmi, Finance, 981-7300

4. 2016 Emergency Operations Plan

From: City Manager

Recommendation: Adopt a Resolution adopting the 2016 Emergency Operations Plan (EOP), authorizing the City Manager to revise any Annexes, Appendices and/or Attachments to the EOP, and rescinding Resolution No. 58,659-N.S.

Financial Implications: None

Contact: Gil Dong, Fire, 981-3473

5. Classification and Salary: Public Works Operations Manager

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 67,484-N.S. Classification and Salary Resolution for Public Employees Union - Local One, to establish the classification of Public Works Operations Manager with a monthly salary range of \$9,928 - \$12,189 effective April 25, 2017.

Financial Implications: See report

Contact: Sarah Reynoso, Human Resources, 981-6800

6. Classification and Salary: Treasury Manager

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 67,484-N.S. Classification and Salary Resolution for Public Employees Union Local One to re-establish the classification of Treasury Manager with a monthly salary range of \$9,647 - \$11,725 effective April 25, 2017.

Financial Implications: See report

Contact: Sarah Reynoso, Human Resources, 981-6800

7. Contract: Emeryville Occupational Medical Center for Occupational Health Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Emeryville Occupational Medical Center, Inc. (EOMC), for occupational health services that include pre-employment and annual physical exams, advice, education, and consultation for the period of May 1, 2017 through June 30, 2019, in an amount not to exceed \$536,400.

Financial Implications: Various Funds - \$536,400

Contact: Sarah Reynoso, Human Resources, 981-6800

Consent Calendar

- 8. Memorandum of Understanding: Berkeley Fire Fighters Association, I.A.F.F. Local 1227 / Berkeley Chief Fire Officers Association**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving a Memorandum of Understanding (“MOU”) with the Berkeley Fire Fighters Association, I.A.F.F. Local 1227 / Berkeley Chief Fire Officers Association (“Association”) with a term of December 8, 2015 through June 16, 2018 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in a new MOU; and
2. Approving a new salary resolution for Representation Unit A that implements the salary levels negotiated in the MOU.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
- 9. Unrepresented Employee Manual Amendment**
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 67,709-N.S. (Unrepresented Employee Manual) and all subsequent amendatory resolutions thereto, and adopting the attached Unrepresented Employee Manual that amends several provisions to more closely align unrepresented employees benefits with those of represented non-Safety Miscellaneous employees and unrepresented Police and Fire with represented Safety employees, as well as amending the Retiree Health Premium Assistance Plan to allow reimbursement of Medical Insurance Premiums.
Financial Implications: None
Contact: Sarah Reynoso, Human Resources, 981-6800
- 10. Contract No. 7258E Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7258E with Verint Systems, Inc. for CRM software maintenance for two years from March 23, 2007 through June 30, 2019, increasing the amount by \$58,539 for a total contract amount not-to-exceed \$924,844.
Financial Implications: General Fund - \$58,539
Contact: Savita Chaudhary, Information Technology, 981-6500
- 11. Contract No. 9655A Amendment: Socrata, Inc. Open Data Portal (ODP) Website Hosting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9655A with Socrata, Inc., for hosting the City’s Open Data Portal (ODP) website, increasing the amount by \$82,028, for a total contract amount not to exceed \$167,681 and extending the term through June 30, 2019.
Financial Implications: General Fund - \$82,028
Contact: Savita Chaudhary, Information Technology, 981-6500

Consent Calendar

- 12. Contract Amendments: Cunha Engineering and Logan Surveying, Inc. for On-Call Survey Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute amendments to the contracts with Cunha Engineering, Inc. and Logan Surveying, Inc. for on-call survey services, increasing the original contract amounts by \$100,000 each for total amounts not to exceed \$225,000, and extending the terms of the contracts to July 11, 2018.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 13. Contract: ERA Construction for Le Conte Safe Routes to School Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Le Conte Safe Routes to Schools Project, Specification No. 16-11008-C; and authorizing execution of a contract with ERA Construction and any amendments, extensions or change orders until completion of the project in accordance with approved plans and specifications, in an amount not to exceed \$449,298.
Financial Implications: MTC Fund - \$449,298
Contact: Phillip Harrington, Public Works, 981-6300
- 14. Contract No. 7996C Amendment: Clean Harbors Environmental Services, Inc. for Hazardous Waste Removal**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$50,000 to Contract No. 7996C with Clean Harbors Environmental Services, Inc. to provide continued hazardous waste management, removal and disposal services for the City of Berkeley, for a total contract amount not to exceed \$650,000; and to extend the contract term through December 31, 2017.
Financial Implications: Various Funds - \$50,000
Contact: Phillip Harrington, Public Works, 981-6300
- 15. Contract No. 9674A Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$75,000 to Contract No. 9674A with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$150,000, and extending the contract term through December 31, 2020.
Financial Implications: Various Funds - Up to \$75,000
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 16. Contract: Redgwick Construction for Tunnel Road Access Improvements and Ashby/Telegraph Intersection Improvements Project - Revised**
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 \$1,021,949, and rescinding Resolution No. 67,859.
Financial Implications: CalTrans Fund - \$1,021,949
Contact: Phillip Harrington, Public Works, 981-6300
- 17. Contract: Telfer Pavement Technologies LLC for FY 2017 Measure M Surface Seals Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the FY 2017 Measure M Surface Seals Project, Specification No. 17-11101-C; accepting the bid of Telfer Pavement Technologies LLC 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 \$6,023,530.
Financial Implications: Various Funds - \$6,023,530
Contact: Phillip Harrington, Public Works, 981-6300
- 18. Contract: Westland Contractors, Inc. for Sanitary Sewer Manhole Rehabilitation FY 2017**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Manhole Rehabilitation FY 2017 Project, located at various locations throughout the City, and authorizing execution of a contract with Westland Contractors, Inc. and any amendments, extensions, or other change orders until completion of the project in accordance with approved plans and specifications in an amount not to exceed \$430,232.
Financial Implications: Sanitary Sewer Operation Fund - \$430,232
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

19. Declaration of Intent - FY 2018 Street Light Assessment

From: City Manager

Recommendation: Adopt a Resolution granting the City Manager the authority to approve the Engineer's March 2017 report, Street Lighting Assessment District 1982-1; set a public hearing to be held before the Council of the City of Berkeley at its May 16, 2017 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2018 Levy of Assessments of Street Lighting Assessment District No. 1982-1.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

20. Purchase Order: Folsom Lake Ford for Five Utility Police Interceptors

From: City Manager

Recommendation: Adopt a Resolution satisfying City Charter Article XI Section 67.2 requirements allowing the City to participate in the State of California contract bid procedures, and authorizing the City Manager to execute a purchase order for five Utility Police Interceptors with Folsom Lake Ford in an amount not to exceed \$206,125.

Financial Implications: Equipment Replacement Fund - \$206,125

Contact: Phillip Harrington, Public Works, 981-6300

21. Purchase Order: National Auto Fleet Group for Four Long Haul Tractor Trailers

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 four long haul tractor trailers with National Auto Fleet Group in an amount not to exceed \$975,900.

Financial Implications: Equipment Replacement Fund - \$975,900

Contact: Phillip Harrington, Public Works, 981-6300

22. Modification of Medical Cannabis Commission Name and Mission; Amending BMC Section 12.26.112

From: Medical Cannabis Commission

Recommendation: Review the information provided in this report and upon conclusion, adopt a first reading of an Ordinance amending BMC Section 12.26.110 to change the name and mission of the Medical Cannabis Commission to include recreational cannabis.

Financial Implications: See report

Contact: Elizabeth Greene, Commission Secretary, 981-7400

Consent Calendar

- 23. Appointment of Boona Cheema to Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution approving the appointment of Boona Cheema to the Mental Health Commission, as a representative of the special public interest category, for a three year term beginning April 26, 2017 and ending April 25, 2020.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400

Council Consent Items

- 24. Amending BMC Sections 2.07.030 and 2.07.040: Modifying Revolving Door Restrictions**
From: Mayor Arreguin and Councilmember Harrison
Recommendation: Adopt first reading of an Ordinance amending Sections 2.07.030 and 2.07.040 of the Berkeley Municipal Code. This amendment would extend the time requirement between the termination of City office or employment and lobbying from 12 months to 3 years, and ending service on a commission and lobbying from 12 months to 2 years.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 25. Budget Referral: \$25,000 to the FY 2017/18 Budget Process for SupplyBank.Org to Expand School Supply Distribution**
From: Mayor Arreguin and Councilmember Bartlett
Recommendation: Refer the following to the budget process: A request for \$25,000 to expand Berkeley school supply distribution and ensure every low-income Berkeley student has the appropriate school and dental supplies they need to be successful.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 26. Citywide Restaurant Event to Support Deportation Defense: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin and Councilmembers Bartlett and Hahn
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$100 per Councilmember, including \$200 from Mayor Arreguin, to Centro Legal de la Raza for collateral development, event production and advertising, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Mayor Arreguin, and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$200
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 27. Oppose President Trump's Proposed 2018 Budget**
From: Mayor Arreguin and Councilmembers Bartlett, Wengraf, and Hahn
Recommendation: Adopt a Resolution opposing President Donald Trump's proposed 2018 budget. Send a copy of the Resolution to President Trump, Senators Dianne Feinstein and Kamala Harris, and Congresswoman Barbara Lee.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 28. Support of SB 721 – Statewide Balcony Inspection Standards**
From: Mayor Arreguin and Councilmember Hahn
Recommendation: Adopt a Resolution supporting SB 721, which requires inspections of balconies every five years. Send a copy of the Resolution to Governor Jerry Brown, State Senators Jerry Hill and Nancy Skinner, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 29. Dog Owner Education, Cesar Chavez Park**
From: Councilmember Maio
Recommendation: Request the City Manager to look into the development of a dog owner education program at Cesar Chavez Park as to the designated on-leash and off-leash areas using volunteers who would be eligible for a small stipend.
Financial Implications: Up to \$10,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 30. Proclaiming May 2017 as Mental Health Month**
From: Councilmember Davila and Mayor Arreguin
Recommendation: Adopt a Resolution proclaiming May 2017 as Mental Health Month in the City of Berkeley.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 31. Budget Referral for Three Beacon Lights and/or Flashing Yield Signs**
From: Councilmember Davila
Recommendation: Refer to City Manager to assess and fund three beacon lights or flashing yield signs to increase safety for the following three intersections: 1) Channing and Sacramento; 2) San Pablo and Parker; and 3) Addison and Sixth Street.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Council Consent Items

- 32. Referral to the City Manager: Adopt Section 8 Landlord Incentives**
From: Councilmember Davila, Mayor Arreguin, and Councilmembers Bartlett and Hahn
Recommendation: Refer to the City Manager the adoption of the following measures to encourage landlords to accept Section 8 vouchers: 1. Create a list of qualified, efficient and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code; 2. Provide legal and/or mediation support, offered either through the City or a partner, in negotiating Landlord/Tenant disputes out-of-court; 3. Allow parcel and/or property tax reductions based on the percentage of property or units that are currently Section 8 and/or decided during annual Section 8 inspection; and 4. Identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords. We ask City staff to research and develop a proposal of options for implementing these within the next six months.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 33. Budget Referral for Legal and Mental Health Support for Immigrant and Religious Communities Targeted by Trump**
From: Councilmember Davila and Mayor Arreguin
Recommendation: As a follow-up to both the Sanctuary City and Anti-Registry resolutions, refer to the City Manager to identify resources to expand the capacity of our community partners to provide legal advice and support to Berkeley residents most impacted by immigration policies, the ban and threatened registry of the current federal administration. Resources to hire or contract mental health professionals with cultural and language relevance to serve those most impacted should be included as well.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 34. Budget Referral: Equitable Planning & Development Proposal**
From: Councilmember Davila
Recommendation: Accelerate the implementation of five recommendations as part of the COB Planning Department's process to update zoning regulations toward greater equity: 1) Analyzing the fee structures toward establishing a fee reduction program; 2) Establishing a fund for fee waivers or scholarships through a surcharge on building permits; 3) Funding an Ombudsman within the Planning Department or Neighbor Services Office that can support community members in navigating the planning and permitting process, particularly with more complicated cases and/or when people need extra support; and, 4) Develop a needs-based payment plan, process and protocol for those who cannot afford to pay for permits in-full and upfront.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Council Consent Items

- 35. Anti-Displacement Public Advocate**
From: Councilmembers Bartlett and Davila, Mayor Arreguin, and Councilmember Harrison
Recommendation: Adopt a Resolution establishing 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, small businesses, and non-profits. The APA will be an entity external to the City. The APA will provide legal representation; engage in advocacy; coordinate housing counseling, 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
- 36. Budget Referral: Approximately \$75,000 to Fund a Feasibility Study and an Impact Analysis Regarding the Creation of an African-American Holistic Resource Center in South Berkeley**
From: Councilmember Bartlett
Recommendation: Refer to the budget approximately \$75,000 for the purpose of conducting a feasibility study and impact analysis regarding creating and operating an African American Holistic Resource Center. The feasibility study and impact analysis should (i) include a comprehensive community needs assessment, (ii) consider Health, Housing, and Community Services staff being dedicated to the Center, and (iii) incorporate feedback from focus groups including community stakeholders such as the NAACP, African American Black Professionals and Community Network, Black Lives Matter, and Healthy Black Families.
Financial Implications: Up to \$75,000
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 37. Support AB 946 Resist the Wall Act**
From: Councilmembers Bartlett and Hahn, Mayor Arreguin, and Councilmember Wengraf
Recommendation: That Berkeley City Council send a letter to State Assemblymember Tony Thurmond and Senator Nancy Skinner urging them to vote Yes on AB 946, Resist the Wall Act.
Financial Implications: Minimal
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

- 38. Referral to the Labor Commission and the Commission on the Status of Women: Paid Family Leave Ordinance**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Hahn and Droste
Recommendation: Refer the attached ordinance for consideration by to the Labor Commission and the Commission on the Status of Women to help in the development of a Paid Family Leave Ordinance for the City of Berkeley.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 39. Budget Referral: Wearable Body Cameras for Berkeley Police Department Officers**
From: Councilmembers Bartlett, Worthington, Hahn, and Mayor Arreguin
Recommendation: Refer to the budget process to consider full funding for acquisition of up to 200 wearable video cameras for all Berkeley Police Department sworn officers, subject to concurrent implementation of (1) the Berkeley Police Department's Body Worn Camera Policy (currently being finalized by the Police Review Commission) and (2) the Community Control of Surveillance Equipment Ordinance (currently being finalized by the Peace and Justice Commission and the Disaster and Fire Safety Commission).
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 40. Support of AB 42 and SB 10, the California Money Bail Reform Act**
From: Councilmember Harrison, Mayor Arreguin, and Councilmembers Bartlett and Davila
Recommendation: Adopt a Resolution in support of AB 42 and SB 10, the California Money Bail Reform Act, authored by Assemblyman Rob Bonta and Senator Robert Hertzberg respectively. Send a copy of the resolution to Governor Jerry Brown, State Senators Kevin de Leon and Nancy Skinner, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Council Consent Items

41. **Small Business Support Package**

From: Councilmember Hahn and Mayor Arreguin

Recommendation: Refer to the City Manager the development of a package of policies and programs to support the establishment of new, and sustainability of existing small and/or locally owned businesses. Measures to explore, evaluate and report back on as part of the package include, but are not limited to: 1. A program to provide financial and other forms of support to small/locally owned businesses and not-for-profits impacted by development projects, either due to direct displacement or to direct or indirect business interference or interruption; 2. A program to reach out to, work with, help develop and attract small/local businesses to establish themselves in Berkeley and to assist existing small/local businesses to remain in Berkeley; 3. Taxes and/or fees on vacant storefronts, buildings and/or empty lots; 4. A One-Stop Small/Local Business Advocacy Center to coordinate, facilitate and expedite permitting, licensing, payment of taxes and fees, inspections, access to city resources, and all other City of Berkeley-related matters, and to provide information about other services available to small businesses; 5. Streamlining of zoning, permitting and licensing requirements and processes for small/local businesses and not-for-profits, to reduce associated costs and delays, and, where appropriate, provide less onerous levels of review; 6. Strengthening and/or expanding the City of Berkeley's Revolving Loan Fund program, including identification of barriers to accessing such loans and potential improvements to Revolving Loan Fund processes, and exploration of additional sources of income for the Fund; 7. Further expanding Buy-Local preferences and policies for the City of Berkeley, establishment and/or monitoring/enforcement of the Buy Local preference included in Section V(D) the City of Berkeley's May 2005 "2020 LRDP Settlement Agreement" with UC Berkeley, and identification of other opportunities to negotiate Buy-Local agreements with large purchasers in Berkeley, including Development projects; and 8. Exploration of a Legacy Business-type program for Berkeley, inspired by San Francisco's Legacy Business program, to identify, support and retain long-time local businesses.

Financial Implications: Staff time

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

42. **Comprehensive Study of Emergency Services Call Center, Staffing and Development Systems**

From: Councilmember Hahn, Mayor Arreguin, and Councilmember Worthington

Recommendation: Refer to the City Manager to work with the Berkeley Fire Department and Berkeley Firefighters Association to investigate the Department's current practices and determine the feasibility of implementing a criteria-based dispatching system that allocates staffing based on need and risk, ensures that calls are prioritized based on acuity, and more efficiently delivers the appropriate allocation of resources to every 911 call.

Financial Implications: See report

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

Council Consent Items

- 43. Solano Avenue Economic Development Study**
From: Councilmembers Hahn and Wengraf
Recommendation: Refer to the City Manager to undertake a comprehensive study of the Solano Avenue Commercial District, to provide baseline information for future strategic planning and business development and initiatives that will result in increased tax revenues for the City of Berkeley, and to report to the Council on a priority basis, at an upcoming worksession.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 44. Oppose SB 649 (Hueso) Wireless Telecommunications Facilities & Proposed Amendments to Install Small Cells by Right**
From: Councilmember Wengraf
Recommendation: Send a letter opposing SB 649 (Hueso) urging our representatives to oppose this bill. Letter should be sent to State Senator Ben Hueso, State Senator Nancy Skinner, Assemblymember Tony Thurmond and Governor Brown.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 45. Support for SB 320 (Leyva) College Student Right to Access Act**
From: Councilmembers Wengraf, Worthington, Hahn, and Harrison
Recommendation: Send a letter in favor of SB-320 (Leyva) urging our representatives to support this bill. Letter should be sent to State Senator Connie Leyva, State Senator Nancy Skinner, Assemblymember Tony Thurmond and Governor Brown.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 46. Support SB 201 Higher Education Employer-Employee Relations Act**
From: Councilmember Worthington
Recommendation: That Berkeley City Council send a letter to State Senator Nancy Skinner thanking her for introducing SB 201, the Higher Education Employer-Employee Relations Act, and Assembly member Tony Thurmond, asking him to support its passage.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 47. Support AB 291 Immigrant Tenant Protection Act**
From: Councilmembers Worthington, Bartlett, and Hahn
Recommendation: That Berkeley City Council sends a letter to both State Senator Nancy Skinner and Assembly member Tony Thurmond, urging them to vote yes on AB291, the Immigrant Tenant Protection Act.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

- 48. Amendments to Group Living Accommodations (GLA) Ordinance (No. 7445-NS)**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council respond to student concerns voiced by student leaders in the ASUC, by revising the GLA Ordinance to respond to the worsening housing crisis in Berkeley and promote a fair and equal treatment of students. Specifically, we recommend the removal of BMC 13.42.040D, which currently allows the city to remove bedrooms, the addition of a student non-discrimination clause, the amendment of 13.42.005B(3)a to allow three violations instead of two, and the amendment of 13.42.036C to ensure consistency with the Community Noise Ordinance.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 49. Identifying Taxation Revenue Potential in Staff Reports**
From: Councilmember Droste
Recommendation: Refer to the City Manager the inclusion of estimated first order (direct) tax revenue in the Financial Implications section of relevant staff reports for actions with the potential to affect annual City and Berkeley Unified School District (BUSD) general and/or special revenues by \$50,000 or more.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, 981-7180
- 50. Defense of the Fair Housing Act**
From: Councilmember Droste and Bartlett
Recommendation: Adopt a Resolution in defense of the Fair Housing Act and send a letter to Sen. Dianne Feinstein, Sen. Kamala Harris, and Rep. Barbara Lee calling them to oppose S. 103 and H.R. 482, which would undermine the Fair Housing Act.
Financial Implications: Minimal
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.

51. **Re-Establishment of the Berkeley Tourism Business Improvement District From: City Manager**

Recommendation: Conduct a public hearing on 1. The renewal of the Berkeley Tourism Business Improvement District (BTBID) for 10 years starting July 1, 2017; and 2. The modification of the existing BTBID to end on June 30, 2017, shortening the existing BTBID's term from 5 years to 4 years and 8 months and thus modifying the existing BTBID Management District Plan. Upon conclusion, if no majority protest exists after tabulation of assessment ballots, adopt three Resolutions:

- a. Resolution of Formation Re-establishing the BTBID for the ten-year period starting July 1, 2017 and concluding June 30, 2027.
- b. Resolution of Modification to the existing BTBID to end on June 30, 2017.
- c. Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Convention and Visitors Bureau a.k.a. Visit Berkeley (VB) for the management of BTBID funds to support tourism marketing and promotion for the period July 1, 2017 to June 30, 2027.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

Action Calendar – Public Hearings

52. Community Agency Funding

From: City Manager

Recommendation: Conduct a Public Hearing on 1) the allocation of funds for community agencies for FY2018 and FY2019, and 2) the Program Year (PY) 2017 Annual Action Plan (AAP), and upon conclusion:

1. Adopt a Resolution: a. Approving proposed funding allocations under the PY2017 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and b. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and c. Allocating 90% of the PY2017 HOME funds to the Housing Trust Fund, and 10% for program administration; and d. Authorizing the City Manager to submit the PY 2017 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD), addressing any public comments; and e. Authorizing the carryover of any ESG unspent funds from FY2017 and allocate those funds to the Coordinated Entry System (CES) – the Hub to be used for rapid rehousing financial assistance in FY2018.

Financial Implications: See report

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

53. ZAB Appeal: 2902 Adeline Street *(Continued from April 4, 2017)*

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution to approve Use Permit No. ZP2015-0177 to redevelop three parcels at 2902 and 2908 Adeline Street and 1946 Russell Street (approximately 14,065 square feet total), which includes the demolition of one single-family dwelling and one mixed use (commercial and residential) structure; and the construction of a 6-story, mixed-use building with 4,119 sq. ft. of commercial space including one commercial unit, four live/work units, and 50 dwelling units, including two qualifying units available to very low income households and a commitment to provide two additional units on site available to low income households.

Financial Implications: None

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

Action Calendar – Old Business

54. Banking Services with Wells Fargo Bank *(Continued from March 14, 2017)*

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

Action Calendar – Old Business

- 55. MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12: Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17**
(Continued from March 14, 2017)
From: City Manager
Recommendation: Adopt a Resolution approving Police Department MOU Compendium revised Item #3.6, Agreement with City & County of San Francisco for Distribution of UASI Grant Funds, and revised Item #3.12, Relationship with Northern California Regional Intelligence Center (NCRIC).
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
- 56. Purchase Order: The Armored Group for One Specially Equipped Panel Van**
(Continued from April 4, 2017)
From: City Manager
Recommendation: Adopt a Resolution pursuant to City Charter Article XI Section 67.2 requirements, accepting the General Services Administration (GSA) bid procedures, and authorizing the City Manager to execute a purchase order for one Specially Equipped Panel Van for an amount not to exceed \$205,373.
Financial Implications: UASI Regional Fund - \$205,373
Contact: Andrew Greenwood, Police, 981-5900
- 57. Housing Accountability Act** *(Continued from March 28, 2017)*
From: City Manager
Contact: Zach Cowan, City Attorney, 981-6950
- 58. Support of SB 687 – Attorney General Authority on Hospital Closures**
(Continued from April 4, 2017)
From: Mayor Arreguin and Councilmembers Hahn, Droste, and Davila
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 Calendar – New Business

59a. Berkeley Lead Poison Prevention and Control

From: Community Environmental Advisory Commission

Recommendation: Direct the City Manager to:

1. Implement an enforcement program as authorized by the state for lead paint hazards, at least when either: a. A child under the age of four occupies the residence or other building where lead paint hazard reduction practices are required; or b. When a risk of soil contamination occurs as a result of failure to follow appropriate lead paint hazard reduction practices, including during remodels and demolition; and 2. Evaluate the program after one year of implementation and present the findings to the Community Environmental Advisory Commission, including total cost of the program, total value of fines enforced, and recent history of reported lead paint violations.

Financial Implications: See report

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

59b. Companion Report: Berkeley Lead Poison Prevention and Control

From: City Manager

Recommendation: Refer to the City Manager the proposal from the Community Environmental Advisory Commission (CEAC) to evaluate the costs and feasibility of the lead paint enforcement proposal. In addition, staff will communicate with the Alameda County Healthy Homes Department on alternative ways to address enforcement and cleanup associated with lead paint hazards, and will work with Alameda County Healthy Homes Department to schedule a presentation before the City Council.

Financial Implications: See report

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

60. General Fund Stability Reserve Usage Criteria

From: Councilmembers Droste, Wengraf, and Maio

Recommendation: Discuss the General Fund Stability Reserve Usage Policies described in the report and adopt policies such as those proposed, requiring a two-thirds vote of the City Council to amend them. Following recommendation from the City Manager, the City Council shall, from time to time, recognize and define “essential services”, “appropriate levels” of such services, and “extreme conditions”. Any draw-down of Stability Reserve funds shall coincide with the adoption of a plan to repay the dollar amount of the draw down. If adopting a repayment plan immediately is infeasible due to emergency circumstances, it shall be adopted no more than 3 months from the date of the withdrawal appropriation. The level of the Stability Reserve shall be restored as economic recovery occurs, consistent with the maintenance of essential services, with repayment to begin no more than 5 years from the date of withdrawal and be completed within 10 years from the date of withdrawal.

Financial Implications: See report

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

Information Reports

61. **Bi-Annual Report on Workers' Compensation**
From: City Manager
Contact: Sarah Reynoso, Human Resources, 981-6800
62. **LPC-NOD: 1335 Shattuck Avenue**
From: City Manager
Contact: Carol Johnson, Planning and Development, 981-7400
63. **Interstate-80/Gilman Interchange Improvement Project - Update**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
64. **Phillips 66 Permit Denied**
From: Councilmember Maio
Contact: Linda Maio, Councilmember, District 1, 981-7110

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 KPFM 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

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 April 13, 2017.*

A handwritten signature in black ink, appearing to read "Mark Numainville".

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.*

### Communication (or Agenda Item) Title

#### **Item 39: Budget Referral: Wearable Body Cameras for Berkeley Police Department Officers**

1. James McFadden

#### **Item 54: Banking Services with Wells Fargo Bank**

2. Soula Culver

#### **Item 55: MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12 Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17**

3. Donna Willmott

4. Veterans for Peace
5. SuperBOLD

**2702-2706 Shasta Road**

6. Tom Lippe

**West Berkeley Air Quality**

7. Human Welfare & Community Action Commission

**Secede California**

8. Byron Overton
9. Larry Thomason

**Thanks**

10. Claire Nowak-Boyd
11. Georgina Maldonado
12. Nancy

**Freeway Pollution**

13. Norma Harrison

**Berkeley Considers**

14. Karen Nakamura

**Repeal of Costa-Hawkins**

15. Charlene Woodcock

**Tree at 1760 Solano**

16. Stacy Taylor

**Socialism**

17. Norma Harrison

**Hopkins/Alameda Intersection**

18. Martha Roskowski

**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.