



Office of the City Manager

CONSENT CALENDAR  
April 25, 2017

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

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).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. March 7, 2017–Special City Council Meeting
2. March 7, 2017–Special City Council Meeting
3. March 14, 2017–Special Closed City Council Meeting
4. March 14, 2017–Special City Council Meeting
5. March 14, 2017–Regular City Council Meeting
6. March 27, 2017 – Special Closed City Council Meeting
7. March 28, 2017–Special City Council Meeting
8. March 28, 2017–Regular City Council Meeting

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

**Tuesday, March 7, 2017**

**5:30 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TELECONFERENCE LOCATION – 1529 ALCATRAZ AVENUE, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

**Roll Call:** 5:35 p.m.

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

**Absent:** None.

**Worksession**

**1. Housing Demolition Mitigation Fee**

**From: City Manager**

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

**Action:** Presentation made and discussion held, including supplemental materials in Supplemental Report Packet #1.

**2. Financial and Infrastructure Opportunities**

**From: City Manager**

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

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

**Public Comment - Items on this agenda only - 7 speakers.**

**Adjournment**

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

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

Councilmember Wengraf absent 6:45 p.m. – 7:06 p.m.

Councilmember Droste absent 6:41 p.m. – 7:06 p.m.

Adjourned at 7:06 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of March 7, 2017.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

### **Item 1: Housing Demolition Mitigation Fee**

1. Supplemental materials, submitted by City Attorney's Office

## **Supplemental Communications and Reports 2**

### **Item 1: Housing Demolition Mitigation Fee**

2. Cliff Orloff

## **Supplemental Communications and Reports 3**

### **Item 1: Housing Demolition Mitigation Fee**

3. Presentation and supplemental materials, submitted by City Attorney, Planning & Development, and Rent Stabilization Board

### **Item 2: Financial and Infrastructure Opportunities**

4. Gordon Wozniak and John Gage

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

**Tuesday, March 7, 2017**

**7:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TELECONFERENCE LOCATION – 1529 ALCATRAZ AVENUE, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
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DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 7:17 p.m.

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

**Absent:** None.

**Action Calendar – Public Hearing**

**1. ZAB Appeal: 2902 Adeline Use Permit No. ZP2015-0177**

**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. The project would include 56 bicycle spaces and stacked parking for 24 vehicles.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 56 speakers. M/S/C (Maio/Arreguin) to continue the public hearing to April 4, 2017.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:24 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of March 7, 2017.

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Mark Numainville, City Clerk

## Communications

**Item 1: ZAB Appeal: 2902 Adeline Use Permit No. ZP2015-0177**

1. Robert Lauriston

## Supplemental Communications and Reports 1

**Item 1: ZAB Appeal: 2902 Adeline Use Permit No. ZP2015-0177**

2. Bruce Coughran
3. Alec Reynolds
4. Mark Loper, Reuben Junius & Rose, LLP
5. Janis Ching
6. Catherine Guimond

## Supplemental Communications and Reports 2

**Item 1: ZAB Appeal: 2902 Adeline Use Permit No. ZP2015-0177**

7. Joseph Poirier
8. Annie deBoer
9. Juan Sebastian Arias
10. Alexander Garbier
11. Cody Fornari
12. Nick Aguilera
13. Malena Farrera
14. Narayan Gopinathan
15. Raj Sahai
16. Chris Lee-Egan, on behalf of East Bay Forward
17. Matthew Wadlund
18. Dorothy Walker
19. Mel Weitsman
20. Ryan Greene-Roesel
21. Dmitri Belser
22. 16 form letters, submitted by Andrew Fisher, Julie Ashworth, Noah Budnick, Gregory Lemieux, William Newton, Stephen Wahlstrom, Joseph Poirier, John Steere, Matt Madison, Charles Alterkruse, Claudia Weisburd, Theo Posselt, Steven Ross, Kate Funk, Sara Fain and Jaime Orozco

## Supplemental Communications and Reports 3

### Item 1: ZAB Appeal: 2902 Adeline Use Permit No. ZP2015-0177

- 23. Presentation, submitted by Planning & Development Department
- 24. Donald Morgan
- 25. Gim Crew
- 26. Jake Shemano
- 27. Robert Lauriston
- 28. Jennifer Quinn
- 29. Unknown (2)

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
TUESDAY, MARCH 14, 2017  
5:00 P.M.**

**COUNCIL CHAMBERS – 2134 Martin Luther King, Jr. Way, Berkeley, CA**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

**Roll Call:** 5:03 p.m.

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

**Absent:** Councilmembers Bartlett and Hahn.

Councilmember Bartlett present at 5:09 p.m.

**Public Comment - Limited to items on this agenda only – 4 speakers.**

**CLOSED SESSION:**

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

**1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957**

a. Title of position to be filled: Chief of Police

**Action:** No action taken.

**OPEN SESSION:**

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

No reportable action.

**Adjournment**

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

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

Adjourned at 6:03 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of March 14, 2017.

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Rose Thomsen, Deputy City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

**Item 1: PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT  
CODE SECTION 54957** a. Title of position to be filled: Chief of Police

1. Genevieve Wilson (2)



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

**Tuesday, March 14, 2017**

**5:30 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

**Roll Call:** 6:06 p.m.

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

**Absent:** Councilmembers Bartlett, Hahn and Worthington.

Councilmember Bartlett present at 6:10 p.m. Councilmember Worthington present at 6:26 p.m.

**Worksession**

**1. City Debt Policy Training**

**From:** City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

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

**2. Crime Report - 2016**

**From:** City Manager

Contact: Andrew Greenwood, Police, 981-5900

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

**Public Comment - Items on this agenda only - 2 speakers.**

**Adjournment**

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

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

Adjourned at 7:10 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of March 14, 2017.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item 1: City Debt Policy Training**

1. Presentation, submitted by Finance Department

### **Item 2: Crime Report – 2016**

2. Presentation, submitted by Police Department

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

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of March 14, 2017 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## 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

## Communications

### 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

## Supplemental Communications and Reports 2

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 Guthertz

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

## Supplemental Communications and Reports 3

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**MONDAY, MARCH 27, 2017**

**5:30 P.M.**

Cypress Room – 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley, CA

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

**Preliminary Matters**

**Roll Call:** 5:31 p.m.

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

**Absent:** Councilmember Worthington.

**Public Comment - Limited to items on this agenda only:** 6 speakers

**CLOSED SESSION:**

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

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

Pending litigation – two cases

*OPHCA v. City of Berkeley*

U.S. District Court Case Civ. No. 16-cv-03046-CRB

**Action:** No reportable action.

*United States Postal Service v. City of Berkeley*

U.S. District Court Case Civ. No. 16-cv-04815WHA

**Action:** No reportable action.

**OPEN SESSION:**

No reportable action taken.

**Adjournment**

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

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

Adjourned at 7:25 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of March 27, 2017.

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Mark Numainville, City Clerk



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

**Tuesday, March 28, 2017**

**5:30 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

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

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

**Absent:** Councilmember Bartlett.

Councilmember Bartlett present at 5:35 p.m.

**Worksession**

**1. Homeless Services**

**From: City Manager**

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

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

**Public Comment - Items on this agenda only - 9 speakers.**

**Adjournment**

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

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

Councilmember Wengraf absent 7:03 p.m. – 7:05 p.m.

Adjourned at 7:05 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of March 28, 2017.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

### **Item 1: Homeless Services**

1. Councilmember Linda Maio

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item 1: Homeless Services**

2. Presentation, submitted by Health, Housing & Community Services
3. Genevieve Wilson

**MINUTES**  
**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

**Preliminary Matters**

**Roll Call:** 7:12 p.m.

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

**Absent:** None.

**Ceremonial Matters:**

1. Swearing in of Kathryn Harrison, newly elected District 4 Councilmember.
2. Recognition of Koichi and Hiroko Tamano, Local Artists
3. American Red Cross Month – March 2017
4. Recognition of 924 Gilman – 30<sup>th</sup> Year in Operation
5. Recognition of Katherine Harr, Former Rent Stabilization Board Chair

**City Manager Comments:** None.

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

**Public Comment on Consent Calendar and Information Items Only:** 6 speakers.

**Consent Calendar**

**Action:** M/S/C (Bartlett/Harrison) to accept supplemental material from councilmember Bartlett on Item 20.

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

## Consent Calendar

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

**Vote:** All Ayes.

- 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  
**Action:** Adopted second reading of Ordinance No. 7,535-N.S.
- 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  
**Action:** Adopted second reading of Ordinance No. 7,536-N.S.
- 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  
**Action:** Adopted second reading of Ordinance No. 7,537-N.S.
- 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  
**Action:** Adopted Resolution No. 67,873–N.S.

## Consent Calendar

**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

**Action:** Approved minutes as submitted.

**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

**Action:** Approved recommendation.

**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

**Action:** Moved to Action Calendar. 4 speakers. M/S/C (Harrison/Maio) to adopt Resolution No. 67,874–N.S. 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.

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

Councilmember Worthington absent 8:11 p.m. – 8:19 p.m.

**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

**Action:** Adopted Resolution No. 67,875–N.S.

## Consent Calendar

- 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  
**Action:** Adopted Resolution No. 67,876–N.S.
- 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  
**Action:** Adopted Resolution No. 67,877–N.S.
- 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  
**Action:** Adopted Resolution No. 67,878–N.S.

## 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  
**Action:** Adopted Resolution No. 67,879–N.S.
- 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  
**Action:** Adopted Resolution No. 67,880–N.S.
- 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  
**Action:** Adopted Resolution No. 67,881–N.S.
- 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  
**Action:** Adopted Resolution No. 67,882–N.S.

## 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

**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Maio/Wengraf) to approve the recommendation.

**Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin;

Noes – None; Abstain – None; Absent – Worthington.

## 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

**Action:** Approved recommendation.

### 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

**Action:** Councilmembers Davila and Bartlett added as a co-sponsor. Adopted Resolution No. 67,883–N.S.



## Council Consent Items

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  
**Action:** Adopted Resolution No. 67,884–N.S. revised to include contributions from the following councilmembers up to the amounts listed: Councilmember Wengraf - \$200; Councilmember Maio - \$200; Councilmember Davila - \$50; Mayor Arreguin - \$200.
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  
**Action:** Councilmember Harrison added as a co-sponsor. Item, including supplemental material accepted by the City Council, referred to the budget process for consideration.

## Council Consent Items

**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

**Action:** Councilmember Harrison added as a co-sponsor. 1. Adopted first reading of Ordinance No. 7,538–N.S. as revised in Supplemental Reports Packet #2 to amend Section 20.16.090 instead of 20.20.020. Second reading scheduled for April 4, 2017. 2. Approved recommendation with revised letter in Supplemental Packet #2. 3. Approved recommendation.

**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

**Action:** Moved to Action Calendar. 9 speakers. M/S/C (Worthington/Wengraf) to approve the recommendation amended to include direction that the guidelines have provisions to protect privacy and avoid misuse of camera footage.

Vote: Ayes – Maio, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – Davila; Abstain – Hahn.

**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

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

## 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

**Action:** Moved to Action Calendar. 7 speakers. M/S/C (Hahn/Davila) to adopt first reading of Ordinance No. 7,539–N.S. amended as follows:

- Remove cowhide with hair and sheep or lambskin with fleece from the definition of fur.
- Remove the exemption for non-profit organizations.
- Remove Section 2.
- Remove the reference to an effective date.
- Add a posting section.
- Direct staff to assign the chapter number and make the needed changes for proper formatting.

Second reading scheduled for April 4, 2017.

**Vote:** Ayes – Maio, Davila, Bartlett, Hahn, Wengraf, Arreguin; Noes – Harrison, Worthington, Droste.

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

**Vote:** All Ayes.

### 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

**Action:** Councilmembers Davila and Harrison added as co-sponsors. Adopted proclamation.

## Council Consent Items

**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:** Adopted Resolution No. 67,885–N.S.

### Action Calendar – Public Hearings

**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

**Public Testimony:** The Mayor opened the public hearing. 16 speakers.

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

**Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn (Recused – Voted on project as member of Zoning Adjustments Board).

**Action:** M/S/C (Worthington/Maio) to adopt Resolution No. 67,886–N.S. 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, and dismissing the appeal.

**Vote:** Ayes – Maio, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Davila; Absent – Hahn (Recused – Voted on project as member of Zoning Adjustments Board).

Councilmember Hahn recused 8:50 p.m. – 9:51 p.m.

Recess 9:51 p.m. – 10:07 p.m.

## 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  
**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,540–N.S. as written in Supplemental Reports Packet #1. Second reading scheduled for April 4, 2017.
29. **Housing Accountability Act** *(Continued from February 28, 2017)*  
**From: City Manager**  
Contact: Zach Cowan, City Attorney, 981-6950  
**Action:** Item held over to April 25, 2017.

## 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

**Action:** M/S/C (Wengraf/Maio) to suspend the rules and extend the meeting to 11:20 p.m.

**Vote:** All Ayes.

**Action:** 0 speakers. M/S/C (Harrison/Maio) to approve the commission recommendation amended to place the program on hold after the completion of Phase II.

**Vote:** All Ayes.

- 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:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,541–N.S. as written in Supplemental Reports Packet #1. Second reading scheduled for April 4, 2017.

## 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:** 3 speakers. M/S/C (Hahn/Davila) to adopt urgency Ordinance No. 7,542-N.S. as amended in Section 4 as below, and to adopt the first reading of Ordinance No. 7,543-N.S. Second reading of Ordinance No. 7,543-N.S. scheduled for April 4, 2017.

*Section 4. Acquisition of Property. The City Manager is hereby authorized to acquire on behalf of the City of Berkeley, the real property located at 1001,1007, and 1011 University Avenue, and 1925 Ninth Street, (APNs 057-208901401, 057-208901201, and 057-208901500), for the price of \$6,650,000, and to execute all contracts and other documents necessary to complete the acquisition. Payment will be made from the Workers' Compensations Fund. Repayment to the Workers' Compensation Fund for the portion of the property to be used as Council Chambers will be paid from excess property transfer tax, and the remainder will be paid from an appropriate source after the use of the building is determined and the repayment plan is reviewed by the Housing Advisory Commission if required.*

## 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

**Action:** 3 speaker. M/S/C (Maio/Harrison) to adopt Item 33.a. amended to change “Direct” to “Refer” in the first sentence.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

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

#### From: Landmarks Preservation Commission

Contact: Fatema Crane, Commission Secretary, 981-7400

**Action:** Received and filed.



## Information Reports

**35. Referral Response: Recreational Cannabis Recommendations**

**From: Medical Cannabis Commission**

Contact: Elizabeth Greene, Commission Secretary, 981-7400

**Action:** Received and filed.

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

**From: Auditor**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda – 1 speaker.**

### Adjournment

Adjourned at 11:40 p.m. in memory of:

1. Leslie Gordon, Local Disability Rights Advocate

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of March 28, 2017 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

**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

## Communications

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

## Communications

### Supplemental Communications and Reports 1

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

- 34. Sara Fox-Uvalle
- 35. Dan Fingleton
- 36. Lynn Kennedy

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

- 37. Stuart Baker
- 38. Matt Podolsky
- 39. Randy Fish

### Supplemental Communications and Reports 2

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

- 40. Rose Meadows

**Item 20: Anti-Displacement Public Advocate**

- 41. Revised materials, submitted by Councilmember Bartlett

**Item 21: Signage Ordinance, Amending BMC Chapter 20.20.020**

- 42. Revised materials, submitted by Councilmember Hahn

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

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

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

- 44. Helen Yuan
- 45. Sarah Bishop
- 46. Randy Fish
- 47. Shirley Dean
- 48. Paul Vojta

**Item 30: Progress Report for the Development of a Comprehensive Plan for the Funding of Undergrounding Utility Wires in Berkeley**

- 49. Supplemental materials, submitted by Councilmember Hahn

**Item 32: Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street**

- 50. Supplemental materials, submitted by City Manager's Office
- 51. Supplemental materials, submitted by Councilmember Harrison
- 52. Rob Wrenn
- 53. Marian Wolfe
- 54. Linda Franklin

**Item 34: Measure T1 Funds for Reconstruction of the Berkeley Rose Garden Pergola**

- 55. Pil Orbison

### Supplemental Communications and Reports 3

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

- 56. Soula Culver
- 57. Kathleen Sikora

**Item 20: Anti-Displacement Public Advocate**

- 58. Revised materials submitted by Councilmember Bartlett

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

- 59. Todd Maudlin
- 60. Sascha Mason
- 61. Sharon Budde
- 62. Georgina Guardado

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

- 63. Unknown
- 64. Moni Law

**Item 32: Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street**

- 65. Presentation, submitted by City Manager's Office
- 66. Moni Law