

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, May 2, 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: 7:20 p.m.

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

Absent: None.

Ceremonial Matters:

1. Recognition of Affordable Housing Week
2. May 13, 2017 Mother's Day Event at the Rose Garden at 11:00 a.m.

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

1. Updated Commissioners' Manual

From: City Manager

Recommendation: Adopt a Resolution rescinding Resolution No. 65,570-N.S. and adopting the updated edition of the Commissioners' Manual to include new legislative regulations, clarify current procedures, and increase organization and efficiency.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, 981-6900

Action: Item referred to the City Manager for revision and to be resubmitted to Council in June 2017.

2. Contract No. R9704 Amendment: City of Albany for Animal Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend Contract No. R9704 and any amendments with the City of Albany to provide certain animal care services for which the City of Albany will pay the City of Berkeley \$206,477 for services performed from FY 2018 through FY 2020.

Financial Implications: General Fund - \$206,477 (revenue)

Contact: Jovan Grogan, City Manager's Office, 981-7000

Action: Item held over to May 16, 2017 for further clarification and revision.

3. Contract No. R9710 Amendment: City of Piedmont for Animal Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend Contract No. R9710 and any amendments with the City of Piedmont to provide certain animal care services for which the City of Piedmont will pay the City of Berkeley \$152,578 for services performed from FY 2018 through FY 2020 and \$285,676 in total.

Financial Implications: General Fund \$152,578 (revenue)

Contact: Jovan Grogan, City Manager's Office, 981-7000

Action: Item held over to May 16, 2017 for further clarification and revision.

4. Contract No. 10039 Amendment: Koefran Industries for Pick-Up and Disposal of Deceased Animals

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend and increase Contract No. 10039 with Koefran Industries to provide pick-up and disposal of deceased animals for Berkeley Animal Care Services (BACS). The extension and increase will be for \$20,400 per year for FY 2018 through FY 2020 for a total not to exceed \$101,200 and subject to the City's annual appropriation process.

Financial Implications: General Fund - \$101,200

Contact: Jovan Grogan, City Manager's Office, 981-7000

Action: Adopted Resolution No. 67,931-N.S.

Consent Calendar

- 5. Contract No. 16262 Amendment: Eleanor Karlsson, DVM for Veterinary Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to Contract No. 16262 for \$50,000 with Eleanor Karlsson, DVM for on-site veterinary services for Berkeley Animal Care Services (BACS). The contract will be increased by \$100,000. The extension of this contract will be for \$50,000 for FY 2017/2018 and \$50,000 for FY 2018/2019, not to exceed \$150,000 in total and subject to the City's annual appropriation process.
Financial Implications: General Fund - \$150,000
Contact: Jovan Grogan, City Manager's Office, 981-7000
Action: Adopted Resolution No. 67,932–N.S.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 2, 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: \$1,200,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 7. Purchase Order: ZOLL Medical Corporation for Advanced Life Support Cardiac Monitors**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order contract and any amendments with ZOLL Medical Corporation for the purchase of twenty-six Advanced Life Support (ALS) ECG Monitor/Defibrillators for emergency response vehicles in an amount not to exceed \$780,491. This amount includes a four-year service and maintenance contract at \$101,400.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
Action: Adopted Resolution No. 67,933–N.S.
- 8. Contract: Raimi+Associates for Professional Planning Services for the Adeline Corridor Specific Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the Adeline Corridor Specific Plan for an amount not to exceed \$340,000 for the period from May 15, 2017 to December 31, 2018.
Financial Implications: See report
Contact: Carol Johnson, Planning and Development, 981-7400
Action: Adopted Resolution No. 67,934–N.S.

Council Consent Items

9. **Support of AB 45, California School Employee Housing Assistance Program**
From: Mayor Arreguin and Councilmembers Bartlett, Maio, and Hahn
Recommendation: Adopt a Resolution supporting AB 45, which would provide financial assistance to school districts to help fund developments for teacher and staff housing. Send a copy of the Resolution to Governor Jerry Brown, State Senator Nancy Skinner, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 67,935–N.S.
Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.
10. **Referral to the Budget Process: Funding for Anti-Displacement Programs**
From: Mayor Arreguin and Councilmembers Hahn, Bartlett, and Harrison
Recommendation: Refer to the Fiscal Year 2018/2019 budget process an allocation of \$1.07 million for the following programs: \$500,000 to ensure universal legal eviction defense for all Berkeley tenants at risk of eviction; \$470,000 increase to the current \$30,000 (for a total of \$500,000) to the Housing Retention Program, with a cap of \$5,000 per household (currently \$2,000 per household); and \$100,000 to provide housing counseling and legal services for Berkeley’s low-income, elderly or disabled distressed homeowners.
Financial Implications: Various Funds - \$1,070,000
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Approved recommendation amended to also refer the item to the Housing Advisory Commission.
11. **Budget Referral for the Evaluation and Implementation of a Smaller Traffic Circle at the Intersection of Allston and California**
From: Councilmember Harrison
Recommendation: Refer to the City Manager to assess and identify improvements to the Allston and California intersection. The large traffic circle is less than the customary 18 feet from the crosswalk and requires automobiles to veer toward the crosswalk. Our office requests that the Department evaluate the construction of a smaller traffic circle at Allston and California. Along with this, we request new traffic counts be collected while all schools are in session to update the 2013 analysis for consideration of an all-way stop at this road junction. This would increase road safety by assuring that vehicles enter the intersection at lower speeds. Both of these factors should be considered and addressed in improvements to be recommended for this intersection.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Councilmember Davila added as a co-sponsor. Approved recommendation as revised in Supplemental Packet #1 to provide 11 feet between the crosswalk and the edge of the circle.

Council Consent Items

12. **Budget Referral for the Installation of Safety Improvements at the Intersection of Fulton and Durant**
From: Councilmember Harrison
Recommendation: Refer to the City Manager to assess and fund the most cost effective method of improving pedestrian safety for the following intersection: Fulton and Durant. Possibilities include, but are not limited to, a Yield to Pedestrians sign or a separate light for cars going south and turning left from Fulton onto Durant going east.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Approved recommendation.
13. **Budget Referral for Re-Evaluation of Safety at the Intersection of Harold and Allston in the Context of Likely Development**
From: Councilmember Harrison
Recommendation: Refer to the City Manager to assess, identify, and fund improvements to increase pedestrian safety at the Allston and Harold Intersection. In the context of upcoming likely development, and considering the fact that several parked cars have been hit here in the last 5 years, our office recommends assessing and the most cost effective method of improvement. Possibilities include, but are not limited to, a Yield to Pedestrians sign or Flashing Beacon Lights that are automatically triggered to flash when a pedestrian is occupying the crosswalk zone.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Approved recommendation.
14. **Cigarette Butt Pollution Prevention Pilot Program: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Harrison and Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Harrison, to the Cigarette Butt Pollution Prevention Pilot Program with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$250
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Councilmember Davila added as a co-sponsor. Approved recommendation amended to include contributions from the following councilmembers up to the amounts listed: Councilmember Davila - \$25; Councilmember Maio - \$100; Councilmember Hahn - \$150.

Council Consent Items

15. **Oppose HR 38 (Hudson) and S. 446 (Cornyn), the Constitutional Concealed Carry Reciprocity Act of 2017**
From: Councilmembers Wengraf and Hahn
Recommendation: Adopt a Resolution opposing HR 38 (Hudson), and S 446 (Cornyn), the Constitutional Concealed Carry Reciprocity Act of 2017, and send a copy of the resolution to Congresswomen Barbara Lee and Senators Diane Feinstein and Kamala Harris.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmembers Bartlett and Droste added as a co-sponsor. Adopted Resolution No. 67,936-N.S.
16. **Options Recovery Services: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Wengraf
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$150 per Councilmember including \$150 from Councilmember Susan Wengraf, to the Options Recovery Services 20 Year Anniversary Gala, on May 20th, 2017, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Susan Wengraf and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$150
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 67,937–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$150; Councilmember Maio - \$150; Councilmember Harrison - \$150; Councilmember Hahn - \$150.
17. **Referral to Planning Commission to Provide Ordinance Language for the Creation of Junior ADUs**
From: Councilmembers Wengraf, Droste, and Bartlett
Recommendation: Refer to the Planning Commission to provide ordinance language for the creation of Junior ADUs and return to City Council for adoption.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation.

Council Consent Items

- 18. Support AB 391 (Chiu & Gomez) – Medi-Cal: Asthma Preventive Service**
From: Councilmembers Wengraf and Hahn
Recommendation: Send a letter in support of AB 391 (Chiu & Gomez) urging our representatives to support this bill. Letter should be sent to Assemblymembers Chiu, Gomez, Thurmond, State Senator Nancy Skinner and Governor Brown.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmembers Bartlett and Davila added as co-sponsors. Approved recommendation.
- 19. One Year Maintenance Deferral for the Berkeley Art Center**
From: Councilmembers Worthington, Hahn, and Harrison
Recommendation: That the city grant a maintenance deferral to the Berkeley Art Center to remain at the Live Oak facility for one year. Before this deadline expires, BAC shall procure an agreement to establish a new location for the center. Thereafter, BAC shall have the option to remain at its current location for up to 3 additional years, on a year-to-year basis.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Mayor Arreguin added as a co-sponsor. Approved recommendation.
- 20. Budget Referral for the César Chávez Solar Calendar**
From: Councilmembers Worthington and Maio, Mayor Arreguin, and Councilmember Bartlett
Recommendation: Refer to the city budget process, consideration of granting \$25,000 to Kala Art Institute for the César Chávez Memorial Solar Calendar Project.
Financial Implications: \$25,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 21. Budget Referral: Increase Berkeley Civic Arts Program Annual Grant by \$140,000 and Create a Civic Arts Special Fund**
From: Councilmembers Worthington and Wengraf
Recommendation: Refer to the budget process a \$140,000 increase to the annual budget for the Civic Arts Program, as well as creating a special fund dedicated to capital improvements and capacity building.
Financial Implications: \$140,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Mayor Arreguin and Councilmember Droste added as co-sponsors. Approved recommendation.

Council Consent Items

- 22. Budget Referral: Increase Berkeley Project's Funding by \$5,000**
From: Councilmembers Worthington, Harrison, and Wengraf
Recommendation: Refer to the budget process a \$5,000 increase to the annual budget for the Berkeley Project.
Financial Implications: \$5,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 23. Support of SB 179: Gender Identity: Female, Male, or Nonbinary**
From: Councilmembers Droste, Worthington, and Bartlett
Recommendation: Adopt a Resolution supporting Senate Bill 179, which will allow Californians to identify as nonbinary on their birth certificates, driver's licenses, and identity cards without requiring a court order and without requiring clinical treatment for gender transition; and send a copy of the Resolution to State Senator Nancy Skinner, Assemblymember Tony Thurmond, and to Governor Jerry Brown.
Financial Implications: None
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Adopted Resolution No. 67,938–N.S.
- 24. Support of AB 71: Bring California Home Act**
From: Councilmembers Droste and Harrison
Recommendation: Adopt a Resolution supporting Assembly Bill 71, the Bring California Home Act; and send a copy of the resolution to Assemblymember Tony Thurmond, State Senator Nancy Skinner, and Governor Jerry Brown.
Financial Implications: None
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Adopted Resolution No. 67,939–N.S.
Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.

Action Calendar – Public Hearings

25. Re-Establishment and Expansion of the Telegraph Property and Business Improvement District

From: City Manager

Recommendation: Conduct a public hearing on: 1. The re-establishment and expansion of the Telegraph Property and Business Improvement District (TBID or “the District”); and 2. The modification of the existing TBID to shorten the term from ten years to nine years; and upon conclusion if no majority protest exists after tabulation of assessment ballots, adopt three Resolutions:

a. Re-establishing and expanding the Telegraph Property and Business Improvement District for the ten-year period beginning July 1, 2017 and ending June 30, 2027, with operations to occur over the ten calendar year period beginning January 1, 2018 and ending December 31, 2027, and levying assessments on properties within the District for fiscal year 2018.

b. Modifying the existing TBID to end on June 30, 2017, shortening the TBID’s term from ten years to nine years.

c. Authorizing the City Manager to execute a sole source contract and any amendments with the Telegraph Property and Business Management Corporation (TPBMC) not to exceed \$489,000 of TBID funds to support Telegraph revitalization for the period January 1, 2018 to December 31, 2018, with the option to extend annually for nine additional years through the expiration of the TBID.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

Public Testimony: The Mayor opened the public hearing. 5 speakers.

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

Vote: All Ayes.

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 67,940 –N.S. (Re-Establishing TBID), Resolution No. 67,941–N.S. (Shortening TBID), and Resolution No. 67,942–N.S. (TPBMC).

Vote: All Ayes.

26. Fiscal Year 2018 and Fiscal Year 2019 Proposed Budget Public Hearing #1

From: City Manager

Recommendation: Conduct a public hearing regarding the FY 2018 and FY 2019 Proposed Biennial Budget.

Financial Implications: See Proposed FY 2018 and FY 2019 Proposed Biennial Budget

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Davila) to direct the City Manager to calendar a public hearing on the budget for June 13, 2017.

Vote: All Ayes.

Action Calendar – Continued Business

- A. **ZAB Appeal: 2902 Adeline Street** *(Continued from April 25, 2017. Item contains revised and supplemental materials.)*

From: City Manager

Recommendation: Adopt a Resolution approving 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: 30 speakers. M/S/C (Bartlett/Arreguin) to adopt Resolution No. 67,943–N.S. approving 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 four units at Low Income (80%); four units at Very Low Income (50%) with two for Section 8 for the life of the project and two for Shelter+Care, and one 1-bedroom unit at Moderate Income (120% AMI). Of the LI and VLI units, three will be 2-bedroom units and five will be 1-bedroom units. The developer will also make an in-lieu payment of \$68,000, and hold monthly meetings with the residents of Harriet Tubman regarding construction impacts. A standard condition is added to state the requirements of the City's short term rental regulations. A separate agreement for a \$100,000 payment from the applicant to the East Bay Community Law Center will be executed, but not as a condition of approval.

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

Recess: 9:26 p.m. – 9:41 p.m.

- B. **Contract: ERA Construction for Le Conte Safe Routes to School Project** *(Continued from April 25, 2017)*

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

Action: Moved to Consent Calendar. Adopted Resolution No. 67,944–N.S.

Action Calendar – Old Business

27. Berkeley Bicycle Plan 2017 *(Continued from February 28, 2017)*

From: City Manager

Recommendation: Adopt a Resolution approving the Berkeley Bicycle Plan 2017, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: M/S/C (Maio/Arreguin) to accept supplemental material from Councilmember Hahn on Item 27.

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

Action: M/S/C (Arreguin/Worthington) to suspend the rules and extend the meeting to 11:15 p.m. and to hold over Items 29 and 32 to May 16, 2017.

Vote: All Ayes.

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

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

Action: M/S/C (Arreguin/Worthington) to suspend the rules and extend the meeting to 11:45 p.m.

Vote: All Ayes.

Action: 29 speakers. M/S/C (Hahn/Wengraf) to adopt Resolution No. 67,945–N.S., as revised in Supplemental Reports Packet #2, to approve the Berkeley Bicycle Plan 2017, with changes as shown in the Berkeley Bicycle Plan 2017 Recommended Revisions memorandum dated April 21, 2017, approved by the Berkeley Transportation Commission; directing the City Manager to pursue implementation of the Plan as funding and staffing permit; and including the following amendment as the first paragraph of Section ES-11:

As each project is taken up for possible implementation, stakeholder constituencies will be consulted and have the opportunity to provide input. In addition, in commercial and manufacturing districts, particularly in West Berkeley, the special needs and hazards associated with these uses, including frequent passage and parking, loading and unloading of trucks of all sizes, shall be considered such that everyday functioning and economic vitality of these areas are not unduly burdened. Furthermore, for the network to work, it must be complete, without gaps. Completing the low stress network is a priority for the city to meet our Climate Action Plan goals.

Council also directs staff to:

- 1. Make Claremont Avenue a Tier 1 project.*
- 2. Report back to Council on staffing plans for Tier 1 projects.*
- 3. Seek traffic mitigation funds from Safeway to improve Claremont Avenue.*
- 4. Pilot a Tier 1 complete streets corridor so the city can have at least one complete bicycle network in Berkeley by 2025.*
- 5. Make Milvia Street the first priority Tier 1 project and schedule implementation after the Center Street Garage is completed.*
- 6. Consider the issue of parking configuration on Addison Street in the Downtown and how to accommodate the commercial needs (loading and unloading) of Berkeley ACE Hardware.*

Vote: All Ayes.

Action Calendar – Old Business

28. **Establish a 90 Day Deadline to Either Collect Over \$641,000 Owed in Lien or to Bring Owner in Compliance with Agreement** *(Continued from March 14, 2017. Item contains revised material.)*

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: Moved to Consent Calendar. Approved the revised recommendation as written below.

Establish a 90 day deadline to require the owner of the lot on the corner of Haste Street and Telegraph to pay the current amount of the lien (over \$641,000) owed to the City in lien or to comply with the terms of the Settlement Agreement dated October 15, 2013, including specifically Section 2 thereof, and the timeframes set forth in Section 3 starting with 6.0 on, and authorize the City Attorney to take appropriate action, including but not limited to initiating arbitration proceedings, to enforce the Settlement Agreement if the owner does not comply.

Authorize that the debt collected from the Owner be placed in the City's General Fund and go towards funding Budget Referrals made for the 2017/2018 Fiscal Year. When the Council votes on the Budget in the end of June 2017, they will vote on, specifically, where this money is placed.

29. **Ordinance to Ban the Sale of Fur in Berkeley; Adding BMC Chapter 9.22** *(Continued from April 4, 2017)*

From: Councilmember Worthington

Recommendation: Adopt second reading of Ordinance No. 7,539-N.S. adding BMC Chapter 9.22 to eliminate the sale of fur apparel products in order to promote community awareness of animal welfare.

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

Financial Implications: None

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

Action: Item held over to May 16, 2017.

Action Calendar – New Business

30. Proposed Surveillance and Community Safety Ordinance

From: Disaster and Fire Safety Commission

Recommendation: At this time the Disaster and Fire Safety Commission takes no position on the proposed Surveillance and Community Safety Ordinance, but we have concerns about the impacts that this draft ordinance may have on the Berkeley Fire Department. The Disaster and Fire Safety Commission recommends that City Council direct the City Manager to assess the administrative impact of the proposed Surveillance and Community Safety Ordinance that is currently in draft form. This assessment should include (a) a legal review to identify surveillance technology that is currently owned or used by city departments (b) an estimate by the City Manager of the administrative burden (including both fiscal and time-based costs) created by this ordinance on city departments, Commissions, and the City Council.

Financial Implications: See report

Contact: Keith May, Commission Secretary, 981-3473

Action: Moved to Consent Calendar. Approved recommendation revised to change “direct” to “refer” in the second sentence.

31a. Safe and Affordable Housing Policy for Legalizing Certain Housing Units

From: Housing Advisory Commission

Recommendation: Direct staff to develop a policy that ensure protections, including the retention of rent control if it currently exists, for tenants residing in units being legally converted to a residential use. These protections should extend to existing tenants who reside in units that an owner may be trying to legalize through the permitting process. The Housing Advisory Commission (HAC) applauds the ongoing work of the Four-by-Four Committee (City Council and Rent Stabilization Board) to address the safety, occupancy, and affordability of certain units and workspaces.

Financial Implications: Staff time

Contact: Amy Davidson, Commission Secretary, 981-5400

31b. Companion Report: Safe and Affordable Housing Policy Recommendation

From: City Manager

Recommendation: If the City Council would like to adopt the Safe and Affordable Housing Policy outlined in the Housing Advisory Commission’s report, staff recommends that the Council refer this issue to the Council’s 2018 priority ranking process to evaluate alongside other referrals for City staff time and funding.

Financial Implications: See report

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

Action: Item 31.a. moved to Consent Calendar and referred to the 4x4 Committee.

Action Calendar – New Business

32. Amend BMC Sections 3.78.030, 040, and 050 Related to Commission Procedures

From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution requesting that the City Manager examine the addition of language to the Berkeley Municipal Code that clarifies aspects of the management of City of Berkeley commissions and the removal and appointment of commissioners.

Financial Implications: See report

Contact: Wing Wong, Commission Secretary, 981-5400

Action: Item held over to May 16, 2017.

Information Reports

33. Referral Response: Measure M Information Report – Update 2017

From: City Manager

Contact: Phillip Harrington, Public Works, 981-6300

Action: Received and filed.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 11:39 p.m. in memory of:

1. Seon O'Neill, Local Activist

Communications

Item 21: Budget Referral: Increase Berkeley Civic Arts Program Annual Grant by \$140,000 and Create a Civic Arts Special Fund

1. Patrick Dooley

Item 29: Ordinance to Ban the Sale of Fur in Berkeley; Adding BMC Chapter 9.22

2. Francine Pipari

Portland Ending Corporate Investments

3. Phoebe Sorgen

Pathways Project

4. Sybil Hatch
5. Avram Gur Arye (3)

Fiduciary Responsibilities

6. Moni Law

Repeal of Costa-Hawkins

7. Karl Knobler

1127 Bancroft Way

8. Natalie DeWitt

Solar for Government Buildings

9. Charlene Woodcock

Support of SB 562

10. Sheila Goldmacher/Jacquelyn McCormick

UC Berkeley DCRP/Professional Report Topics

11. Marian Wolfe

Berkeley Rose Garden

12. Pil Orbison

Safety

13. George Matiasz

Supplemental Communications and Reports 1

Item 10: Referral to the Budget Process: Funding for Anti-Displacement Programs

14. Krista Gulbransen

15. Marian Wolfe

Item 11: Budget Referral for the Evaluation and Implementation of a Smaller Traffic Circle at the Intersection of Allston and California

16. Supplemental materials, submitted by Councilmember Harrison

Item 21 Budget Referral: Increase Berkeley Civic Arts Program Annual Grant by \$140,000 and Create a Civic Arts Special Fund

17. Eric Powell

Item 26: Fiscal Year 2018 and Fiscal Year 2019 Proposed Budget Public Hearing #1

18. Revised materials, submitted by City Manager's Office

Supplemental Communications and Reports 2

Item 8: Contract: Raimi+Associates for Professional Planning Services for the Adeline Corridor Specific Plan

19. Margy Wilkinson

Item 9: Support of AB 45, California School Employee Housing Assistance Program

20. Rose Ann Cochran

Item 12: Budget Referral for the Installation of Safety Improvements at the Intersection of Fulton and Durant

21. Paul Vojta

Item 19: One Year Maintenance Deferral for the Berkeley Art Center

22. Civic Arts Commission

Item 21: Budget Referral: Increase Berkeley Civic Arts Program Annual Grant by \$140,000 and Create a Civic Arts Special Fund

23. Civic Arts Commission

24. Daria Hepps

25. Carol Lashof

26. Gail Wagner

27. Liz Ozol

28. Trent Anderson

29. Rena Bransten

30. Bruce Coughran

31. Laura Gorjance

32. Kerry Francis

33. Jonathan Fu

34. Carrie Avery

35. Kate Gorman

36. Karen Galatz

37. Carey Chern

38. Nora Merezicky

Item 26: Fiscal Year 2018 and Fiscal Year 2019 Proposed Budget Public Hearing #1

39. Terrie Light

Item A: ZAB Appeal: 2902 Adeline Street

40. Bruce Coughran

41. Robert Lauriston

42. Sheila Goldmacher

43. Margy Wilkinson

44. Alan Senauke

Item 27: Berkeley Bicycle Plan 2017

45. Revised materials, submitted by Public Works Department

46. Jeff Vincent, on behalf of Nia House Learning Center

47. Robert del Rosario, on behalf of AC Transit

48. Rick Auerbach

Item 28: Establish a 90 Day Deadline to Either Collect Over \$641,000 Owed in Lien or to Bring Owner in Compliance with Agreement

49. Supplemental materials, submitted by Councilmember Harrison

Item 31a: Safe and Affordable Housing Policy for Legalizing Certain Housing Units

50. John Selawsky

51. Julia Cato

Item 27: Berkeley Bicycle Plan 2017

52. 115 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 17: Referral to Planning Commission to Provide Ordinance Language for the Creation of Junior ADUs

53. Barbara Gilbert

Item 21: Budget Referral: Increase Berkeley Civic Arts Program Annual Grant by \$140,000 and Create a Civic Arts Special Fund

54. Gina Moreland

Item A: ZAB Appeal: 2902 Adeline Street

55. Louise Rosenkrantz

Item 27: Berkeley Bicycle Plan 2017

56. Presentation, submitted by Public Works

57. Supplemental materials, submitted by Councilmember Hahn

58. Luis Amezcua, on behalf of the Sierra Club

59. Ella Newman

Item 31a: Safe and Affordable Housing Policy for Legalizing Certain Housing Units

60. Alfred Twu

61. Igor Tregub

62. Jeffrey Carter

63. Christine Schwartz

Event Flyer

64. Unknown