

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, May 16, 2017

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 2 – CHERYL DAVILA

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 8 – LORI DROSTE

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

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

Preliminary Matters

Roll Call:

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

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

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

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

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

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

Consent Calendar

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

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

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

- 1. Modification of Medical Cannabis Commission Name and Mission; Amending BMC Section 12.26.112**
From: Medical Cannabis Commission
Recommendation: Adopt second reading of Ordinance No. 7,545-N.S. amending BMC Section 12.26.110 to change the name and mission of the Medical Cannabis Commission to include recreational cannabis.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Elizabeth Greene, Commission Secretary, 981-7400

- 2. Amendment: FY 2017 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2017 Annual Appropriations Ordinance No. 7,519–N.S. for fiscal year 2017 based upon other adjustments in the amount of \$66,302,955 (gross) and \$27,570,587 (net).
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Consent Calendar

- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 16, 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 - \$9,724,350
Contact: Henry Oyekanmi, Finance, 981-7300
- 4. Revenue Grant Agreement: Funding Support from the YMCA to Conduct Public Health Promotion, Protection, and Prevention Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to YMCA of the Central Bay Area, to accept the grant, execute any resultant revenue agreements and/or amendments, and implement the project and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the following revenue agreement: YMCA of the Central Bay Area, in the projected amount of \$10,000 for Fiscal Year 2018.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 5. Revenue Grant: Funding Support from the State of California to Provide Nutritious Foods, Nutrition Education, and Referrals to Pregnant and Postpartum Women, Infants and Children**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept Women, Infants and Children (WIC) Program grant funds from the California Department of Public Health (CHDP) for fiscal years 2018 and 2019, and execute any resultant revenue agreements and amendments to provide nutritious foods to supplement inadequate diets, nutrition education, and referrals to health care for pregnant, breastfeeding, and non-breastfeeding postpartum women, infants and children up to age five who are found to be at nutritional risk.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Consent Calendar

**6. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Promotion, Protection, and Prevention Services
From: City Manager**

Recommendation: Adopt seven Resolutions 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, protection, and prevention services for the following seven revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$445,885 for FY 2018.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$327,000 for FY 2018.
3. Tuberculosis Control Program in the projected amount of \$17,460 for FY 2018.
4. Public Health Emergency Preparedness Program in the projected amount of \$240,000 for FY 2018.
5. Tobacco Trust Fund in the projected amount of \$150,000 for FY 2018.
6. Childhood Lead Poisoning Prevention in the projected amount of \$67,305 for FY 2018.
7. Immunization in the projected amount of \$84,408 for FY 2018.

Financial Implications: See report

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

**7. Revenue Agreements: Funding Support from Alameda County to Conduct Public Health Promotion, Protection and Prevention Services
From: City Manager**

Recommendation: Adopt five Resolutions authorizing the City Manager to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Public Health Infrastructure Program in the projected amount of \$33,704 for FY 2018.
2. Foster Care Program in the projected amount of \$93,000 for FY 2018.
3. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$170,250 for FY 2018.
4. School Linked Health Services Program (Measure A Funding) in the projected amount of \$180,835 for FY 2018.
5. Tobacco Prevention Program in the projected amount of \$73,680 for FY 2018.

Financial Implications: See report

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

Consent Calendar

- 8. Measure E Reserve for Easy Does It's FY 2017 and FY 2018 Minimum Wage Funding Gap**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Allocating a one-time amount of \$75,000 in Measure E Reserve Funds to Easy Does It's (EDI) existing FY 2017 Contract No. 10003B because of an unforeseen mid-budget-year increase in staff costs due to the on-call worker exemption being removed from the City of Berkeley Minimum Wage Ordinance (MWO); and require that Easy Does It identify a fiscally sound plan to meet the deficit caused by minimum wage requirements.
 2. Allocating \$75,000 in Measure E Reserve Funds to EDI's FY 2018 allocation to pay for increased staff costs due to the City's MWO while EDI determines a feasible alternative long term solution; and require that Easy Does It identify a fiscally sound plan to meet the deficit caused by minimum wage requirements.
- Financial Implications:** See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 9. Unrepresented Employee Manual Amendment** *(Continued from April 25, 2017)*
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 67,709-N.S. (Unrepresented Employee Manual) and all subsequent amendatory resolutions thereto, and adopting the attached Unrepresented Employee Manual that amends several provisions to more closely align unrepresented employees benefits with those of represented non-Safety Miscellaneous employees and unrepresented Police and Fire with represented Safety employees, as well as amending the Retiree Health Premium Assistance Plan to allow reimbursement of Medical Insurance Premiums.
Financial Implications: None
Contact: Sarah Reynoso, Director of Human Resources, 981-6807
- 10. Classification and Salary: Information Security Manager**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 67,709-N.S. Classification and Salary Resolution for Unit Z1 (Unrepresented Executive and Confidential Management) to establish the classification of Information Security Manager with a monthly salary range of \$10,651 to \$13,077 effective May 16, 2017.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800

Consent Calendar

- 11. Supplemental Military Leave Compensation Policy**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 63,646-N.S. to extend the City's supplemental military leave compensation benefit to May 31, 2018 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two years that must be taken within 36 months for employees called up to involuntary active military service.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
- 12. Classification and Salary: Epidemiologist**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 67,482-N.S., Classification and Salary Resolution for Service Employees International Union Local 1021, Community Service & Part-Time Recreation Leaders Association, to establish the classification of Epidemiologist with a monthly salary range of \$6,405 - \$7,785 effective May 16, 2017.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
- 13. Contract No. 9791 Amendment: Environmental Systems Research Institute, Inc. (Esri) for Enterprise Graphical Information Systems (GIS) Software License Maintenance and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Environmental Systems Research Institute, Inc. (Esri) for Enterprise GIS software license maintenance and support increasing the amount by \$225,000 for a not-to-exceed total of \$396,000 for the period of July 1, 2014 through June 30, 2020.
Financial Implications: General Fund - \$225,000
Contact: Savita Chaudhary, Information Technology, 981-6500
- 14. Contract No. 10217 Amendment: TranSystems, Inc. for Design Revisions and Construction Support Services for the South Cove Parking Lot and Restroom 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 \$25,300 for design revisions and construction support services for the South Cove Parking Lot and Restroom Project for a total contract amount not to exceed \$193,271.
Financial Implications: One-Time Grant: No Capital Expenditures - \$193,271
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

15. Amendments to Contracts No. 9041, 9042, and 9068: On-Call Geotechnical and Engineering Testing Services

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute amendments to the following contracts for on-call geotechnical and engineering testing services for a combined total of \$500,000, as follows:

1. ENGEO Incorporated, Contract No. 9042: a. Ratifying the action taken by the City Manager to execute a contract amendment with ENGEO Incorporated for emergency landslide repair design services for \$46,800; and b. Increasing the contract amount by \$178,200, for a total not-to-exceed amount of \$625,000;
2. Construction Testing Services, Contract No. 9068, increasing the contract amount by \$175,000, for a total not-to-exceed amount of \$575,000;
3. Inspection Services, Inc., Contract No. 9041, increasing the contract amount by \$100,000, for a total not-to-exceed amount of \$500,000.

Financial Implications: Various Funds - \$500,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

16. Agreement for the City to Provide Sports Officials for Berkeley Unified School District Afterschool Sports Programs

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an agreement and any amendments with the Berkeley Unified School District (BUSD) to provide City sports officials and team awards at cost for BUSD elementary afterschool sports programs.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

17. Purchase Order: National Auto Fleet Group for Four Dump 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 four dump trucks with National Auto Fleet Group in an amount not to exceed \$529,000.

Financial Implications: Equipment Replacement Fund - \$529,000

Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 18. Contract: Zanker Road Resource Management, Ltd. For Construction and Demolition Debris Sorting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zanker Road Resource Management, Ltd. for construction and demolition debris sorting services for a three-year period starting July 1, 2017, with an option for two one-year renewals in an amount not to exceed \$13,204,295.
Financial Implications: Zero Waste Fund - \$13,204,295
Contact: Phillip Harrington, Public Works, 981-6300
- 19. Endorse Senate Bill 2 (Atkins), Recordation Fee**
From: Housing Advisory Commission
Recommendation: Endorse of Senate Bill (SB) 2, a bill to impose a modest recordation fee on certain real estate transactions.
Financial Implications: None
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 20. Filling Vacancies Among the Elected Representative for the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointment of Ms. Denah S. Bookstein (District 1), as an elected representative for the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted in at the HWCAC March 15, 2017 meeting, and that her term expires November 21, 2018.
Financial Implications: None
Contact: Wing Wong, Commission Secretary, 981-5400

Council Consent Items

- 21. Joining the National League of Cities Letter to the President Regarding the Protection of Our Environment #Cities4Climate**
From: Councilmembers Maio, Hahn, and Bartlett
Recommendation: Join the signatories of the National League of Cities letter to the President regarding protecting our environment and continuing our commitment to the Paris climate agreement. Read the letter at <http://www.nlc.org/Cities4Climate>.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 22. Install 4-Way Stop at Gilman Street and Peralta Avenue**
From: Councilmember Maio
Recommendation: Request to the City Manager to install a 4-way Stop at Gilman Street and Peralta Avenue.
Financial Implications: Minor
Contact: Linda Maio, Councilmember, District 1, 981-7110

Council Consent Items

- 23. City Co-sponsorship of Berkeley Humane's Bark (& Meow) Around the Block Adopt-A-Thon and Street Fair**
From: Councilmember Davila
Recommendation: Approve city co-sponsorship of the Berkeley-East Bay Humane Society's 5th Annual Bark (and Meow) Around the Block Adopt-A-Thon and Street Fair which will take place on Saturday, August 19, 2017.
Financial Implications: Unknown
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 24. City Co-sponsorship of Berkeley Humane's 4th Annual Pints for Paws**
From: Councilmember Davila
Recommendation: Approve city co-sponsorship of the Berkeley-East Bay Humane Society's 4th Annual Pints for Paws which will take place on Saturday, June 3, 2017.
Financial Implications: Unknown
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 25. Anti-Displacement Public Advocate** *(Continued from April 25, 2017)*
From: Councilmembers Bartlett, Davila, Mayor Arreguin, and Councilmember Harrison
Recommendation: Adopt a Resolution supporting the concept of the establishment of an Office of the Anti-Displacement Public Advocate (APA), to be located in a community agency, which will be tasked with preventing the displacement of Berkeley residents, community, faith, and cultural institutions, small businesses, and non-profits. The APA will be an entity external to the City. The APA will provide legal representation; engage in advocacy; coordinate housing counseling, and financial literacy training; conduct stakeholder meetings; provide outreach to community members at-risk of displacement; and publish quarterly public reports on outcomes and impact in reducing displacement.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

26. **Referral to the Labor Commission and the Commission on the Status of Women: Paid Family Leave Ordinance** *(Continued from April 25, 2017)*
From: Councilmembers Bartlett, Mayor Arreguin, and Councilmembers Hahn and Droste
Recommendation: Refer the attached ordinance for consideration by to the Labor Commission and the Commission on the Status of Women to help in the development of a Paid Family Leave Ordinance for the City of Berkeley. The Labor Commission shall be responsible for conducting a public hearing to collect community input on the attached draft legislation. The Labor Commission shall conduct outreach and invite relevant stakeholders to attend, including representatives from small business associations, chambers of commerce, Berkeley employers, and Berkeley employees. The Commission on the Status of Women shall be responsible for research and overall project management. The Commissions shall jointly prepare a report for submission to Council summarizing both commissions' suggestions and the community's suggestions for changes that should be made to the attached legislation.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
27. **Month of Inclusion –Proclaim May 2017 as a Month Of Inclusion in Recognition of the Chinese Exclusion Act and the Harm Caused by Racially Discriminatory Immigration Measures, and to Honor the Contributions of All Immigrants and Refugees Who Have Enriched Our Communities**
From: Councilmember Bartlett
Recommendation: Adopt the Month of Inclusion Resolution.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
28. **In Support of SB 560 Public Retirement Systems, Investments: Financial Climate Risk**
From: Councilmembers Harrison and Maio
Recommendation: Adopt a Resolution supporting SB 560 Public Retirement Systems, Investments: Financial Climate Risk, an act to add Section 7510.5 to the Government Code relating to public retirement systems. Send a copy of the resolution to Governor Jerry Brown, State Senators Kevin de Leon and Nancy Skinner, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Council Consent Items

- 29. Changes in the Affordable Housing Mitigation Fee**
From: Councilmembers Harrison and Hahn and Mayor Arreguin
Recommendation: Amend Ordinance 7.499-N.S by eliminating the discount in the affordable housing mitigation fee when it is paid at issuance of the building permit and clarifying that the 20% of inclusionary units for applicants who choose to provide inclusionary units in lieu of the fee is applied to total project units, not market rate units consistent with the 2015 Nexus Study. In addition, the amendments require that project applicants pay the Affordable Housing Mitigation Fee for projects with ten or fewer proposed market rate units (including density bonus market rate units) rather than have the option of building the affordable units on site. The proposed amendments clarify the fee process for Affordable Housing.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 30. Changes in the Affordable Housing Mitigation Fee**
From: Councilmember Harrison and Mayor Arreguin
Recommendation: Amend Resolution 67,614-N.S by eliminating the discount in the affordable housing mitigation fee when it is paid at issuance of the building permit pursuant to Berkeley Municipal Code section 22.20.065 and adjusting the fee each two years for inflation by reference to the Construction Cost Index (CCI).
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 31. Supporting Environment California's Statewide Goal of 100% Renewable Energy**
From: Councilmembers Hahn, Harrison, Bartlett, and Mayor Arreguin
Recommendation: Send a letter to Environment California supporting the proposed Statewide Goal of 100% Renewable Energy California.
Financial Implications: Minimal
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 32. City Sponsorship of the 2017 Himalayan Fair**
From: Councilmember Hahn
Recommendation: Adopt a Resolution approving the co-sponsorship by the City of Berkeley of the 2017 Himalayan Fair to be held at Live Oak Park on Saturday, May 20 and Sunday, May 21, and approving the expenditure of an amount not to exceed \$300 per councilmember, including \$300 from Councilmember Hahn, to The Himalayan Fair for administrative fees, event production and advertising, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.
Financial Implications: Minimal
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

Council Consent Items

- 33. Refer to Budget Process and Civic Arts Commission Berkeley Art Center's Request for \$45,000 for FY18-19**
From: Councilmembers Hahn and Harrison
Recommendation: Refer to budget process and Civic Arts Commission Berkeley Art Center's special request for \$45,000 for FY18-19.
Financial Implications: \$45,000
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 34. Referral to the Budget Process: Increased Funding for Neighborhood Traffic Calming**
From: Councilmembers Wengraf, Hahn, and Droste
Recommendation: Refer to the Fiscal Year 2018/2019 Budget Process an increase in allocation for neighborhood traffic calming from the current 50 thousand dollars to 100 thousand dollars per year.
Financial Implications: \$50,000
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 35. Referral to the Budget Process: Funding for Street Lighting**
From: Councilmembers Wengraf, Hahn, and Droste
Recommendation: Refer to the Fiscal Year 2018/2019 Budget Process an allocation of \$50,000 for neighborhood street lighting.
Financial Implications: \$50,000
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 36. Support SB 21 (Hill) Law Enforcement Agencies: Surveillance Policies**
From: Councilmembers Wengraf, Droste, and Maio
Recommendation: Send a letter in support of SB 21 (Hill) urging our representatives to support this bill. Letter should be sent to State Senator Jerry Hill, State Senator Nancy Skinner, Assemblymember Tony Thurmond and Governor Jerry Brown.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 37. Budget Referral: Feasibility Study for the Construction of Affordable Senior Housing**
From: Councilmembers Wengraf, Harrison, Maio, and Bartlett
Recommendation: Refer to the budget referral process a feasibility study that evaluates the financial requirements and analyzes the site/context yield of the construction of affordable housing for seniors on the sites of North Berkeley Senior Center, West Berkeley Service Center and South Berkeley Senior Center.
Financial Implications: \$100,000
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Council Consent Items

- 38. Protected Pedestrian Walkways**
From: Councilmembers Droste, Wengraf, Maio, and Hahn
Recommendation: Refer to the City Manager and request that the Transportation Commission review and craft potential policy solutions—including but not limited to open or covered protected walkways—to improve pedestrian accessibility immediately surrounding construction or sidewalk upgrades.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
- 39. Budget Referral: Hawk Light at Claremont Boulevard and Russell Street**
From: Councilmember Droste
Recommendation: Refer to the budget process a one-time allocation for a hawk light at Claremont Boulevard and Russell Street.
Financial Implications: \$50,000
Contact: Lori Droste, Councilmember, District 8, 981-7180
- 40. Prioritizing Pedestrians at Intersections**
From: Councilmembers Droste, Wengraf, and Bartlett
Recommendation: Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with “beg buttons,” potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
- 41. Against HB 142: North Carolina’s Inadequate Repeal of the HB2 Transgender Bathroom Bill**
From: Councilmembers Droste, Worthington, and Bartlett
Recommendation: Adopt a Resolution against North Carolina’s anti-LGBTQ House Bill 142, which is intended to replace House Bill 2, and send a copy of the Resolution to State Senator Nancy Skinner, Assemblymember Tony Thurmond, Governor Jerry Brown, and Governor Roy Cooper.
Financial Implications: Minimal
Contact: Lori Droste, Councilmember, District 8, 981-7180

Action Calendar

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

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

Action Calendar

Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

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

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

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

- 42. Fiscal Year 2018 and Fiscal Year 2019 Proposed Biennial Budget Public Hearing #2**
From: City Manager
Recommendation: Conduct a second public hearing regarding the FY 2018 and FY 2019 Proposed Biennial Budget.
Financial Implications: See FY 2018 and FY 2019 Proposed Biennial Budget
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
- 43. Ambulance Transport Fee Adjustment**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance Transport Fee to match the Alameda County's ambulance user fee schedule approved by the Alameda County Board of Supervisors on January 10, 2017. The last fee increase approved by the Alameda County Board of Supervisors was in May 2015. The increase would be included as an updated addendum to the Ambulance Provider Agreement between the City of Berkeley and Alameda County Emergency Medical Services Agency and rescind Resolution No. 66,597–N.S.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473

Action Calendar – Public Hearings

- 44. Fire Permit and Inspection Fee Adjustment**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving a revised Fire Department fee schedule which incorporates an increase in fire permitting and fire inspection fees from \$374.00 to \$392.00 per hour; adjusting the Indoor Entertainment Inspection fee from \$93.50 to \$196.00 per event; and establishing a reinspection fee of \$98.00 per subsequent quarter hour when the venue fails the initial inspection; and rescinding Resolution 67,744–N.S.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
- 45. First Responder Fee Adjustment**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution authorizing the Fire Department to establish a First Responder Fee for the purposes of defraying costs associated with the delivery of Emergency Medical Services.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
- 46. One-Time and Annual Monitoring Fees for Multi-Family Housing Developments Providing Below Market Rate Units Under BMC Chapter 22.20.065 and Chapter 23C.12**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new monitoring fee of \$450 per BMR unit per year for existing and new multi-family housing developments providing BMR units and a new one-time fee of \$10,000 for new market rate housing development that will provide below-market rate (BMR) units in-lieu of paying the Affordable Housing Mitigation Fee.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 47. Application Fee for Requests to Subordinate City Condominium Conversion Requirements to Other Financing**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new application fee of \$364 for requests to subordinate City condominium conversion requirements to other financing.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action Calendar – Public Hearings

- 48. Condominium Conversion Application Fee**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution setting a Department of Health, Housing & Community Services (HHCS) condominium conversion application fee schedule of \$280 per project, \$380 per unit, and \$565 per unit if the unit is currently rented out and/or the owner defers mitigation fee payment.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 49. Published Charges: Mental Health Clinical Services**
From: City Manager
Recommendation: Conduct a Public Hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for FY 2017. Published Charges are effective July 1, 2016.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 50. Selected Recreation Program & Facility Rental Fee Increases**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select recreation programs and facility rentals; and rescinding Resolution No. 67,820-N.S. and all amendatory resolutions.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 51. Changes to the Planning and Development Department's Master Fee Schedule**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving revisions to the master fee schedule for the Planning and Development Department effective July 1, 2017, to increase the hourly rate for staff time in the Building & Safety Division, the Land Use Planning Division, and general Planning Department services not otherwise specified from \$180 to \$200 per hour, and make minor clarifications to the existing fee schedule without increasing fee amounts; and Rescinding Resolution No. 67,498–N.S. effective July 1, 2017.
Financial Implications: See report
Contact: Carol Johnson, Planning and Development, 981-7400

Action Calendar – Public Hearings

52. FY 2018 Street Light Assessment

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution confirming the assessments in the Engineer's March 2017 Report, and authorizing the levying of assessments for FY 2018 Berkeley Street Lighting Assessment District No. 1982-1.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action Calendar-Old Business

53. MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12: Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17 *(Continued from April 25, 2017)*

From: City Manager

Recommendation: Approve Police Department MOU Compendium revised Item #3.6, Agreement with City & County of San Francisco for Distribution of UASI Grant Funds, and revised Item #3.12, Relationship with Northern California Regional Intelligence Center (NCRIC) as codified in police department General Order N-17.

Financial Implications: See report

Contact: Andrew Greenwood, Police, 981-5900

54. Purchase Order: The Armored Group for One Specially Equipped Panel Van *(Continued from April 25, 2017)*

From: City Manager

Recommendation: Adopt a Resolution pursuant to City Charter Article XI Section 67.2 requirements, accepting the General Services Administration (GSA) bid procedures, and authorizing the City Manager to execute a purchase order for one Specially Equipped Panel Van for an amount not to exceed \$205,373.

Financial Implications: UASI Regional Fund - \$205,373

Contact: Andrew Greenwood, Police, 981-5900

55. Housing Accountability Act *(Continued from April 25, 2017)*

From: City Manager

Contact: Zach Cowan, City Attorney, 981-6950

56. Contract No. R9704 Amendment: City of Albany for Animal Services *(Continued from May 2, 2017)*

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 Calendar – Old Business

57. **Contract No. R9710 Amendment: City of Piedmont for Animal Services**
(Continued from May 2, 2017)
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
58. **Amend BMC Sections 3.78.030, 040, and 050 Related to Commission Procedures** *(Continued from May 2, 2017)*
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
59. **Ordinance to Ban the Sale of Fur in Berkeley; Adding BMC Chapter 9.22**
(Continued from May 2, 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 Calendar – New Business

60. **Appointment of John Selawsky to Board of Library Trustees**
From: Mayor Arreguin
Recommendation: Adopt a Resolution appointing John Selawsky to the Board of Library Trustees for a term ending May 15, 2019.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

Action Calendar – New Business

61. **Appointment of Elizabeth Hadzima Perkins to the Board of Library Trustees**
From: Board of Library Trustees
Recommendation: Adopt a Resolution to appoint Elizabeth (Libby) Hadzima Perkins to the Board of Library Trustees (“BOLT”) for a term beginning May 17, 2017 and ending May 16, 2020.
Financial Implications: None
Contact: Heidi Dolamore, Commission Secretary, 981-6100

Information Reports

62. **Referral Response: Limited Use of Eminent Domain on Vacant and Blighted Properties**
From: City Manager
Contact: Zach Cowan, City Attorney, 981-6950

Public Comment – Items Not Listed on the Agenda

Adjournment in memory of:

1. Judge John Noonan

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

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

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

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

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

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

and may be read at reference desks at the following locations:

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

~~~~~  
*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 4, 2017.*

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

Mark Numainville, City Clerk

## Communications

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

### **Item 44: Fire Permit and Inspection Fee Adjustment**

1. Alexander Wilfert

### **Item 53: MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12: Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17**

2. SuperBOLD

### **Gilman Fields**

3. Sally McCoy

### **International Workers Day**

4. Isis Feral

### **Decriminalizing Homelessness**

5. Avram Gur Arye

**BART Policy on Immigrant Riders**

6. Transportation Commission

**Rent Board Roster**

7. W.B.C.

**Case Management Conference Brief / Ong vs. Zhu**

8. W.B.C.

**Post Office Lawsuit**

9. Margot Smith

**2037 Parker Street / Parker Place**

10. Kelly Hammargren

11. Robert Lauriston

**Brown Act Concerns**

12. Tree Fitzpatrick

**Tasty Pot Restaurant Complaint**

13. Steven Schuyler / Jacquelyn McCormick

**Berkeley Concerns**

14. Andrew Geraldson

**Protests / Free Speech**

15. Dan Wilson

16. Jill Herschman

17. Jody Clevenger

18. Raymond Barglow (2)

19. Brian O'Neill

20. Sabrina McMurtry

21. Tamsen Fynn

**Supplemental Communications and Reports**

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

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

