

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, May 30, 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. Amendment: FY 2017 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance 7,546-N.S. 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).
First Reading Vote: All Ayes.
Financial Implications: See Report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
- 2. Amending the Council Expense Reimbursement Policy**
From: City Manager
Recommendation: Adopt a Resolution amending the policy for City Expenditures and Expense Reimbursement for Mayor and Council to include the Councilmember Office Budget Relinquishment and Grant Policy and rescinding Resolution No. 66,295–N.S.
Financial Implications: None
Contact: Zach Cowan, City Attorney, 981-6950

Consent Calendar

- 3. Referral Response: Create an Ordinance to Prohibit Housing Discrimination Based on the Source of a Tenant's Income; Amending Berkeley Municipal Code Chapter 13.24**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Chapter 13.24 of the Berkeley Municipal Code, to prohibit discrimination in the rental of housing based on source of income.
Financial Implications: None
Contact: Zach Cowan, City Attorney, 981-6950
- 4. Amend 2017 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution amending the City Council regular meeting schedule for 2017 to change the starting time of regular City Council meetings to 6:00 p.m. beginning with the July 11, 2017 meeting; and rescinding Resolution No. 67,649-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
- 5. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 4, 2017 (specials and regular), April 13, 2017 (special closed), April 15, 2017 (special), and April 25, 2017 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
- 6. Appointment of City Attorney**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Farimah Faiz Brown as City Attorney to be effective July 10, 2017.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, 981-7000
- 7. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution accepting the FY 2017 Annual Report of the Downtown Berkeley Property Based Business Improvement District (DPBID, "Downtown BID" or "the District") and proposed budget for FY 2018, and declaring Council's intention to levy an annual assessment for the Downtown BID for FY 2018.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530

Consent Calendar

- 8. Assessments: North Shattuck Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Business Improvement District (NSBID) Annual Report of FY 2017 and proposed budget for FY 2018, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2018.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 30, 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: General Fund - \$300,000
Contact: Henry Oyekanmi, Finance, 981-7300
- 10. Notice of Appropriations Limit for Fiscal Year 2018**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2018 at its meeting of June 27, 2017; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 12, 2017.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, 981-7300
- 11. Classification and Salary: Manager of Public Health Services**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 67,484-N.S. Classification and Salary Resolution for Public Employees Union - Local One, to establish the classification of Manager of Public Health Services with a monthly salary range of \$10,133 - \$12,443 effective May 30, 2017.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800

Consent Calendar

12. **Referral Response: Contract: HES Heart Ready Inc. for the Purchase of Automated External Defibrillators (AEDs) and to Provide Third Party Administrative Services for the City's AED Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with HES Heart Ready Inc., to purchase Automated External Defibrillators (AEDs) and provide third party administration of the City's Public Automated External Defibrillator Program in buildings owned by the City of Berkeley for a total amount not to exceed \$125,000, for July 1, 2017 through June 30, 2021.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
13. **Unrepresented Employee Manual Amendment** *(Continued from May 16, 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, Human Resources, 981-6800
14. **Contract No. 7489H Amendment: Software AG for the Software Maintenance of the Enterprise Service Bus Middleware Platform webMethods**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7489H with Software AG for the software maintenance of the Enterprise Service Bus Middleware platform, increasing the amount by \$55,094, for a total not to exceed \$792,319 from December 21, 2007 to June 30, 2019.
Financial Implications: General Fund - \$55,094
Contact: Savita Chaudhary, Information Technology, 981-6500
15. **Contract No. 7470 Amendment: 2M Associates for Berkeley Tuolumne Camp Planning and Permitting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7470 with 2M Associates in an amount not to exceed \$275,000 for a total not to exceed \$1,261,770 for planning, conceptual design, and permitting services for the rebuilding of Berkeley Tuolumne Camp, and extending the term through December 31, 2019.
Financial Implications: Playground Camp Fund - \$275,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

- 16. Contract No. 9703 Amendment: Duke's Root Control, Inc. for Chemical Root Control to Sanitary Sewer Lines**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9703 with Duke's Root Control, Inc., increasing expenditure authority by \$30,000 for a total contract amount not to exceed \$75,000, and extending the contract expiration date to June 30, 2019.
Financial Implications: Sanitary Sewer Operation Fund - \$30,000
Contact: Phillip Harrington, Public Works, 981-6300
- 17. Contract No. 10246 Amendment: County of Contra Costa Public Works Department Real Property Services Agreement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend on-call Contract No. 10246 with County of Contra Costa Public Works Department for provision of various real estate services, increasing the contract by \$450,000 for a total amount not to exceed \$500,000.
Financial Implications: \$450,000
Contact: Phillip Harrington, Public Works, 981-6300
- 18. Contract No. 10396 Amendment: Du-All Safety, LLC for Safety Consulting and Training Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10396 with Du-All Safety, LLC for continued safety training and consulting services up to \$150,000 for a total contract amount not to exceed \$200,000, and to extend the contract term through December 31, 2020.
Financial Implications: Various Funds - Up to \$150,000
Contact: Phillip Harrington, Public Works, 981-6300
- 19. Contract No. R8781C Amendment: Community Conservation Centers, Inc. for Recyclables Processing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. R8781C with Community Conservation Centers, Inc. for recyclables processing including mixed plastics, increasing the contract amount \$500,000 for an amended total amount not to exceed \$1,054,599, and extending the expiration date to June 30, 2018.
Financial Implications: Zero Waste Fund - \$500,000
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 20. Contract: DC Electric Group, Inc. and Columbia Electric, Inc. for On-Call Electrical Services**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Authorizing the City Manager to execute a contract for on-call electrical services with DC Electric Group, Inc. for a total not to exceed amount of \$75,000 for the period June 1, 2017 through June 30, 2022; and
2. Authorizing the City Manager to execute a contract for on-call electrical services with Columbia Electric, Inc. for a total not to exceed amount of \$75,000 for the period June 1, 2017 through June 30, 2022.
Financial Implications: Various Funds - \$150,000
Contact: Phillip Harrington, Public Works, 981-6300
- 21. Contract: Sentry Control Systems for Parking Access and Revenue Control System Equipment and Maintenance Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a five-year contract with Sentry Control Systems, a distributor of SKIDATA Inc. Parking Access and Revenue Control System equipment, for purchase of equipment and extended warranty effective July 1, 2017, in an amount not to exceed \$1,224,107.
Financial Implications: Off Street Parking Fund - \$1,224,107
Contact: Phillip Harrington, Public Works, 981-6300
- 22. Supporting Freedom from Workplace Bullies Week**
From: Commission on Labor
Recommendation: Adopt a Resolution: 1. Supporting a safe and trauma-free community and retroactively supporting the October 16, 2016 to October 22, 2016 Freedom from Workplace Bullies Week; and 2. Commending the California Healthy Workplace Advocates and the Workplace Bullying Institute for raising awareness of the impacts of, and solutions for, workplace bullying in the United States; and encouraging all Berkeley citizens to recognize this observance.
Financial Implications: None
Contact: Delfina Geiken, Commission Secretary, 981-5400

Council Consent Items

- 23. City Sponsorship of BrasArte's Brazilian Day Festival**
From: Mayor Arreguin and Councilmember Maio
Recommendation: Adopt a Resolution co-sponsoring "BrasArte's Brazilian Day Festival" to be held on September 3, 2017 in collaboration with the Capoeira Arts Foundation (CAF) which is housed at Casa de Cultura, located at 1901 San Pablo Avenue in Berkeley.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 24. Establish Socially Responsible Investment Policies**
From: Councilmember Maio, Mayor Arreguin, and Councilmembers Hahn and Bartlett
Recommendation: Adopt a Resolution establishing City of Berkeley policies that ensure investments and service contracts are with socially responsible entities. The City Council and the Mayor's Responsible Banking Task Force will work with the City Manager to develop a comprehensive list of criteria defining socially responsible banking, which will be included in a banking services RFP, to be published by December 2017. The City of Berkeley will extend the current banking services contract with Wells Fargo Bank only through May 2018 and the City Manager will return to Council with semi-annual progress reports on establishing new banking services contracts from institutions that reflect responsible banking policies.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 25. Luna Dance Institute: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$50 per Councilmember including \$50 from Councilmember Cheryl Davila, to the Luna Dance Institute, for their 25-year Anniversary Gala on March 18, 2017, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$50
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 26. Women's Daytime Drop-In Center: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Davila, Harrison, and Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$50 from Councilmember Cheryl Davila, to the Women's Daytime Drop-In Center, for their 29th Annual Chance for Change on June 3, 2017, with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$50
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Council Consent Items

- 27. Budget Referral: Youth Listening Campaign & Citywide Master Plan**
From: Councilmember Davila and Mayor Arreguin
Recommendation: In support of the 2020 Vision process and as part of the larger commitment of the City of Berkeley to its young people, we are proposing a planning process that centers the voices and needs of young people, their families and the people who support them day-in and day-out. The process would include: 1) A Listening Campaign that would include focus groups, surveys and one-on-one interviews to identify the experiences of, perspectives of, needs of and barriers for young people, ages 13-24, in securing and maintaining safety and well-being, achieving their goals and dreams, and having positive and supportive relationships with adults in their lives, including the schools and programs they participate in; 2) Use the results of the Listening Campaign to organize assemblies of young people, their families and the programs and providers they are connected to in order to collectively reflect on the results and identify potential services, programs, resources and policies that could respond to their needs, reduce barriers and harms and broaden what is available to support young people; and 3) Use the outcomes from the assembly process and Listening Campaign to partner with city staff in creating a Youth Master Plan.
Financial Implications: \$30,000
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 28. Expedite the Construction of Beacon Lights at Dwight Way and California Street to Take Place on the Onset of Phase 1 of the Berkeley Bicycle Plan**
From: Councilmembers Bartlett and Harrison
Recommendation: Refer to the Transportation Department to expedite the construction of Beacon Lights at Dwight Way and California Street as part of Phase 1 of the Berkeley Bicycle Plan.
Financial Implications: To be determined
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 29. Referral to the Parks and Waterfront Commission: Greg Brown Park**
From: Councilmember Bartlett
Recommendation: Recommend that the Parks and Waterfront Commission consider initiating a community process regarding the reopening of Greg Brown Park. Conduct a public hearing and invite relevant stakeholders – including neighbors, representatives from the Berkeley Police Department and the Parks, Recreation, and Waterfront Department. Include an assessment of any funding requirements and/or public safety concerns. Prepare a report for submission to Council summarizing feedback from the public hearing and the commission's recommendations.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

- 30. Support AB 1505: Bill Strengthening Cities' Authority to Mandate Inclusionary Rental Housing**
From: Councilmembers Bartlett and Harrison
Recommendation: Recommend that the Berkeley City Council send a letter to Senator Nancy Skinner and Governor Jerry Brown urging them to support AB 1505.
Financial Implications: Minimal
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 31. Amending the One-Percent for Public Art on Private Projects Ordinance, Chapter 23C.23 of the Berkeley Municipal Code**
From: Councilmembers Harrison and Hahn
Recommendation: Adopt first reading of an Ordinance amending the One-Percent for Public Art on Private Projects Ordinance, Berkeley Municipal Code Chapter 23C.23, to eliminate the exemption in Section 23C.23.030 for Commercial Mixed Use District (C-MDU) projects exceeding 75 feet.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 32. Budget Referral: Evaluation and Implementation of Pedestrian Safety Features at Oxford Street and Kittredge Street**
From: Councilmember Harrison
Recommendation: Refer to the City Manager to assess, identify, fund, and implement improvements to pedestrian safety for the crosswalk across Oxford St. at Kittredge St. Our office requests that the Department evaluate the installation of pedestrian activated beacons, such as those at Oxford and Addison, or a similarly effective improvement for the Oxford and Kittredge intersection.
Financial Implications: To be determined
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 33. Cigarette Butt Pollution Prevention Pilot Program: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Harrison
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: Councilmember's Discretionary Funds - \$250
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Council Consent Items

- 34. Support the Immediate Halting of New U.S. Military Base Construction at Henoko, Okinawa**
From: Councilmember Harrison
Recommendation: Adopt a Resolution supporting the immediate halting of new U.S. military base construction at Henoko, Okinawa. Send copies of the letter, written by members of the Okinawan community living in the U.S., to Congresswoman Barbara Lee, Senators Kamala Harris and Dianne Feinstein, Secretary of State Rex Tillerson, and Secretary of Defense James Mattis.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 35. Budget Referral: Empowerment Works for NorCal Community Resilience Project's Designing for Resilient Communities Initiative**
From: Councilmember Hahn
Recommendation: That the Berkeley City Council refer to the FY 2018/2019 budget process \$11,000 to Empowerment Works for NorCal Community Resilience Project's Designing for Resilient Communities Initiative
Financial Implications: General Fund - \$11,000
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 36. A Ban on the Use of Plastic Straws in Berkeley**
From: Councilmembers Wengraf, Hahn, and Bartlett
Recommendation: Refer to the Community Environmental Advisory Commission and the Zero Waste Commission to explore the creation of an ordinance to prohibit the use of plastic straws in bars, restaurants and coffee shops in the City of Berkeley. The commissions should reach out to business owners and store managers and other stakeholders to get their input on the possibility of providing compostable or reusable alternatives to plastic straws, like paper and bamboo.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 37. Oppose SB 649 (Hueso) Wireless Telecommunications Facilities & Proposed Amendments to Install Small Cells by Right** *(Continued from April 25, 2017)*
From: Councilmembers Wengraf and Hahn
Recommendation: Send a letter opposing SB 649 (Hueso) urging our representatives to oppose this bill. Letter should be sent to State Senator Ben Hueso, State Senator Nancy Skinner, Assemblymember Tony Thurmond and Governor Brown.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Council Consent Items

- 38. Referral to the Budget Process: \$20K to Berkeley Age-Friendly Continuum**
From: Councilmember Wengraf
Recommendation: Refer to the Fiscal Year 2018/2019 Budget Process an allocation of \$20,000 as a local match for the Berkeley Age Friendly Continuum.
Financial Implications: \$20,000
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 39. Amend One Percent for Art Ordinance to Incentivize Fees for the Arts and Culture Plan**
From: Councilmember Worthington
Recommendation: Amend the One Percent for Art Ordinance to incentivize contributions to the Civic Arts Commission's Arts and Culture Plan.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 40. Letter of Support to Add Parcel at University and Oxford Street as a Potential Opportunity Site for Student Housing**
From: Councilmembers Worthington and Bartlett, and Mayor Arreguin
Recommendation: Send a letter to Chancellor-designate Carol Christ to request consideration of adding the parcel at University Avenue and Oxford Street to the list of potential opportunity sites for student housing.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 41. Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals**
From: Councilmembers Worthington and Bartlett, and Mayor Arreguin
Recommendation: Refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 42. Condemning Chechnya's Violence Against Gay Men**
From: Councilmember Worthington
Recommendation: Adopt a Resolution denouncing the systematic detention and torture of gay men in Chechnya under President Ramazan Kadyrov.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar – Old Business

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

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

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

- 43. Amending BMC Sections 2.07.030 and 2.07.040: Modifying Revolving Door Restrictions** *(Continued from April 25, 2017)*
From: Mayor Arreguin and Councilmember Harrison
Recommendation: Adopt first reading of an Ordinance amending Sections 2.07.030 and 2.07.040 of the Berkeley Municipal Code. This amendment would extend the time requirement between the termination of City office or employment and lobbying from 12 months to 3 years, and ending service on a commission and lobbying from 12 months to 2 years.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 44. Amendments to Group Living Accommodations (GLA) Ordinance (No. 7445-NS)** *(Continued from April 25, 2017)*
From: Councilmember Worthington
Recommendation: That the Berkeley City Council respond to student concerns voiced by student leaders in the ASUC, by revising the GLA Ordinance to respond to the worsening housing crisis in Berkeley and promote a fair and equal treatment of students. Specifically, we recommend the removal of BMC 13.42.040D, which currently allows the city to remove bedrooms, the addition of a student non-discrimination clause, the amendment of 13.42.005B(3)a to allow three violations instead of two, and the amendment of 13.42.036C to ensure consistency with the Community Noise Ordinance.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar – Old Business

45. **General Fund Stability Reserve Usage Criteria** *(Continued from April 25, 2017)*
From: Councilmembers Droste, Wengraf, and Maio
Recommendation: Discuss the General Fund Stability Reserve Usage Policies described in the report and adopt policies such as those proposed, requiring a two-thirds vote of the City Council to amend them. Following recommendation from the City Manager, the City Council shall, from time to time, recognize and define “essential services”, “appropriate levels” of such services, and “extreme conditions”. Any draw-down of Stability Reserve funds shall coincide with the adoption of a plan to repay the dollar amount of the draw down. If adopting a repayment plan immediately is infeasible due to emergency circumstances, it shall be adopted no more than 3 months from the date of the withdrawal appropriation. The level of the Stability Reserve shall be restored as economic recovery occurs, consistent with the maintenance of essential services, with repayment to begin no more than 5 years from the date of withdrawal and be completed within 10 years from the date of withdrawal.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, 981-7180
46. **Housing Accountability Act** *(Continued from May 16, 2017)*
From: City Manager
Contact: Zach Cowan, City Attorney, 981-6950

Action Calendar – New Business

47. **City Council Comments on the FY 2018 & FY 2019 Proposed Biennial Budget**
From: City Manager
Recommendation: Provide comments on the FY 2018 & FY 2019 Proposed Biennial Budget.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
- 48a. **Urgent Request to Review Request for Proposals Process**
From: Commission on Disability
Recommendation: Direct the City Manager to review and evaluate whether the recent Request for Proposals process for City funding provides adequate notice of the bidding process including the timeline and clear communications.
Financial Implications: Unknown
Contact: Ella Callow, Commission Secretary, 981-6300

Action Calendar – New Business

**48b. Companion Report: Urgent Request to Review Request for Proposal Process
From: City Manager**

Recommendation: Refer to the City Manager to review and evaluate whether the recent Request for Proposals process for City funding provides adequate notice of the bidding process, the timeline for submissions and clear communications. Also, if Council wishes to reconsider providing funding based on the Commission on Disability item entitled “Urgent Request to Review Request for Proposal Process,” that consideration should be limited to the Center for Independent Living.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

**49a. Automatic Door Openers in Multi-Unit Residential Buildings
From: Commission on Disability**

Recommendation: Adopt a Resolution requiring: all new construction of multi-unit residential buildings (four or more units) with a common entryway in the City of Berkeley to include automatic door openers; significant remodeling or conversion of residential multi-unit buildings with four or more units and a common entryway to include automatic door openers; and owners of existing multi-unit residential buildings (four or more units) with a common entryway must install automatic door openers at the request of a resident.

Financial Implications: Unknown

Contact: Ella Callow, Commission Secretary, 981-6300

**49b. Companion Report: Automatic Door Openers in Multi-Unit Residential Buildings
From: City Manager**

From: City Manager

Recommendation: The City Manager recommends the City Council evaluate the resolution requested by the Commission on Disability as an amendment to BMC § 19.28.010. If Council agrees with the substantive recommendations in the Commission on Disability (CoD) report entitled “Recommendations to Require Inclusion of Automatic Door Openers in Residential Buildings with Four or More Units and a Common Entryway,” the City Manager recommends Council consider a stand-alone ordinance (similar to BMC § 19.80) that would (1) limit the scope to privately owned buildings with four or more units and a common entryway; (2) not subsidize installation of automatic door openers by building owners/builders; (3) include language that limits the City’s responsibility to conduct inspections to ensure compliance; and (4) limit the City’s liability for torts related to automatic door openers that are installed.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action Calendar – New Business

50a. Increasing Parental Support with Age-Paced Parent Education and Child Health Information Mailers

From: Community Health Commission

Recommendation: Ask the City Manager to ask the Public Health Division to create a new information service that provides standardized and inclusive age-paced parent education and child health information mailers, in multiple languages as needed, to Berkeley families once a month from birth to age five, and ask that staff include funding for this service in upcoming budgetary negotiations and discussions.

Financial Implications: See report

Contact: Rebecca Day-Rodriguez, Commission Secretary, 981-5400

50b. Companion Report: Increasing Parental Support with Age-Paced Parent Education and Child Health Information Mailers

From: City Manager

Recommendation: Direct the City Manager to explore, with the Public Health division staff, ways to make standardized and inclusive age-paced parent education and child health information available, if possible, but not implement the program as described by the Community Health Commission.

Financial Implications: See report

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

Action Calendar – New Business

51. **Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)**

From: Sugar Sweetened Beverage Product Panel of Experts

Recommendation: Approve the SSBPPE Commission's recommendations and adopt six Resolutions authorizing the City Manager to enter into contracts with the Berkeley Unified School District and the Community Based Organizations (CBOs) listed below to distribute a total of \$3,000,000 for FY 2018 and FY 2019 according to the schedule below as approved by the City Council on November 29, 2016 through Resolution No. 67,764 N.S, as follows:

1. Adopt a Resolution: \$1,275,000 total grant to Berkeley Unified School District to implement the Gardening and Cooking Program for FY 2018 and FY 2019 to be disbursed as follows--\$637,500 for FY 2018 and \$637,500 for FY 2019.
2. Adopt a Resolution: \$271,918 total grant to the Ecology Center to implement For Thirst, Water First! Program for FY 2018 and FY 2019 to be disbursed as follows--\$135,959 in FY 2018 and \$135,959 in FY 2019.
3. Adopt a Resolution: \$510,000 grant to Healthy Black Families to implement Thirsty for Change! Program for FY 2018 and FY 2019 to be disbursed as follows--\$255,000 in FY 2018 and \$255,000 in FY 2019.
4. Adopt a Resolution: \$30,000 grant to the Multicultural Institute to implement the Life Skills/Day Laborer Program: Health Activity program for FY 2018 and FY 2019 to be disbursed as follows: \$15,000 in FY 2018 and \$15,000 in FY 2019.
5. Adopt a Resolution: \$280,074 grant to the YMCA of the Central Bay to implement the YMCA Diabetes Prevention (YDPP)/YMCA Obesity Prevention in Young Children (OPinYC) for FY 2018 and FY 2019 to be disbursed as follows: \$140,037 in FY 2018 and \$140,037 in FY 2019.
6. Adopt a Resolution: \$183,008 grant to Lifelong Medical Care to implement the Dental Caries Prevention Project program for FY 2018 and FY 2019 to be disbursed as follows: \$91,504 in FY 2018, and \$91,504 in FY 2019; and
7. Allocate \$450,000 to the City of Berkeley Department of Public Health to support the SSBPPE Commission and assist with outside evaluations to be disbursed as follows: \$225,000 in FY 2018 and \$225,000 in FY 2019.
8. The Commission recommends that indirect or administrative expenses not exceed 15% of the program budget.

Financial Implications: See report

Contact: Dechen Tsering, Commission Secretary, 981-5300

Council Action Items

52. **Expedite the Planning Application Process and Forward Commit Funding for Bridge/Berkeley Food and Housing Project to Seek to Meet Cap and Trade Deadlines**

From: Councilmember Worthington

Recommendation: That the City forward commit its share of funding and expedite the planning application process, to make this project eligible for cap and trade and other regional, state and federal funding streams.

Financial Implications: See report

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

53. **Eliminate the Required Affidavits of Residency for Commissioners**

From: Councilmember Worthington

Recommendation: Eliminate the requirement for Commissioners to submit Affidavits of Residency when they are appointed, and annually thereafter, in pursuit of saving time and money for the City of Berkeley.

Financial Implications: See report

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

Information Reports

54. **824 University Avenue, Berkeley - Notice of Planning Commission Approval of Tentative Tract Map 8303**

From: City Manager

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

55. **Status Report - Performance Audit of the Payroll Audit Division**

From: Auditor

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

Public Comment – Items Not Listed on the Agenda –

Adjournment

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

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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>.

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Claremont Branch – 2940 Benvenue
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COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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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.



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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 18, 2017.***



Mark Numainville, City Clerk

## Communications

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

**GIG Car Share Parking**

1. Brad Garcia

**Soda Tax Revenue**

2. Holly Scheider

**1011 University Avenue – Premier Cru Site**

3. Maulin Chokshi

**Redwood Gardens**

4. Sheila Goldmacher

**Parker Place**

5. Robert Lauriston

**Small Business Support Package**

6. William McClung

**More Housing**

7. Dorothy Walker

**529 College Savings Day**

8. John Chiang

**Rent Board Salaries**

9. W.B.C.

**Tenant Protection Ordinance**

10. W.B.C.

**1524 University Avenue**

11. W.B.C.

**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.