

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, June 27, 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. FY 2018 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping (Measure V1)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,548-N.S. setting the FY 2018 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1604 (16.04 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 2. FY 2018 Special Tax Rate: Fund the Provision of Library Services (Measure V1)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,549-N.S. setting the FY 2018 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2107 (21.07 cents) per square foot for dwelling units and \$0.3186 (31.86 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300; Heidi Dolamore, Library, 981-6100

Consent Calendar

- 3. FY 2018 Tax Rate: Fund the Provision of Emergency Medical Services (Measure V1)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,550-N.S. setting the FY 2018 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0366 (3.66 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 4. FY 2018 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,551-N.S. setting the FY 2018 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05396 (5.396 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08165 (8.165 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300; Gil Dong, Fire, 981-3473
- 5. FY 2018 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure V1)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,552-N.S. setting the FY 2018 tax rate for funding the provision of emergency services for the disabled at \$0.01519 (1.519 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 6. FY 2018 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,553-N.S. setting the FY 2018 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0015%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

- 7. FY 2018 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,554-N.S. setting the FY 2018 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0100%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 8. FY 2018 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,555-N.S. setting the FY 2018 tax rate for funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0220%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 9. FY 2018 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,556-N.S. setting the FY 2018 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure M, November 2016) at 0.0157%.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 10. FY 2018 Tax Rate: Fund Disaster Fire Protection (Measure Q)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,557-N.S. setting the FY 2018 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

- 11. FY 2018 Business License Tax on Large Non-Profits (Measure G)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,558-N.S. setting the FY 2018 tax rate for Business License Tax on large non-profits at \$0.5981 (59.81 cents) per square foot of improvements.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 12. Energy Use Requirements for Medical Cannabis Cultivation; Amending BMC Section 12.25.080**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,559-N.S. amending the energy use requirements for cannabis cultivation locations (BMC Section 12.25.080: Energy Use).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
- 13. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of May 2, 2017 (special and regular), May 8, 2017 (special closed), May 16, 2017 (special and regular), and May 30, 2017 (special closed, specials and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
- 14. 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: None
Contact: Mark Numainville, City Clerk, 981-6900
- 15. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$205,632 for fitness center memberships for City employees for the period July 1, 2017 through June 30, 2018.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Consent Calendar

- 16. Appropriations Limit FY 2018**
From: City Manager
Recommendation: Adopt a Resolution establishing the appropriations limit at \$251,050,522 for FY 2018 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 17. Contract No. 8754 Amendment: Human Propelled Solutions dba Pedal Express for Bicycle Courier Service and Mail Service Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment with Human Propelled Solutions dba PedEx ("PedEx") to provide bicycle courier service and mail service support, increasing the contract not to exceed amount by \$135,000 for an amended total not to exceed \$360,000 through Fiscal Year 2020.
Financial Implications: Various Funds - \$135,000
Contact: Henry Oyekanmi, Finance, 981-7300
- 18. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 27, 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 - \$225,000
Contact: Henry Oyekanmi, Finance, 981-7300
- 19. Revision to the Investment Policies and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to make investments to the Director of Finance for FY 2018.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

- 20. Grant: Alameda County Transportation Commission for Measure B and Measure BB Paratransit Revenue**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments with the Alameda County Transportation Commission (Alameda CTC) for the renewal of Measure B (estimated \$281,715) and Measure BB (estimated \$290,132) annual pass-through funds, and execute resulting contracts for services with Easy Does It.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 21. Referral Response: Healthy Default Beverages with Children's Meals; Adding BMC Chapter 12.72** *(Continued from April 4, 2017)*
From: City Manager
Recommendation: Adopt first reading of an Ordinance adding Berkeley Municipal Code (BMC) Chapter 12.72 to require that any food vendor that sells a children's meal with a beverage included shall make the default beverage offered with the children's meal either water or milk, with no added sweeteners.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 22. Contract No. 10414 Amendment: Geographic Technologies Group for Geographic Information System (GIS) Master Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10414 with Geographic Technologies Group (GTG) for Geographic Information System (GIS) Master Plan, for a total not to exceed \$135,000 and for a total contract value of \$204,260 from September 14, 2016 to June 30, 2019.
Financial Implications: General Fund - \$135,000
Contact: Savita Chaudhary, Information Technology, 981-6500
- 23. Technical Corrections to the Zoning Ordinance, Amending Berkeley Municipal Code Sub-Titles 23D and 23E**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Sub-Titles 23D and 23E to make non-substantive, technical corrections to the Zoning Ordinance.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400

Consent Calendar

- 24. Contract: Axon for Body Worn Cameras, Accessories, Storage and Software**
From: City Manager
Recommendation: Adopt a Resolution pursuant to City Charter Article XI Section 67.2 requirements, accepting the National Intergovernmental Purchasing Alliance (National IPA) bid procedures, and authorizing the City Manager to negotiate and execute a contract and any amendments to equip the police department with body worn camera equipment, software, and services with Axon for an amount not to exceed \$1,250,000 over five years.
Financial Implications: General Fund - \$1,250,000
Contact: Andrew Greenwood, Police, 981-5900
- 25. Accept Grant Funds from Alameda County Transportation Commission FY 2018-2022 Comprehensive Investment Plan**
From: City Manager
Recommendation: Adopt three Resolutions:
1. Authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission for the Southside Complete Streets and Transit Improvements Project, committing any necessary matching funds, and stating assurance to complete the project.
2. Authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission for the North Shattuck Rehabilitation Project, committing any necessary matching funds, and stating assurance to complete the project.
3. Authorizing the acceptance of funds awarded by the Alameda County Transportation Commission and the execution of any resultant grant agreements or amendments.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 26. Contract: SCS Engineers & SCS Field Services for Landfill Post-Closure Maintenance and Monitoring Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders with SCS Engineers & SCS Field Services (SCS), in an amount not to exceed \$524,900. This contract will provide engineering, maintenance, and monitoring services for the landfill post-closure at Cesar Chavez Park to meet mandatory compliance requirements. The initial contract term will run from August 16, 2017 to August 15, 2020, with the option of a two-year extension at a cost of \$180,000 each additional fiscal year.
Financial Implications: Zero Waste Fund - \$524,900
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

27. **Approval for Two Additional Homeless Commission Meetings in 2017**
From: Homeless Commission
Recommendation: Adopt a Resolution allowing two additional meetings during 2017 to compensate for additional meetings that were necessary to complete the funding review process during which only agency proposals for funding were discussed.
Financial Implications: See report
Contact: Peter Radu, Commission Secretary, 981-5400
28. **Appointments of Margaret Fine and Vylma Ortiz to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Approve the appointments of Margaret Fine and Vylma Ortiz to the Mental Health Commission, as representatives of the General Public Interest categories, for a three year term beginning June 28, 2017 and ending June 27, 2020.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400

Council Consent Items

29. **Support the City of Oakland's Efforts to Create a Public Bank**
From: Mayor Arreguin and Councilmembers Hahn, Maio, and Davila
Recommendation: Adopt a Resolution supporting the City of Oakland's efforts to create a Public Bank of Oakland and refer to the City Manager to investigate the possibility of forming a mutually beneficial partnership with any future Oakland public bank.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
30. **Support the Resilient Shoreline Program of Citizens for East Shore Parks**
From: Mayor Arreguin and Councilmembers Hahn, Wengraf, and Maio
Recommendation: Adopt a Resolution supporting the Resilient Shoreline Program of Citizens for East Shore Parks (CESP) to raise awareness about the detrimental effects of sea-level rise and promote resilient shoreline solutions. Additionally, refer to the mid-year budget process a contribution of \$10,000 to participate in CESP's Visualizing Sea-level Rise event in Berkeley.
Financial Implications: General Fund - \$10,000
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 31. Reaffirming Support for the Paris Climate Agreement and Other Efforts to Combat Climate Change**
From: Mayor Arreguin and Councilmembers Maio, Hahn, and Wengraf
Recommendation: 1. Adopt a Resolution reaffirming the City of Berkeley's commitment to combatting climate change and upholding the Paris Agreement, in conjunction with the Climate Mayors Agenda; and supporting the United States Climate Alliance formed by Governors Brown, Inslee, and Cuomo.
2. Send a copy of the resolution to Governors Brown, Cuomo, and Inslee, representatives of the Climate Mayors group, President Donald Trump, and EPA Administrator Scott Pruitt.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 32. Housing Inspection and Community Services Manager**
From: Mayor Arreguin and Councilmember Harrison
Recommendation: Request the City Manager to create and fill the position of Housing Inspection and Community Services Manager.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
- 33. Re-Appoint Daniel Rossi to the Berkeley Housing Authority**
From: Mayor Arreguin
Recommendation: Adopt a Resolution re-appointing Daniel Rossi to the Berkeley Housing Authority.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 34. Official City Sponsor of 2017 Berkeley High School All-Class Reunion: Relinquishment of Council Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Davila, Bartlett, Hahn, and Mayor Arreguin
Recommendation: Adopt a Resolution approving City sponsorship of the 4th Annual Berkeley High School All-Class Reunion to be held on Saturday, August 26, 2017, at San Pablo Park from 10 am – 6 pm and approving the expenditure of an amount not to exceed \$2,043 total from Councilmembers and the Mayor from their FY17-18 budgets for the Berkeley High School All-Class Reunion through their fiscal sponsor, Berkeley High School Development Group with funds relinquished to the City's General Fund for this purpose from the discretionary Council office budgets who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$2,043
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Council Consent Items

- 35. Berkeley Bliss Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Harrison and Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmember Harrison, to support the Berkeley Bliss Event on July 14, 2017 at Harold Way with funds relinquished to the City's general fund for this purpose so that the City of Berkeley is able to invite and support the community on this event from Councilmember Harrison's Council Office Budgets and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$500
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 36. Persian New Year Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Harrison and Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Harrison, to support the Persian New Year Festival on March 13, 2018 with funds relinquished to the City's general fund for this purpose so that the City of Berkeley is able to invite and support the community on this event from Councilmember Harrison's Council Office Budgets and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$250
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 37. Referral to Community Environmental Advisory Commission and Energy Commission: Residential Wind Turbines**
From: Councilmembers Harrison and Bartlett
Recommendation: Refer to the Community Environmental Advisory Commission and the Energy Commission to study the efficiency, safety, and affordability of Residential Wind Turbines and request the Community Environmental Advisory Commission and the Energy Commission to return to Council with a report and recommendation on whether Residential Wind Turbines are a viable alternative energy source for Berkeley residents, and a recommendation for a process to educate the public on this new renewable energy source.
Financial Implications: Unknown
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Council Consent Items

- 38. Expedited Review for Affordable Housing Projects**
From: Councilmembers Hahn, Davila, and Bartlett
Recommendation: 1. Refer to the City Manager the creation of an expedited review process for housing projects in which Affordable Housing units make up more than 20% of the proposed on-site units; and
2. Direct the City Manager to immediately confer priority status and offer expedited review to 100% Affordable projects, pending adoption of a more formal and widely applicable expedited review process.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 39. Relinquishment of Discretionary Account to the Berkeley Art Center for the Mayor's Ambassador for the Arts**
From: Councilmember Worthington
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$6,000 for the Berkeley Art Center to support the outstanding efforts of the Mayor's Ambassador for the Arts, Susan Duhan Felix.
Financial Implications: Councilmember's Discretionary Funds - \$6,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar

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

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

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

Action Calendar – Old Business

- 40. General Fund Stability Reserve Usage Criteria** *(Continued from May 30, 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
- 41. Changes to Affordable Housing Mitigation Fee; Amending Berkeley Municipal Code Section 22.20.065** *(Continued from June 13, 2017. Item contains revised and supplemental materials.)*
From: City Manager
Recommendation: 1. Adopt first reading of an Ordinance amending BMC Section 22.20.065 as proposed by staff, as shown in Attachment 2; and
2. Adopt a Resolution revising the Affordable Housing Mitigation Fee by eliminating the discount in the fee when it is paid at issuance of the certificate of occupancy pursuant to Berkeley Municipal Code Section 22.20.065 and adjusting the fee each two years for inflation by reference to the California Construction Cost Index (CCI), and rescinding Resolution Nos. 65,920-N.S. and 67,614-N.S., with changes proposed by staff, as shown in Attachment 5.
Financial Implications: See report
Contact: Zach Cowan, City Attorney, 981-6950
- 42. Amendments to Housing Retention Program** *(Continued from June 13, 2017. Item contains revised materials.)*
From: Councilmembers Bartlett, Harrison, Davila, and Mayor Arreguin
Recommendation: Direct the City Manager to make the following changes to the City of Berkeley’s Housing Retention Program. Proposed changes would make the program more accessible for displaced tenants by amending eligibility requirements and documentation needed for application, as well as increasing the maximum amount of grants.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action Calendar – Old Business

- 43. Economic Feasibility Analysis for New Housing Development** *(Continued from June 13, 2017. Item contains revised materials.)*
From: Councilmembers Droste, Wengraf, and Maio
Recommendation: Recommend that the City Manager hire an independent third party consultant to conduct an economic feasibility analysis of the City of Berkeley and Berkeley Unified School District assessed fees on new housing development as well as the feasibility of inclusionary housing requirements. The economic feasibility analysis should recur every 2–2.5 years and/or concurrent with any proposed future increases to fees or inclusionary requirements, whichever occurs sooner. To the extent practicable, the Economic Feasibility Analysis should take into consideration factors outlined in the report. The Study should be completed and reported back to the City Council by November of 2017.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
- 44. Medical Cannabis Cultivation Ordinance Revisions**
From: City Manager *(Continued from June 13, 2017)*
Recommendation: Consider the responses provided by the Planning Commission and Medical Cannabis Commission (MCC) to Council's referral regarding the desired maximum number of Medical Cannabis Cultivation locations (Zoning Ordinance/BMC Section 23E.72.040.A) and give direction to staff regarding any recommended changes to the Zoning Ordinance.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400

Action Calendar – New Business

45. Analysis and Recommendations for the Pathways Project to Address Homelessness in Berkeley

From: City Manager

Recommendation: Prioritize funding decisions for proposed Pathways Project programs (an Encampment Resolution Team, a STAIR Center, a Bridge Living Community, and a Homeward Bound program) based on which homeless issue Council most wishes to address in Berkeley:

1. Fund an Encampment Resolution Team and a STAIR Center for an estimated \$2.4 million in year one, plus \$2.1 million annually thereafter, if Council most wishes to provide temporary respite for unsheltered homeless individuals with no dedicated housing exits.
2. Fund a Bridge Living Community and a Homeward Bound program for an estimated \$2.6 million in year one, plus \$2.4 million annually thereafter, if Council most wishes to house an estimated 100-120 homeless individuals per year, but add no new emergency respite programs.
3. Fund all four programs at an estimated \$4.8 million in year one, and an estimated \$4.3 million annually thereafter, if Council wishes to address both the goal of temporary respite and permanent housing concurrently.

All funding estimates include roughly \$190,000 for 1 FTE in new City Staff time for program administration.

The City Manager recommends prioritizing a Bridge Living Community and associated rental subsidies and a Homeward Bound program.

Financial Implications: See report

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

46. Refer to the Budget Process; Pathways Project to Address Homelessness in Berkeley

From: Councilmember Hahn

Recommendation: Refer \$500,000 to the FY 18-19 budget process for capital costs to establish facilities associated with the Pathways Project, and \$1.5M for 6 months in 2018 and \$3M for a full year in 2019 for services, programs, and operating costs associated with the Pathways Project.

Financial Implications: See report

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

47. FY 2018 & FY 2019 Biennial Budget Adoption

From: City Manager

Recommendation: Adopt a Resolution: a) Adopting the FY 2018 & FY 2019 Budget as contained in the City Manager's FY 2018 & FY 2019 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on May 2, 2017 and as amended by subsequent Council action. b) Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2018, as reflected in Attachment 2, and as amended by subsequent Council action

Financial Implications: See report

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

Action Calendar – New Business

48. **FY 2018 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2018 Annual Appropriations Ordinance (AAO) in the amount of \$474,439,859 (gross appropriations) and \$422,633,335 (net appropriations).

Financial Implications: See report

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

49. **Recommendations for Implementing Phase 1 of the Measure T1 City Infrastructure Bond Program**

From: City Manager

Recommendation: Adopt a Resolution implementing the City Manager Final List of Projects for phase 1 of the Measure T1 infrastructure bond program (Attachment 2).

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Timothy Burroughs, Planning and Development, 981-7400; Phillip Harrington, Public Works, 981-6300.

50a. **Allocation of U1 Funds by the City Council**

From: Housing Advisory Commission

Recommendation: 1. As specified by Measure U1, the City Council shall receive and consider housing strategy recommendations from the Housing Advisory Commission prior to allocating any Measure U1 funds.

2. When considering allocations for U1 funds, the City Council will make specific findings of how the spending meets the goals of Measure U1: improve housing affordability in Berkeley and protect residents from homelessness.

Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, 981-5400

50b. **Companion Report: Allocation of U1 Funds by the City Council**

From: City Manager

Recommendation: 1. Reaffirm that, as specified in Measure U1, the City Council shall receive and consider recommendations by the Housing Advisory Commission on funding and programs to increase affordable housing and protect Berkeley residents from homelessness, either annually or biannually. 2. Take no action with regard to committing to make findings that expenditures meet the goals of Measure U1.

Financial Implications: See report

Contact: Jovan Grogan, Deputy City Manager, (510) 981-7000

Action Calendar – New Business

- 51a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley**
From: Housing Advisory Commission
Recommendation: That the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400
- 51b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley**
From: Housing Advisory Commission
Recommendation: Accept staff's recommendation to use \$4,730,815 of Measure U1 revenue over a 5 year period (\$946,163 annually) to repay the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley.
Financial Implications: See report
Contact: Jovan Grogan, Deputy City Manager, (510) 981-7000

Council Action Items

- 52. Release Center for Police Equity Report on Fair and Impartial Policing in Berkeley**
From: Councilmembers Davila and Harrison
Recommendation: Direct the City Manager to instruct the Chief of Police to release the first annual report on Fair and Impartial Policing in Berkeley by transmitting it to the Police Review Commission. The CPE report was authored by the Center for Policing Equity at the request of the BPD, under the terms of the 9-30-2015 Research Agreement. Staff to take the following actions to execute the earliest possible release of the report:
A. Immediately request in writing of the CPE to waive the provision in section 8.3 of the Agreement, "The City's Right to Advance Notice of Research Findings," which states "This written report will not be released by the City to the press and the public within this 45-day review period [after notice of proposed publication by CPE] without prior authorization from UCLA." B. In any event, the City hereby gives notice that it intends to release the report in 45 days. This will ensure that the report is released in a maximum of 45 days. C. Upon approval from CPE, or after the lapse of 45 days, whichever comes first, Council directs the City Manager and all relevant city employees to make the report public immediately. D. Make the report available immediately to the Police Review Commission confidentially without delay, under standard protocols for the sharing of confidential data with the commission. The council's direction is that the confidential transmission be executed within three days of this council action. In addition, direct the Chief to respond in writing and report to the council within two months on his plans for addressing racial disparities in stops, searches, and yield rate as revealed in BPD statistics.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Information Calendar

53. **Voluntary Time Off Program for FY 2018**
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
54. **Update on Broadband Infrastructure Development**
From: City Manager
Contact: Jordan Klein, Economic Development, 981-7530
55. **Referral Response: City Plan for Winter Emergency Shelter**
From: City Manager
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

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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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

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
West Branch – 1125 University

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 15, 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 31: Reaffirming Support for the Paris Climate Agreement and Other Efforts to Combat Climate Change**

1. Diana Bohn
2. Joseph Poirier

### **Item 50a: Allocation of U1 Funds by the City Council**

3. Homeless Commission

### **Straw Ban**

4. Rachel Doughty

### **Landlines**

5. Gianna Ranuzzi

### **1615 Martin Luther King Jr. Way**

6. Maria Kim

### **Berkeley Animal Rights Center**

7. Fred Dodsworth

### **Ohlone Park Volleyball Court**

8. L.J. Cranmer

**Citation Processing Concerns**

9. David Lerman / Lynne Bourgault

**Crosswalk at San Pablo & Blake**

10. Cynthia Hallett

**Homeless in Downtown**

11. Laurie Rich

12. Marilyn Sarig

**Border Wall Investment**

13. Peace & Justice Commission

**Density & Transportation**

14. Nathan Meyer

**Vacancy Registration Form**

15. 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.