

# AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, July 11, 2017

6:00 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. Referral Response: Healthy Default Beverages with Children's Meals; Adding BMC Chapter 12.72**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,560-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 2. Technical Corrections to the Zoning Ordinance, Amending Berkeley Municipal Code Sub-Titles 23D and 23E**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,561-N.S. amending Berkeley Municipal Code Sub-Titles 23D and 23E to make non-substantive, technical corrections to the Zoning Ordinance.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Timothy Burroughs, Planning and Development, 981-7400

## Consent Calendar

**3. Changes to Affordable Housing Mitigation Fee; Amending Berkeley Municipal Code Section 22.20.065**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,562-N.S. amending BMC Section 22.20.065 related to the Affordable Housing Mitigation Fee.

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

**Financial Implications:** See report

Contact: Zach Cowan, City Attorney, 981-6950

**4. FY 2018 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,563-N.S. adopting the FY 2018 Annual Appropriations Ordinance (AAO) in the amount of \$476,396,570 (gross appropriations) and \$424,590,046 (net appropriations).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**5. Housing Trust Fund Recommendation – Harper Crossing**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1) Approving a Housing Trust Fund (HTF) reservation for Satellite Affordable Housing Associates' Harper Crossing in the amount of \$285,464, and 2) Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.

**Financial Implications:** See report

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

## Consent Calendar

### 6. **Housing Trust Fund Recommendation – Northern California Land Trust (NCLT) Scattered Site Rehabilitation**

**From: City Manager**

**Recommendation:** Adopt a Resolution reserving funds for Northern California Land Trust's Scattered Sites rehabilitation, specifically by: 1. Waiving Section III.A.1 of the Housing Trust Fund (HTF) Guidelines and accepting NCLT as an eligible developer despite its lack of recent experience. 2. Adopting a finding that a City subsidy in excess of 40% of total development costs is justified by the nature of Northern California Land Trust's Scattered Site Rehab and unavailability of alternative funding, as required by the HTF Guidelines, Section V.B.7. 3. Approving a HTF reservation for Northern California Land Trust's Scattered Site Rehab project, in the amount of \$569,692. 4. Authorizing City Manager to refinance the Scattered Site Rehab properties' outstanding HTF loans, with a combined balance currently estimated at \$695,000, into the new development loan with terms consistent with the HTF Guidelines. 5. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate these actions. 6. Recommending that Council recommend to the Northern California Land Trust that the organization move towards establishing a Board of Directors' structure consistent with current community land trust model standards.

**Financial Implications:** See report

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

### 7. **Classification and Salary: Homeless Services Coordinator**

**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 Homeless Services Coordinator with a monthly salary range of \$8,200 - \$9,915 effective July 11, 2017.

**Financial Implications:** See report

Contact: Sarah Reynoso, Human Resources, 981-6800

### 8. **Contract: AMS.NET for Network Equipment and Maintenance**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with AMS.NET, Inc. for network hardware, support, and maintenance, for a total not to exceed \$455,335 from July 1, 2017 to June 30, 2020.

**Financial Implications:** Capital Improvement Fund - \$455,335

Contact: Savita Chaudhary, Information Technology, 981-6500

## Consent Calendar

- 9. Contract No. 10522 Amendment: Redwood Engineering Construction for Willard Park Play Area and Pathway Renovations Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10522 with Redwood Engineering Construction for the Willard Park Play Area and Pathway Renovation project, increasing the amount by \$115,000 for an amended total amount not to exceed \$417,400.  
**Financial Implications:** Parks Tax Fund - \$417,400  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 10. Contract No. 9044 Amendment: Building Opportunities for Self Sufficiency (BOSS)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9044 with Building Opportunities for Self Sufficiency for leaf and litter abatement services increasing the contract amount by \$120,000 for a total not to exceed \$1,722,500.  
**Financial Implications:** Zero Waste Fund - \$120,000  
Contact: Phillip Harrington, Public Works, 981-6300
- 11. Contract No. 9488B Amendment: Berry Brothers Towing for Towing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9488B with Berry Brothers Towing to provide towing services for Department of Public Works Equipment Maintenance, increasing the contract amount \$20,000 for an amended total not to exceed of \$110,000.  
**Financial Implications:** Equipment Maintenance Fund - \$20,000  
Contact: Phillip Harrington, Public Works, 981-6300
- 12. Contract No. 9730A Amendment: Fairbanks Scales, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9730A with Fairbanks Scales, Inc. for preventative maintenance and repairs on various scales at the City's Solid Waste Management and Transfer Station, increasing the contract amount by \$50,000 for a total contract amount not to exceed \$140,000, and extending the term of the contract to June 30, 2019.  
**Financial Implications:** Zero Waste Fund - \$50,000  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

13. **Contract No. 9977 Amendment: Portable Computer Systems dba PCS Mobile to Purchase 15 Automated License Plate Recognition (ALPR) Units**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9977 with Portable Computer Systems dba PCS Mobile to purchase fifteen additional Automated License Plate Recognition units to increase parking enforcement operations capacity and effectiveness, and increasing the total \$1,200,000 for a new amount not to exceed \$1,650,000, and extending the term from May 30, 2020 to June 30, 2022.  
**Financial Implications:** Parking Meter Fund - \$1,200,000  
Contact: Phillip Harrington, Public Works, 981-6300
14. **Contract No. 10472 Amendments: ELS Architecture & Urban Design and Contract No. 10464 Noll & Tam Architects: On-Call Architectural Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute amendments to the following contracts for on-call architectural services for a combined total of \$2,000,000 as follows:  
1. ELS Architecture and Urban Design, Contract No. 10472, increasing the contract amount by \$1,000,000, for a total not-to-exceed amount of \$1,500,000 and extending the contract period through June 30, 2019;  
2. Noll & Tam Architects, Contract No. 10464, increasing the contract amount by \$1,000,000, for a total not-to-exceed amount of \$1,500,000 and extending the contract period through June 30, 2019.  
**Financial Implications:** Various Funds - \$2,000,000  
Contact: Phillip Harrington, Public Works, 981-6300
15. **Contract: Chrisp Company for Roadway Thermoplastic Markings**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Roadway Thermoplastic Markings Project, 16-11078-C; and authorizing the City Manager to execute a five year contract period from July 1, 2017 through June 30, 2022, and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications with Chrisp Company in an amount not to exceed \$1,250,000.  
**Financial Implications:** Various Funds - \$1,250,000  
Contact: Phillip Harrington, Public Works, 981-6300
16. **Contract: Clean Harbors, Inc. for Hazardous Waste Management Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Clean Harbors, Inc. for hazardous waste management, removal, and disposal services for the City of Berkeley in an amount not-to-exceed \$150,000 for the period August 1, 2017 through June 30, 2020.  
**Financial Implications:** Various Funds - \$150,000  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

17. **Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in Berkeley**  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Direct the City Manager to request the Planning Commission use the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors. Total spending for required IAQ mitigations shall be at 1-2% of estimated total project costs.  
**Financial Implications:** See report  
Contact: Nabil Al-Hadithy, Commission Secretary, 981-7400
18. **Ending Tax Breaks for Private Prisons Act**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution: 1. Directing the City Clerk to send a letter to Rep. Devin Nunes (R-CA) of the Joint Committee on Taxation with copies to all members of the Congressional Joint Committee on Taxation, and the Senate Finance Committee calling on Congress to pass the "Ending Tax Breaks for Private Prisons Act;" and 2. Having the Council of the City of Berkeley sign the MoveOn.org online petition telling congress to end private prison tax breaks.  
**Financial Implications:** None  
Contact: Eric Brenman, Commission Secretary, 981-5400

## Council Consent Items

19. **Vitality of University Avenue**  
**From: Councilmembers Maio, Davila, and Harrison**  
**Recommendation:** Refer to the City Manager and Economic Development to analyze storefront vacancies on University Avenue and make recommendations on how to create a more vibrant streetscape on our main boulevard.  
**Financial Implications:** Staff time  
Contact: Linda Maio, Councilmember, District 1, 981-7110
20. **Support Oakland Public Defender Rodney Brooks' Efforts to Keep In-Custody Arraignment Hearings in Oakland and Not Move Them to the East County Hall of Justice in Dublin**  
**From: Councilmembers Davila and Harrison, and Mayor Arreguin**  
**Recommendation:** Send a letter from Berkeley City Council supporting Oakland Public Defender Rodney Brooks' efforts to keep in-custody arraignment hearings in Oakland and not move them to the East County Hall of Justice in Dublin.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

## Council Consent Items

- 21. Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley**  
**From: Councilmembers Bartlett and Harrison**  
**Recommendation:** Refer to the Community Environmental Commission (CEAC) to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations.  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 22. Support for AB 932 – Bill Giving San Francisco and San Diego Flexibility to Build Shelters and Transitional Housing for Unsheltered Homeless Residents**  
**From: Councilmembers Bartlett, Hahn, and Davila**  
**Recommendation:** Recommend that the Berkeley City Council send a letter to Senator Nancy Skinner and Governor Jerry Brown urging them to support AB 932.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 23. Support for SB 33: Bill Prohibiting Financial Institutions from Forcing Consumers to Give up Legal Rights when the Bank has Committed Intentional Fraud Against Them**  
**From: Councilmembers Bartlett, Hahn, and Davila**  
**Recommendation:** Recommend that the Berkeley City Council send a letter to Assemblymember Tony Thurmond, and Governor Jerry Brown urging them to support SB 33.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 24. Support of AB 214: Postsecondary Education, Student Hunger**  
**From: Councilmembers Harrison, Hahn, Davila, and Bartlett**  
**Recommendation:** Adopt a Resolution supporting AB 214 Postsecondary Education, Student Hunger, an act to reduce hunger and homelessness in college students in California, and sending a copy of the resolution to Governor Jerry Brown, and Assemblymembers Lorena Gonzalez Fletcher (Appropriations Chair), Frank Bigelow (Vice Chair), Richard Bloom, Raul Bocanegra, Rob Bonta, William Brough, Ian Calderon, Ed Chau, Susan Talamantes Eggman, Vince Fong, Laura Friedman, James Gallagher, Eduardo Garcia, and Adam Gray.  
**Financial Implications:** Minimal  
Contact: Kate Harrison, Councilmember, District 4, 981-7140



## Council Consent Items

- 25. Adopt a Resolution Approving the Allocation of \$3,131,651 in Predevelopment from the Housing Trust Fund for the Berkeley Way Project**  
**From: Councilmembers Worthington, Harrison, Hahn, and Mayor Arreguin**  
**Recommendation:** That the Council adopts a Resolution to approve the allocation of \$3,131,651 in Housing Trust Funds for the predevelopment of BRIDGE Housing Corporation and Berkeley Food and Housing Project's Berkeley Way project, in compliance with the Housing Advisory Commission's recommendation, scheduled to be voted on July 6, 2017.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 26. Support California AB 395 to Protect Internet Privacy**  
**From: Councilmember Worthington**  
**Recommendation:** That the Council support California Assembly Bill 395 (AB 395) in its aim to protect the internet security and privacy of Californians.  
**Financial Implications:** See report  
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 – 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.*

## Action Calendar – Public Hearings

**27. Amending the Berkeley Election Reform Act to Implement Public Financing From: Fair Campaign Practices Commission**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code 2.12 to make changes to facilitate the implementation of the Berkeley Fair Elections Act of 2016 by a vote of not less than two-third of the City Council, in accordance with procedure for amending the Berkeley Election Reform Act set forth in Berkeley Municipal Code 2.12.051.A.

**Financial Implications:** See report

Contact: Jessica Mar, Commission Secretary, 981-6950

## Action Calendar – Old Business

**28a. Automatic Door Openers in Multi-Unit Residential Buildings** *(Continued from May 30, 2017)*

**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

**28b. Companion Report: Automatic Door Openers in Multi-Unit Residential Buildings** *(Continued from May 30, 2017)*

**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 – Old Business

29. **Housing Accountability Act** *(Continued from June 13, 2017. Item includes supplemental materials.)*  
**From: City Manager**  
Contact: Zach Cowan, City Attorney, 981-6950
30. **Amend BMC Sections 3.78.030, 040, and 050 Related to Commission Procedures** *(Continued from June 13, 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
31. **Ordinance to Ban the Sale of Fur in Berkeley; Adding BMC Chapter 9.22**  
**From: Councilmember Worthington** *(Continued from June 13, 2017)*  
**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
32. **Support the Resilient Shoreline Program of Citizens for East Shore Parks** *(Continued from June 27, 2017)*  
**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

## Action Calendar – Old Business

33. **Expedited Review for Affordable Housing Projects** *(Continued from June 27, 2017. Item contains revised materials.)*

**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

34. **General Fund Stability Reserve Usage Criteria** *(Continued from June 27, 2017. Item contains revised materials.)*

**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

35. **Medical Cannabis Cultivation Ordinance Revisions** *(Continued from June 27, 2017. Item contains revised materials.)*

**From: City Manager**

**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 – Old Business

36. **Analysis and Recommendations for the Pathways Project to Address Homelessness in Berkeley** *(Continued from June 27, 2017. Item contains revised materials.)*

**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

- 37a. **Allocation of U1 Funds by the City Council** *(Continued from June 27, 2017)*

**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

## Action Calendar – Old Business

- 37b. Companion Report: Allocation of U1 Funds by the City Council** *(Continued from June 27, 2017)*  
**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
- 38a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley** *(Continued from June 27, 2017)*  
**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
- 38b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley** *(Continued from June 27, 2017)*  
**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

## Action Calendar – New Business

- 39a. International Symbol of Accessibility (ISA) Change for City Signage**  
**From: Commission on Disability**  
**Recommendation:** Adopt a Resolution changing future signs indicating accessibility in Berkeley. The Berkeley Commission on Disability is recommending Council support a proposed change in signs that indicates accessibility.  
**Financial Implications:** Minimal  
Contact: Ella Callow, Commission Secretary, 981-6300

## Action Calendar – New Business

**39b. Companion Report: International Symbol of Accessibility (ISA) Change for City Signage**

**From: City Manager**

**Recommendation:** Refer the item back to the Commission on Disability for further analysis regarding cost differences between the existing International Symbol of Accessibility signage and the recommended signage as well as specific vendors that currently provide the recommended signage to other municipalities.

**Financial Implications:** Unknown

Contact: Phillip Harrington, Public Works, 981-6300

## Information Reports

**40. FY 2018 Civic Arts Grant Awards**

**From: City Manager**

Contact: Jordan Klein, Economic Development, 981-7530

**41. FY 2017 Investment Report: Quarter Ended March 31, 2017**

**From: City Manager**

Contact: Henry Oyekanmi, Finance, 981-7300

**42. Status of City's \$6M Loan to the Ed Roberts Campus**

**From: City Manager**

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

**43. Update on Retrofit Grants Program, Activities Funded by FEMA Hazard Mitigation Grant, and Status of the Soft Story Ordinance**

**From: City Manager**

Contact: Timothy Burroughs, Planning and Development, 981-7400

**44. Status Report July 2017 - Audit of Equipment Replacement Reserve**

**From: City Manager**

Contact: Phillip Harrington, Public Works, 981-6300

## 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.*

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](mailto: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.

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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 29, 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.*

### **Restricting Flavored Tobacco Sales**

1. Carol Denney

### **Vegetables Growing in Shade**

2. Diego Aguilar-Canabal

### **Community Concerns**

3. Nick Faber

### **Housing and Climate Change**

4. Cameron Scherer

### **Thank You Letter**

5. Berkeley Neighborhoods Council

### **Housing and Zoning Suggestions**

6. Berkeley Design Advocates

### **Berkeley Animal Care Services Concerns**

7. Jane Funk / Jovan Grogan

### **Free Speech**

8. Therese Fitzpatrick (2)

### **Environmental Health Division Concerns**

9. Leo Schwartz

### **Bank Divestments**

10. Sheila Goldmacher

### **Berkeley Police Department Response to Protest**

11. Rachel Lederman

### **Bike Improvements for Repaving**

12. Dave Campbell

### **Berkeley Rose Garden**

13. Annie Dillon

### **Request for Certificate of Permissible Rent Level Form**

14. 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.