

**ANNOTATED 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

Preliminary Matters

Roll Call: 6:03 p.m.

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

Absent: Harrison

Councilmember Harrison present 6:14 p.m.

Ceremonial Matters:

1. Recognition of UN Association of California, Alpha Kappa Alpha, and Alpha Nu Omega

City Auditor Comments:

1. Recognition of Public Works for completing the Equipment Fund Audit

City Manager Comments:

1. Launch of Berkeley Bike Share Program on July 11, 2017

Public Comment on Non-Agenda Matters: 3 speakers.

Public Comment on Consent Calendar and Information Items Only: 1 speakers.

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

- 1. 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
Action: Adopted second reading of Ordinance No. 7,560-N.S.
- 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
Action: Adopted second reading of Ordinance No. 7,561-N.S.
- 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
Action: Adopted second reading of Ordinance No. 7,562-N.S.
- 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
Action: Adopted second reading of Ordinance No. 7,563-N.S.

Consent Calendar

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
Action: Adopted Resolution No. 68,077–N.S.
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
Action: Moved to Action Calendar. 4 speakers. M/S/C (Maio/Harrison) to adopt Resolution No. 68,078–N.S. revised to add the two Whereas clauses below, and to direct staff to include the conversion language in the loan documents with NCLT.

BE IT FURTHER RESOLVED that NCLT educate all current tenants about the benefits of transitioning to a limited equity co-op structure, subsequently begin negotiations to make the conversion to a limited equity co-op structure, and collaborate with an organization that has the capacity and experience to conduct the education and advise on the conversion process.

BE IT FURTHER RESOLVED that NCLT submit quarterly financial reports and annual reports relaying the status of their financial situation and progress in changing the structure of the Board of Directors and transition to a limited equity co-op.

Vote: All Ayes.

Consent Calendar

- 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
Action: Adopted Resolution No. 68,079–N.S.
- 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
Action: Adopted Resolution No. 68,080–N.S.
- 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
Action: Adopted Resolution No. 68,081–N.S.
- 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
Action: Adopted Resolution No. 68,082–N.S.

Consent Calendar

- 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
Action: Adopted Resolution No. 68,083–N.S.
- 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
Action: Adopted Resolution No. 68,084–N.S.
- 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
Action: Moved to Action Calendar. 8 speakers. M/S/C (Worthington/Wengraf) to adopt Resolution No. 68,085–N.S. 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; and amend Section 7.f of Administrative Order #0001-2016 to defer any release of data until the surveillance policy and ordinance are adopted.
Vote: Ayes – Maio, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – Davila, Bartlett, Hahn.

Consent Calendar

- 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
Action: Adopted Resolution No. 68,086–N.S. (ELS) and Resolution No. 68,087–N.S. (Noll & Tam)
- 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
Action: Adopted Resolution No. 68,088–N.S.
- 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
Action: Adopted Resolution No. 68,089–N.S.

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
Action: Approved recommendation as modified below.

Refer the item to the Planning Commission to consider 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.

- 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
Action: Moved to Action Calendar. 1 speaker. M/S/C (Worthington/Maio) to adopt Resolution No. 68,090–N.S.

Vote (Recommendation #1): All Ayes.

Vote (Recommendation #2): Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn.

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
Action: Approved recommendation.
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
Action: Approved recommendation.
21. **Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley** (*Item contains revised materials.*)
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
Action: Approved recommendation as revised in Supplemental Reports Packet #1 to add Councilmember Harrison as a co-sponsor and add that the item is also referred to the City Manager.

Council Consent Items

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
Action: Approved recommendation with the letter revised to add the following phrase to the last sentence, “and request the addition of the City of Berkeley to the cities included in the bill.”
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
Action: Approved recommendation.
24. **Support of AB 214: Postsecondary Education, Student Hunger** *(Item contains revised materials.)*
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
Action: Adopted Resolution No. 68,091–N.S.

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
Action: Adopted Resolution No. 68,092–N.S. as revised in Supplemental Reports Packet #2.
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: Approved recommendation as Revised in Supplemental Reports Packet #2 to correct the bill number to AB 375.

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
- Public Testimony:** The Mayor opened the public hearing. 3 speakers. M/S/C (Worthington/Hahn) to close the public hearing.
Vote: All Ayes.
- Action:** Adopted first reading of Ordinance No. 7,564–N.S. Second reading scheduled for July 25, 2017.
Vote: All Ayes.

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: 2 speakers. M/S/C (Worthington/Maio) to hold over the item to September 12, 2017.

Vote: All Ayes.

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

Action: 5 speakers. M/S/C (Arreguin/Davila) to refer to the City Manager, Planning Commission, Zoning Adjustments Board, and Design Review Committee to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

1. Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
2. Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
3. Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
4. Quantify and set objective zoning standards and criteria under the first sentence of Government Code Section 65589.5(j) for views, shadows, and other impacts that often underlie detriment findings.

Vote (Paragraphs 1-3): Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – Bartlett, Droste.

Vote (Paragraph 4): Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Arreguin; Noes – Bartlett, Droste, Worthington.

Recess: 9:10 p.m. – 9:27 p.m.

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

Action: Moved to Consent Calendar. No action taken by the City Council on this item.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.

Action Calendar – Old Business

- 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
Action: Item held over to July 25, 2017.
- 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: Moved to Consent Calendar. Adopted Resolution No. 68.093–N.S. in support of the Resilient Shoreline Program, and Resolution No. 68,094–N.S. to authorize the expenditure of surplus funds from the Mayor’s and Councilmembers’ expense accounts for CESP from the following Councilmembers up to amounts listed: Mayor Arreguin - \$2,000; Councilmember Wengraf - \$500; Councilmember Maio - \$250; Councilmember Harrison - \$250; Councilmember Davila - \$250.
- 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
Action: Item held over to July 25, 2017.

Action Calendar – Old Business

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

Action: 4 speakers. M/S/C (Hahn/Arreguin) to continue the item to September 26, 2017.

Vote: All Ayes.

Action Calendar – Old Business

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

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

Action: 1 speaker. M/S/Failed (Hahn/Bartlett) to adopt the proposal from Councilmember Hahn in Supplemental Reports Packet #2

1. *To initially allow 6 Standard cultivation sites at no more than 22,000 square feet per site, as allowed by State regulations, for a cumulative maximum of 132,000 square feet. The remainder of square footage, up to a cumulative maximum of 182,000 square feet, would be dedicated to a Small Sites program, reserved for local, artisan, cooperative, and green growers, with 5 additional sites allowed, each of no more than 10,000 square feet. The total combined number of Standard and Small Sites allowed would be 11, and total square footage capped at 182,000 square feet;*
2. *To direct staff to create two application processes; one for Standard Sites and another for Small Sites favoring local, artisan, cooperative, and green growers;*
3. *To allow only 1 site per operator, and create an overall preference for qualified owners from populations or groups that are or have been disproportionately targeted for enforcement, criminalization, and/or incarceration related to marijuana offenses;*
4. *One year after a site commences operations, direct staff to undertake an evaluation that includes, but is not limited to, contacting neighbors and businesses within 500 feet and evaluating potential positive and negative impacts, recommending any helpful/necessary changes to the enabling code and helping ensure the operator is in compliance with all rules and regulations. This site-by-site review will be limited to 8 sites, representing a variety of sizes and locations, as a means of identifying benefits and challenges of cultivation operations and improving the City's regulatory framework;*
5. *Once the first 11 sites have been permitted, direct staff to evaluate the overall and cumulative success and impacts of the cultivation sites program on a neighborhood and city-wide basis, review the preferences and programs for effectiveness, and consider whether the number of sites can be increased.*

Vote: Ayes – Bartlett, Hahn; Noes – Davila, Harrison; Abstain – Maio, Wengraf, Worthington, Droste, Arreguin.

Action Calendar – Old Business

Action: M/S/C (Harrison/Maio) to adopt the proposal from Councilmember Harrison in Supplemental Reports Packet #2 amended to include paragraph #3 from Councilmember Hahn's proposal.

Direct staff to prioritize local growers and cooperatives in the permitting process or set aside some of the allotted square footage specifically for use by local small growers and cooperatives. This could be achieved by maintaining the limit of 6 cultivation locations between 15,000 and 22,000 ft² in size for all forms of cultivators (using between 90,000 and 132,000 of the available 180,000 ft²) while allocating the remaining 48,000 ft² to local cultivators and cooperatives, without a specific location limit. During the permitting process, each operator will be limited to one site to avoid anti-competitive practices and prevent a monopoly. After one year of operation, staff will evaluate the positive and negative impacts of the cultivation site on the surrounding businesses and neighbors, and enforce on a complaint-driven basis

#3 Hahn: To allow only 1 site per operator, and create an overall preference for qualified owners from populations or groups that are or have been disproportionately targeted for enforcement, criminalization, and/or incarceration related to marijuana offenses;

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

Action: M/S/Failed (Droste/Wengraf) to adjourn the meeting.

Vote: Ayes – Maio, Bartlett, Wengraf, Droste; Noes – Davila, Harrison, Hahn, Worthington, Arreguin.

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Worthington, Arreguin; Noes – Droste; Abstain – Wengraf.

Action Calendar – Old Business

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

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 12:15 a.m.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Worthington, Arreguin; Noes – Droste; Abstain – Wengraf.

Action: 5 speakers. M/S/C (Hahn/Davila) to adopt “Option 4” as presented in the City Manager’s report to Council on June 27, 2017, submitted by Paul Buddenhagen, Director of Health, Housing and Community Services, to establish a combined STAIR Center/Bridge Living Community and associated Homeward Bound and rapid rehousing components with the following additions, as recommended by formal action of the Council’s Ad Hoc Subcommittee on Homelessness:

1. Add an Outreach Resolution Team
2. Add a program to address illegal dumping and excessive accumulations of items and materials associated with homeless encampments, in particular in the heavily impacted West Berkeley corridor

Vote: All Ayes.

Action Calendar – Old Business

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

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

Action: Item 37b moved to the Consent Calendar and approved recommendation as amended below.

1. Reaffirm that the City Council shall receive and consider recommendations by the Housing Advisory Commission as specified in Measure U1; and 2. Take no action with regard to committing to make findings that expenditures meet the goals of Measure U1.

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

Action Calendar – Old Business

- 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: M/S/Failed (Hahn/Davila) to suspend the rules and extend the meeting to 12:25 a.m.

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

Councilmember Droste absent 12:05 a.m. – 12:15 a.m.

Action: 5 speakers. Item held over to July 25, 2017

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

- 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

Action: Item 39a moved to Consent Calendar. Adopted Resolution No. 68,095-N.S. changing future signs indicating accessibility in Berkeley.

Action Calendar – New Business

Information Reports

40. **FY 2018 Civic Arts Grant Awards**
From: City Manager
Contact: Jordan Klein, Economic Development, 981-7530
Action: Received and filed.
41. **FY 2017 Investment Report: Quarter Ended March 31, 2017**
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Received and filed.
42. **Status of City's \$6M Loan to the Ed Roberts Campus**
From: City Manager
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Received and filed.
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
Action: Received and filed.
44. **Status Report July 2017 - Audit of Equipment Replacement Reserve**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.

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

Adjournment:

Adjourned at 12:15 a.m. in memory of:

1. Frances Rachel, Local Activist
2. David Williamson, Local Athlete and Mentor

Communications

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 1

Item 21: Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley

15. Revised materials, submitted by Councilmember Bartlett

Item 24: Support of AB 214: Postsecondary Education, Student Hunger

16. Revised materials, submitted by Councilmember Harrison

Item 29: Housing Accountability Act

17. Rob Wrenn

Item 33: Expedited Review for Affordable Housing Projects

18. Revised materials, submitted by Councilmember Hahn

Item 35: Medical Cannabis Cultivation Ordinance Revisions

19. Supplemental materials, submitted by Councilmember Hahn

Item 36: Analysis and Recommendations for the Pathways Project to Address Homelessness in Berkeley

20. Supplemental materials, submitted by Councilmember Hahn

Item 37a: Allocation of U1 Funds by the City Council

Item 37b: Companion Report: Allocation of U1 Funds by the City Council

Item 38a: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

Item 38b: Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

21. Cecile Pineda
22. Norma Harrison
23. Tree Fitzpatrick
24. Nico Calavita

Item 40: FY 2018 Civic Arts Grant Awards

25. Bruce Coughran
26. Cherie Hill
27. Andrea Hirsig
28. Susan Muscarella
29. Andrew Page
30. Liz Ozol
31. Pamela Miller
32. Carol Lashof
33. Rebecca Seeman
34. George-Ann Bowers
35. Sara Gambina-Belknap
36. Janice Murota
37. Inferno Theatre
38. Dyana Vukovich
39. Sharon Dolan
40. Wendy Ponder
41. Emmerich Anklam
42. Rachel Nissim
43. Carol Handelman
44. Jan Zvaifler
45. Emily Wainacht

Supplemental Communications and Reports 2

Item 6: Housing Trust Fund Recommendation – Northern California Land Trust (NCLT) Scattered Site Rehabilitation

46. Revised materials, submitted by Councilmember Harrison

Item 13: Contract No. 9977 Amendment: Portable Computer Systems dba PCS Mobile to Purchase 15 Automated License Plate Recognition (ALPR) Units

47. Alfred Twu
48. Ryan Thorngren

Item 21: Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley

49. Carol Denney

Item 25: Adopt a Resolution Approving the Allocation of \$3,131,651 in Predevelopment from the Housing Trust Fund for the Berkeley Way Project

- 50. Revised materials, submitted by Councilmember Worthington
- 51. Supplemental materials, submitted by Health, Housing & Community Services

Item 26: Support California AB 395 to Protect Internet Privacy

- 52. Revised materials, submitted by Councilmember Worthington

Item 27: Amending the Berkeley Election Reform Act to Implement Public Financing

- 53. Daniel Newman, on behalf of the Berkeley Fair Elections Coalition
- 54. Rob Wrenn
- 55. Igor Tregub

Item 28: Automatic Door Openers in Multi-Unit Residential

- 56. Supplemental materials, submitted by Commission on Disability

Item 32: Support the Resilient Shoreline Program of Citizens for East Shore Parks

- 57. Revised materials, submitted by Mayor Arreguin

Item 33: Expedited Review for Affordable Housing Projects

- 58. Supplemental materials, submitted by Councilmember Droste

Item 35: Medical Cannabis Cultivation Ordinance Revisions

- 59. Supplemental materials, submitted by Councilmember Hahn
- 60. Supplemental materials, submitted by Councilmember Harrison
- 61. Medical Cannabis Commission
- 62. Charley Pappas

Item 37a: Allocation of U1 Funds by the City Council

Item 37b: Companion Report: Allocation of U1 Funds by the City Council

Item 38a: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

Item 38b: Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

- 63. Sheila Goldmacher (2)
- 64. Lynnda Ohama
- 65. Jim Latchney
- 66. Christine Schwartz
- 67. Kris Eggen
- 68. Diana Bohn
- 69. Sally Nelson (2)
- 70. Bill Bogert
- 71. Judy Nakadegawa
- 72. Pei Wu
- 73. Joshua
- 74. Joel Reed
- 75. Daniel Moore
- 76. Joshua Pfeffer
- 77. Gary Hicks
- 78. Ellen Woods

- 79. Happy Skywalker
- 80. Pam Webster
- 81. Phil Allen
- 82. Marcia Poole
- 83. Lisa Giampaoli
- 84. Maurice Catlett
- 85. Norma Harrison
- 86. Moni Law
- 87. Cassidy Crofton
- 88. Linda Franklin
- 89. Chimey Lee
- 90. Lauren Chester
- 91. Alex White

Item 25: Adopt a Resolution Approving the Allocation of \$3,131,651 in Predevelopment from the Housing Trust Fund for the Berkeley Way Project

- 92. 37 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 6: Housing Trust Fund Recommendation – Northern California Land Trust (NCLT) Scattered Site Rehabilitation

- 93. Ian Winters

Item 13: Contract No. 9977 Amendment: Portable Computer Systems dba PCS Mobile to Purchase 15 Automated License Plate Recognition (ALPR) Units

- 94. Presentation, submitted by Public Works Department
- 95. Gunnar Rieth
- 96. Felipe Diaz
- 97. Blair Beekman

Item 27: Amending the Berkeley Election Reform Act to Implement Public Financing

- 98. Presentation, submitted by Fair Campaign Practices Commission

Item 35: Medical Cannabis Cultivation Ordinance Revisions

- 99. Presentation, submitted by Planning & Development

Item 36: Analysis and Recommendations for the Pathways Project to Address Homelessness in Berkeley

- 100. Presentation, submitted by Health, Housing & Community Services

Item 37a: Allocation of U1 Funds by the City Council

Item 37b: Companion Report: Allocation of U1 Funds by the City Council

Item 38a: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

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- 101. Sheila Goldmacher
- 102. John Tortorice

Misc. Communications

Board of Library Trustees

103. Unknown

HERO Program

104. Unknown