

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, July 25, 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. Amending the Berkeley Election Reform Act to Implement Public Financing From: Fair Campaign Practices Commission**
Recommendation: Adopt second reading of Ordinance No. 7,564 amending Berkeley Municipal Code 2.12 to make changes facilitating the implementation of the Berkeley Fair Elections Act of 2016.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jessica Mar, Commission Secretary, 981-6950
- 2. Establish 2018 City Council Meeting Schedule From: City Manager**
Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2018, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

Consent Calendar

- 3. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of June 13, 2017 (regular), June 20, 2017 (special), June 26, 2017 (special closed), and June 27, 2017 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
- 4. Referral Response: Berkeley Municipal Code Section 2.04.145 Amendment Related to Commissioners**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 2.04.145 to modify the requirements for affirming the residency status of City commissioners.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
- 5. Contract: BugID Audio Video Design & Integration for Downtown Berkeley BART Plaza Sound and Light Poles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with BugID Audio Video Design & Integration to design and install equipment for the public art sound and light poles for the redesigned Downtown Berkeley BART Plaza, for a total not to exceed \$300,000.
Financial Implications: Public Art Fund - \$300,000
Contact: Jordan Klein, Economic Development, 981-7530
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 25, 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 - \$1,545,000
Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

- 7. Purchase Order: AllStar Fire Equipment Inc. for Self-Contained Breathing Apparatus**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with AllStar Fire Equipment Inc. in an amount not to exceed \$499,486 for the purchase of self-contained breathing apparatus (SCBA) and related accessories. AllStar Fire Equipment Inc. is an authorized distributor and authorized service center for testing and repair of the SCBA products for the State of California.
Financial Implications: General Fund - \$499,486
Contact: Gil Dong, Fire, 981-3473
- 8. Rescind Resolution No. 62,957-N.S. and Adopt a Resolution for Continual Participation in the Alameda County Operational Area**
From: City Manager
Recommendation: Rescind Resolution No. 62,957-N.S. and adopt a Resolution authorizing the City Manager to execute an agreement with the Alameda County Operation Area Emergency Management Organization.
Financial Implications: None
Contact: Gil Dong, Fire, 981-3473
- 9. Alameda County Coordinated Entry System (CES) Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from a three year grant from Alameda County Health Care Services Agency (HCSA) to fund a Housing Resource Center and Coordinated System to Prevent and End Homelessness, and execute resulting contracts for services with Berkeley Food and Housing Project (BFHP) and the City of Albany.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 10. Authorizing City Manager Approval for Community Development Block Grant (CDBG) Community Facility Improvement Contracts Under \$200,000; Amending BMC Chapter 7.18**
From: City Manager
Recommendation: Adopt first reading of an Ordinance, by two-thirds vote of the Council, amending Chapter 7.18 of the Berkeley Municipal Code to authorize the City Manager to enter into and amend contracts of up to \$200,000 with applicants recommended for funding by staff and the Housing Advisory Commission under the City's Community Development Block Grant (CDBG) program for community facility improvements.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Consent Calendar

11. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

From: City Manager

Recommendation: Adopt seven Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and Community Services and Supports (CSS) increasing the contract amounts as outlined below, and extending the contracts through June 30, 2018:

1. Increasing PEI Contract No. 8573G with Albany Unified School District (AUSD) by \$64,192 for a total contract amount not to exceed \$438,124 for services to Asian Pacific Islander, Latino, and African American youth;
2. Increasing PEI Contract No. 8801F with Center for Independent Living (CIL) in the amount of \$32,046 for a total contract amount not to exceed \$192,492 for supports for senior citizens;
3. Increasing PEI Contract No. 8560G with G.O.A.L.S. For Women, Inc. in the amount of \$32,046 for a total amount not to exceed \$219,012 to serve African American women and their families;
4. Increasing PEI Contract No. 8516G with Pacific Center for Human Growth in the amount of \$32,046 for a total contract amount not to exceed \$219,012 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;
5. Increasing PEI Contract No. 8606G with Youth Engagement Advocacy Housing (YEAH), in the amount of \$32,046 for a total contract amount not to exceed \$219,012 for support groups for Transition Age Youth (TAY);
6. Increasing PEI Contract No. 8975E with Berkeley Unified School District (BUSD) in the amount of \$55,000 for a total contract amount not to exceed \$325,000 for elementary school youth; and
7. Increasing CSS Contract No. 9553C with Youth Engagement Advocacy Housing (YEAH) by \$122,856 for a total contract amount not to exceed \$509,574 for services for transition age youth.

Financial Implications: See report

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

12. **Contract No. 9111C Amendment: City Data Services for Maintenance of the Community Agency Online Application and Reporting System**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9111C with City Data Services (CDS) to provide its online data management system to the Health, Housing and Community Services Department through June 30, 2018 to add \$28,560 bringing the total contract amount to \$134,210 and authorizing the City Manager to extend the contract for an additional three years, and execute any amendments with CDS for ongoing maintenance of the community agency online applications and reporting systems for an annual service fee of \$28,560.

Financial Implications: See report

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

Consent Calendar

- 13. Mental Health Services Act Fiscal Years 2017-2018, 2018-2019, 2019-2020 Three Year Program and Expenditure Plan**
From: City Manager
Recommendation: Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year (FY) 2018, 2019 and 2020 Three Year Program and Expenditure Plan which provides information on current and proposed uses of funds on mental health programming, and submitting the MHSA FY 2018 – 2020 Three Year Plan to appropriate state officials.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 14. Revenue Contracts: FY 2018 Aging Services Programs**
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2018:
a. Congregate Meals in the amount of \$33,481;
b. Home Delivered Meals in the amount of \$39,846;
c. Family Caregiver Support Program in the amount of \$33,972;
d. Senior Center Activities in the amount of \$29,854; and
e. Information and Assistance Services in the amount of \$51,740.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 15. Revenue Grant Agreement: Funding Support from the State of California to Distribute Naloxone**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract valued at \$10,631 with the State of California, Department of Public Health, and execute any resultant agreements and amendments to partner with Needle Exchange Emergency Distribution (NEED) to distribute Naloxone to reduce the rate of fatal overdose from opioid drugs including heroin and prescription opioids.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Consent Calendar

16. **Contract: 5 BARS Communities dba XG Communities, LLC (“5 BARS”) for Wireless Marketing and License Agreement, Small Cell Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with 5 BARS Communities a dba of XG Communities, LLC (“5 BARS”) for Wireless Marketing and License Agreement, Small Cell Program at no capital investment cost to the City to market City designated sites for wireless service infrastructure. The contract is for an initial five-year period with four five-year renewals for a potential total contract term of 25 years.
Financial Implications: None
Contact: Savita Chaudhary, Information Technology, 981-6500
17. **Contract: FieldTurf USA, Inc. for the Replacement of Artificial Turf at Tom Bates Regional Sports Complex**
From: City Manager
Recommendation: Adopt a Resolution: 1. Pursuant to City Charter Article XI Section 67.2 requirements, accepting the California Multiple Award Schedule (CMAS) bid procedures, 2. Approving the CMAS contract with FieldTurf USA, Inc. for the artificial turf replacement at Tom Bates Regional Sports Complex; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with FieldTurf USA, Inc. in an amount not to exceed \$1,418,629.
Financial Implications: Gilman Fields Reserve Account - \$1,418,629
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
18. **Contract: Team Ghilotti for Cazadero Camp Landslide Repair**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for Cazadero Landslide Repair project, Specification No. 17-11142-C; and 2. Accepting the bid of Team Ghilotti as the lowest responsive and responsible bidder for the amount of their Base Bid of \$674,877.32; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Team Ghilotti, for the Cazadero Landslide Repair project at the City owned Cazadero Camp located at 5000 Austin Creek Road, 2828 Martin Luther King Jr. Way, in an amount not to exceed \$809,853, which includes a contract amount of \$674,877 and a 20% contingency in the amount of \$134,976.
Financial Implications: Capital Improvement Fund - \$809,853
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

19. **Contract Amendments: Contract No. 10469 Harrison Engineering Incorporated and Contract No. 10397 Nichols Consulting Engineers for On-Call Civil Engineering Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute amendments to:
1. Contract No. 10469 with Harrison Engineering Incorporated, increasing the original contract amount by \$500,000 for a total not-to-exceed amount of \$1,200,000; and
 2. Contract No. 10397 with Nichols Consulting Engineers increasing the original contract amount by \$800,000 for a total not-to-exceed amount of \$1,200,000, for on-call civil engineering services.
- Financial Implications:** See report
Contact: Phillip Harrington, Public Works, 981-6300
20. **Contract No. 10084 Amendment: Harrison Engineering, Inc. for On-Call Civil Engineering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10084 with Harrison Engineering, Inc. for on-call engineering services in an amount not to exceed \$150,000 for a total contract amount not to exceed \$450,000.
Financial Implications: Various Funds - \$150,000
Contact: Phillip Harrington, Public Works, 981-6300
21. **Contract No. 10461 Amendment: Andes Construction, Inc. for Sanitary Sewer Rehabilitation on Martin Luther King Jr. Way et al.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10461 with Andes Construction, Inc. for Sanitary Sewer Rehabilitation Project on Martin Luther King Jr. Way, Vine Street, Jefferson Avenue, Bancroft Way, Milvia Street, Spruce Street Backline, La Loma Avenue and Vincente Avenue Backline, increasing the original contract amount by \$121,135 for a total contract amount not to exceed \$1,413,993.
Financial Implications: Capital Improvement Fund - \$121,135
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 22. Contract: Peacock Interiors and Gallery, Inc. for Civic Center and Public Safety Building Carpet Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Civic Center and Public Safety Building Carpet Replacement Project, Specification No. 17-11133-C; accepting the bid of Peacock Interiors and Gallery, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$546,063.
Financial Implications: Various Funds - \$546,063
Contact: Phillip Harrington, Public Works, 981-6300
- 23. Contracts: On-Call Engineering Survey Services**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments, extensions or other change orders with the following firms to provide on-call survey services for various Department of Public Works projects and requests from other departments for a three year term expiring June 30, 2020 in a total amount not to exceed \$1,200,000 as follows:
1. BKF Engineers in an amount not to exceed \$500,000;
2. Kister, Savio & Rei, Inc. in an amount not to exceed \$350,000; and
3. MNS Engineers, Inc. in an amount not to exceed \$350,000.
Financial Implications: Various Funds - \$1,200,000
Contact: Phillip Harrington, Public Works, 981-6300
- 24. Cooperative Agreement with Bay Area Rapid Transit District (BART) for the Downtown Berkeley Bike Station**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a two-year cooperative agreement with the Bay Area Rapid Transit District for continued operation of the Downtown Berkeley Bike Station, in an amount not to exceed \$120,000 through June 30, 2018.
Financial Implications: Various Funds - \$120,000
Contact: Phillip Harrington, Public Works, 981-6300
- 25. Amending the Sweatshop-Free Procurement Ordinance, BMC 13.97**
From: Commission on Labor
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapters 13.97.020 and 13.97.030 to reduce the current purchasing threshold of \$1,000 to \$0 for the Sweatshop-Free Procurement Ordinance No. 7,099-N.S.
Financial Implications: None
Contact: Delfina Geiken, Commission Secretary, 981-5400

Consent Calendar

26. **Resolution Requesting that PG&E's Billing System Allow the Utility User Tax (UUT) to Reflect Greenhouse Gas Pollution**
From: Energy Commission
Recommendation: Adopt a Resolution requesting that PG&E's billing system allow Utility User Tax (UUT) rates to reflect greenhouse pollution, to be sent to both PG&E and the California Public Utilities Commission (CPUC) with a request to take action, and committing to considering a restructuring of utility users taxes to reflect greenhouse pollution if this capability becomes available in the future.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, 981-7400
27. **Approval of Six Additional Meetings of the Public Works Commission in Calendar Year 2017**
From: Public Works Commission
Recommendation: Adopt a Resolution approving six additional meetings of the Public Works Commission in calendar year 2017.
Financial Implications: None
Contact: Andrew Brozyna, Commission Secretary, 981-6300
28. **Renaming Keeler Walk (Path #32) John Muir Path, and Renaming The Short Cut (Path #45) Oxford School Path**
From: Public Works Commission
Recommendation: Adopt a Resolution renaming Keeler Path as John Muir Path and renaming The Short Cut as Oxford School Path.
Financial Implications: Capital Improvement Fund - \$500
Contact: Andrew Brozyna, Commission Secretary, 981-6300
29. **Support of Assembly Bills 509, 954, & 1219**
From: Zero Waste Commission
Recommendation: 1. Support Assembly Bill 509, which would develop an incentive payment program that pays directly for tire recycling, and send a letter expressing the City Council's support to Assembly Member Jim Frazier;
2. Support Assembly Bill 954, which would encourage food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use uniform quality dates and safety dates on food product labels, and send a letter expressing the City Council's support to Assembly Member David Chiu; and
3. Support Assembly Bill 1219, which would clarify and expand on the scope of current food donor protection laws, which will assist the State in meeting organic waste diversion and food recovery goals, and send a letter expressing the City Council's support to Assembly Member Susan Talamantes Eggman.
Financial Implications: None
Contact: Heidi Obermeit, Commission Secretary, 981-6300

Consent Calendar

- 30. Support of Assembly Budget Committee Bottle Bill Fix Proposal**
From: Zero Waste Commission
Recommendation: Support the Assembly Budget Committee Bottle Bill Fix Proposal, which would address the causes and consequences of California's 16 month Recycling Center Closure Crisis, and send a letter expressing the City Council's support to the Assembly Budget Committee.
Financial Implications: None
Contact: Heidi Obermeit, Commission Secretary, 981-6300
- 31. Audit Report – Parks Tax: Good Practices in Place Fiscal Year 2016 Expenditures Review**
From: Auditor
Recommendation: Request that the City Manager report back by January 30, 2018, and every six months thereafter, regarding the status of recommendations until reported fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750

Council Consent Items

- 32. Amending City of Refuge Policy Regarding Procedures during ICE Interaction**
From: Mayor Arreguin and Councilmembers Hahn, Davila, and Harrison
Recommendation: Adopt a Resolution amending the City of Refuge policy (Resolution 63,711-N.S.) specifying procedures regarding staff interaction with U.S. Immigration and Customs Enforcement related to enforcement of federal immigration law.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 33. Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts**
From: Mayor Arreguin and Councilmembers Hahn, Davila, and Harrison
Recommendation: Adopt a Resolution authorizing the transfer of \$300,000 for Fiscal Years 2018 and 2019 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense services to low and moderate-income Berkeley residents.
Financial Implications: General Fund - \$300,000 (Annually)
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 34. Land Value Recapture Policy and Inclusion in the Adeline Corridor Plan**
From: Mayor Arreguin and Councilmembers Harrison, Hahn, and Bartlett
Recommendation: 1. Adopt a Resolution establishing a policy requiring that land value recapture is included in the preparation and implementation of all area plans. Doing so will result in revenue to fund community benefits, such as affordable housing.
2. Refer to the City Manager and Planning Department the inclusion of the following in the Adeline Corridor planning process: a. Conduct a residual land value analysis to determine land value increases and appropriate possible exactions. b. Notify residents, land owners and developers that land value recapture will be part of the Plan implementation.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 35. Study of Civic Center Revitalization, Including the Veteran’s Memorial and Old City Hall Buildings and Civic Center Park**
From: Mayor Arreguin and Councilmembers Hahn, Harrison, and Davila
Recommendation: 1. Direct the City Manager to merge the Old City Hall and Veterans Building Conceptual Design Projects approved for Phase 1 of Measure T1 implementation and add Civic Center Park to create a single, unified conceptual design project for these three Civic Center elements, at a cost of \$300,000, the combined amounts already allocated by Council. The project will focus on: a. A retrofit study of the Veteran’s Memorial and Old City Hall Buildings. The study should include, but not be limited to, an updated inventory of needed repairs, potential methods for seismic reinforcement and ADA accessibility, and strategies for making the buildings safe to re-occupy at a cost that is viable. b. Design and uses for these three elements and also consider the context of other civic center buildings and features. c. “Place-making,” historic preservation/adaptation and the celebration and enjoyment of the public commons by all Berkeley residents will be central to concepts presented. All proposals shall conform to the existing Civic Center Overlay zoning requirements and achieve the highest green building standards possible, with reference to the Berkeley Deep Green Building proposal and other local, state and national green building standards.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
- 36. Support SB 169: Strengthening Enforcement of Sex Equity in Schools Receiving State Financial Assistance**
From: Mayor Arreguin and Councilmembers Hahn, Davila, and Bartlett
Recommendation: That the Berkeley City Council send a letter supporting SB 169 to Assemblymember Tony Thurmond, State Senator Nancy Skinner, and Governor Jerry Brown.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 37. Reviewing the GIG Car Share Pilot Program**
From: Councilmembers Maio and Wengraf
Recommendation: Refer to the City Manager and Transportation Department a review of the concerns, emerging regarding some features of the recently implemented GIG Car Share pilot program, request adjustments before the two-year pilot program from staff.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 38. Referral to the City Manager and the Planning Commission: Adeline Corridor Community Benefits Ordinance**
From: Councilmember Bartlett
Recommendation: Refer to the Planning Commission to: Establish a zoning overlay for properties designated as part of the Adeline Corridor Plan in order to promote innovations in housing policy; and Develop regulations for the Adeline Corridor zoning overlay. This overlay district should be adopted in conjunction with the Adeline Corridor plan or incorporated into it directly.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 39. Referral to the Civic Arts Commission and City Manager to Identify All Funds Attributed to Festivals**
From: Councilmember Harrison, Hahn, and Davila
Recommendation: Request that the Civic Arts Commission and City Manager to provide a report identifying all City of Berkeley funds being attributed to festivals and develop a clear policy concerning insurance and permit waivers and providing City security for these events.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 40. Expediting Elements of Previous Council Referral to Study Possible Scenarios of the Loss of Federal Funds**
From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Davila and Harrison
Recommendation: Direct the City Manager to expedite the compilation and delivery of a list of federal funds that the City of Berkeley receives and the programs and facilities supported by such funds.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

Council Consent Items

41. **Referral to the Housing Advisory Commission Consideration of an Ordinance to Establish a Waiver of Administrative and Permit Fees for Certain Affordable Housing Projects**
From: Councilmembers Hahn and Harrison
Recommendation: Refer to the Housing Advisory Commission and City Manager the creation of an ordinance to establish an automatic waiver of administrative and permit fees for certain affordable housing projects, in particular those projects qualifying for Housing Trust Fund or other Berkeley affordable housing monies. A proposed ordinance is attached for consideration as one possible model.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
42. **Ordinance to Clarify City Policy on Cannabis Nurseries**
From: Councilmember Worthington
Recommendation: That the Planning Commission and Medical Cannabis Commission create an ordinance to clarify city policy on cannabis and existing nurseries.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
43. **Referral to the City Manager, City Attorney, and Police Review Commission for Police Accountability Reform**
From: Councilmember Worthington
Recommendation: 1) Refer to the City Manager and City Attorney to review the Berkeley Police Review Commission's suggestions for short-term reforms and detail the steps that may be taken.
2) Refer to the Police Review Commission to review the Oakland Ballot Measure LL and develop a similar full-fledged ballot measure to reform police accountability.
Financial Implications: Staff time
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.

44. **ZAB Appeal: 2150 Shattuck Avenue**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution upholding the Zoning Adjustments Board decision to approve Design Review Sign approval #DRSA2016-0024 to install two signs, each sign made up of one set of channel letters with exposed neon, or comparable LED lighting, located on the rooftop equipment enclosure of a building determined eligible for National Register designation on the State Historic Resources Inventory (SHRI).

Financial Implications: None

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

Action Calendar – Old Business

45a. **Referral Response: Create an Ordinance to Prohibit Housing Discrimination Based on the Source of a Tenant's Income; Amending Berkeley Municipal Code Chapter 13.24 (Continued from May 30, 2017)**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Chapter 13.24 of the Berkeley Municipal Code, to prohibit discrimination in the rental of housing based on source of income.

Financial Implications: None

Contact: Zach Cowan, City Attorney, 981-6950

45b. **Adopt an Ordinance Adding to the Berkeley Municipal Code Chapter 13.31 to Address the Affordable Housing Crisis in Berkeley and Increase the Usability of Programs that Subsidize Housing Cost for Low-Income Tenants**

From: Councilmember Worthington

Recommendation: To adopt an Ordinance adding to the Berkeley municipal code chapter 13.31 to address the affordable housing crisis in Berkeley and increase the usability of programs that subsidize housing cost for low-income tenants.

Financial Implications: Staff time

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

Action Calendar – Old Business

- 46. Ordinance to Ban the Sale of Fur in Berkeley; Adding BMC Chapter 9.22**
From: Councilmember Worthington *(Continued from July 11, 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
- 47. Expedited Review for Affordable Housing Projects** *(Continued from July 11, 2017. Item contains revised materials.)*
From: Councilmembers Hahn, Davila, Bartlett, and Harrison
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
- 48a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley** *(Continued from July 11, 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
- 48b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley** *(Continued from July 11, 2017)*
From: City Manager
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, City Manager's Office, 981-7000

Action Calendar – New Business

- 49. Borrowing of Funds and the Sale and Issuance of FY 2018 Tax and Revenue Anticipation Notes**
From: City Manager
Recommendation: Adopt a Resolution approving the borrowing of \$26,000,000 and the sale and issuance of Fiscal Year 2018 Tax and Revenue Anticipation Notes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
- 50a. Referral Response: Reassess UC Berkeley Game Day Parking Fines in RPP Areas A, B, D, F, and G Surrounding Campus**
From: Transportation Commission
Recommendation: Adopt a Resolution: 1) Increasing parking fines in Residential Preferential Parking zones A, B, and D to \$300 per violation on posted University of California football game days; 2) Modifying RPP zones A, B, and D on posted University of California football game days to prohibit parking without a valid Residential Preferential Parking permit; 3) Replacing existing RPP signs in zones A, B, and D with new signs clearly indicating the University of California football game day parking prohibition and listing the dates on the sign of University of California football game days; and 4) Assessing the modified University of California Football Game Day Parking Fine program within three years of implementation and recommend to Council whether to continue or modify the program.
Financial Implications: See report
Contact: Farid Javandel, Commission Secretary, 981-6300
- 50b. Companion Report: Referral Response: Reassess UC Berkeley Game Day Parking Fines in RPP Areas A, B, D, F, and G Surrounding Campus**
From: City Manager
Recommendation: In order to implement the recommendation of the Transportation Commission, Adopt a Resolution: 1. Establishing a new Parking Fine Schedule including increased parking fines of \$300 per violation of BMC 14.40.090 in Residential Preferential Parking zones A, B, and D on posted University of California football game days; 2. Modifying RPP zones A, B, and D on posted University of California football game days to prohibit parking without a valid Residential Preferential Parking permit; 3. Replacing existing RPP signs in zones A, B, and D with new signs clearly indicating the University of California football game day parking prohibition and listing the dates on the sign of University of California football game days; 4. Assessing the modified University of California Football Game Day Parking Fine program within three years of implementation and recommending to Council whether to continue or modify the program; and Rescinding Resolution No. 63,800-N.S.
Financial Implications: See report
Contact: Contact: Phillip Harrington, Public Works, 981-6300

Council Action Items

51. Commercial Cannabis Regulations and Licensing

From: Mayor Arreguin

Recommendation: Refer to the City Manager and Cannabis Commission the proposed local ordinances to establish a licensing process for Commercial Cannabis operations, as permitted under Proposition 64, Adult Use of Marijuana Act. The Council requests that the City Manager and Cannabis Commission report to the City Council on its recommendations on regulations and licensing for commercial cannabis businesses before the end of 2017.

Financial Implications: Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

Information Calendar

52. Lorin / Adeline Economic Development Plan

From: City Manager

Contact: Jordan Klein, Economic Development, 981-7530

53. 2017 Berkeley Homeless Point-In-Time Count and Survey Data

From: City Manager

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

54. Status Report on Audit: City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation

From: City Manager

Contact: Savita Chaudhary, Information Technology, 981-6500

55. FY 2018 Public Art Plan and Budget

From: Civic Arts Commission

Contact: Mary Ann Merker, Commission Secretary, 981-7530

56. Berkeley Energy Commission Workplan for 2017-2018

From: Energy Commission

Contact: Billi Romain, Commission Secretary, 981-7400

57. Zero Waste Commission 2017 Work Plan

From: Zero Waste Commission

Contact: Heidi Obermeit, Commission Secretary, 981-6300

58. City Auditor Fiscal Year 2018 Audit Plan

From: Auditor

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

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (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 July 13, 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.*

### **Item 45a: Referral Response: Create an Ordinance to Prohibit Housing Discrimination Based on the Source of a Tenant's Income; Amending Berkeley Municipal Code Chapter 13.24**

1. Homeless Commission

### **Smoking Violations / Second Hand Smoke Provisions**

2. Carol Denney (2)

### **Traffic Hazards**

3. David Schindler
4. Steven Schuyler

### **SB 649**

5. Soula Culver / Brandi Campbell

### **Berkeley's Appearance**

6. Debbie Dennison

### **Urban Shield**

7. Debra Guckenheimer
8. Emily Galpern
9. John Iversen
10. Rosie Gozali
11. Nora Roman

### **Museum of Capitalism**

12. Genevieve Wilson / Jacquelyn McCormick

### **Marijuana Legislation**

13. Citizens Against Legalizing Marijuana

### **Homeless & Housing**

14. Avram Gur Arye

### **Public Comment**

15. Tree Fitzpatrick

### **Berkeley Fire Department Employee Roster**

16. W.B.C.

**Notice of Investigation / 1524 University Avenue**

17.W.B.C.

**Vector Control Office Inspection / 1528 University Avenue**

18.W.B.C.

**Exterior Elevated Elements Inspection Guidelines & FAQs**

19.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.

