

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, September 12, 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: 6:06 p.m.

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

Absent: None

Report from Closed Session:

At a closed session of the City Council on September 5, 2017, the City Council directed staff to settle litigation related to San Francisco Bay Area Renter v. City of Berkeley. The direction authorizes staff to enter into a stipulated judgment that deems the project at 1301 Haskell Street approved. The City will pay San Francisco Bay Area Renters' Federation's reduced attorney fees in an amount not to exceed \$44,000. It is a good result given that the court had given every indication that it was going to deem the project approved and by settling the case the City Council managed to reduce the city's exposure to additional costs.

Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Recognition of Rafael Jesus Gonzalez, Poet Laureate of Berkeley
3. Remembrance of Calvin Fong, Community Activist
4. Adjournment in Memory of Marian Diamond, UC Berkeley Professor
5. Remembrance of Bill Woodcock, Community Activist
6. Adjournment in Memory of those that have died in the recent hurricanes

City Auditor Comments:

1. Recognition of Human Resources Department work on the Merit-Based Hiring Audit

City Manager Comments:

1. Recognition of Gil Dong, Retired Fire Chief

Public Comment on Non-Agenda Matters: 7 speakers.

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

Consent Calendar

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

Vote: All Ayes.

Recess Items

1. **Contract: Access Information Management for Citywide Records Storage Services – Increase of Not to Exceed Amount**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during the City Council recess to increase the not-to-exceed amount for the contract with Access Information Management (Access) for storage of citywide records by \$40,000.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 68,136–N.S. amended to replace \$50,000 with \$40,000 in the third whereas clause.
2. **Reject All Bids and Negotiate in the Open Market for the South Cove Parking Lot and Restroom Project Specification No. 17-11127-C**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to reject all bids and direct staff to negotiate in the open market for the work associated with the South Cove Parking Lot and Restroom Project, Specification No. 17-11127-C.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,137–N.S.

Consent Calendar

3. **Contract: SCI Consulting Group for Clean Stormwater Rate Study and Proposition 218-Complaint Process**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with SCI Consulting Group for a stormwater rate study and balloting process in compliance with Proposition 218 in an amount not to exceed \$230,000.
Financial Implications: Clean Storm Water Fund - \$230,000
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,138–N.S.

4. **Contract: SCI Consulting Group for Streetlight Rate Study and Balloting Process in Compliance with Proposition 218**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with SCI Consulting Group in an amount not to exceed \$160,000 to conduct a rate study and balloting process for the Streetlight Assessment Fund in compliance with Proposition 218.
Financial Implications: One Time Funding; Non-Grant - \$160,000
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,139–N.S.

Consent Calendar

5. **Referral Response: Berkeley Municipal Code Section 2.04.145 Amendment Related to Commissioners**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,565-N.S. amending Berkeley Municipal Code Chapter 2.04.145 to modify the requirements for affirming the residency status of City commissioners.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted second reading of Ordinance No. 7,565-N.S.

Consent Calendar

- 6. 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 second reading of Ordinance No. 7,566-N.S., 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.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted second reading of Ordinance No. 7,566-N.S.
- 7. Amending the Sweatshop-Free Procurement Ordinance, B.M.C. 13.97**
From: Commission on Labor
Recommendation: Adopt second reading of Ordinance No. 7,567-N.S. 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.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.
Financial Implications: None
Contact: Delfina Geiken, Commission Secretary, 981-5400
Action: Adopted second reading of Ordinance No. 7,567-N.S.
- 8. 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: Adopt second reading of Ordinance No. 7,568-N.S. 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.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.
Financial Implications: Staff time
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted second reading of Ordinance No. 7,568-N.S.

Consent Calendar

9. **Emergency Standby Officers for the Mayor and Councilmembers**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 67,258-N.S.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 68,140–N.S. amended to add Dan Lindheim as standby officer #3 for Mayor Arreguin.

10. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the Council meetings of July 11, 2017 (regular), July 17, 2017 (special closed), July 18, 2017 (special), July 24, 2017 (special closed), and July 25, 2017 (regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

11. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 12, 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 - \$3,148,751

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Approved recommendation.

Consent Calendar

12. **Classification and Salary: Psychiatrist I/II/III and Side Letter of Agreement – SEIU Local 1021 Community Services Unit**

From: City Manager

Recommendation: Adopt two Resolutions:

1. Amending Resolution No. 67,482-N.S., Classification and Salary Resolution for Service Employees International Union Local 1021, Community Services & Part-Time Recreation Leaders Association (SEIU Local 1021 CSU & PTRLA), to retitle the Psychiatrist III to Psychiatrist; to increase the monthly salary range of the classification to \$14,007 - \$20,694; and to abolish the classifications of Psychiatrist I and Psychiatrist II, effective September 12, 2017; and
2. Authorizing the City Manager to execute and implement a Side Letter of Agreement with SEIU Local 1021 CSU & PTRLA to modify Section 10 (Salaries) by adding sub-Section 10.22 to the Memorandum Agreement (MA) to provide educational incentive pay for required Board certifications, and to amend Section 18 (Vacation), sub-Section 18.10 of the MA, to include the Psychiatrist classification to be eligible for authorized annual vacation leave similar to other Mental Health classifications.

Financial Implications: See report

Contact: Sarah Reynoso, Human Resources, 981-6800

Action: Adopted Resolution No. 68,141–N.S. (Salary Schedule) and Resolution No. 68,142–N.S. (Side Letter)

13. **Classification and Salary: Supervising Psychiatrist**

From: City Manager

Recommendation: Adopt two Resolutions:

1. Amending Resolution No. 68,030-N.S., Classification and Salary Resolution for Unrepresented Employees to retitle the Psychiatrist Supervisor to Supervising Psychiatrist; and to increase the monthly salary range of the classification to \$17,876 - \$21,729; and
2. Amending Resolution No. 68,000-N.S., Unrepresented Employee Manual, Appendix, by adding Section 13.28 (Supervising Psychiatrist Board Certification Education Incentive Pay) to provide educational incentive pay for required Board certifications, effective September 12, 2017.

Financial Implications: See report

Contact: Sarah Reynoso, Human Resources, 981-6800

Action: Adopted Resolution No. 68,143–N.S. (Salary Schedule) and Resolution No. 68,144–N.S. (Manual)

Consent Calendar

- 14. Contract No. 9767 Amendment: AppleOne Employment Services for Temporary Staffing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9767 with AppleOne Employment Services for Temporary Staffing Services, increasing the amount by \$200,000 for the period of October 1, 2017 through September 30, 2020, to a revised total contract amount not to exceed \$350,000.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 68,145–N.S.
- 15. SEIU Local 1021 Maintenance and Clerical Chapters and Unrepresented Employees**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union Local 1021 Maintenance and Clerical Chapters (SEIU Local 1021MC) related to the impact of requiring employees to share in the cost for retirement benefits; and
2. Extending similar provisions to Unrepresented, non-safety, miscellaneous benefitted employees in Units Z-1; Z-2; Z-3; Z-6; and Z-9.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 68,146–N.S. (Side Letter) and Resolution No. 68,147–N.S. (Unrepped Employees)
- 16. Unrepresented Employees – Amendment to Salary Resolution 68,030-N.S.**
From: City Manager
Recommendation: Adopt a Resolution amending Classification and Salary Resolution for Unrepresented Employees, Resolution No. 68,030-N.S. to include classifications in Unit X-1 (Unrepresented Hourly Non-Career) and X-2 (Hourly) that were erroneously excluded.
Financial Implications: None
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Adopted Resolution No. 68,148–N.S.
- 17. Donation: Berkeley Echo Lake Camp Association (BELCA) Gift to Echo Lake Camp**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation of \$4,995 from the Berkeley Echo Lake Camp Association (BELCA).
Financial Implications: \$4,995 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,149–N.S.

Consent Calendar

- 18. Donation: Memorial Bench in the Rose Garden in Memory of Mark and Mina Hornor**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 from Jessamy Hornor, Eva Hornor, and Elsa Hornor (the Hornor Family) for a memorial bench to be placed in the Berkeley Rose Garden.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,150–N.S.
- 19. Amendments to BMC Chapter 12.26 Regarding Recreational Cannabis Businesses**
From: City Manager
Recommendation: Adopt first reading of an Ordinance modifying Section 12.26.035 of the Berkeley Municipal Code to require City Council approval of zoning regulations, a licensing process, and standards for recreational cannabis businesses prior to approval of any such businesses.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance No. 7,570–N.S. Second reading scheduled for September 26, 2017.
- 20. Expedited Electric Vehicle Charging Station Permitting, and Adding BMC Chapter 19.15**
From: City Manager
Recommendation: Adopt first reading of an Ordinance adding Berkeley Municipal Code Chapter 19.15, to create an expedited, streamlined permitting process for electric vehicle charging stations, as mandated by State Assembly Bill No. 1236 (2015, Chiu) codified in Section 65850.7 of the California Government Code.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance No. 7,571–N.S. Second reading scheduled for September 26, 2017.

Consent Calendar

21. **Contract: Pacific Trenchless, Inc. for Sanitary Sewer Rehabilitation on Ninth Street, Pardee Street, et al**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Ninth Street, Pardee Street, Beverly Place, California Street, King Street, Indian Rock Avenue, Posen Avenue, Neilson Street, Northside Avenue, Ordway Street, Gilman Street and Halkin Lane; accepting the bid of the lowest responsive and responsible bidder, Pacific Trenchless, Inc.; 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 \$1,905,177.
Financial Implications: Sanitary Sewer Operation - \$1,905,177
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,151–N.S.
22. **Contract: Team Ghilotti Inc. for South Cove East Parking Lot and Restroom Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for South Cove East Parking Lot and Restroom Project, Specification No. 17-11127-C; and 2. 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, Inc., for the South Cove East Parking Lot and Restroom Project at the Berkeley Marina, in an amount not to exceed \$1,605,000, and authorizing a 5% contingency in the amount of \$80,250.
Financial Implications: Various Funds - \$1,685,250
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,152–N.S.
23. **Contract No. 9082B Amendment: Northgate Environmental Management, Inc. for On-Call Environmental Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9082B with Northgate Environmental Management, Inc. for on-call environmental consulting services, increasing the current contract to \$75,000 for a total contract amount not to exceed \$184,500.
Financial Implications: Various Funds - \$75,000
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,153–N.S.

Consent Calendar

- 24. Renaming the South Berkeley Senior Center**
From: Commission on Aging
Recommendation: The Commission on Aging recommends that the Mayor and City Council rename the South Berkeley Senior Center to the Judge Henry Ramsey Jr. South Berkeley Senior Center.
Financial Implications: See report
Contact: Richard Castrillon, Commission Secretary, 981-5190
Action: Approved recommendation.
- 25. Renaming South Berkeley Senior Center the Judge Henry Ramsey Jr. South Berkeley Senior Center**
From: Public Works Commission
Recommendation: Adopt a Resolution renaming the South Berkeley Senior Center the Judge Henry Ramsey Jr. South Berkeley Senior Center.
Financial Implications: Minimal
Contact: Nisha Patel, Commission Secretary, 981-6300
Action: Adopted Resolution No. 68,154–N.S.
- 26. Recommendation to Endorse AB 74, SB 305, and AB 1157**
From: Housing Advisory Commission
Recommendation: The Housing Advisory Commission (HAC) recommends to the Berkeley City Council the endorsement of Assembly Bill (AB) 74, Senate Bill (SB) 305, and AB 1157.
Financial Implications: None
Contact: Amy Davidson, Commission Secretary, 981-5400
Action: Approved recommendation.

Council Consent Items

- 27. Appoint Christine Schildt to the Berkeley Housing Authority Board**
From: Mayor Arreguin
Recommendation: Adopt a Resolution appointing Christine Schildt to serve a four-year term on the Berkeley Housing Authority Board of Commissioners.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,155–N.S.
- 28. Oppose the National Defense Authorization Act**
From: Mayor Arreguin and Councilmembers Harrison and Bartlett
Recommendation: Adopt a Resolution opposing S 1519 and HR 2810, the National Defense Authorization Act for Fiscal Year 2018. Send a Letter to Senators Dianne Feinstein and Kamala Harris.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Hahn added as a co-sponsor. Adopted Resolution No. 68,156–N.S.

Council Consent Items

- 29. Support the City of Oakland's Regional Public Bank Feasibility Study**
From: Mayor Arreguin and Councilmembers Hahn, Harrison, and Bartlett
Recommendation: Authorize \$25,000 from the Finance Department Banking Fees budget to the City of Oakland to support their feasibility study of a regional public bank.
Financial Implications: \$25,000
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,157–N.S. to authorize \$25,000 from the Finance Department Banking Fees budget to the City of Oakland to support their feasibility study of a regional public bank.
- 30. Support the Shattuck-Adeline Greenway Visioning Project**
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$2,000 from the Mayor's Office and \$500 per Councilmember, to Bike East Bay for the Shattuck-Adeline Greenway Visioning Project. Funds will be relinquished to the City's General Fund for this purpose from the discretionary office budgets of Mayor Jesse Arreguín and any councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$2,000
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,158–N.S. revised to include contributions from the following councilmembers up to the amounts listed: Mayor Arreguin - \$2,000; Councilmember Harrison - \$500; Councilmember Hahn - \$200; Councilmember Davila - \$100; Councilmember Droste - \$100; Councilmember Wengraf - \$250; Councilmember Maio - \$100; Councilmember Bartlett - \$200.
- 31. Berkeley Stands United Against Hate**
From: Mayor Arreguin
Recommendation: Adopt a Resolution endorsing the Berkeley Stands United Against Hate message.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,159–N.S.

Council Consent Items

- 32. Support for Secretary of State Alex Padilla’s Refusal to Provide Personal Data of Voters to the Presidential Advisory Commission on Election Integrity**
From: Councilmembers Davila, Harrison, and Hahn
Recommendation: The City of Berkeley should release a letter stating our support for Secretary of State Alex Padilla’s refusal to provide personal identifiable data about California voters over to the newly-founded Presidential Advisory Commission on Election Integrity. This Committee threatens to disenfranchise immigrant, Latinx, Black, and low-income voters in federal elections under the guise of increasing the American people’s “confidence in the integrity” of our election process. The precipice for the founding of the Commission is the viewpoint that unfavorable votes can be removed by preventing unfavorable voter access to the polls. Rampant fascism is taking hold in our national policies under Donald Trump, and we must ensure our state remains safe and democratic, where Californians are free to cast a vote without intimidation, retaliation, or suppression.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 33. Voter Registration Forms in All City Buildings on Their Main Floors**
From: Councilmembers Davila, Harrison, and Hahn
Recommendation: Direct the City Manager to provide voter registration forms on the main floor of all designated city buildings that are open to the public and in all Community based organizations within the city limits. Community based organizations that are funded by the City of Berkeley will be required to pick up the voter registration forms from the City Clerk’s Office and that should be clearly stated in their respective contracts.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Approved recommendation.

Council Consent Items

- 34. Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance**
From: Councilmembers Bartlett, Harrison, and Davila
Recommendation: Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.
- 35. Support AB 485 to Outlaw Puppy Mills, Send Letter in Support to Senator Skinner and Assemblymembers Thurmond, O'Donnell, and Dababneh**
From: Councilmembers Harrison, Droste, and Davila
Recommendation: Adopt a Resolution supporting AB 485, which requires pet stores to only sell dogs, cats and rabbits that are spayed or neutered and are obtained from an animal shelter or rescue group. Send a letter from the Council to State Senator Nancy Skinner urging her to vote yes on AB 485 and letters to Assemblymembers Thurmond, O'Donnell, and Dababnah, thanking them for their yes vote and for introducing the bill, respectively.
Financial Implications: Minimal
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 68,160–N.S. amended to include sending a letter to Governor Jerry Brown as drafted in Supplemental Reports Packet #1.
- 36. Support California AB 1320 to End the Use of Private Prisons**
From: Councilmembers Worthington, Hahn, Harrison, and Davila
Recommendation: That the Council support California AB 1320 to end contracts with for-profit prisons and gradually remove state inmates from private prisons.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Council Consent Items

37. **Referral to the Civic Arts Commission to Consider the Creation and Selection of a Flag for the City of Berkeley**
From: Councilmember Worthington
Recommendation: Refer to the Civic Arts Commission to select a flag for the City of Berkeley from submissions from the public.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
38. **Adopt Resolution Protecting our Ocean and Coast from Offshore Drilling and Fracking**
From: Councilmember Worthington
Recommendation: That the Council adopt a Resolution protecting our ocean and coasts from offshore drilling and fracking as a show of the City of Berkeley's support for protecting California's ocean.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,161–N.S.

Action Calendar – Public Hearings

39. **Indoor Entertainment Fee Adjustment**
From: City Manager
Recommendation: Conduct a Public Hearing and upon conclusion, adopt a Resolution approving a revised Fire Department Fee Schedule adjusting the Indoor Entertainment Inspection fee from \$93.50 to \$196.00 per event; and establishing a reinspection fee of \$98.00 per subsequent quarter hour when the venue fails the initial inspection; and rescinding Resolution No. 67,990-N.S.
Financial Implications: See report
Contact: David Brannigan, Fire, 981-3473
Public Testimony: The Mayor opened the public hearing. 23 speakers.
M/S/C (Maio/Wengraf) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Worthington/Bartlett) to refer the item back to the City Manager for further analysis and options for the initial fee and re-inspection fee and to provide information on additional educational efforts.
Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio.

Councilmember Maio absent 8:31 p.m. – 8:33 p.m.

Recess 8:33 p.m. – 8:46 p.m.

Public Hearings

40. Conduct Public Hearing to Adopt a Resolution Affirming the Zoning Adjustment Board's Decision to Approve Use Permit No. ZP2015-0087 Concerning 1310 Haskell Street

From: City Manager

Recommendation: Conduct a Public Hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit No. ZP2015-0087 to demolish an existing single-family dwelling and accessory structure and construct three new detached, two-story dwellings totaling approximately 6,229 square feet, and dismissing the appeal.

Financial Implications: None

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

Action: 2 speakers. No action taken.

41. Extend Residential Preferential Parking Permit Program on Sections of Grant Street, Edith Street, Whitney Street, Cedar Street, and Holly Street

From: City Manager

Recommendation: Conduct a Public Hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Sections 25C, 25E, 25M and 25N to add subsections that extend Residential Preferential Permit Parking on five city blocks.

Financial Implications: General Fund - \$1,440

Contact: Phillip Harrington, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Maio/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Worthington) to adopt Resolution No. 68,162–N.S. amending Resolution No. 56,508-N.S. Sections 25C, 25E, 25M and 25N to add subsections that extend Residential Preferential Permit Parking on five city blocks.

Vote: All Ayes.

Action Calendar – Old Business

42. **Contract Amendment: CalPERS Cost Share under Government Code Section 20516 for Employees Represented by the SEIU Local 1021 Maintenance and Clerical Chapters and Unrepresented Employees Group** *(Item continued from April 4, 2017. Item contains revised materials.)*

From: City Manager

Recommendation: 1. Adopt a Resolution of Intention to amend the City's contract with the California Public Employees Retirement System (hereinafter "CalPERS") to include a mandatory monthly employee contribution of 8.0% of salary as provided under Government Code Section 20516, applicable to all members (Miscellaneous employees, both Classic and New Members) represented by the Service Employees International Union (SEIU) Local 1021 Maintenance and Clerical Chapters (hereinafter "SEIU Local 1021MC") and Unrepresented Employees Group.
2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to provide the mandatory monthly employee contribution of 8.0% of salary as provided under Government Code Section 20516, applicable to all members (Miscellaneous employees, both Classic and New Members) represented by the SEIU Local 1021MC and Unrepresented Employees Group.

Financial Implications: See report

Contact: Sarah Reynoso, Human Resources, 981-6800

Action: 0 speakers. M/S/C (Maio/Wengraf) to adopt Resolution No. 68,163–N.S. and to adopt first reading of Ordinance No. 7,572–N.S. Second reading scheduled for October 3, 2017.

Vote: All Ayes.

- 43a. **Automatic Door Openers in Multi-Unit Residential Buildings** *(Item continued from July 11, 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

Action Calendar – Old Business

43b. Companion Report: Automatic Door Openers in Multi-Unit Residential Buildings *(Item continued from July 11, 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: Items 43.a. and 43.b. held over to September 26, 2017.

44. Referral to the Civic Arts Commission and City Manager to Identify All Funds Attributed to Festivals *(Item continued from July 25, 2017)*

From: Councilmembers 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

Action: 5 speakers. M/S/C (Arreguin/Worthington) to refer the development of the policy to the Civic Arts Commission and refer the request for a report to the Council prioritization process.

Vote: All Ayes.

Action Calendar – Old Business

45. **Direct the City Manager to Draft an Ordinance to Waive Certain Fees for Berkeley Housing Trust Fund Projects and Send a Letter to BUSD Board of Education Requesting Consideration of a Waiver of School Facility Fees for Berkeley Housing Trust Fund Projects** *(Item continued from July 25, 2017. Item contains revised materials.)*

From: Councilmembers Hahn and Harrison, and Mayor Arreguin

Recommendation:

1. Direct the City Manager to draft an ordinance establishing automatic waiver of certain administrative, permit, impact and other fees for projects receiving City of Berkeley Housing Trust Fund (HTF) monies and submit a draft within 90 days for Council approval.

Fee waivers shall apply to all HTF projects that have not yet been issued a building permit, and should include, but not be limited to:

- a. Waiver of internal, staff-time-related permit, inspection, and other fees;
- b. Waiver of mitigation, impact, and in-lieu fees.
- c. Notwithstanding the above, fees to cover City “out of pocket” costs, fees passed-through to other agencies, and fees necessitated by CEQA should not be waived.

2. Direct the City Manager to send a letter to the BUSD Board of Education requesting consideration of an automatic waiver of BUSD School Facility Fees for projects receiving City of Berkeley Housing Trust Funds.

Financial Implications: Staff time

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

Action: 5 speakers. M/S/C (Harrison/Hahn) to:

- 1) Adopt recommendation 1b., amended to state that a fee waiver will be applied unless the fees would be otherwise reimbursed by other non-City of Berkeley sources of funding.
- 2) Adopt recommendation 2.
- 3) Refer recommendations 1a. and 1c. to the City Manager for analysis.

Vote: All Ayes.

46. **Expedited Review for Affordable Housing Projects** *(Item continued from July 25, 2017. Item contains revised materials.)*

From: Councilmembers Hahn, Davila, Bartlett, and Harrison

Recommendation: Adopt the first reading of an Ordinance amending Berkeley Municipal Code Chapter 19.62, to automatically confer priority status and provide expedited review to affordable housing projects that receive City of Berkeley Housing Trust Fund monies.

Financial Implications: Staff time

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

Action: 4 speakers. M/S/C (Hahn/Arreguin) to adopt first reading of Ordinance No. 7,573–N.S. Second reading scheduled for September 26, 2017.

Vote: All Ayes.

Action Calendar – Old Business

47. **Refer Police Accountability Reforms to the City Manager, City Attorney, and Police Review Commission** (*Item continued from July 25, 2017. Item contains revised materials.*)

From: Councilmembers Worthington and Harrison

Recommendation: 1) Refer to the City Manager and City Attorney to review the report from the Center for Policing Equity (CPE) and recommendations from the Berkeley Police Review Commission (PRC) for short-term reforms. Direct that the City Manager and City Attorney report by December 12th, 2017 on the steps to be taken and progress to date.

2) Refer to the PRC 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: 8 speakers. M/S/C (Arreguin/Wengraf) to refer the item to the Agenda Committee for future scheduling.

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

Action: M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.

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

Councilmember Droste absent 10:45 p.m. – 11:15 p.m.

- 48a. **Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley** (*Item continued from July 25, 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** (*Item continued from July 25, 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: Items 48.a. and 48.b. referred to the Agenda Committee.

Action Calendar – Old Business

- 49. Adopt an Ordinance Equalizing Nudity Laws in Berkeley Between All Genders by Decriminalizing the Display of Female Nipples**
From: Councilmember Worthington
Recommendation: Adopt an Ordinance eliminating the line in section 13.32.010 of Berkeley’s Municipal Code, which specifically targets women by criminalizing only the display of female breasts or “any portion of the breast at or below the areola thereof of any female person” in any place open to the public or any place visible from a place open to the public, while placing no such restriction upon males.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: 7 speakers. M/S/C (Wengraf/Hahn) to table the item.
Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – Worthington; Abstain – None; Absent – Davila, Droste.
- Councilmember Davila absent 10:52 p.m. – 11:15 p.m.
- 50. Adopt an Ordinance Banning the Use of Live Animals as Prizes**
From: Councilmember Worthington
Recommendation: Adopt an Ordinance banning the use of live animals as prizes or awards at fairs and/or by any other person, firm, or corporation whose main purpose is amusement and/or retail sales that do not specifically promote and support the proper care of live animals.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to September 26, 2017.
- 51. Amendments to Group Living Accommodations (GLA) Ordinance (No. 7445-NS) (Item continued from May 30, 2017)**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council respond to student concerns voiced by student leaders in the ASUC, by revising the GLA Ordinance to respond to the worsening housing crisis in Berkeley and promote a fair and equal treatment of students. Specifically, we recommend the removal of BMC 13.42.040D, which currently allows the city to remove bedrooms, the addition of a student non-discrimination clause, the amendment of 13.42.005B(3)a to allow three violations instead of two, and the amendment of 13.42.036C to ensure consistency with the Community Noise Ordinance.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar and referred to the City – UC Student Relations Committee (4 x 6 Committee).

Information Reports

- 52. Berkeley Economic Dashboards**
From: City Manager
Contact: Jordan Klein, Economic Development, 981-7530
Action: Received and filed.
- 53. Status Report: Audit of Human Resources' Merit-Based Hiring and Promotions System**
From: City Manager
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Received and filed.
- 54. LPC-NOD: 1905 Martin Luther King Jr. Way**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 55. LPC-NOD: 1915 Fourth Street**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 56. LPC-NOD: 2030-32 Bancroft Way**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 57. LPC-NOD: 2526-30 Shattuck Avenue**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 58. LPC-NOD: 3228 Adeline Street**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 59. 2017 Disaster and Fire Safety Commission Work Plan**
From: Disaster and Fire Safety Commission
Contact: Keith May, Commission Secretary, 981-3473
Action: Received and filed.
- 60. LPC Requests Early Involvement in Measure T1-Funded Projects Affecting Historic Resources**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, 981-7400
Action: Moved to Action Calendar. Held over to September 26, 2017.

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

Adjournment

Action: Adjourned the meeting in memory of

1. Calvin Fong
2. Bill Woodcock
3. Marian Diamond
4. Those Deceased in Recent Hurricanes

Adjourned at 11:15 p.m.

Communications

Protests/Free Speech/Protocols

1. Rachel Lederman (2) / Farimah Brown
2. JP Massar / Farimah Brown
3. Donald Goldmacher
4. Steven Schuyler
5. Nancy Price

Housing Issues

6. Diego Aguilar-Canabal (2)
7. Charlene Woodcock
8. Harry Brill
9. Avram Gur Arye (2)
10. Norma Harrison

Urban Shield

11. Melissa Hafez (2)
12. Phoebe Sorgen (2)

Facilities for Homeless

13. Richard Lee
14. Marilyn Simons
15. Tom Luce
16. Sheila Goldmacher
17. Margy Wilkinson

Measure M Program and T1 Implementation Process

18. Public Works Commission

SB 649

19. Soula Culver

Lead Poisoning Prevention Presentation

20. Larry Brooks

Reduce Sugar in Food

21. Vincent Casalaina

BART Fares

22. Genevieve Wilson

Willard Park

23. Nino DeCaro

Community Choice Aggregation

24. Foothill Tax Payers Association

Berkeley Considers Recommendation

25. Commission on Aging

Selection of Planning Director

26. Berkeley Neighborhoods Council

Cannabis Growing Facilities

27. Robert Abiad

Crosswalk at San Pablo & Blake

28. Cynthia Hallett

Medication Disposal Ordinance

29. Community Health Commission

Tree Trimming on Woolsey

30. Dona Bretherick

CalPERS Article

31. David Lerman

Parking Concerns

32. Tree Fitzpatrick

33. Phillip Cha

1155-1173 Hearst Street

34. Berkeley Neighborhoods Council

Traffic Concerns at Hopkins and The Alameda

35. Margot Smith

Apology

36. Norma Harrison

Ordinance No. 7,460-N.S.

37. W.B.C.

Betty Olds Memorial

38. Barbara Gilbert / Susan Wengraf

Protect Children from Pesticides

39. Four form letters, submitted by David Anderson, Astrid Giese-Zimmer, Robert Blomberg, Arlene Baker

Supplemental Communications and Reports 1

Item 29: Support the City of Oakland's Regional Public Bank Feasibility Study

40. Erica Etelson

Item 35: Support AB 485 to Outlaw Puppy Mills, Send Letter in Support to Senator Skinner and Assemblymembers Thurmond, O'Donnell, and Dababneh

41. Revised materials, submitted by Councilmember Harrison

Item 49: Adopt an Ordinance Equalizing Nudity Laws in Berkeley Between All Genders by Decriminalizing the Display of Female Nipples

42. Lee Barton

Supplemental Communications and Reports 2

Item 29: Support the City of Oakland's Regional Public Bank Feasibility Study

43. Sally Nelson

44. Ezekiel Gorrocino

Item 38: Adopt Resolution Protecting our Ocean and Coast from Offshore Drilling and Fracking

45. Kevin Bundy

46. Valerie Love

47. Vera Pardee

48. Miyoko Sakashita

Item 39: Indoor Entertainment Fee Adjustment

49. Uday Suresh

Item 41: Extend Residential Preferential Parking Permit Program on Sections of Grant Street, Edith Street, Whitney Street, Cedar Street, and Holly Street

50. Unknown

Item 43: Automatic Door Openers in Multi-Unit Residential Buildings

51. Krista Gulbransen

Item 47: Refer Police Accountability Reforms to the City Manager, City Attorney, and Police Review Commission

52. Martin Nicolaus

53. Eric Friedman

54. Janay Osborne

55. Thao Tran

56. Ellen Rodin

Item 51: Amendments to Group Living Accommodations (GLA) Ordinance (No. 7445-NS)

57. Phyllis Fox

58. Fabrizio De Pasquale

Item 30: Support the Shattuck-Adeline Greenway Visioning Project

59. 33 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 39: Indoor Entertainment Fee Adjustment

- 60. Presentation, submitted by Fire Department
- 61. Josh Wilson
- 62. Eric Berger (2)
- 63. Zach Gamlieli
- 64. Toby Spain
- 65. Karthik Ramesh
- 66. Tomas Santos
- 67. John Chester
- 68. Mane Mikayelyan

Item 46: Expedited Review for Affordable Housing Projects

- 69. Gloria Bruce

Item 48b: Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

- 70. Christine Schwartz (2)

Item 49: Adopt an Ordinance Equalizing Nudity Laws in Berkeley Between All Genders by Decriminalizing the Display of Female Nipples

- 71. Barbara Gilbert

Resisting White Supremacy & Fascism

- 72. Peace & Justice Commission