

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, October 3, 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: 7:01 p.m.

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

Absent: Harrison

Councilmember Harrison present at 7:02 p.m.

Ceremonial Matters:

1. Recognition of Bisexual Pride Day
2. Recognition of Indigenous Peoples Day
3. Recognition of Energy Efficiency Day
4. Adjourning the Meeting in the Memory of the Victims of the Shooting in Las Vegas
5. Adjourning the Meeting in the Memory of the Victims of Hurricane Maria
6. Adjourning the Meeting in the Memory of Dick Gregory, Activist and Entertainer

City Auditor Comments:

The City Auditor provided an update on the Ambulance Billing Audit, the Payroll Audit, and the General Fund Reserve in relation to future anticipated demands on the city budget.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 6 speakers.

Public Comment on Consent Calendar and Information Items Only: 9 speakers.

Consent Calendar

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

Vote: All Ayes.

- 1. Contract No. 10568 Amendment: Berkeley Food and Housing - The Hub and Flexible Housing Subsidy Pool**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to an existing contract with Berkeley Food and Housing Project to add \$100,000 each year for two years, for a total not to exceed \$3,712,320 in FY2018 plus \$3,322,320 in FY2019 to expand the existing Hub operations to include the administration of the Flexible Housing Subsidy Pool, funded by Council with the adoption of the FY18-19 biennial budget.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,175–N.S.
- 2. Contract No. 8865F Amendment: Accela, Inc. for Professional Services to Implement Measure U1**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8865F with Accela, Inc., professional services increasing the amount by \$100,000 for a total not to exceed \$1,524,775 from December 12, 2011 to June 30, 2019.
Financial Implications: See report
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,176–N.S.
- 3. Contract No. 9499 Amendment: San Francisco Bay Area Rapid Transit (BART) District for Implementation of the Downtown Berkeley BART Plaza and Transit Area Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 9499, and authorizing additional expenditure of \$267,857 on the Downtown Berkeley BART Plaza and Transit Area Improvement Project to fund various upgrades requested by the City during the design process, including high-quality pavers and decorative streetlights, and authorizing the City Manager to amend the Cooperative Agreement with the San Francisco BART District for grant administration and project implementation. This amendment increases the not-to-exceed amount of the City's direct funding contribution to the project to \$1,211,857. All other provisions of this Agreement will remain unchanged.
Financial Implications: Various Funds - \$267,857
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,177–N.S.

Consent Calendar

4. **Renewal of the Elmwood Avenue BID for Calendar Year 2018**

From: Elmwood Advisory Board

Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the Annual Report and preliminary budget for proposed improvements in the District for calendar year 2018; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2018; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 31, 2017.

Financial Implications: See report

Contact: Jordan Klein, Commission Secretary, 981-7530

Action: Adopted Resolution No. 68,178–N.S.

5. **Renewal of the Solano Avenue BID for Calendar Year 2018**

From: Solano Avenue BID Advisory Board

Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the Annual Report and preliminary budget on proposed improvements in the District for calendar year 2018; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2018; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 31, 2017.

Financial Implications: See report

Contact: Jordan Klein, Commission Secretary, 981-7530

Action: Adopted Resolution No. 68,179–N.S.

Council Consent Items

6. **Wheels for Meals Ride: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

From: Councilmember Hahn

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmember Hahn, to Meals on Wheels of Alameda County, for the 8th Annual Wheels for Meals Ride on Saturday, October 21, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn and any other Councilmembers who would like to contribute

Financial Implications: Councilmember's Discretionary Funds - \$250

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

Action: Adopted Resolution No. 68,180–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Davila - \$50; Councilmember Hahn - \$250; Councilmember Maio - \$100; Councilmember Harrison - \$100.

Council Consent Items

7. **Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms**
From: Councilmembers Hahn, Harrison, Davila, and Bartlett
Recommendation: Refer to the City Manager to issue a request for information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Approved recommendation.

Action Calendar – Old Business

8. **General Fund Stability Reserve Usage Criteria** *(Continued from July 11, 2017. Item contains revised materials.)*
From: Councilmembers Droste, Wengraf, and Maio
Recommendation: Discuss the General Fund Stability Reserve Usage Policies described in the report and adopt policies such as those proposed, requiring a two-thirds vote of the City Council to amend them. Following recommendation from the City Manager, the City Council shall, from time to time, recognize and define “essential services”, “appropriate levels” of such services, and “extreme conditions”. Any draw-down of Stability Reserve funds shall coincide with the adoption of a plan to repay the dollar amount of the draw down. If adopting a repayment plan immediately is infeasible due to emergency circumstances, it shall be adopted no more than 3 months from the date of the withdrawal appropriation. The level of the Stability Reserve shall be restored as economic recovery occurs, consistent with the maintenance of essential services, with repayment to begin no more than 5 years from the date of withdrawal and be completed within 10 years from the date of withdrawal.
Financial Implications: See report
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: 7 speakers. M/S/C (Arreguin/Droste) to create an ad hoc subcommittee of Councilmembers Harrison, Droste, Wengraf, and Worthington to review all proposals on the Stability Reserve Usage Criteria and report back to the City Council.
Vote: Ayes – Maio, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Davila, Harrison.
9. **Lorin / Adeline Economic Development Plan** *(Item continued from July 25, 2017)*
From: City Manager
Contact: Jordan Klein, Economic Development, 981-7530
Action: Item held over to October 31, 2017

Action Calendar – New Business

- 10. 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**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,572-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: M/S/C (Worthington/Maio) to adopt second reading of Ordinance No. 7,572-N.S.
Vote: All Ayes.
- 11. Health Impact Assessment of the Proposed Closure of Alta Bates**
From: Community Health Commission
Recommendation: Adopt a Resolution supporting the preparation of a Health Impact Assessment, incorporating a proposed scope, and referring to the City Manager a request that the Public Health Division assist with (1) interagency arrangements such as contracting with the University of California, Berkeley, Alameda County, and/or another governmental entity or consultant(s) to conduct the Assessment, (2) sharing access to existing data for researchers conducting the HIA, and (3) supporting educational opportunities for community members.
Financial Implications: See report
Contact: Rebecca Day-Rodriguez, Commission Secretary, 981-5400
Action: Moved to Consent Calendar. Adopted Resolution No. 68,181–N.S.
- 12a. Porta-Potties for Poor Tour (aka First They Came for the Homeless)**
From: Homeless Commission
Recommendation: That the Council develop a way to place a portable bathroom directly at the Poor Tour (aka First They Came for the Homeless) encampment site.
Financial Implications: See report
Contact: Peter Radu, Commission Secretary, 981-5400

Action Calendar – New Business

12b. Companion Report: Porta-Potties for Poor Tour (aka First They Came for the Homeless)

From: City Manager

Recommendation: Take no action on the Homeless Commission's recommendation to place a public toilet directly at the First They Came for the Homeless encampment site, and instead adhere to the original action taken by Council on July 25, 2017, referring the development of a Neighborhood Public Toilet Policy to the City Manager.

Financial Implications: See report

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

Action: 10 speakers. M/S/C (Maio/Arreguin) to consider additional portable toilets and hand washing stations in the context of addressing public health issues that will be considered at the October 17, 2017 meeting.

Vote: All Ayes.

Adjournment

Action: M/S/C (Maio/Arreguin) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 9:18 p.m.

Communications

Item 12: Porta-Potties for Poor Tour (aka First They Came for the Homeless)

1. Dorothea Dorenz
2. Kelly Hammargren

AB 726

3. Audrey Ichinose / Brandi Campbell

Public Bank Feasibility Study

4. Sheila Goldmacher

Poet Laureate of Berkeley

5. Rafael Jesus Gonzalez

Fiscal Concerns

6. Barbara Gilbert

Pepper Spray Use

7. Carol Denney
8. Tree Fitzpatrick

Miscommunication

9. Tree Fitzpatrick

Protests

10. Unknown

Supplemental Communications and Reports 1

Item 11: Health Impact Assessment of the Proposed Closure of Alta Bates

11. Esther Lerman

Item 12: Porta-Potties for Poor Tour (aka First They Came for the Homeless)

12. Larry Hendel

13. Sweet Grass Longhouse

14. Katharien Bierce

Supplemental Communications and Reports 2

Item 8: General Fund Stability Reserve Usage Criteria

15. Revised materials, submitted by Councilmember Droste

16. Ann-Marie Hogan

Item 11: Health Impact Assessment of the Proposed Closure of Alta Bates

17. Kelly Hammargren

Item 12: Porta-Potties for Poor Tour (aka First They Came for the Homeless)

18. S. Omowale Fowles

19. Teresa Clarke

20. Diana Bohn

21. Leah Fraimow-Wong

22. Manuel Rosaldo

Supplemental Communications and Reports 3

Indigenous Peoples Day

23. Unknown

Opening Celebration

24. Unknown