

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, October 17, 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: 6:11 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Sharon Sumner, Founder of Share-N-Getty
2. Recognition of Camp All Souls: Call to Justice
3. Recognition of Berkeley Fire Fighters Assisting with Hurricane Response in Texas and Florida

City Auditor Comments:

1. Discussion of City Auditor's Annual Report and efforts by staff implement recommendations

City Manager Comments:

1. Recognition of the efforts of the City Auditor and her staff

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 10 speakers.

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

- 1. Amendments to BMC Chapter 12.26 Regarding Recreational Cannabis Businesses**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,570-N.S. 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.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,570-N.S.
Vote: All Ayes.
- 2. Expedited Electric Vehicle Charging Station Permitting, and Adding BMC Chapter 19.15**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,571-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No.7,571-N.S.
- 3. City Dog Licensing Conditions**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,574-N.S. amending Berkeley Municipal Code Section 10.04.030, Dog License-Terms-Conditions-Exceptions, to change the age at which dogs must be licensed from six (6) months to four (4) months in order to conform to California Health and Safety Code 121690 (a).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jovan Grogan, City Manager's Office, 981-7000
Action: Adopted second reading of Ordinance No.7,574-N.S.

Consent Calendar

- 4. License Agreement with Northern California Land Trust**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,575-N.S. affirming the City Manager's execution of a license agreement with Northern California Land Trust (NCLT) on September 1, 2017 to permit NCLT's continued use of an existing driveway at 1340 Blake Street that partially encroaches onto the adjacent City-owned parcel (APN: 054-1790-028). The driveway has provided vehicular and pedestrian access to four residential units since the 1950s. This arrangement predates both the City's acquisition of the adjacent parcel in 1977 and NCLT's acquisition of 1340 Blake in 1994.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted second reading of Ordinance No.7,575-N.S.
- 5. Amend Berkeley Municipal Code Title 14 for Parking and Transit-Only Lanes**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,576-N.S. amending Berkeley Municipal Code Title 14 Vehicles & Traffic to clarify regulations related to Driving in Transit-Only Lanes; Parallel Parking; and Diagonal Parking.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted second reading of Ordinance No.7,576-N.S.
- 6. Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16**
From: Councilmembers Hahn, Harrison, and Davila
Recommendation:
1. Adopt second reading of Ordinance No. 7,577-N.S. amending BMC Chapter 20.16 to prohibit signs above three stories or 40 feet, whichever is less, in Commercial Districts; and
2. Adopt second reading of Ordinance No. 7,578-N.S. amending BMC Chapter 20.08 to include a building address, name, or other identification in the definition of a sign.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – Wengraf, Worthington, Droste; Abstain – None; Absent – None.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Item held over to October 31, 2017.

Consent Calendar

- 7. Amend the One-Percent for Art on Private Projects Ordinance to Increase the Required Valuation of On-Site Public Art**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,579 amending the One-Percent for Art on Private Projects provisions in Chapter 23C.23 of the Berkeley Municipal Code by increasing the required valuation of on-site public art from 1% to 1.75%.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Droste.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No.7,579-N.S.

- 8. Formal Bid Solicitations and Request for Proposal Scheduled for Possible Issuance After Council Approval on October 17, 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: Zero Waste Fund - \$500,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.

Consent Calendar

9. **Abolish Classifications and Salaries**

From: City Manager

Recommendation: Adopt three 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 to abolish the classifications of Dietitian, Employment Specialist, Landscape Designer, Licensed Vocational Nurse, Senior Vector Control Technician, and Youth Services Advisor, effective October 17, 2017; and
2. Amending Resolution No. 67,184-N.S., Classification and Salary Resolution for Service Employees International Union Local 1021, Maintenance and Clerical Chapters to abolish the classifications of Animal Services Operations Supervisor, Senior Weatherization Worker, and Weatherization Worker, effective October 17, 2017; and
3. Amending Resolution No. 68,030-N.S., Classification and Salary Resolution for Unrepresented Employees to abolish the classifications of Clerical Aide, Emergency Services Manager, Infrastructure Maintenance Manager, Juvenile Bureau Counselor (no classification specification), Kennel Attendant (no classification specification), and Pool Maintenance Attendant (no classification specification), effective October 17, 2017.

Financial Implications: None

Contact: Margarita Zamora, Human Resources, 981-6800

Action: Adopted Resolution No. 68,182–N.S. (CS&PTRLA), Resolution No. 68,183–N.S. (Maint./Clerical), and Resolution No. 68,184–N.S. (Unrepresented)

10. **Classification and Salary: Transportation Services Coordinator**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 67,484-N.S., Classification and Salary Resolution for Public Employees Union - Local One, to establish the classification of Transportation Services Coordinator with a monthly salary range of \$6,503 - \$7,905 effective October 17, 2017.

Financial Implications: See report

Contact: Margarita Zamora, Human Resources, 981-6800

Action: Adopted Resolution No. 68,185–N.S.

Consent Calendar

- 11. Side Letter of Agreement and Fire Fighters Retiree Health Premium Assistance Plan and Trust Agreement**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute and implement:
1. A Side Letter of Agreement with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 that amends Section 29 (Retiree Medical Coverage) of the Memorandum of Understanding; and
2. The Fire Fighters Retiree Health Premium Assistance Plan and Fire Fighters Retiree Health Premium Assistance Plan Trust Agreement that provides the terms and conditions for providing retiree medical coverage for employees who are represented by a) the Berkeley Fire Fighters Association/I.A.F.F., Local 1227 and b) the Berkeley Fire Fighters Association/I.A.F.F. Local 1227, Berkeley Chief Fire Officers Association.
Financial Implications: None
Contact: Margarita Zamora, Human Resources, 981-6800
Action: Adopted Resolution No. 68,186–N.S. (Side Letter) and Resolution No. 68,187–N.S. (Trust Agreement)
- 12. Contract: Siegel & Strain Architects for Architectural and Engineering Services for the Berkeley Tuolumne Camp Design**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Siegel & Strain Architects in an amount not to exceed \$4,300,000 to provide architectural and engineering services for the Berkeley Tuolumne Camp Design Project.
Financial Implications: Playground Camp Fund - \$4,300,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,188–N.S.
- 13. Contract: West Coast Arborists, Inc. for Tree Removal and Pruning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with West Coast Arborists, Inc. for tree removal and pruning services in an amount not to exceed \$640,000 over a period of three years, with an option to renew for two additional years at \$150,000 per year, for a total contract amount not to exceed \$940,000.
Financial Implications: Parks Tax Fund - \$940,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,189–N.S.

Consent Calendar

- 14. FEMA Hazard Mitigation Grant Application for Seismic Retrofit of Live Oak Community Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the Federal Emergency Management Agency (FEMA) for funds in the amount not to exceed \$916,000 for the seismic retrofit of the Live Oak Community Center; authorizing the City Manager to accept the grant; to execute any resultant revenue agreement and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,190–N.S.
- 15. Revenue Grant: FEMA Hazard Mitigation Grant Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a Hazard Mitigation Grant application to the Federal Emergency Management Agency (FEMA) in the amount of \$3 million for the Retrofit Grants project, along with a letter of commitment to provide \$1 million in local matching funds, and subject to its award, to accept the grant and execute any resultant revenue agreements and amendments including any additional funding allocations from the Hazard Mitigation Grant Program.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted Resolution No. 68,191–N.S.
- 16. Final Map of Tract 8355 - 812 Page Street**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8355, a five-unit condominium project consisting of four residential units and one commercial unit, located at 812 Page Street.
Financial Implications: None
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,192–N.S.

Consent Calendar

17. **Referral Response: Additional Neighborhood Serving Community Facility Parking Permits for Berkley Unified School District Facilities**
From: City Manager
Recommendation: To implement the policy change requested by a February 28, 2017 Council referral, adopt first reading of an Ordinance amending Berkeley Municipal Code section 14.72.105, to increase residential preferential parking permits for Berkley Unified School District schools from a maximum of 60% to a maximum of 70% of total Berkley Unified School District staff (including teachers), for schools more than one half mile from a BART Station, more than one quarter mile from a Rapid Transit Stop, and more than one quarter mile from two major transit lines.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Adopted first reading of Ordinance No. 7,580–N.S. Second reading scheduled for October 31, 2017.
18. **Additional Meeting of the Peace and Justice Commission in Calendar Year 2017**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution approving one additional meeting of the Peace and Justice Commission during calendar year 2017.
Financial Implications: Minimal
Contact: Shallon Allen, Commission Secretary, 981-5400
Action: Adopted Resolution No. 68,193–N.S.

Council Consent Items

19. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$500
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,194–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$200; Councilmember Maio - \$100; Councilmember Wengraf - \$100; Mayor Arreguin - \$500; Councilmember Davila - \$50.

Council Consent Items

20. Establishing Berkeley Homeless Fund

From: Mayor Arreguin and Councilmembers Hahn, Davila, and Harrison

Recommendation: 1. Direct the City Manager to establish the Berkeley Homeless Fund (BHF). This fund will accept donations from private entities including individuals, businesses, corporations and foundations. Contributions will be used for governmental purposes to provide facilities, programs and/or services to individuals and families who are experiencing homelessness or are in danger of becoming homeless. Expenditures and donations will be structured as follows: a. The City Council will direct the expenditure of funds from the BHF. Such expenditures will comply with the City's fiscal policies and controls. b. Gifts to the BHF shall be exempt from the requirement that the City Council approve a resolution to accept any donation over \$1,000. c. The CMO Budget Division shall provide Council with periodic reports on BHF assets and expenditures on a semiannual basis. Annually, in December, the Finance Department shall issue charitable contribution statements to all entities that donated funds to the BHF, for tax purposes.
2. Develop a webpage, in collaboration with the City website coordinator and the Mayor's Office, to provide information about the BHF, outline the donation process and allow monetary contributions online.

Financial Implications: Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Approved recommendation amended in the third sentence as follows:

Contributions will be used for major Council initiatives and priorities related to governmental purposes to provide facilities, programs and/or services to individuals and families who are experiencing homelessness or are in danger of becoming homeless.

21. Referral to the City Manager, the Community Environmental Advisory Commission, and the Parks and Waterfront Commission – Equitable Access to Greenspace

From: Councilmembers Bartlett, Hahn, and Davila

Recommendation: Refer to the City Manager, the Community Environmental Advisory Commission, and the Parks and Waterfront Commission to explore developing a policy initiative for increasing Equitable Access to Greenspace in Berkeley.

Financial Implications: Staff time

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: Item removed from the agenda by Councilmember Bartlett.

Council Consent Items

- 22. The East Bay Center for the Blind: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per councilmember including \$250 from Councilmember Bartlett, to the East Bay Center for the Blind with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Bartlett and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$500
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 68,195–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Maio - \$100; Councilmember Wengraf - \$100; Councilmember Harrison - \$100; Councilmember Davila - \$50.
- 23. Ban on Receipts Made with BPA and Other Phenols**
From: Councilmembers Harrison, Davila, and Bartlett
Recommendation: Refer to the Health Commission an Ordinance to ban the manufacture, distribution, sale, or use of receipt paper that contains BPA or other phenols.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Moved to Action Calendar. 1 speaker. M/S/C (Worthington/Harrison) to approve the recommendation as amended below.
- Refer to the Health Commission and the Community Environmental Advisory Commission to consider an Ordinance to ban the manufacture, distribution, sale, or use of receipt paper that contains BPA or other phenols, and request that the commissions conduct at least one public hearing that includes invitations to local business associations.*
- 24. Condemn the Burmese Government's Ethnic Cleansing of the Rohingya and Support Adoption of Resolution by the United Nations Security Council**
From: Councilmembers Harrison, Hahn, and Davila
Recommendation: Adopt a Resolution condemning the ongoing ethnic cleansing of the Rohingya people in the country of Burma, also known as the Republic of the Union of Myanmar. In addition, support the adoption of a resolution by the United Nations Security Council condemning the ethnic cleansing of the Rohingya people.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 68,196–N.S.

Council Consent Items

25. Support the Medicare for All Act of 2017

From: Councilmembers Harrison, Hahn and Davila, and Mayor Arreguin

Recommendation: Adopt a Resolution supporting S.1804, the Medicare for All Act of 2017. Send a letter to President Trump, Senators Dianne Feinstein and Kamala Harris, and Representative Barbara Lee.

Financial Implications: Minimal

Contact: Kate Harrison, Councilmember, District 4, 981-7140

Action: Adopted Resolution No. 68,197–N.S.

26. Proactive Response to Statewide Hepatitis A Outbreak

From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Harrison and Davila

Recommendation: Direct the City Manager to include temporary handwashing stations and an increase in the number of publicly accessible restroom facilities throughout the city, as a part of prevention measures to proactively address the possibility of a Hepatitis A outbreak. In addition direct the City Manager to continue monitoring statewide and local conditions and consider additional measures including but not limited to vaccinations, outreach and public information campaigns and power washing of streets.

Financial Implications: See report

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

Action: Approved recommendation as revised in Supplemental Reports Packet #1 with the amendment to remove reference to the Catastrophic Reserve Fund in the report.

Direct the City Manager to immediately develop and, as appropriate, implement proactive/preventative measures to address the possibility of a future Hepatitis A outbreak in Berkeley, including measures recommended by the Alameda County Public Health Department. These may include, but are not limited to:

- *Temporary handwashing and sanitation stations*
- *An increase in the number of publicly accessible restroom facilities throughout the city*
- *Increased maintenance and cleaning of new and existing public restrooms and facilities*
- *Increased refuse collection and cleaning/washing of streets and sidewalks*
- *An increase in needle disposal and/or exchange facilities and services*
- *Public information and personal hygiene campaigns for vulnerable populations and for the broader community*
- *Voluntary administration of vaccinations to vulnerable populations*
- *Monitoring of statewide and local conditions relating to Hepatitis A*
- *Any and all other measures the City Manager deems necessary to prevent a future Hepatitis A outbreak and preserve the health of the community.*

Council Consent Items

- 27. Referral to the City Manager and Parks and Waterfront Commission to Create a Policy to Establish a Commemorative Tree Program**
From: Councilmembers Hahn, Wengraf, Harrison, and Davila
Recommendation: Refer to the City Manager and the Parks and Waterfront Commission the creation of a policy establishing a Commemorative Tree Program, similar to the City's Park Bench Donation Policy.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 28. Reporting City Expenses Associated with Event and Protest Activity**
From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Davila and Droste
Recommendation: Direct the City Manager to provide an accounting of estimated City-incurred expenses related to protests and events, and to make such information publicly available in six weeks of the event or less. When a protest or event originates on UC Berkeley property and City of Berkeley personnel, facilities or equipment are deployed, either to assist UC Berkeley or to address spillover effects, a copy of such accounting shall be sent to the Chancellor of the University concurrent with publication.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Approved recommendation as revised below.
- Direct the City Manager to provide an accounting of estimated City-incurred expenses related to major 1st Amendment protests and events, and to make such information publicly available in six weeks of the event or less. When a major 1st Amendment protest or event originates on UC Berkeley property and City of Berkeley personnel, facilities or equipment are deployed, either to assist UC Berkeley or to address spillover effects, a copy of such accounting shall be sent to the Chancellor of the University concurrent with publication.*
- 29. News Helicopter Noise Impacts**
From: Councilmember Droste, Mayor Arreguin, and Councilmembers Wengraf and Maio
Recommendation: Send a letter to local TV stations requesting consideration of the noise impacts on residents in future deployment of news helicopters.
Financial Implications: None
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Approved recommendation.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin;
Noes – Worthington.

Council Consent Items

30. Referral to the City Manager and Public Works Department: Installation of Treads on Dwight Way

From: Councilmember Droste

Recommendation: Request that the Public Works Department provide permission for the Berkeley Path Wanderers Association and Take to the Hills to install treads and steps leading up to the trailhead on the unpaved portion of Dwight Way.

Financial Implications: Staff time

Contact: Lori Droste, Councilmember, District 8, 981-7180

Action: Removed from the agenda by Councilmember Droste.

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearings

31. Submission of a Substantial Amendment to the PY2017 Annual Action Plan to Shift Community Development Block Grant (CDBG) Indirect Costs

From: City Manager

Recommendation: Conduct a public hearing on a substantial amendment to the federal Program Year (PY) 2017 Annual Action Plan (AAP) which includes revised allocations of Community Development Block Grant (CDBG) funding and upon conclusion, adopt a Resolution: 1. Approving revised CDBG funding recommendations for City of Berkeley projects; and 2. Authorizing the City Manager to submit the Substantial Amendment to the PY 2016 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Maio/Hahn) to close the public hearing.

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

Councilmember Harrison absent 7:40 p.m. – 7:45 p.m.

Councilmember Worthington absent 7:40 p.m – 7:43 p.m.

Councilmember Wengraf absent 7:41 p.m. – 7:43 p.m.

Action: M/S/C (Droste/Maio) to adopt Resolution No. 68,198–N.S.

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

Action Calendar – Public Hearings

32. ZAB Appeal: 970 Santa Barbara Road

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0142 to construct additions totaling 686 square feet including a two-story addition at the northwest (rear right) side and a smaller one-story addition in the southeast (front left) corner of an existing two-story, single family dwelling, and dismissing the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 7 speakers.

Recess 8:55 p.m. – 9:13 p.m.

Action: M/S/Failed (Worthington/Bartlett) to adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0142.

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

Action: M/S/C (Maio/Hahn) to continue the public hearing to October 31, 2017.

Vote: All Ayes.

Action Calendar – Old Business

33. Adopt an Ordinance Banning the Use of Live Animals as Prizes *(Item continued from October 3, 2017)*

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: Moved to Consent Calendar. Adopted the first reading of Ordinance No.7,581-N.S. as revised in Supplemental Reports Packet #2 to make additional findings regarding state law and the negative impact on fish; to limit the prohibition on prizes to fish, correct definitions, and establish the penalty as an infraction. Second reading scheduled for October 31, 2017.

Action Calendar – New Business

- 34. Authorizing the Issuance of Up to \$35,000,000 in General Obligation Bonds for the Measure T1 – Infrastructure and Facilities Improvements**
From: City Manager
Recommendation: Adopt a Resolution authorizing the issuance of \$35,000,000 aggregate principal amount of general obligation bonds (Measure T1 – Infrastructure and Facilities Improvements), approving an official statement and authorizing actions related hereto.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: M/S/C (Worthington/Maio) to adopt Resolution No. 68,199–N.S.
Vote: All Ayes.
- 35. Side Letter of Agreement with Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with the Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association, amending Section 11 (Higher Classification and Temporary Appointments) to allow for the utilization of project based positions, on a limited basis not to exceed three years, where funding for the position is uncertain as to amount or duration.
Financial Implications: None
Contact: Margarita Zamora, Human Resources, 981-6800
Action: Moved to Consent Calendar. Adopted Resolution No. 68,200–N.S.
- 36. Response to City Council Regarding Researching Alternate Sources of Funding**
From: Homeless Commission
Recommendation: Adopt a Resolution directing staff to urge Berkeley homeless service nonprofit agencies that receive funds from the City of Berkeley, to prepare for funding cuts that could emerge as a result of funding decreases from the federal government or other entities. That Council urge homeless service agencies to engage in increased economic development efforts or partner with other agencies, for economic development purposes, if their agency is limited in resources. That Council designate funding for agencies to attend economic development/fund-raising educational efforts to increase their exposure to current and emerging new sources of private foundation and other funding, available as an alternative to reliance on government funding, to sustain their agencies' efforts.
Financial Implications: See report
Contact: Peter Radu, Commission Secretary, 981-5400
Action: 1 speaker. M/S/C (Hahn/Wengraf) to acknowledge the report from the commission and take no action.
Vote: All Ayes.

Action Calendar – New Business

37a. Suicide Prevention

From: Mental Health Commission

Recommendation: Adopt a Resolution directing the Department of Health, Housing and Community Services (HHCS) to issue a Request For Proposal (RFP) for a consultant with expertise in suicide prevention to research suicide prevention strategies in other jurisdictions and recommend strategies to be utilized in Berkeley.

Financial Implications: See report

Contact: Karen Klatt, Commission Secretary, 981-5400

37b. Companion Report: Suicide Prevention

From: City Manager

Recommendation: The City Manager recommends that the Department of Health, Housing and Community Services (HHCS) use internal resources to research suicide prevention strategies in other jurisdictions and recommend strategies to be utilized in Berkeley.

Financial Implications: See report

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

Action: M/S/C (Hahn/Maio) to suspend the rules and extend the meeting to 11:10 p.m.

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

Action: 3 speakers. M/S/C (Arreguin/Maio) to adopt Item 37b.

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

38. Zero Waste Strategic Plan

From: Zero Waste Commission

Recommendation: In order to meet our Zero Waste Goal, and in response to the City Auditor's recommendations, the Zero Waste Commission recommends that the City move forward immediately to 1. Update the Zero Waste Goal for current feasibility; and 2. Issue the RFP for a consultant to develop a Zero Waste Strategic Plan - which will lead the City towards that goal.

Financial Implications: See report

Contact: Heidi Obermeit, Commission Secretary, 981-6300

Action: 2 speakers. M/S/C (Harrison/Bartlett) to accept the report and issue the RFP for a consultant to develop a Zero Waste Strategic Plan - which will lead the City towards that goal.

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

Council Action Items

39. Installation of a 4-Way Stop at the Intersection of Rose and Walnut Streets

From: Councilmember Hahn

Recommendation: Refer to the City Manager to install two additional stop signs at the intersection of Rose and Walnut Streets, transforming the 2-way stop intersection into a 4-way stop intersection by January 31, 2018.

Financial Implications: Minor

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

Action: 2 speakers. M/S/C (Worthington/Arreguin) to adopt the recommendation as written below.

Refer to the City Manager to consider installation of two additional stop signs at the intersection of Rose and Walnut Streets, transforming the 2-way stop intersection into a 4-way stop intersection, and submit a report summarizing findings, further actions and a timeline to the Council Agenda process by January 15, 2018.

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

Councilmember Wengraf absent 9:49 p.m. – 11:10 p.m.

Councilmember Droste absent 9:49 p.m. – 10:11 p.m.

Council Action Items

40. Administrative Changes Related to Taxicabs

From: Councilmembers Worthington and Harrison

Recommendation: Request the City Manager consider the following administrative changes, in order to increase the competitiveness of the taxi industry:

1. Reduce the annual vehicle inspection fee from \$88 to \$45 and the re-inspection fee from \$45 to \$25.
2. Increase the maximum amount of free taxi scrip that drivers are able to redeem each week from the current limit of \$400 to \$800 (if taxi scrip is redeemed twice per week, the maximum amount redeemed at once should be raised to \$400 from \$200).
3. Consolidate all taxi-related undertakings, including customer service and taxi scrip redemption, to one office located at 1947 Center Street, Berkeley, CA 94704.
4. Reduce the burden of the current mandatory sensitivity training course for taxi drivers, by exploring an option to complete the course online instead of in San Francisco, which costs \$50 and imposes onerous logistical costs. For example, available courses can be found at <http://www.equo.co.uk/11-Taxi-Drivers>.
5. Clarify in writing that taxi-drivers may purchase collective insurance instead of individual insurance. This will allow drivers to accumulate a more substantial fund to cover individual crashes, pay less per person, and reap similar benefits as rideshare drivers (who are insured by Transportation Network Companies) do.
6. Set up a future and a limited retroactive appeals process for taxi companies who have had their permit revoked. One immediate appeal is being requested by the DeSoto Cab Company based on their recent treatment. After completing almost the entire process, including its permit was still refused no method of contesting the revocation provided.

Financial Implications: Minimal

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

Action: Moved to Consent Calendar. Approved recommendation with #6 deleted.

Council Action Items

41. City Manager Referral to Update City's Municipal Code To Increase Competitiveness of Taxi Industry

From: Councilmembers Worthington and Harrison

Recommendation: Refer to the City Manager to update the City's municipal code sections 9.52.020, 9.52.070, 9.04.020, and 9.04.035 to reflect the following items, in order to increase the competitiveness of our local taxi industry:

1. Explore the creation of a transportation network company tax or fee, to the extent legally permissible.
2. Cease to require physical inspections and the corresponding fees beyond the first year that a taxi driver operates the vehicle. As it is in the best interest of a taxi driver to maintain the appearance of their exterior in order to attract more customers, this inspection is unnecessary.
3. Allow the annual vehicle inspection to be conducted by either a city employee or an ASI-certified mechanic.
4. Move the Ashby BART Taxi Stand outside of the BART station to neighboring M.L.K. Jr. Way, in order to increase visibility for taxis.
5. Create an appeals process with limited retroactive application for taxi companies which have had their permits revoked.
6. Replace the current yearly renewal policy on taxi driver ID permits and extend the validity period to three years. All existing permits backdated to Jan 1, 2017 should be renewed on Jan 1, 2020.
7. Terminate outdated permits, and prioritize taxi drivers on the waiting list to attain the available permits.
8. Waive insurance payments for taxi drivers who must take a leave of absence in case of emergency.

Financial Implications: Minimal

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

Action: 3 speakers. M/S/C (Harrison/Maio) to refer items 3 – 9 from the version in Supplemental Reports Packet #2 for consideration by the Transportation Commission and the City Manager.

That the Council refer to the City Manager to update the City's municipal code sections 9.52.020, 9.52.070, 9.04.020, and 9.04.035 to reflect the following items, in order to increase the competitiveness of our local taxi industry:

- 3. Allow the annual vehicle inspection to be conducted by either a city employee or an ASI-certified mechanic.*
- 4. Construct a general policy that would allow taxi stands to operate near newly constructed and existing hotels in the city of Berkeley.*
- 5. Move the Ashby BART Taxi Stand outside of the BART station to neighboring M.L.K. Jr. Way, in order to increase visibility for taxis.*
- 6. Extend the exemption of the Low Emission Requirements for vans to taxis due to the unavailability of similarly sized hybrid vehicles.*
- 7. Extend the validity period of taxi driver ID permits to three years, replacing the current policy of yearly renewals. In addition, all existing permits to January 1, 2018 should perform a net renewal on January 1, 2021.*

Council Action Items

8. *Waive insurance payments for taxi drivers who must take a leave of absence in case of emergency.*
9. *Evaluate the Taxi Driver Association's proposal that the city of Berkeley should change the entire renewal process, including renewal of both physical and mechanical inspections, business licenses, and taxi driver IDs, from one year to three years.*

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

Information Reports

42. Annual Report on Training and Organizational Development Programs
From: City Manager

Contact: Margarita Zamora, Human Resources, 981-6800

Action: Received and filed.

43. City Auditor's Report on Results Fiscal Year 2017

From: Auditor

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

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 1 speaker.

Adjournment in memory of:

1. Victims of the Northern California Fires
2. Victims of the Hurricane in Puerto Rico
3. Elizabeth "Sticky Beth" Higgs, Berkeley Resident
4. Ariel Parkinson, Berkeley Resident

Adjourned at 11:10 p.m.

Communications.

Transfer Station / Air Quality

1. David Lerman

Political Articles

2. Donald Goldmacher (2)

Housing Commentary

3. Avram Gur Arye (2)

Paid Family Leave

4. Walter Wood (2)

Protests / Free Speech

5. Susan Powers
6. Rachel Lederman
7. Jennifer Pearson

Senate Bill 179

8. Diego Aguilar-Canabal

Development at 3000 Shattuck

9. Sabina McMurtry

Advisory Role of the PRC

10. Police Review Commission

Traffic Safety

11. Steven Schuyler

Public Meetings

12. Tree Fitzpatrick

Downtown Safety

13. Kathi Pugh / John Caner

2527 San Pablo Avenue Project

14. Jennifer Cooper

Supplemental Communications and Reports 1**Item 21: Referral to the City Manager, the Community Environmental Advisory Commission, and the Parks and Waterfront Commission – Equitable Access to Greenspace**

15. Revised materials, submitted by Councilmember Bartlett

Item 26: Proactive Response to Statewide Hepatitis A Outbreak

16. Revised materials, submitted by Councilmember Hahn

Item 32: ZAB Appeal: 970 Santa Barbara Road

17. Revised materials, submitted by Planning & Development

Item 39: Installation of a 4-Way Stop at the Intersection of Rose and Walnut Streets

18. Holly Scheider

Follow-Up to Communication #10 (Advisory Role of the PRC)

19. Police Review Commission

Supplemental Communications and Reports 2**Item 6: Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16**

20. Steven Donaldson
21. John Caner, on behalf of the Downtown Berkeley Association

Item 12: Contract: Siegel & Strain Architects for Architectural and Engineering Services for the Berkeley Tuolumne Camp Design

22. Richard Thomason, on behalf of Friends of Berkeley Tuolumne Camp

Item 26: Proactive Response to Statewide Hepatitis A Outbreak

23. Linda Franklin

Item 32: ZAB Appeal: 970 Santa Barbara Road

24. Elizabeth Mackenzie and Daniel Cody

25. Shilen Patel and Kiran Jain (2)

26. Milad Odabaei

27. Tony Kershaw

28. Sussan Granfors

Item 33: Adopt an Ordinance Banning the Use of Live Animals as Prizes

29. Revised materials, submitted by Councilmember Worthington

Item 39: Installation of a 4-Way Stop at the Intersection of Rose and Walnut Streets

30. Revised materials, submitted by Councilmember Hahn

Item 41: City Manager Referral to Update City's Municipal Code to Increase Competitiveness of Taxi Industry

31. Revised materials, submitted by Councilmember Worthington

Item 20: Establishing Berkeley Homeless Fund

32. 19 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 6: Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16

33. Kirsten MacDonald

34. Charles Kahn

Item 19: Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

35. Christine Schwartz

Item 32: ZAB Appeal: 970 Santa Barbara Road

36. Presentation, submitted by Planning & Development

37. Shilen Patel

38. Rena Rickles

39. Unknown

Item 38: Zero Waste Strategic Plan

40. Presentation, submitted by Zero Waste Commission

41. Six form letters, submitted by Artis Coffee Inc., Jest Jewels, Bareminerals, Café M, Bryn Walker, Ruby Living Design

Item 43: City Auditor's Report on Results Fiscal Year 2017

42. Ann-Marie Hogan