

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING**

**Tuesday, October 31, 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:** 6:07 p.m.

**Present:** Maio, Davila, Bartlett, Harrison, Hahn, Worthington, Arreguin

**Absent:** Wengraf, Droste

Councilmember Wengraf present at 6:20 p.m.

Councilmember Droste present at 6:32 p.m.

**Ceremonial Matters:**

1. Recognition of Richie Smith, Berkeley Activist and Volunteer

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 9 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 11 speakers.

**Consent Calendar**

**Action:** M/S/C (Arreguin/Worthington) to accept supplemental material from the City Manager on Item 9.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Referral Response: Additional Neighborhood Serving Community Facility Parking Permits for Berkeley Unified School District Facilities**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,580-N.S. amending Berkeley Municipal Code section 14.72.105, to increase residential preferential parking permits for Berkeley Unified School District schools from a maximum of 60% to a maximum of 70% of total Berkeley 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,580-N.S.
- 2. Ordinance Banning the Use of Live Fish as Prizes**  
**From: Councilmember Worthington and Mayor Arreguin**  
**Recommendation:** Adopt second reading of Ordinance No. 7,581-N.S. amending Berkeley Municipal Code Chapter 10.12 to prohibit selling or giving away, any fish as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement or place of business.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted second reading of Ordinance No. 7,581-N.S.
- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of September 5, 2017 (special closed), September 12, 2017 (special and regular), September 16, 2017 (special), and September 19, 2017 (special closed and special).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Approved minutes amended to correct the action for Item 30 from September 12, 2017 to reflect contributions from Councilmember Harrison for \$500 and Councilmember Wengraf for \$250.
- 4. Revised Conflict of Interest Code**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 67,732–N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 68,201–N.S.

## Consent Calendar

- 5. Formal Bid Solicitations and Request for Proposal Scheduled for Possible Issuance After Council Approval on October 31, 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 - \$5,000,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Recommendation approved.
- 6. Contract No. 9871A Amendment: Pillsbury Winthrop Shaw Pittman LLP for Legal Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9871A in the amount of \$90,000 with Pillsbury Winthrop Shaw Pittman LLP (hereinafter "Pillsbury") for legal services pertaining to federal and state tax issues applicable to the City's various employee benefit plans, for a revised total contract amount not to exceed \$230,000.  
**Financial Implications:** See report  
Contact: Margarita Zamora, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,202–N.S.
- 7. Contract: Accela, Inc. for Software Maintenance and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Accela, Inc. for software maintenance and support for the Accela Civic Platform for a total not-to-exceed \$240,788 from November 15, 2017 through June 30, 2019.  
**Financial Implications:** Various Funds - \$240,788  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,203–N.S.
- 8. Approving Proposed Projects Anticipated to be Paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY 2018**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's new Road Maintenance and Rehabilitation Account, and authorizing the City Manager to submit the project list to the California Transportation Commission. In order to receive RMRA funding, the City must submit a list of projects to the State annually it anticipates will be completed within the fiscal year.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,204–N.S.

## Consent Calendar

### 9. Final Map of Tract 8303 - 824 University Avenue

**From:** City Manager

**Recommendation:** Adopt a Resolution approving the final map of Tract Map 8303, a forty-nine unit condominium project consisting of forty-eight residential units and one commercial unit, located at 824 University Avenue.

**Financial Implications:** None

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,205–N.S. as amended in supplemental material submitted by city staff for the Whereas clauses to read as follows.

*WHEREAS, the Zoning Adjustments Board approved Use Permit #ZP2015-0021 on June 11, 2015 to construct a 5-story, 48-unit mixed-use residential building with 2,749 square feet of ground floor retail and 52 parking spaces based on a density bonus of 35%, subject to conditions of approval related to inclusionary rental units; and*

*WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8303 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8303 on April 19, 2017, subject to conditions of approval including conformance to City of Berkeley inclusionary housing requirements for rental and for-sale projects; and*

*WHEREAS, State law governs the percentage and pricing of affordable units for rental and for-sale projects that take advantage of Density Bonus (Government Code section 65915 et seq.), which differs and overlaps with local inclusionary housing requirements, and the project will remain subject to all applicable local and State provisions during the rental phase and during the for-sale phase of the development; and*

## Council Consent Items

### 10. Extension of Housing Crisis Declaration

**From: Mayor Arreguin and Councilmembers Hahn, Harrison, and Bartlett**

**Recommendation:** Adopt a Resolution extending Resolution 67,746-N.S., declaring a homeless shelter crisis in Berkeley until January 19, 2020.

**Financial Implications:** Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Moved to Action Calendar. 20 speakers. M/S/C (Arreguin/Maio) to 1) Request that the City Attorney provide analysis by November 28, 2017 on whether “encampments” can qualify as “shelters” under the declaration and what the liability considerations would be; and 2) Adopt Resolution No. 68,206–N.S. as revised in Supplemental Reports Packet #1 to change “City Administrator” to “City Manager” and to add the paragraph below.

*Authorizes the City Manager to waive non-voter approved purchasing and bid requirements for the installation of facilities and services that are directly related to providing temporary shelter for the homeless. At the City Manager's discretion, the waiver of purchasing and bid requirements may apply to leased assets/equipment and other services that will be provided within or to support temporary shelter facilities.*

**Vote:** All Ayes.

### 11. Ohlone Park Bench Plaque in Memoriam

**From: Mayor Arreguin and Councilmembers Hahn, Harrison, and Maio**

**Recommendation:** 1. Adopt a Resolution approving the expenditure of an amount not to exceed \$500, to pay for the fabrication and installation of a brass plaque honoring Martha Nicoloff, with funds relinquished to the City’s general fund for this purpose from the discretionary Council office budget including \$100 from Mayor Arreguin, and any other Councilmembers who would like to contribute. 2. Direct the City Manager to install a brass plaque on the existing northwesternmost bench in the City of Berkeley’s Ohlone Park dog park (Attachment A). The plaque will serve as a memorial to Martha Nicoloff in honor of her decades of service to, and activism for, Berkeley open space and neighborhoods and shall read: Martha Nicoloff (1929-2016) Dedicated neighborhood, Ohlone Park and open space activist.

**Financial Implications:** Councilmembers’ Discretionary Funds – Up to \$500

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Maio) to hold the item over to November 14, 2017.

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

Councilmember Harrison absent 8:11 p.m. - 8:19 p.m.

## Council Consent Items

**12. Clean Power, Healthy Communities Gathering: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

**From: Councilmember Bartlett**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$100 per Councilmember, including \$100 from Councilmember Bartlett, to the Clean Power, Healthy Communities Gathering (organized by the Local Clean Energy Alliance), with funds relinquished to the City's general fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$100

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

**Action:** Adopted Resolution No. 68,207–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$50; Councilmember Wengraf - \$100.

**13. Homeless Youth Policy**

**From: Councilmembers Bartlett, Hahn, and Harrison**

**Recommendation:** Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.

**Financial Implications:** Staff time

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

**Action:** Recommendation approved as revised in Supplemental Reports Packet #1 to also refer the item to the Youth Commission and add several items including coordination with BUSD and expanding targeted shelter and support services.

**14. Referral to Peace and Justice Commission to Further Protections for Immigrants and Religious Minorities**

**From: Councilmembers Bartlett and Harrison**

**Recommendation:** Adopt a Resolution referring to the Peace and Justice Commission to: 1. Identify entities involved in attempts to create databases and registries used to target immigrants and religious minorities, and make recommendations to the City Council on divesting from such entities; and 2. Identify all service providers to US Immigration and Customs Enforcement, and make recommendations to the City Council on prohibiting city investment in such service providers.

**Financial Implications:** Minimal

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

**Action:** Adopted Resolution No. 68,208–N.S.

## Council Consent Items

15. **Día de los Muertos Celebration: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Harrison and Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Harrison, to the Downtown Business Association for the Día de los Muertos Celebration with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$250  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 68,209–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$50; Councilmember Wengraf - \$100; Councilmember Hahn - \$100.
16. **Budget Referral: Prioritize Installation of Traffic Lights, HAWK Lights, or Stop Signs at the Intersection of Dwight Way and California Street in the 2017 Mid-Year Budget Process**  
**From: Councilmembers Harrison, Bartlett and Davila**  
**Recommendation:** 1. Refer to the 2017 Mid-year budget process the installation of Traffic Lights, HAWK Lights, or Stop Signs at the intersection of Dwight Way and California Street. If such an installation is approved in the budget process, direct the City Manager and Transportation staff to prioritize and expedite said installation. 2. Request that the stoplights on Dwight at the intersections on either side of the Dwight and California intersection be coordinated.  
**Financial Implications:** \$10,000-\$400,000  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Recommendation approved.
17. **Expanded Criteria for the Installation of Stop Signs**  
**From: Councilmembers Harrison, Bartlett, and Droste**  
**Recommendation:** 1. Refer to the Transportation Commission consideration of additional or supplemental stop sign criteria which addresses the needs of vulnerable populations, the presence of bicycle boulevards, and the difficulty of crossing particular intersections. 2. Direct that staff consult with the Bicycle Subcommittee of the Transportation Commission when making decisions impacting bicycle boulevards, whenever possible. 3. Request that the City Manager provide an informational report on the particular state and federal warrants and local policies that prevent stop signs being used as traffic calming measures.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Councilmember Hahn added as a co-sponsor. Recommendation approved as revised in Supplemental Reports Packet #2 regarding the supporting reasons for the criteria changes.

## Council Consent Items

18. **Short-Term Referral to the City Manager, Landing Fee Adjustment for Small Scale Ferry Services**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to evaluate the landing fees for the Small Scale Ferry Service that has been operating for over six months. Review other ferry landing fees that are comparable including San Francisco where Berkeley residents commute.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Recommendation approved as revised to include the direction that the City Manager lower the fees as soon as possible and no later than January 1, 2018, and that public commuter service should be charged lower landing fees not in excess of what other cities charge.
19. **Reforming Current Venue Laws of United States Code**  
**From: Councilmembers Worthington and Harrison**  
**Recommendation:** Adopt a Resolution and send a letter to the California Legislature asking them to support reforming the current venue laws in section 1408 of title 28 of the United States Code to better serve the community of taxpayers, consumers and small business owners.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted Resolution No. 68,210–N.S. as revised in Supplemental Reports Packet #1.
20. **Veterans and Affordable Housing Bond Act of 2018**  
**From: Councilmembers Worthington, Bartlett, and Hahn**  
**Recommendation:** Adopt a Resolution endorsing the Veterans and Affordable Housing Bond Act ballot measure of 2018 to authorize a \$4 billion general obligation bond to fund affordable housing programs.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted Resolution No. 68,211–N.S.

## 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.*

### 21. **ZAB Appeal: 970 Santa Barbara Road** (Continued from October 17, 2017)

#### **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 continued the public hearing. 8 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Maio) to adopt Resolution No. 68,212–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0142 to construct additions 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 with the following amendments:

1. The set back in the master bedroom is reduced to three feet on the north wall and the northwest corner of the master bedroom is to be angled with a 5-foot triangular cutout as presented at the Council hearing.
2. No features may be added to the deck and balustrades that obscure the view from 961 Santa Barbara Road.
3. The applicant shall conduct field verification of the foundation and framing by an accountable and verifiable method to ensure that the as-built conforms to the approved plans and conditions.

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

## Action Calendar – Public Hearings

### 22. Renewal of the Elmwood Avenue BID for 2018

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2017-18 and, if no majority protest exists, levy annual assessments in the District for calendar year 2018 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

**Financial Implications:** See report

Contact: Jordan Klein, Economic Development, 981-7530

**Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Worthington/Maio) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Droste) to adopt Resolution No. 68,213–N.S.

**Vote:** All Ayes.

### 23. Renewal of the Solano Avenue BID for 2018

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2017-18 and, if no majority protest exists, levy annual assessments in the District for calendar year 2018 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

**Financial Implications:** See report

Contact: Jordan Klein, Economic Development, 981-7530

**Public Testimony:** The Mayor opened the public hearing. 3 speakers. M/S/C (Maio/Worthington) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Worthington) to adopt Resolution No. 68,214–N.S.

**Vote:** All Ayes.

Recess 8:30 p.m. – 8:47 p.m.

## Action Calendar – Old Business

### 24. Lorin / Adeline Economic Development Plan *(Continued from October 3, 2017)*

**From: City Manager**

Contact: Jordan Klein, Economic Development, 981-7530

**Action:** 7 speakers. Presentation made and discussion held.

## Council Action Items

**25. Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16 and Chapter 20.08** *(Continued from October 17, 2017)*

**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:** 2 speakers. M/S/C (Hahn/Harrison) to adopt second reading of Ordinance No.7,577-N.S. (Ch. 20.16) and Ordinance No. 7,578-N.S. (Ch. 20.08).

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

## Council Action Items

26. **Direct the City Manager and the Berkeley Police Department Regarding the Berkeley Police Department's Use of Force Policy**  
**From: Councilmember Harrison, Mayor Arreguin, and Councilmembers Bartlett and Worthington**

**Recommendation:** 1. Direct the City Manager and the Berkeley Police Department ("BPD" or "the Department") to amend General Order U-2: Use of Force ("General Order U-2") to: a. Enhance BPD's use of force policy statement; and, b. Create a definition of use of force; and c. Require that all uses of force be reported; and d. Categorize uses of force into levels for the purposes of facilitating the appropriate reporting, investigation, documentation and review requirements; and e. Require Use of Force Reports to be captured in a manner that allows for analysis; and f. Require that the Department prepare an annual analysis report relating to use of force to be submitted to the Chief of Police, Police Review Commission and Council.  
2. Direct that the City Manager report to the Council by December 12, 2017 on the progress to date.

**Financial Implications:** Staff time

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

**Action:** Moved to Consent Calendar. Approved recommendation as revised in Supplemental Reports Packet #1.

1. *Direct the City Manager to amend Berkeley Police Department ("BPD" or "the Department") General Order U-2: Use of Force ("General Order U-2") to:*
  - a. *Enhance BPD's use of force policy statement; and*
  - b. *Create a definition of use of force; and*
  - c. *Require that all uses of force be reported; and*
  - d. *Categorize uses of force into levels for the purposes of facilitating the appropriate reporting, investigation, documentation and review requirements; and*
  - e. *Require Use of Force Reports to be captured in a manner that allows for analysis; and*
  - f. *Require that the Department prepare an annual analysis report relating to use of force to be submitted to the Chief of Police, Police Review Commission ("PRC") and Council.*
2. *Direct that the City Manager report to the Council by December 12, 2017 on the progress to date and present to the Council by February 27, 2018 a final version of General Order U-2.*
3. *Prior to implementation, the revised General Order U-2 shall be submitted to the PRC in accordance with BMC 3.32.090(B).*

## Council Action Items

27. **City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton**  
**From: Councilmembers Worthington and Harrison**  
**Recommendation:** Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Approved recommendation as revised in Supplemental Reports Packet #1.
28. **Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms**  
**From: Councilmembers Worthington, Bartlett, and Harrison**  
**Recommendation:** Refer to the Berkeley Police Department to track yield rates, develop training programs to address disparities found through the yield rates, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department and broader Berkeley community.  
**Financial Implications:** Staff time  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.  
**Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – Wengraf.
- Action:** M/S/Failed (Hahn/Maio) to suspend the rules and extend the meeting to 11:45 p.m.  
**Vote:** Ayes – Maio, Davila, Hahn, Droste, Arreguin; Noes – Bartlett, Harrison, Wengraf, Worthington.
- Action:** M/S/C (Wengraf/Hahn) to reconsider the vote to suspend the rules and extend the meeting to 11:45 p.m.  
**Vote:** Ayes – Maio, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Bartlett, Harrison, Worthington.
- Action:** M/S/Failed (Maio/Hahn) to suspend the rules and extend the meeting to 11:45 p.m.  
**Vote:** Ayes – Maio, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Bartlett, Harrison, Worthington.
- Action:** 12 speakers. Item held over to November 14, 2017

## Council Action Items

29. **Referral to Police Review Commission to Write a Charter Amendment Ballot Measure**  
**From: Councilmembers Worthington and Harrison**  
**Recommendation:** Referral to the Police Review Commission to write a charter amendment ballot measure to present to Berkeley voters to reform the Police Review Commission structure.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item held over to November 14, 2017.
30. **Short-Term Referral to the City Manager, a Process for Relocation of a Permitted Cannabis Dispensary**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to approve a process for the relocation of Apothecarium, a cannabis dispensary with valid permits.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Approved recommendation.

## Information Reports

31. **Referral Response: Bi-Annual Housing Pipeline Report**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Moved to Consent Calendar and held over to November 28, 2017.
32. **Police Review Commission Work Plan for 2017-2018**  
**From: Police Review Commission**  
Contact: Katherine Lee, Commission Secretary, 981-4950  
**Action:** Received and filed.
33. **Annual Work Plan for Transportation Commission**  
**From: Transportation Commission**  
Contact: Farid Javandel, Commission Secretary, 981-6300  
**Action:** Received and filed.

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

## **Adjournment in memory of:**

1. Bruce Gordon, Community Volunteer
2. Pat Wadleigh, League of Women Voters
3. Janet Messman, Kensington Resident
4. Victims of the New York Terror Attack
5. Dennis J. Banks, Native American Leader
6. Ariana Ruiz, Recently Deceased
7. Dr. Sheldon Baumrind, Local Activist and Dentist

Adjourned at 11:30 p.m.

## **Communications.**

### **Article of Mayors' Concerns**

1. Steven Donaldson

### **2016 Berkeley Election Concerns**

2. Thomas Hodgman

### **Bankruptcy Concerns**

3. Isabelle Gaston / Ann Marie Hogan

### **Bicycle Rack Removal**

4. Robert Clear

### **Air Particulates**

5. David Lerman

### **New Planning Director Search**

6. Berkeley Neighborhoods Council

### **Recommendations to Smoke-Free Housing Ordinance**

7. Housing Advisory Commission

### **Notice of Violation: 1524 University Avenue**

8. W.B.C.

## **Supplemental Communications and Reports 1**

### **Item 9: Final Map of Tract 8303 - 824 University Avenue**

9. Rhiannon

### **Item 10: Extension of Housing Crisis Declaration**

10. Revised materials, submitted by Mayor Arreguin

### **Item 19: Reforming Current Venue Laws of United States Code**

11. Revised materials, submitted by Councilmember Worthington

**Item 21: ZAB Appeal: 970 Santa Barbara Road**

12. Victoria Fierce, on behalf of the California Renters Legal Advocacy and Education Fund

**Item 25: Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16 and Chapter 20.08**

13. Charles Kahn

**Item 26: Direct the City Manager and the Berkeley Police Department Regarding the Berkeley Police Department's Use of Force Policy**

14. Revised materials, submitted by Councilmember Harrison

15. Terry Taplin

**Item 27: City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton**

16. Revised materials, submitted by Councilmember Worthington

17. Jon-Luc Dargenton

18. Alfred Twu

**Supplemental Communications and Reports 2**

**Item 10: Extension of Housing Crisis Declaration**

19. Revised materials, submitted by Mayor Arreguin

**Item 13: Homeless Youth Policy**

20. Revised materials, submitted by Councilmember Bartlett

**Item 17: Expanded Criteria for the Installation of Stop Signs**

21. Revised materials, submitted by Councilmember Harrison

**Item 21: ZAB Appeal: 970 Santa Barbara Road**

22. Rena Rickles

23. Councilmember Hahn (3)

**Item 26: Direct the City Manager and the Berkeley Police Department Regarding the Berkeley Police Department's Use of Force Policy**

24. Zipporah Collins

**Item 27: City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton**

25. Nitisha Baronia

26. Lauren Hernandez

27. East Bay for Everyone

28. Alfred Twu

**Item 28: Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms**

29. Supplemental materials, submitted by Mayor Arreguin and Councilmember Hahn

**Item 29: Referral to Police Review Commission to Write a Charter Amendment Ballot Measure**

30. Supplemental materials, submitted by Mayor Arreguin and Councilmember Hahn

**Item 13: Homeless Youth Policy**

31. 30 Communications submitted via Berkeley Considers, includes summary information.

**Supplemental Communications and Reports 3**

**Item 9: Final Map of Tract 8303 - 824 University Avenue**

32. Revised materials, submitted by Planning & Development

**Item 21: ZAB Appeal: 970 Santa Barbara Road**

33. Joe DeCredico

34. Milad Odabaei

**Item 24: Lorin / Adeline Economic Development Plan**

35. Presentation, submitted by Economic Development

**Item 26: Direct the City Manager and the Berkeley Police Department Regarding the Berkeley Police Department's Use of Force Policy**

36. Christine Schwartz

37. Chimey Lee

**Election Concerns**

38. Zachary RunningWolf Brown

**Alta Bates Closure**

39. Unknown

**West Campus Pool**

40. Unknown