



Office of the City Manager

CONSENT CALENDAR
November 28, 2017

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of October 3, 2017 (special and regular), October 5, 2017 (special closed), October 10, 2017 (special), October 17, 2017 (special closed and regular), October 23, 2017 (special closed), and October 31 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. October 3, 2017–Special City Council Meeting
2. October 3, 2017–Regular City Council Meeting
3. October 5, 2017–Special Closed City Council Meeting
4. October 10, 2017–Special City Council Meeting
5. October 17, 2017–Special Closed City Council Meeting
6. October 17, 2017–Regular City Council Meeting
7. October 23, 2017–Special Closed City Council Meeting
8. October 31, 2017–Regular City Council Meeting

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, October 3, 2017

4:00 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: 4:14 p.m.

Present: Councilmembers Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Mayor Arreguin.

Absent: Councilmember Bartlett.

Councilmember Bartlett present at 4:18 p.m.

Public Comment on Consent Calendar Items: 5 speakers.

Consent Calendar

Action: M/S/C (Maio/Worthington) 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: All Ayes.

Financial Implications: None

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

Action: Moved to Action Calendar. 2 speakers. M/S/C (Arreguin/Maio) to adopt first reading of Ordinance No. 7,570-N.S. as amended below.

Section 12.26.035 Recreational Cannabis

No recreational cannabis use may be approved in the City of Berkeley until the City Council adopts zoning regulations, a licensing process, and standards for such uses.

(a) Notwithstanding Section 12.26.035, medical cannabis Dispensaries authorized under 12.26.130 may also conduct adult-use Cannabis sales if they meet the following requirements: comply with all requirements set forth in Sections 12.26 and 12.27 of the Berkeley Municipal Code; obtain State licenses (temporary) for both Medical and Adult Use commercial sales; obtain a City of Berkeley Temporary License. Temporary Adult Use Cannabis licenses are valid until such time as the City of Berkeley adopts comprehensive Cannabis regulations in compliance with State law.

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

Councilmember Droste absent 6:40 p.m – 7:01 p.m.

Councilmember Harrison absent 6:42 p.m. – 7:01 p.m.

Pursuant to Government Code Section 54955.1, at 7:01 p.m. the Special Meeting was continued to reconvene at the conclusion of the 6:00 p.m. Regular Meeting.

Consent Calendar

- 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: Amended to remove the effective date in Section 2 of the ordinance. Adopted first reading of Ordinance No. 7,571-N.S. Second reading scheduled for October 17, 2017.
- 3. Expedited Review for Affordable Housing Projects**
From: Councilmembers Hahn, Davila, Bartlett, and Harrison
Recommendation: Adopt second reading of Ordinance No. 7,573-N.S. amending Berkeley Municipal Code Chapter 19.62, to automatically confer priority status and provide expedited review to affordable housing projects that receive City of Berkeley Housing Trust Fund monies.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Adopted second reading of Ordinance No. 7,573-N.S.
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of August 18, 2017 (special) and August 28, 2017 (special closed).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 5. City Dog Licensing Conditions**
From: City Manager
Recommendation: Adopt first reading of an Ordinance 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).
Financial Implications: See report
Contact: Jovan Grogan, City Manager's Office, 981-7000
Action: Adopted first reading of Ordinance No. 7,574-N.S. Second reading scheduled for October 17, 2017.

Consent Calendar

- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 26, 2017**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$3,080,840
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 7. Contract No. 10580 Amendment: Easy Does It (EDI) for Purchase of a Wheelchair-Lift-Equipped, Accessible Van**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10580 with Easy Does It (EDI) by adding \$60,000 to purchase a wheelchair-lift-equipped, accessible van to support the operations of emergency and on-demand transportation services provided to Berkeley residents for a total contract amount not to exceed \$1,376,408.
Financial Implications: Various Funds - \$60,000
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,164–N.S.
- 8. License Agreement with Northern California Land Trust**
From: City Manager
Recommendation: Adopt first reading of an Ordinance 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.
Financial Implications: None
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted first reading of Ordinance No. 7,575-N.S. Second reading scheduled for October 17, 2017.

Consent Calendar

9. No Place Like Home Program Technical Assistance Grant Funds

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit an application for a No Place Like Home (NPLH) Program technical assistance grant to the Department of Housing and Community Development (HCD) for the State of California, to accept the grant and execute any resultant revenue agreements and amendments to conduct activities specified in that grant in the projected amount of \$75,000 total in Fiscal Year 2018 and Fiscal Year 2019.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,165–N.S.

10. Unrepresented Employee Manual Amendment

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 68,000-N.S. (Unrepresented Employee Manual) to more closely align unrepresented employees retirement benefits with the benefits provided to represented classifications.

Financial Implications: None

Contact: Sarah Reynoso, Human Resources, 981-6800

Action: Adopted Resolution No. 68,166–N.S.

11. Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Haste Street, Telegraph Avenue, Ellsworth Street, Dana Street, Gilman Street, Second Street, Cedarwood Lane, Fourth Street, Sixth Street, Bancroft Way, Sacramento Street, Visalia Avenue and Backline, Colusa Avenue, and Vincente Backline; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$6,088,755.

Financial Implications: Sanitary Sewer Operation - \$6,088,755

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,167–N.S.

Consent Calendar

- 12. Referral Response: Contract: Parkmobile, LLC for Parking Pay-By-Phone Services**
From: City Manager
Recommendation: Adopt a Resolution in response to a November 18, 2014 City Council referral authorizing the City Manager to execute a three-year contract with an option for two one-year extensions with Parkmobile, LLC, to provide metered parking pay-by-phone services in an amount not to exceed \$838,750 for the period October 1, 2017 through June 30, 2020.
Financial Implications: Parking Meter Fund - \$838,750
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,168–N.S.
- 13. Submission of an Application for Service to Pacific Gas and Electric for Bay View Place Applicant-Financed Utility Underground District**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an Application for Service to Pacific Gas and Electric for project review, design work, and cost development in connection with the establishment of the Bay View Place Applicant-Financed Utility Underground District; and accept a \$10,000 payment from the property owners on the 1300 block of Bay View Place to pay for the application fee for work Pacific Gas and Electric performs and costs they incur for this Application for Service.
Financial Implications: None
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,169–N.S.
- 14. Amend Berkeley Municipal Code Title 14 for Parking and Transit-Only Lanes**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 14 Vehicles & Traffic to clarify regulations related to Driving in Transit-Only Lanes; Parallel Parking; and Diagonal Parking.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,576-N.S. Second reading scheduled for October 17, 2017.
- 15. Appointment of Erlinda Castro to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution approving the appointment of Erlinda Castro to the Mental Health Commission, as a representative of the special public interest category, for a three year term beginning September 27, 2017 and ending September 26, 2020.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400
Action: Adopted Resolution No. 68,170–N.S.

Consent Calendar

16. Additional Mental Health Commission Meeting in 2017

From: Mental Health Commission

Recommendation: Adopt a Resolution adding one additional Mental Health Commission meeting in 2017 in order to hold a special meeting for training purposes.

Financial Implications: See report

Contact: Karen Klatt, Commission Secretary, 981-5400

Action: Adopted Resolution No. 68,171–N.S.

Council Consent Items

17. Location and Facilities Recommendation for the Pathways Project

From: Ad Hoc Subcommittee on Homelessness

Recommendation: Direct the City Manager to:

1. Immediately establish a modular building-based facility to serve as the Bridge Living Community (hybrid STAIR/Bridge facility) on Second Street between Cedar and Virginia Streets, if such a configuration is feasible given the street dimensions and leasing conditions. If not, pursue alternative structures that align with the Pathways model and take all steps necessary to begin operations as soon as possible, and;
2. Simultaneously pursue Federal grant funding for a second phase with a preference for cabin-based tiny homes. If Federal funding is not received, Council will evaluate the possibility of other funding sources to move a second phase forward, and;
3. Include features to ensure that, to the greatest extent possible, the Bridge Living Community is a pleasant and inviting environment with amenities such as trees and other foliage, planting beds, picnic tables, shade features, recreational space, an attractive entrance, and other simple but meaningful and aesthetically pleasing features.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Moved to Action Calendar. 9 speakers. M/S/C (Maio/Wengraf) to approve the recommendation amended to include a request that the City Manager issue an Off-Agenda Memo on the Pathways Budget.

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

Council Consent Items

- 18. Berkeley Community Fund: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmembers Maio and Wengraf
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per councilmember, including \$250 from Councilmember Maio and \$250 from Councilmember Wengraf, to the Berkeley Community Fund, on the occasion of their annual dinner to be held on Saturday, October 28, 2017, honoring Dr. Vicki Alexander, M.D., with the 2017 Benjamin Ide Wheeler Award for “Berkeley’s Most Useful Citizen,” (more information is available at <http://bcfannualdinner.org>), with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$250
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 68,172–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$250; Councilmember Wengraf - \$250; Councilmember Harrison - \$250; Councilmember Bartlett - \$100; Mayor Arreguin - \$250; Councilmember Davila - \$100.
- Action:** M/S/C (Worthington/Hahn) to reconsider Item #18.
Vote: All Ayes.
- Action:** M/S/C (Maio/Hahn) to approve the item with the addition of a donation from Councilmember Davila of \$100.
Vote: All Ayes.
- 19. BrasArte’s 13th Annual Brazilian Day / Lavagem Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Davila and Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount up to \$250 by the Mayor and Councilmembers from their discretionary Council Office Budgets to BrasArte allowing for an optional contribution to the fundraising efforts associated with the 13th Annual Brazilian Day/Lavagem Festival.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 68,173–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$100.

Council Consent Items

20. **Oppose the Ending of Deferred Action for Childhood Arrivals (DACA)**
From: Councilmember Harrison, Mayor Arreguin, and Councilmembers Hahn and Maio
Recommendation: Adopt a Resolution opposing the ending of the Deferred Action for Childhood Arrivals (DACA) Program. Send a letter to Senators Dianne Feinstein and Kamala Harris, Congresswoman Barbara Lee and Attorney General Jeff Sessions.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 68,174–N.S.
21. **Referral to the City Manager to Provide a Public Master List of the Legislation on which the City Council Has Taken a Position**
From: Councilmembers Harrison, Hahn, and Davila
Recommendation: Request that the City Manager work with the City’s lobbyist to create and maintain a master list of the legislation on which the City Council has taken a formal position of support or opposition through passage of an item.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Moved to Action Calendar. 1 speaker. M/S/C (Maio/Worthington) to approve the recommendation.
Vote: All Ayes.
22. **Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16**
From: Councilmembers Hahn, Harrison, and Davila
Recommendation: Adopt first reading of an Ordinance amending BMC Chapter 20.16 to prohibit signs above three stories or 40 feet, whichever is less, in Commercial Districts.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Moved to Action Calendar. 4 speakers. M/S/C (Hahn/Davila) to adopt first reading of Ordinance No. 7,577-N.S. amending BMC Chapter 20.16, and Ordinance No. 7,578-N.S. as written in Supplemental Reports Packet #1 to amend Chapter 20.08 to include building identification in the definition of a sign. Second reading scheduled for October 17, 2017.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – Wengraf, Worthington, Droste.

Council Consent Items

23. **Letter Expressing the City of Berkeley's Support for the Formation and Continuation of Community Choice Aggregation (CCA) Programs in California**
From: Councilmembers Hahn, Harrison, Maio, and Mayor Arreguin
Recommendation: Send a letter to Governor Jerry Brown urging opposition to legislation or language that restricts the formation or operation of CCAs or the ability of cities and other jurisdictions to join existing CCAs.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Recommendation approved.
24. **Parallel Permitting Process**
From: Councilmembers Wengraf, Maio, Droste, and Mayor Arreguin
Recommendation: Request that the City Manager in coordination with the Director of Planning and the Chief Building Official work to establish a voluntary parallel permitting process for applications to construct housing in the City of Berkeley.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Recommendation approved.
25. **Letters of Support for AB 18 and SB 5 - Park Bond Funding Bills**
From: Councilmembers Wengraf, Maio, and Hahn
Recommendation: Approve letters to State Assemblymember Tony Thurmond and State Senator Nancy Skinner in support of AB 18 and SB 5, 2018 Park Bond Funding bills. The letters encourage both bills to move forward, and urge lawmakers to use the higher level of funding in AB 18 (\$425 million), rather than the lower amount (\$200 million) proposed for SB 5.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Recommendation approved.

Action Calendar – Old Business

- 26a. **Automatic Door Openers in Multi-Unit Residential Buildings** (*Item continued from September 12, 2017*)
From: Commission on Disability
Recommendation: Adopt a Resolution requiring: all new construction of multi-unit residential buildings (four or more units) with a common entryway in the City of Berkeley to include automatic door openers; significant remodeling or conversion of residential multi-unit buildings with four or more units and a common entryway to include automatic door openers; and owners of existing multi-unit residential buildings (four or more units) with a common entryway must install automatic door openers at the request of a resident.
Financial Implications: Unknown
Contact: Ella Callow, Commission Secretary, 981-6300

Council Consent Items

26b. Companion Report: Automatic Door Openers in Multi-Unit Residential Buildings *(Item continued from September 12, 2017)*

From: City Manager

Recommendation: The City Manager recommends the City Council evaluate the resolution requested by the Commission on Disability as an amendment to BMC § 19.28.010. If Council agrees with the substantive recommendations in the Commission on Disability (CoD) report entitled “Recommendations to Require Inclusion of Automatic Door Openers in Residential Buildings with Four or More Units and a Common Entryway,” the City Manager recommends Council consider a stand-alone ordinance (similar to BMC § 19.80) that would (1) limit the scope to privately owned buildings with four or more units and a common entryway; (2) not subsidize installation of automatic door openers by building owners/builders; (3) include language that limits the City’s responsibility to conduct inspections to ensure compliance; and (4) limit the City’s liability for torts related to automatic door openers that are installed.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: 2 speakers. M/S/C (Arreguin/Davila) to adopt the City Manager recommendation in Item 26b. specifically applicable to new construction; create an ad hoc subcommittee of Councilmembers Hahn, Worthington, Harrison, and Wengraf to review the item and the question of applicability to existing buildings.

Vote: All Ayes.

27. Adopt an Ordinance Banning the Use of Live Animals as Prizes *(Item continued from September 12, 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: Item held over to October 17, 2017.

28. LPC Requests Early Involvement in Measure T1-Funded Projects Affecting Historic Resources *(Item continued from September 12, 2017)*

From: Landmarks Preservation Commission

Contact: Fatema Crane, Commission Secretary, 981-7400

Action: 2 speakers. M/S/C (Hahn/Arreguin) to direct staff to confer with the LPC to determine an appropriate role for the Commission in the T1 process as individual projects that were listed in the letter from the Commission move forward.

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

Councilmember Droste absent 10:29 p.m. – 10:39 p.m.

Action Calendar – New Business

- 29. Bi-Annual Report on Workers' Compensation**
From: City Manager
Recommendation: Review and discuss the presentation on Workers' Compensation for claims activity covering the first half of Fiscal Year 2017 (July 1, 2016 to December 31, 2016).
Financial Implications: None
Contact: Sarah Reynoso, Human Resources, 981-6800
Action: Item removed from the agenda. City Manager will submit an Off-Agenda Memo to respond to City Council questions.
- 30. 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 first reading of an Ordinance 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%.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: 1 speaker. M/S/C (Worthington/Hahn) to adopt first reading of Ordinance No. 7,579-N.S. as revised in Supplemental Reports Packet #2 to change which projects are subject to the fee. Second reading scheduled for October 17, 2017.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Droste.
- 31. Reordering of Council Agenda Items**
From: Open Government Commission
Recommendation: That the Council revisit its agenda-setting policies with the goal of limiting the reordering of agenda items.
Financial Implications: Staff time
Contact: Jessica Mar, Commission Secretary, 981-6950
Action: Moved to Consent Calendar. No action taken.

Council Action Items

32. **Adopt an Ordinance Prohibiting the Sale of All Tobacco Flavored Products, Including but Not Limited to Cigarettes, Cigars, Little Cigars, Chewing Tobacco, Pipe Tobacco, Lozenges, Snuff, E-Liquid and Any Electronic Nicotine Delivery System**
From: Councilmembers Davila, Hahn, and Harrison
Recommendation: Direct the City Manager to adopt an ordinance prohibiting the sale of all tobacco flavored products, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, lozenges, snuff, e-liquid and any electronic nicotine delivery system.
Financial Implications: Unknown
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Item removed from the agenda by Councilmember Davila.
33. **Adopt an Ordinance Requiring All City of Berkeley Employees, Councilmembers, the Mayor and Their Respective Staff ("Mandated Employees") to Complete a Minimum of Three City Sponsored CERT Training Courses Offered by the City of Berkeley Fire Department**
From: Councilmembers Davila and Harrison
Recommendation: Direct the City Manager to adopt an ordinance requiring that all City of Berkeley employees, Councilmembers, the Mayor and their respective staff (hereinafter referred to as "mandated employees") complete a minimum of three city sponsored CERT training courses offered by the City of Berkeley Fire Department. The ordinance should be implemented within the next 6 months and email notifications should go out to the mandated employees notifying them of the ordinance. The mandated employees should be given a one year deadline to complete the trainings. A printout of the ordinance should be placed in onboarding binders for new hires and the ordinance should be presented to the new hires at the time of onboarding. Second, it should also be highly recommended that commissioners complete a CERT course. Third, Councilmembers and the Mayor should work with the City of Berkeley Fire Department to promote the free classes throughout their districts so that individuals in the communities of Berkeley are made aware of this service and are encouraged to attend. Fourth, there should be consideration regarding user experience when registering online for CERT trainings. CERT class notifications should be highly visible in numerous places within the City of Berkeley website. The notification should appear on the City of Berkeley's home page and on the Fire Department's home page within the body text. The website should also include a full catalog of courses along with the descriptions. Finally, CERT classes should be made available as part of the City of Berkeley's Citywide Training program occurring during regular business hours.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Item removed from the agenda by Councilmember Davila.

Information Reports

34. **Ambulance Billing Follow-up Audit Status Report**
From: City Manager
Contact: David Brannigan, Fire, 981-3473
Action: Received and filed.
35. **Annual Report - Open Government Commission**
From: City Manager
Contact: Farimah Brown, City Attorney, 981-6950
Action: Received and filed.
36. **Status Report: Performance Audit of the Payroll Audit Division**
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Received and filed.

Adjournment in memory of:

Action: M/S/C (Davila/Worthington) to adjourn the meeting.

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

Adjourned at 10:39 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of October 3, 2017.

Mark Numainville, City Clerk

Communications

SB 54

1. Igor Tregub

Urban Shield

2. Norma Harrison

Short-Term Rental Ordinance

3. Marcy McGaugh

Secondhand Smoke Complaint Process

4. Carol Denney

Berkeley & Urban Development

5. Irwin Jerome

Homeless Coordinated Entry System (The Hub)

6. Mike Lee / Jacquelyn McCormick

Communications

2527 San Pablo Avenue

7. Constantine Philipides and Elizabeth Kowal

Food Vendor Incident

8. Jimmy Moore

School Children & Pesticides

9. Nancy Byers

10. Dunn Morena

Protests / Free Speech

11. Robert Alan

12. Kim Linden

13. Eric Friedman

14. Carol Denney

15. Peter Hedglon

16. Malcolm Burnstein

17. Donald Goldmacher

18. Fred Dodsworth

19. Richard

Supplemental Communications and Reports 1

Item 2: Expedited Electric Vehicle Charging Station Permitting, and Adding BMC Chapter 19.15

20. Revised materials, submitted by Planning & Development Department

Item 22: Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16

21. Revised materials, submitted by Councilmember Hahn

Item 32: Adopt an Ordinance Prohibiting the Sale of All Tobacco Flavored Products, Including but Not Limited to Cigarettes, Cigars, Little Cigars, Chewing Tobacco, Pipe Tobacco, Lozenges, Snuff, E-Liquid and Any Electronic Nicotine Delivery System

22. Jaime Rojas

Supplemental Communications and Reports 2

Item 3: Expedited Review for Affordable Housing Projects

23. Christine Schwartz

Item 20: Oppose the Ending of Deferred Action for Childhood Arrivals (DACA)

24. Rent Stabilization Board

Item 22: Amendments to the Signage Ordinance, Berkeley Municipal Code Chapter 20.16

25. Charles Kahn

Item 23: Letter Expressing the City of Berkeley's Support for the Formation and Continuation of Community Choice Aggregation (CCA) Programs in California

26. Linnie Drolet

Supplemental Communications and Reports 2

Item 26b: Companion Report: Automatic Door Openers in Multi-Unit Residential Buildings

27. Supplemental materials, submitted by Councilmember Harrison

Item 30: Amend the One-Percent for Art on Private Projects Ordinance to Increase the Required Valuation of On-Site Public Art

28. Supplemental materials, submitted by Councilmember Harrison

Supplemental Communications and Reports 3

Item 17: Location and Facilities Recommendation for the Pathways Project

29. Councilmember Hahn

MINUTES
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
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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: Councilmembers Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Mayor Arreguin.

Absent: Councilmember 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.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 3, 2017 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

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

Communications

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

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

THURSDAY, OCTOBER 5, 2017

4:00 P.M.

2180 Milvia Street, Berkeley, CA – Cypress Room, 1st Floor

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: 4:06 p.m.

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

Absent: Bartlett, Hahn

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Jovan Grogan, Deputy City Manager, Eddie Kreisberg, Chief Labor Negotiator, Margarita Zamora, Employee Relations Manager, David Brannigan, Acting Fire Chief, Andrew Greenwood, Chief of Police; Rebecca Chen, Senior Human Resources Analyst.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, International Brotherhood of Electrical Workers, Local 1245.

Action: No reportable action.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Adjourned at 4:58 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of October 5, 2017.

Mark Numainville, City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, October 10, 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: Councilmembers Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Mayor Arreguin.

Absent: Councilmember Bartlett.

Councilmember Bartlett present at 7:24 p.m.

Worksession

- 1. Presentation on the Berkeley Housing Authority**
From: Berkeley Housing Authority
Contact: William Wilkins, Executive Director, 981-5470
- 2. Zero Waste Worksession – Commercial Waste Collection System**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300

Recess 8:42 p.m. – 8:58 p.m.

- 3. Berkeley Adult Use and Medicinal Cannabis Ordinance**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400

Public Comment - Items on this agenda only - 20 speakers.

Adjournment

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

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

Councilmember Droste absent 8:42 p.m. – 10:58 p.m.

Councilmember Bartlett absent 10:20 p.m. – 10:58 p.m.

Adjourned at 10:58 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of October 10, 2017.

Mark Numainville, City Clerk

Communications

Item 2: Zero Waste Worksession – Commercial Waste Collection System

1. Zero Waste Commission

Item 3: Berkeley Adult Use and Medicinal Cannabis Ordinance

2. Cannabis Commission

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item 1: Presentation on the Berkeley Housing Authority

3. Presentation, submitted by Berkeley Housing Authority

Item 2: Zero Waste Worksession – Commercial Waste Collection System

4. Presentation, submitted by Public Works

Item 3: Berkeley Adult Use and Medicinal Cannabis Ordinance

5. Presentation, submitted by Planning & Development
6. Cannabis Commission

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, OCTOBER 17, 2017

4:00 P.M.

COUNCIL CHAMBERS – 2134 Martin Luther King, Jr. Way, Berkeley, CA

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: 4:09 p.m.

Present: Councilmembers Davila, Droste, Hahn, Harrison, Maio and Mayor Arreguin.

Absent: Councilmembers Bartlett, Wengraf and Worthington.

Councilmember Wengraf present at 4:11 p.m. Councilmember Bartlett present at 4:12 p.m.

Public Comment - Limited to items on this agenda only – 2 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

Pending litigation – one case

United States Postal Service v. City of Berkeley
U.S. District Court Case Civ. No. 16-cv-04815WHA

Action: No action taken

OPEN SESSION:

No reportable action

Adjournment

Action: M/S/C (Droste/Bartlett) to adjourn the meeting.

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

Adjourned at 5:41 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of October 17, 2017.

Mark Numainville, City Clerk

MINUTES
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: Councilmembers Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Mayor 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&PTLA), 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.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 17, 2017 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

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

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

MONDAY, OCTOBER 23, 2017

4:00 P.M.

2180 Milvia Street, Berkeley, CA – Cypress Room, 1st Floor

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: 4:08 p.m.

Present: Councilmembers Davila, Droste, Hahn, Maio, Wengraf and Mayor Arreguin.

Absent: Councilmember Bartlett, Harrison and Worthington.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Jovan Grogan, Deputy City Manager, Eddie Kreisberg, Chief Labor Negotiator, Margarita Zamora, Employee Relations Manager, David Brannigan, Acting Fire Chief, Andrew Greenwood, Chief of Police; Rebecca Chen, Senior Human Resources Analyst.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, International Brotherhood of Electrical Workers, Local 1245.

Action: No reportable action.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Adjourned at 4:38 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of October 23, 2017.

Mark Numainville, City Clerk

**MINUTES
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: Councilmembers Bartlett, Davila, Hahn, Harrison, Maio, Worthington and Mayor Arreguin.

Absent: Councilmembers Wengraf and 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.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 31, 2017 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

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

Supplemental Communications and Reports 2

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