



**PROCLAMATION
CALLING A SPECIAL MEEETING OF THE
BERKELEY CITY COUNCIL**

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

Tuesday, December 19, 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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Councilmember may move any information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. Supplementary Retirement and Income Plan I, II, and III; Amending BMC Chapters 4.36, 4.38, and 4.39

From: City Manager

Recommendation: Adopt second reading of three Ordinances:

1. Ordinance No. 7,583-N.S. amending Berkeley Municipal Code Chapter 4.36, Supplementary Retirement and Income Plan I (SRIP I) by repealing and reenacting Sections 4.36.103 (Compensation), 4.36.402(A).C (Adjustments on Account of Excessive Credits), 4.36.402(A).D (Code Section 415 Compensation Definition), and 4.36.602 (Time of Distribution); and
2. Ordinance No. 7,584-N.S. amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II (SRIP II) by repealing and reenacting Sections 4.38.103 (Compensation), 4.38.402(A).C (Adjustments on Account of Excessive Credits), 4.38.402(A).D (Code Section 415 Compensation Definition), and 4.38.602 (Time of Distribution); and
3. Ordinance No. 7,585-N.S. amending Berkeley Municipal Code Chapter 4.39, Supplementary Retirement and Income Plan III (SRIP III) by repealing and reenacting Sections 4.39.403(B) (Adjustments on Account of Excessive Credits), 4.39.403(C) (Code Section 415 Compensation Definition), and 4.39.603 (Distribution of Death Benefits).

First Reading Vote: All Ayes.

Financial Implications: None

Contact: Margarita Zamora, Human Resources, 981-6800

Consent Calendar

- 2. Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,586-N.S. amending Berkeley Municipal Code Title 14 Vehicles and Traffic, to authorize metered parking on Telegraph Avenue between Bancroft Way and Dwight Way.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 3. Amendment: FY 2018 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,587-N.S. amending the FY 2018 Annual Appropriations Ordinance No. 7,563-N.S. for fiscal year 2018 based upon recommended re-appropriation of committed FY 2017 funding and other adjustments since July 1, 2017 in the amount of \$94,031,404 (gross) and \$78,307,317 (net).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
- 4. Adopt an Ordinance Amending BMC 12.27 to Allow Existing Berkeley Licensed Medical Cannabis Businesses Into the New State Adult Use Regulation and Taxation System**
From: Councilmember Worthington, Mayor Arreguin, and Councilmembers Bartlett and Davila
Recommendation: Adopt second reading of Ordinance No. 7,582-N.S. amending BMC 12.27 to allow existing Berkeley licensed medical cannabis businesses into the new state adult use regulation and taxation system.
First Reading Vote: Ayes – Davila, Bartlett, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio and Wengraf.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 5. Annual Commission Attendance and Meeting Frequency Report**
From: City Manager
Recommendation: Adopt a Resolution approving a revised commission meeting frequency schedule and to accept the annual attendance report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

Consent Calendar

- 6. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of November 14, 2017 (special closed and regular), November 27, 2017 (special closed) and November 28, 2017 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 19, 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 - \$4,100,000
Contact: Henry Oyekanmi, Finance, 981-7300
- 8. ***Removed from Agenda by City Manager*** Mental Health Adult Clinic Renovation – Allocation of Measure T1 Funds**
From: City Manager
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 9. Contract No. 10515 Amendment: Tyler Technologies, Inc. for New World CAD and Fire RMS**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10515 with Tyler Technologies, Inc. for an additional New World CAD and RMS module, increasing the amount by \$23,520, for a total not to exceed \$1,187,730 from March 31, 2017 to June 30, 2020.
Financial Implications: General Fund - \$23,520
Contact: Savita Chaudhary, Information Technology, 981-6500
- 10. Contract No. 8884B Amendment: St. Vincent de Paul for Mattress Recycling**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8884B with St. Vincent de Paul to accept mattresses collected from community members for refurbishing and recycling at the City's Solid Waste Management and Transfer Station. This amendment will increase the Contract \$50,000 for a new total contract amount not to exceed \$406,000 and will extend the contract expiration to June 30, 2018.
Financial Implications: Zero Waste Fund - \$50,000
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 11. Contract No. 9114D Amendment: Stockton Tri Industries, Inc. to Clean, Paint, and Repair Refuse and Recycling Debris Bins**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9114D with Stockton Tri Industries, Inc. to clean, paint, and repair refuse, recycling and green/food waste metal bins, and to increase the contract \$30,000 for a total contract amount not to exceed \$130,000 through the Contract's expiration date of June 30, 2018.
Financial Implications: Zero Waste Fund - \$30,000
Contact: Phillip Harrington, Public Works, 981-6300
- 12. Purchase Order: Stockton Tri Industries Inc. for Solid Waste Metal Containers**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the bid received from Stockton Tri Industries, Inc. and execute a Purchase Order to provide solid waste metal containers for an amount not to exceed \$322,646.
Financial Implications: Zero Waste Fund - \$322,646
Contact: Phillip Harrington, Public Works, 981-6300
- 13. Contract: Container Pros Professional Waste Services for Solid Waste Metal Container and Plastic Cart Placement Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a three-month contract with Container Pros Professional Waste Services for solid waste metal container and plastic cart placement services in an amount not to exceed \$100,000.
Financial Implications: Zero Waste Fund - \$100,000
Contact: Phillip Harrington, Public Works, 981-6300
- 14. Purchase Order: National Auto Fleet Group for Two Front End Loading Refuse Trucks**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in National Joint Powers Alliance contract bid procedures, and authorizing the City Manager to execute a purchase order for two front end loading refuse trucks with National Auto Fleet Group in an amount not to exceed \$740,000.
Financial Implications: Zero Waste Fund - \$740,000
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 15. Contract No. 10552 Amendment: Revel Environmental Manufacturing, Inc. for On-Call Storm Water Maintenance Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10552 with Revel Environmental Manufacturing, Inc. for on-call storm water maintenance services, increasing the current \$50,000 contract by \$225,000 for a total contract amount not to exceed \$275,000.
Financial Implications: Zero Waste Fund - \$225,000
Contact: Phillip Harrington, Public Works, 981-6300
- 16. Appointment of Amy Roth to the Board of Library Trustees**
From: Board of Library Trustees
Recommendation: Adopt a Resolution appointing Amy Roth to the Board of Library Trustees for a term of four years beginning January 4, 2018.
Financial Implications: None
Contact: Elliot Warren, Commission Secretary, 981-6100
- 17. Response to Referral to Community Environmental Advisory Committee (CEAC) and the Berkeley Energy Commission to Evaluate Phasing-out Natural Gas**
From: Energy Commission
Recommendation: Send a letter to California state energy agencies requesting policy support for phasing out fossil fuels by electrifying natural gas applications in response to referral directing CEAC and the Energy Commission to develop and evaluate a proposal to phase-out natural gas for heating and cooking.
Financial Implications: None
Contact: Billi Romain, Commission Secretary, 981-7400
- 18. Endorse and Sponsor The Boys Who Said No!**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution allowing the Berkeley Peace and Justice Commission to endorse and sponsor the film, The Boys Who Said No!
Financial Implications: None
Contact: Shallon Allen, Commission Secretary, 981-5400
- 19. Declaring Berkeley's Opposition to Fascism**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution declaring the Council of the City of Berkeley opposes fascism, white supremacy, anti-Semitism, and any individuals or organizations promoting fascism and/or committing violent attacks on people in Berkeley or anywhere else. Request City Clerk to send copies of this resolution to Senator Dianne Feinstein, Senator Kamala Harris, and Representative Barbara Lee.
Financial Implications: None
Contact: Shallon Allen, Commission Secretary, 981-5400

Consent Calendar

- 20. Opposition to the US Military Helipad Construction and Training Operations in Takae, Okinawa**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution opposing the U.S. military helipad construction and training operations in Takae, Okinawa.
Financial Implications: None
Contact: Shallon Allen, Commission Secretary, 981-5400

Council Consent Items

- 21. Amending Open Government Ordinance Regarding Submission of Revised or Supplemental Agenda Material**
From: Mayor Arreguin and Councilmembers Droste, Wengraf, and Hahn
Recommendation: 1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 2.06.070.E to require the submission of revised or supplemental agenda material by noon the day prior to the City Council meeting at which the item will be considered.
2. Adopt a Resolution revising the City Council Rules of Procedure and Order, Section III.4 to: a) require the submission of revised or supplemental agenda material by 12:00 p.m. the day prior to the City Council meeting at which the item will be considered; b) requiring that revised reports must reflect a comparison with the original item using track changes formatting; c) requiring that copies of revised reports must be delivered to the City Clerk for distribution at the meeting.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 22. Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley**
From: Mayor Arreguin and Councilmembers Bartlett, Hahn, and Davila
Recommendation: Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.
Financial Implications: Unknown
Contact: Jesse Arreguin, Mayor, 981-7100
- 23. Establishing Council Budget Committee**
From: Mayor Arreguin and Councilmember Harrison
Recommendation: Establish a City Council Budget Committee, consisting of Mayor Jesse Arreguin and Councilmembers Kate Harrison, Sophie Hahn, and Susan Wengraf. The Budget Committee will be a standing committee of the City Council and will conduct its meetings in accordance with the Brown Act, Open Government Ordinance and other applicable city policies.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 24. Referral to Planning Commission: Reclassification of 1050 Parker Street/2621 Tenth Street**
From: Mayor Arreguin
Recommendation: Pursuant to Berkeley Municipal Code Section 23A.20.020.B.1: Refer to the Planning Commission the reclassification of the existing MULI zoned portion of 1050 Parker Street/2621 Tenth Street (APN 054 176300103) to C-W West Berkeley Commercial District. Request that the Planning Commission submit its recommendation to the City Council on the reclassification request by March 27, 2018.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
- 25. Send Letter to Presiding Judge of Alameda County Superior Court Regarding Delaying Scheduled Evictions during Winter Months**
From: Mayor Arreguin and Councilmembers Davila and Harrison
Recommendation: Send a letter on behalf of the Berkeley City Council to the Honorable Judge Morris Jacobson, Presiding Judge of the Alameda County Superior Court, requesting that the court adjust its schedules to delay eviction proceedings until after winter months, from December through March, to include issuing unlawful detainers and writs of possession.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 26. Seventh Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin and Councilmembers Davila, Bartlett, and Hahn
Recommendation: Adopt two Resolutions:
1. Co-sponsoring the 7th Annual Martin Luther King Jr. Celebration Breakfast on January 15, 2018; and
2. Approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 7th Annual Martin Luther King Jr. celebration, 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 - \$250
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 27. Prohibiting Discrimination on the Basis of Relationship Structure**
From: Councilmember Maio
Recommendation: Refer the proposed language to the City Manager requesting that the City amend Chapter 13.31 as proposed to prohibit discrimination on the basis of relationship structure in regard to Employment, Real Estate Transactions, Business Practices, City Facilities and Services or Education on the Basis of Relationship Structure.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 28. Personal Delivery Service Franchise Agreements**
From: Councilmember Bartlett
Recommendation: Referral to the City Manager's Office to develop a program that would enable the City to consider franchise applications for personal delivery service companies involving personal delivery devices.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 29. Requesting Amendments to AB 626 California Retail Food Code: Microenterprise Home Kitchen Operations**
From: Councilmember Hahn
Recommendation: Send an "oppose unless amended" letter regarding AB 626 to Assemblymember Tony Thurmond, Senator Nancy Skinner, Assembly Speaker Anthony Rendon, Senate President Pro-Temp Kevin de Leon, Assembly Appropriations Chair Lorena Gonzalez Fletcher, and Governor Jerry Brown, urging that the bill be amended to promote food safety and economic opportunity for home cooks, and to ensure that tech platforms do not wield excessive control over our rapidly changing food system.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 30. The Berkeley Public Library Foundation 16th Annual Authors Dinner: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmembers Wengraf, Droste, Harrison, and Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmembers Wengraf, Droste and Harrison to the Berkeley Public Library Foundation's 16th Annual Authors Dinner with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmembers Wengraf, Droste, Harrison, and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$500
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Council Consent Items

- 31. Opposition to H.R. 620: The ADA Education and Reform Act of 2017**
From: Councilmember Worthington
Recommendation: Adopt a Resolution opposing H.R. 620 - "The ADA Education and Reform Act of 2017."
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 32. Save the Graduate Student Waiver and Oppose H.R. 1, Tax Cuts and Jobs Act**
From: Councilmember Worthington
Recommendation: Oppose H.R. 1, Tax Cuts and Jobs Act, and send a letter of opposition to Speaker of the House Paul Ryan and Senate Majority Leader Mitch McConnell.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 33. State Implementation of "The 21st Century CURES Act Section 12006"**
From: Councilmember Worthington
Recommendation: Urge the state to implement an Electronic Visit Verification System that respects the privacies of consumers and minimizes the burden on individual caregivers.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 34. Alta Bates Forum Facility Rental: Relinquishment of Council Office Budget Funds**
From: Councilmembers Droste, Harrison, and Hahn
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember for the Alta Bates Forum facility rental with funds relinquished from the discretionary Council Office Budget of Councilmembers Droste and Harrison, and any other councilmembers who would like to contribute. The total rental cost for the Ed Roberts facility is \$1250.
Financial Implications: Councilmembers' Discretionary Funds - \$250
Contact: Lori Droste, Councilmember, District 8, 981-7180
- 35. Membership Fee for the Association of California Commissions for Women (ACCW): Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Droste, Bartlett, and Wengraf
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$25 per Sponsoring Councilmember for the membership dues requested by Berkeley's Commission on the Status of Women to join the Association of California Commissions for Women for fiscal year 2018-2019, with funds relinquished from the discretionary Council Office Budgets of Councilmember Droste, Councilmember Bartlett, and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$25
Contact: Lori Droste, Councilmember, District 8, 981-7180

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.

36. Annual Monitoring Fee for Multi-Family Housing Developments Providing Below Market Rate Units

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new monitoring fee of \$432 per Below Market Rate (BMR) unit per year for existing and new multi-family housing developments providing BMR units under BMC Chapters 22.20.065 and 23C.12.

Financial Implications: See report

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

Action Calendar – Old Business

37. Endorsement of the 2018 Affordable Housing Act State Ballot Initiative

(Continued from November 28, 2017)

From: Councilmembers Worthington, Harrison, Bartlett, and Davila

Recommendation: That the Council encourages citizens to sign the 2018 Affordable Housing Act State ballot initiative and that the City of Berkeley endorses the Act.

Financial Implications: Minimal

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

Action Calendar – Old Business

38. **Budget Priorities for Expenditure of Short-Term Rental Taxes** *(Continued from December 5, 2017. Item contains revised materials.)*
From: Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett
Recommendation: Adopt a Resolution allocating the revenue collected from short-term rental taxes to programs supporting affordable housing and the arts.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
39. **City Council Referral Process – 2018 Interim Update** *(Continued from December 5, 2017)*
From: City Manager
Contact: Mark Numainville, City Clerk, 981-6900

Action Calendar – New Business

- 40a. **Repealing the Revised Oleoresin Capsicum (Pepper Spray) Policy Passed September 12, 2017**
From: Police Review Commission
Recommendation: Adopt a Resolution repealing the recent change in the Berkeley Police Department's use of Oleoresin Capsicum (OC, or pepper spray).
Financial Implications: None
Contact: Katherine Lee, Commission Secretary, 981-4950
- 40b. **Companion Report: Repealing the Revised Oleoresin Capsicum (Pepper Spray) Policy Passed September 12, 2017**
From: City Manager
Recommendation: Keep in place current Council policy allowing the use of Oleoresin Capsicum (pepper spray) in specific circumstances upon specific individuals engaged in violent activity in a crowd situation.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
- 41a. **Public Works Commission Recommendation for the Five-Year Paving Plan**
From: Public Works Commission
Recommendation: Adopt a Resolution recommending approval of the first year (2018) of the Five-Year Paving Plan (2018-2019) as proposed by staff.
Financial Implications: Unknown
Contact: Nisha Patel, Commission Secretary, 981-6300

Action Calendar – New Business

41b. Companion Report: Public Works Commission Recommendation for the Five-Year Paving Plan

From: City Manager

Recommendation: Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2018 to FY 2022. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Council Action Items

42. Expediting the Planning Application Process for Bridge/Berkeley Food and Housing Project to Seek to Meet No Place Like Home and Alameda County A1 Grant Deadlines

From: Councilmembers Worthington and Hahn

Recommendation: Expedite the planning application process, to make this project eligible for No Place Like Home, Alameda County A1, and other regional, state and federal funding streams.

Financial Implications: See report

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

Information Reports

43. Referral Response: Voter Registration Forms in All City Buildings that Are Accessible to the Public

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

44. Audit Update - \$52,000 Theft: More Can Be Expected Without Citywide Changes in Culture and Procedures

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

45. Audit Update - Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

46. Berkeley Way Housing Development Update

From: City Manager

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

Information Reports

47. **Referral Response: Feasibility of Acquiring a High-Capacity Scanner for Multiple City Departments**
From: City Manager
Contact: Savita Chaudhary, Information Technology, 981-6500
48. **FY 2018 Work Plan**
From: Housing Advisory Commission
Contact: Amy Davidson, Commission Secretary, 981-5400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
West Branch – 1125 University
North Branch – 1170 The Alameda
South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this December 7, 2017.

Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on December 7, 2017.***

Mark Numainville, City Clerk

**Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.*

**Immigration Commentary**

- 1. Blair Beekman

**Homeless Observations**

- 2. Autumn Moon
- 3. Mike Lee

**Cannabis Article**

- 4. Barbara Gilbert

**Gentrification/Displacement Article**

- 5. David Goldmacher

### **Dangerous Intersections**

6. Holly Scheider
7. Steven Schuyler

### **Construction Noise**

8. Jane Kitchel

### **Encampment on Adeline St. Median**

9. Jay Primus

### **Live/Work Conversions**

10. Maulin Chokshi

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day of the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.