



Office of the City Manager

CONSENT CALENDAR  
December 19, 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 November 14, 2017 (special closed and regular), November 27, 2017 (special closed) and November 28, 2017 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. November 14, 2017–Special Closed City Council Meeting
2. November 14, 2017–Regular City Council Meeting
3. November 27, 2017–Special Closed City Council Meeting
4. November 28, 2017–Regular City Council Meeting

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**TUESDAY, NOVEMBER 14, 2017**

**4:30 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:** 4:33 p.m.

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

**Absent:** Councilmembers Bartlett and Hahn.

Councilmember Hahn present at 4:35 p.m. Councilmember Bartlett present at 4:48 p.m.

**Public Comment - Limited to items on this agenda only**

**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 – two cases

*a. Sullivan v. Bay Area Rapid Transit District, City of Berkeley*  
U.S. District Court Case Civ. No. 3:17-cv-06051-WHA

**Action:** No action taken.

*b. Jonathan Francis and Sally Francis v. City of Berkeley, Orville Schell and Does 1-50*  
Alameda County Superior Court Case No: RG17880940

**Action:** No action taken.

**OPEN SESSION:**

No reportable action.

## Adjournment

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

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

Mayor Arreguin absent 5:25 p.m. – 5:40 p.m.

Adjourned at 5:40 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of November 14, 2017.

---

Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 14, 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:** 6:01 p.m.

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

**Absent:** None.

**Ceremonial Matters:**

1. Recognition of Dr. Naomi Quinonez
2. Recognition of Pacha Day
3. WWI Memorial Plaque Update

**City Auditor Comments:**

1. Update on Parks Audit – Item 11
2. Update on the Audit Budget for ERP – Item 12

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 6 speakers.

**Consent Calendar**

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 14, 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 - \$250,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 2. Revenue Contract: Community Services Block Grant for Calendar Year 2018**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 18F-5001 for the amount of \$263,217, and execute any resultant agreements and amendments to provide services for low-income people for the period January 1, 2018 to December 31, 2018.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,215–N.S.
- 3. Memorandum of Understanding for HomeStretch Permanent Supportive Housing Registry**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate and execute a memorandum of understanding (MOU) among the Alameda County Health Care Services Agency, the Alameda County Continuum of Care (COC) and the City of Berkeley that outlines the roles and responsibilities for Permanent Supportive Housing Providers funded by the federal Department of Housing and Urban Development (HUD) Continuum of Care program that participate in in the Alameda County Home Stretch housing registry.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,216–N.S.

## Consent Calendar

- 4. Contract No. 8958D Amendment: Bartel Associates, LLC for Actuarial Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8958D in the amount of \$95,000 with Bartel Associates, LLC for expanded actuarial services pertaining to the unfunded liabilities projection of the City's CalPERS pension plan, Retiree Health Premium Assistance Plan, Police Employees Retirement Income Plan, Safety Members Pension Fund, and Supplementary Retirement and Income Plans, for a revised total contract amount not to exceed \$175,000 through June 30, 2020.  
**Financial Implications:** See report  
Contact: Margarita Zamora, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,217–N.S.
- 5. Contract: Lind Marine for Sunken Boat Removal Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Lind Marine for the removal and disposal of the sunken vessel "Chloe Marie" from the Berkeley Marina in an amount not-to-exceed of \$70,400.  
**Financial Implications:** Various Funds - \$70,400  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,218–N.S.
- 6. Donation: Memorial Bench in Cesar Chavez Park from the Hill Family**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 from the Hill family for a memorial bench to be placed in Cesar Chavez Park.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,219–N.S.
- 7. Grant Application: Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program of the Division of Boating & Waterways**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to apply for a grant in the amount of \$100,000 from the California Division of Boating & Waterways ("DBW") Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of approximately sixteen abandoned vessels located at the Berkeley Marina; and authorizing a local match contribution of \$10,000.  
**Financial Implications:** \$100,000 (Revenue); Marina Fund - \$10,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,220–N.S.

## Consent Calendar

- 8. Additional Meeting for Children, Youth and Recreation Commission in Calendar Year 2017**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving one additional meeting for the Children, Youth, and Recreation Commission in calendar year 2017.  
**Financial Implications:** None  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,221–N.S.
- 9. Filling Vacancies Among the Elected Representatives for the Poor**  
**From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution confirming the appointment of Ms. Dru Howard (District 2), as an elected representative for the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC September 20, 2017 meeting, and that her term expires November 21, 2018.  
**Financial Implications:** None  
Contact: Wing Wong, Commission Secretary, 981-5400  
**Action:** Adopted Resolution No. 68,222–N.S.
- 10. Approval of Three Additional Meetings for Parks and Waterfront Commission in Calendar Year 2017**  
**From: Parks and Waterfront Commission**  
**Recommendation:** Adopt a Resolution requesting Council approval of three additional meetings for the Parks and Waterfront Commission in calendar year 2017.  
**Financial Implications:** None  
Contact: Roger Miller, Commission Secretary, 981-6700  
**Action:** Adopted Resolution No. 68,223–N.S.
- 11. Audit Report: Parks, Recreation, and Waterfront On-Call Program: Ensure Equity by Developing Procedures for Charging for Services, and Improve Monitoring Practices and Communication**  
**From: Auditor**  
**Recommendation:** Request that the City Manager report back by April 3, 2018, and every six months thereafter, regarding the status of recommendations until reported fully implemented.  
**Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Recommendation approved.
- 12. City Auditor Salary Savings Allocation for FUND\$ Replacement/ERP**  
**From: Auditor**  
**Recommendation:** Approve a \$197,000 set aside from City Auditor's Office FY 2017 savings to augment funding for the City's Enterprise Resource Planning (ERP) implementation, including replacement of the FUND\$ payroll module.  
**Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Recommendation approved.

## Consent Calendar

### Council Consent Items

- 13. Disposition of the Kenney Cottage from City-Owned Lot in the 1200 Block of University to Make Way for Creating Needed Housing**  
**From: Councilmember Maio**  
**Recommendation:** That the City Manager communicate with the Berkeley Architectural Heritage Association (BAHA) that the subject City-owned lot on which the Kenney Cottage has been stored for over a decade, at BAHA's request, is the subject of a Request for Proposals (RFP) for much-needed housing development, and that we request BAHA relocate the cottage by the end of May 2018.  
**Financial Implications:** Staff time  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Recommendation approved.
- 14. Indigenous Peoples Day Committee: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
**From: Councilmember Maio, Mayor Arreguin, and Councilmembers Harrison and Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$200 per councilmember, including \$200 from Councilmember Maio, Mayor Jesse Arreguin, and Councilmembers Kate Harrison and Susan Wengraf, to the Indigenous Peoples Day Committee, 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 - \$200  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 68,224–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$200; Councilmember Maio - \$200; Councilmember Davila - \$100; Councilmember Harrison - \$200; Councilmember Hahn - \$100; Mayor Arreguin - \$100.
- 15. Bilingual Helpdesk at California International Airports**  
**From: Councilmember Davila**  
**Recommendation:** Send a letter to Governor Jerry Brown requesting that a Bilingual Helpdesk be set up at California International Airports to provide essential information about California State Resources for Puerto Ricans and U.S. Virgin Islanders arriving to the State of California due to the devastation of the recent hurricanes.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Recommendation approved as revised in Supplemental Reports Packet #2 to include a letter from Hon. Marco Crespo to the President.



## Council Consent Items

- 16. Budget Referral: Berkeley Youth Alternatives**  
**From: Councilmember Davila**  
**Recommendation:** Refer to the budget process for inclusion on the list of items to be prioritized for funding consideration in November 2017, \$30,000 to support for Berkeley Youth Alternatives (BYA) Afterschool Center and \$49,674 to support the BYA Counseling Center.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Recommendation approved.
- 17. Berkeley High African American Studies Department: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount to be determined by each Councilmember, including \$100 from Councilmember Ben Bartlett, to the African American Studies Department of Berkeley High School. The funds shall be relinquished to the City's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other councilmembers who would like to contribute.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$100  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 68,225–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Davila - \$75; Councilmember Harrison - \$100; Councilmember Hahn - \$100; Councilmember Worthington - \$250; Mayor Arreguin - \$100.
- 18. Healthy Black Families, Inc.: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
**From: Councilmembers Bartlett, Hahn, Maio, and Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount to be determined by each Councilmember to the Healthy Black Families Inc. annual holiday celebration.  
**Financial Implications:** Unknown  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 68,226–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Maio - \$100; Councilmember Davila - \$75; Councilmember Harrison - \$100; Councilmember Hahn - \$100; Councilmember Worthington - \$250.

## Council Consent Items

**19. Require City Council Approval of Any Proposed Acquisition of Material from the Department of Defense 1033 Program and Request Report and Related Documentation of Material Transferred**

**From: Councilmember Harrison**

**Recommendation:** 1. Adopt a Resolution requiring City Council (“Council”) to review and approve any proposed acquisition of material prior to the Berkeley Police Department applying for material through the Department of Defense (“DOD”) 1033 Program. 2. Refer to the City Manager a request for a report on the dates, contents, and uses of the transfers of materials to the Berkeley Police Department through the 1033 Program that have occurred to date. Direct that the City Manager issue the report by December 5, 2017. 3. Refer to the Police Review Commission a request for a report considering the City’s enrollment in the 1033 Program.

**Financial Implications:** Staff time

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

**Action:** Moved to Action Calendar. 5 speakers. M/S/C (Harrison/Maio) to adopt Resolution No. 68,227–N.S.; Recommendation approved as amended in Supplemental Reports Packet #2 and with the change to Recommendation #2 to request an off-agenda memo from the City Manager on the equipment previously obtained through the 1033 program.

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

**20. Coyote Management and Co-Existence Educational Materials**

**From: Councilmember Wengraf**

**Recommendation:** Request that the Animal Care Commission add to their work plan a project to create educational materials and web content for the City of Berkeley website that informs Berkeley residents of coyote behavior and suggests best ways to co-exist with coyotes without conflict. Information on coyote behavior, management strategies, recommended responses to coyote encounters and attacks, and other pertinent information should be included.

**Financial Implications:** Minimal

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

**Action:** Councilmember Davila added as a co-sponsor. Recommendation approved.

## Council Consent Items

**21. City Manager Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures**

**From: Councilmember Worthington**

**Recommendation:** Refer to the City Manager to require repair and replacement of fire damaged buildings to be brought up to current fire safety standards.

**Financial Implications:** Minimal

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

**Action:** Recommendation approved as revised below.

*Refer to the Disaster and Fire Safety Commission and the City Manager to research an Ordinance to require repair and replacement of fire damaged buildings to be brought up to current fire safety standards.*

## Action Calendar – Public Hearings

**22. ZAB Appeal: 2777 Shattuck Avenue**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution dismissing the appeal and upholding the Zoning Adjustments Board decision to approve Final Design Review No. DRCF2017-0005.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 15 speakers. M/S/C (Wengraf/Hahn) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/Failed (Bartlett/Davila) to remand the project to the Zoning Adjustments Board for further consideration.

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

**Action:** M/S/C (Droste/Wengraf) to adopt Resolution No. 68,228–N.S. dismissing the appeal and upholding the Zoning Adjustments Board decision to approve Final Design Review No. DRCF2017-0005 with the additional requirement that the parking spaces in the triangle lot be stenciled with the name of the business to which they are allocated.

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

Councilmember Davila absent 10:53 p.m. – 11:55 p.m.

## Action Calendar – Old Business

23. **Ohlone Park Bench Plaque in Memoriam** *(Continued from October 31, 2017)*  
**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 Consent Calendar. Adopted Resolution No. 68,229–N.S. amended to include a new Whereas clause that states "WHEREAS, Applicant qualifies for Low Income Status pursuant to HUD guidelines; and" and further amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Mayor Arreguin - \$100.

## Action Calendar – New Business

24. **Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms** (*Continued from October 31, 2017. Item contains revised materials.*)

**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

Recess 8:23 p.m. – 8:37 p.m.

**Action:** 24 speakers. M/S/C (Bartlett/Wengraf) to approve the following recommendation.

*Direct the City Manager to track yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department (“BPD”), the Police Review Commission (“PRC”) and the broader Berkeley community. The City Manager will report findings in September 2018 and annually thereafter, using anonymized data.*

- 1. Tracking yield rates (i.e., the percentage of citations or arrests per traffic or pedestrian stop and the ratio of contraband found by search conducted) by individual officer, by patrol and by the department as a whole disaggregated by the race of the individual(s) stopped. This will include analyzing whether police actions were officer- initiated or in response to calls for service or warrants. This data will focus BPD examination of the reasons for disparate racial treatment and to identify any outliers.*
- 2. Considering any other criteria which would contribute to a better understanding of stops, searches, citations and arrests and the reasons for such actions.*
- 3. Developing training programs to address the organizational causes of any disparate treatment and outcomes by race uncovered in #1 above and, in accordance with the City’s body worn camera policy, through examination of footage on police body cameras (e.g., more scenario-based training on procedural justice and the roots of disparate treatment, expanded de-escalation training).*
- 4. Consulting and cooperating with the broader Berkeley community, especially those communities most affected by observed racial disparities, to develop and implement policy and practice reforms that reflect these shared values. Work closely with the PRC, providing the commission all legally available information that may be helpful to designing reforms.*
- 5. Once released, BPD should analyze the final Center for Policing Equity report and propose improvements as needed.*

*Departmental, personnel and training issues will be easier to address with accessible and granular empirical data.*

**Vote:** All Ayes.

## Action Calendar – New Business

**25. Referral to Police Review Commission to Write a Charter Amendment Ballot Measure** *(Continued from October 31, 2017. Item contains revised materials.)*

**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:** M/S/C (Arreguin/Maio) to call the previous question on Item 25.

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

**Action:** M/S/C (Hahn/Droste) to adopt the following recommendation.

*Refer to the City Manager and Police Review Commission (PRC) to review the existing enabling legislation, rules, and regulations for the PRC, and to consider all options, including charter amendments, ballot measures, and any other amendments to strengthen the authority of the PRC to consider and act on citizen complaints, and other possible structural, policy and procedural reforms.*

*Direct the City Manager (through the City Attorney) to provide a legal analysis of which proposals can be completed legislatively and which require amendments to the City Charter.*

*Changes the City Manager and PRC should consider, but not be limited to, include the following:*

- 1. Use the “preponderance of the evidence” as the standard of proof for all PRC decisions.*
- 2. Extend the current 120-day limit on the imposition of discipline up to one year, consistent with existing California law.*
- 3. Give the PRC full discretion and access to evidence to review complaints as to alleged officer misconduct.*

*As part of the review of proposed improvements to the PRC process, the PRC should analyze police review policies and structures in other jurisdictions (e.g. San Francisco, BART, etc.), all PRC models and engage relevant stakeholders, including the Berkeley Police Association and community organizations, in developing proposals.*

*Full analysis by the PRC and City Manager must be reported to the City Council by May 2018.*

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

## Action Calendar – New Business

### 26. Implementation Plan for Affordable Housing Action Plan Referrals

**From: City Manager**

**Recommendation:** Adopt the attached interdepartmental implementation plan for Affordable Housing Action Plan referrals.

**Financial Implications:** None

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400, and Timothy Burroughs, Planning and Development, 981-7400

**Action:** M/S/C (Worthington/Arreguin) to accept supplemental material from Mayor Arreguin on Item 26.

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

**Action:** Item held over to November 28, 2017

## Council Action Items

### 27. Referral to the City Manager: Equitable Access to Greenspace

**From: Councilmembers Bartlett and Harrison**

**Recommendation:** Refer to the City Manager to explore developing a plan for increasing Equitable Access to Greenspace in Berkeley.

**Financial Implications:** Staff time

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

**Action:** Moved to Consent Calendar. Councilmember Droste added as a co-sponsor. Approved recommendation as amended below.

*Refer to the City Manager to explore developing a plan for increasing Equitable Access to Greenspace in Berkeley.*

*Future parks and greenspace investments should be targeted at reducing disparities in access to greenspace. Criteria to consider should include:*

- *Geographical distance and square footage of available greenspace*
- *Income levels of area residents, which may impact their ability to afford non-public facilities and/or transportation to green spaces*
- *The proportion of youth, seniors and disabled people unable to travel to more distant facilities*

*The City may utilize recommendations from the report "Berkeley Parks Planning for an Equitable Future" produced by the Parks and Waterfront Commission's Subcommittee on Planning.*

*The City should also consider the work of San Francisco's Green Connections (see <http://sf-planning.org/green-connections>) which promotes the presence and attractiveness of walking and bike paths to green spaces in order to encourage their use.*

*The City should investigate strategies for expanding park capacity including assessing prime areas for developing new parks and greenspaces, such as in the Adeline Corridor and Santa Fe ROW. The Adeline Corridor Plan must consider and account for increasing greenspace in the Southeast Quadrant of Berkeley, and explore innovative ways for integrating greenspace into our urban environment.*

*To implement these recommendations, the City should explore public private funding partnerships as well as community partnerships with Berkeley residents, community organizations, and local businesses. The City should also explore development foundations, and bonds for supporting further investment in parks and greenspaces*

*Elements of the plan can include the following items:*

- *Purchasing vacant lots to use as parks*
- *Developing urban farms*
- *Developing community gardens*
- *Planting trees in streets and yards*
- *Building publicly accessible eco-roofs, increasing education and outreach to developers and private citizens regarding eco-roofs, and incorporating incentives for eco-roofs into the planning process*
- *Integrating street planters into sidewalks*



## Council Action Items

- 28. Discussion on and Decision Regarding the Relocation of Council Chambers from 2134 Martin Luther King, Jr. Way**  
**From: Councilmembers Worthington and Davila**  
**Recommendation:** That the Council discusses and makes a decision to provide direction regarding the relocation of the Council Chambers from its current location at 2134 Martin Luther King, Jr. Way.  
**Financial Implications:** See report  
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, Bartlett, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Wengraf.
- Councilmember Wengraf absent 10:57 p.m. – 11:55 p.m.
- Action:** M/S/C (Hahn/Droste) to suspend the rules and extend the meeting to 11:45 p.m.  
**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Droste, Arreguin; Noes – None; Abstain – Worthington; Absent – Davila, Wengraf.
- Action:** M/S/C (Droste/Hahn) to suspend the rules and extend the meeting to 11:55 p.m.  
**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Droste, Arreguin; Noes – None; Abstain – Worthington; Absent – Davila, Wengraf.
- Action:** 3 speakers. M/S/C (Droste/Maio) to enter into a final negotiation attempt with BUSD for use of the Board Room and report to the City Council by November 28, 2017.  
**Vote:** Ayes – Bartlett, Harrison, Hahn, Worthington, Arreguin; Noes – None; Abstain – Maio, Droste; Absent – Davila, Wengraf.
- Action:** 3 speakers. M/S/C (Droste/Maio) to state the intent of the City Council to allocate the funds for a council chambers at 1011 University and also the intent to return to Old City Hall when the current chambers has been renovated and seismically retrofitted.  
**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Droste, Arreguin; Noes – Worthington; Abstain – None; Absent – Davila, Wengraf.
- 29. \*\*\*Removed from Agenda by Councilmember Worthington\*\*\* Primate Protection Ordinance**  
**From: Councilmember Worthington**  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

## Council Action Items

### 30. Changes to Labor Commission

**From: Councilmembers Droste and Wengraf**

**Recommendation:** Amend Berkeley Municipal Code 3.62.090 to add a provision to allow employees and business owners who live outside of Berkeley to serve on the Labor Commission.

**Financial Implications:** Minimal

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

**Action:** Item removed from the agenda by Councilmember Droste.

## Information Calendar

### 31. League of California Cities 2017 Annual Conference Report

**From: Councilmember Hahn**

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

**Action:** Received and filed.

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

## Adjournment

Adjourned at 11:55 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of November 14, 2017 as approved by the Berkeley City Council.

---

Mark Numainville, City Clerk

## Communications

### 2016 Berkeley Elections

1. Thomas Hodgman / Mark Numainville

### Protecting Iconic Views

2. Tree Fitzpatrick / Sophie Hahn

### Little Houses for Homeless

3. Avram Gur Arye (2)

### Planning Commission Concerns

4. Diego Aguilar-Canabal / Sophie Hahn

### Link to Video / Articles

5. Donald Goldmacher (3)

### Parking Issue

6. Matthew Coleman / Jacquelyn McCormick

## Communications

### Homeless Encampments

7. Rebecca Weinstein / Jacquelyn McCormick
8. Pedro Alvarez Jr. / Linda Maio
9. Diana Bohn
10. Tom Luce
11. Sally Nelson
12. Osha Neumann
13. Phoebe Sorgen
14. Sally Hindman
15. East Bay for Everyone

### Planning Director Selection

16. James Peterson, Marcia Poole, Eric Friedman, Charlene Woodcock, Lisa Tucker

### Ohlone Greenway / Cedar Street

17. Richard Wolter

### Fundraiser

18. Barbara Brust

### Cannabis Use

19. Don Duncan

### 2527 San Pablo Avenue

20. Maria Rosa Keys

### Drones

21. Gina Rieger

### Civic Center T1 Planning Process

22. John Caner

### Air Pollution Monitors

23. David Lerman

### Cannabis Smoke

24. Steven Schuyler

### Family Leave Act

25. Kasra Kamooneh

### Poem

26. JP Massar

### Cancellation Notice

27. W.B.C.

### Notice of Apparent Lawful Rent Ceiling

28. W.B.C.

### Rent Validation Report

29. W.B.C.

### Notice to New Tenants

30. W.B.C.

## Supplemental Communications and Reports 1

**Item 19: Require City Council Approval of Any Proposed Acquisition of Material from the Department of Defense 1033 Program and Request Report and Related Documentation of Material Transferred**

31. Revised materials, submitted by Councilmember Harrison

**Item 22: ZAB Appeal: 2777 Shattuck Avenue**

32. Jane Kitchel

**Item 24: Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms**

33. Revised materials, submitted by Councilmember Worthington

**Item 25: Referral to Police Review Commission to Write a Charter Amendment Ballot Measure**

34. Diana Bohn

**Item 29: \*\*\*Removed from Agenda by Councilmember Worthington\*\*\* Primate Protection Ordinance**

35. Michael Colbruno, on behalf of the East Bay Animal PAC

**Item 30: Changes to Labor Commission**

36. Revised materials, submitted by Councilmember Droste

## Supplemental Communications and Reports 2

**Item 15: Bilingual Helpdesk at California International Airports**

37. Revised materials, submitted by Councilmember Davila

**Item 19: Require City Council Approval of Any Proposed Acquisition of Material from the Department of Defense 1033 Program and Request Report and Related Documentation of Material Transferred**

38. Revised materials, submitted by Councilmember Harrison

39. Phoebe Sorgen

40. David Welsh

41. Christine Schwartz

**Item 21: City Manager Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures**

42. Revised materials, submitted by Councilmember Worthington

**Item 22: ZAB Appeal: 2777 Shattuck Avenue**

43. Andrew Sabey, on behalf of Berkeley Honda

**Item 23: Ohlone Park Bench Plaque in Memoriam**

44. Revised materials, submitted by Mayor Arreguin

**Item 24: Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms**

45. Supplemental materials, submitted by Councilmember Hahn

46. Mansour Id-Deen, on behalf of the Berkeley NAACP

47. Associated Students of the University of California, External Affairs

## Supplemental Communications and Reports 2

### **Item 25: Referral to Police Review Commission to Write a Charter Amendment Ballot Measure**

48. Revised materials, submitted by Councilmember Worthington

### **Item 27: Referral to the City Manager: Equitable Access to Greenspace**

49. Revised materials, submitted by Councilmember Bartlett

## Supplemental Communications and Reports 3

### **Item 22: ZAB Appeal: 2777 Shattuck Avenue**

50. Presentation, submitted by Planning & Development

51. Unknown (2)

### **Item 26: Implementation Plan for Affordable Housing Action Plan Referrals**

52. Supplemental materials, submitted by Mayor Arreguin

### **Item 28: Discussion on and Decision Regarding the Relocation of Council Chambers from 2134 Martin Luther King, Jr. Way**

53. Presentation, submitted by Public Works

### **Winter Shelter Plans**

54. Homeless Commission

### **South Branch Library Event**

55. Unknown

### **Berkeley Historical Plaque Project**

56. Unknown

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**MONDAY, NOVEMBER 27, 2017**

**4:00 P.M.**

**2180 Milvia Street, Berkeley, CA – Cypress Room, 1<sup>st</sup> 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:** 4:05 p.m.

**Present:** Councilmembers Bartlett, Davila, Droste, Hahn, Harrison, Worthington and Mayor Arreguin.

**Absent:** Councilmembers Maio and Wengraf.

**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 REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property address: 1231 Addison Street, Berkeley, CA  
Agency Negotiators: Dee Williams-Ridley, City Manager  
Jovan Grogan, Deputy City Manager  
Mark Numainville, City Clerk  
Negotiating parties: City of Berkeley, 2180 Milvia Street, Berkeley, CA  
Building Owner – Berkeley Unified School District, 2020 Bonar Street, Berkeley  
Under negotiation: Price and terms

**Action:** No reportable action.

**OPEN SESSION:**

No reportable action.

**Adjournment**

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

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

Adjourned at 5:18 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of November 27, 2017.

---

Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, November 28, 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:** 6:04 p.m.

**Present:** Bartlett, Davila, Droste, Hahn, Harrison, Worthington and Mayor Arreguin.

**Absent:** Councilmembers Maio and Wengraf.

**Ceremonial Matters:**

1. Recognition of Tom Kelly
2. Recognition of Berkeley Humane
3. Recognition of Berkeley Fire Department/Berkeley Police Department Responders to North Bay Fires

**City Auditor Comments:**

1. The Auditor highlighted the importance of funding the reserves in light of pension liabilities and possible economic slowdowns. The Auditor also provided an update on the Measure GG audit report.

**City Manager Comments:**

1. Planning Department Open House – 12/6 from 3:00 - 6:00 p.m. at 1947 Center Street
2. Grove Park Reopening – 12/2 at 11:00 a.m. – 1:00 p.m.
3. Live Oak Holiday Tots Carnival – 12/2 at 10:00 a.m. – 2:30 p.m. at Live Oak Recreation Center
4. Winter on the Waterfront – 12/9 at 1:00 p.m. – 6:30 p.m. at the Berkeley Yacht Club

**Public Comment on Non-Agenda Matters:** 8 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 4 speakers.



## Consent Calendar

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

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

**1. Minutes for Approval**

**From:** City Manager

**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).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved minutes as submitted.

**2. Amendment: FY 2018 Annual Appropriations Ordinance**

**From:** City Manager

**Recommendation:** Adopt first reading of an Ordinance 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 authorized since July 1, 2017, in the amount of \$89,531,404 (gross) and \$73,807,317 (net).

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** Moved to Action Calendar. 4 speakers. M/S/C (Arreguin/Droste) to hold the item over to December 5, 2017 (including the supplemental from Councilmember Worthington) and amend the ordinance to remove any references to a specific address for the council chambers allocation.

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

**3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 28, 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 - \$9,160,000

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

## Consent Calendar

- 4. Purchase Orders: Interior Motions; Using U.S. Communities Government Purchasing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to provide spending authority for the purchase of Herman Miller, Inc. Office Products and related services from Interior Motions, utilizing pricing and contracts from the U.S. Communities Government Purchasing Alliance (U.S. Communities) for the Fiscal Year 2018 period of July 1, 2017 through June 30, 2018 for an amount not to exceed \$200,000.  
**Financial Implications:** Various Funds - \$200,000  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,230–N.S.
- 5. Revenue Agreement: Alameda County Behavioral Health Care Services for Mental Health Services for Transition Age Youth**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a revenue agreement with Alameda County Behavioral Health Care Services, and any amendments thereto, for outpatient mental health services to transition age youth in the amount of \$604,971 for the term July 1, 2017 through June 30, 2018, and approving the designations as listed on the Alameda County Health Care Services CBO Community Agency Contract Signature Authorization form.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,231–N.S.
- 6. Revenue Grant Agreement: Funding Support from the California Department of Public Health**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to California Department of Public Health (California Healthcare, Research and Prevention Tobacco Tax Act of 2016 – Prop 56), Oral Health Program, to accept the grant, execute any resultant revenue agreement and amendments, and implement the project and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the following revenue agreement: California Department of Public Health, Oral Health Program, in the projected amount of \$173,408 annually for Fiscal Years 2018, 2019, 2020, 2021, and 2022.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,232–N.S.

## Consent Calendar

7. **Audit Report: Measure GG: Fiscal Year 2016 Non-Personnel Expenditures Aligned with Taxpayer Intent**  
**From: Auditor**  
**Recommendation:** Request that the City Manager report back by May 29, 2018, and every six months thereafter, regarding the status of recommendations until reported fully implemented.  
**Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Recommendation approved.

## Council Consent Items

8. **Alternate to City/UC/Student Relations Committee**  
**From: Mayor Arreguin and Councilmember Worthington**  
**Recommendation:** Adopt a Resolution appointing Mayor Arreguin as the alternate to the City/UC/Student Relations Committee.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,233–N.S.
9. **Excused Absence for Councilmember Susan Wengraf**  
**From: Mayor Arreguin**  
**Recommendation:** Excuse Councilmember Susan Wengraf from the November 28, 2017 Council meeting as a result of attending City business.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Recommendation approved.
10. **Inaugural Resiliency Fair: 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 \$250 per Councilmember, including \$250 from Mayor Jesse Arreguín, to the Berkeley Adult School. Funds will be relinquished to the City's General Fund for this purpose from the discretionary Office Budgets of Mayor Jesse Arreguín and any Councilmembers who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Funds - \$250  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,234–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$100; Councilmember Hahn - \$150; Councilmember Davila - \$75; Mayor Arreguin - \$250; Councilmember Bartlett - \$150.

## Council Consent Items

- 11. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a two-year term ending on January 1, 2020.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,235–N.S.
- 12. Budget Referral: Funding a Pedestrian-Activated Crosswalk Across Cedar on the Ohlone Greenway at Cedar Rose Park**  
**From: Councilmember Maio**  
**Recommendation:** Refer to the budget process the funding of pedestrian-activated crosswalk across Cedar on the Ohlone Greenway at Cedar Rose Park.  
**Financial Implications:** \$100,000  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Recommendation approved.
- 13. Opposition to H.R. 38 and S. 446 (Concealed Carry Reciprocity)**  
**From: Councilmembers Maio, Wengraf, Hahn, and Davila**  
**Recommendation:** Adopt a Resolution expressing the City of Berkeley's strong opposition to H.R. 38, the Concealed Carry Reciprocity Act of 2017, and S. 446, the Constitutional Concealed Carry Reciprocity Act of 2017, which would force every state to recognize concealed carry permits by every other state, regardless of the permitting standards, or lack thereof, of that state.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 68,236–N.S.
- 14. Consider The Homeless: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to Consider The Homeless! (CTH), for their 3rd Anniversary, Matinee Movie and Fundraiser presenting the Berkeley Premiere of the film "QUEEN MIMI" on December 3, 2017, with funds relinquished to the City's General Fund for the purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$150  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,237–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$150; Councilmember Hahn - \$150; Councilmember Bartlett - \$100; Mayor Arreguin - \$150.

## Council Consent Items

- 15. Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services**  
**From: Councilmember Bartlett**  
**Recommendation:** Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Councilmembers Hahn and Harrison added as co-sponsors.  
Recommendation approved as amended in Supplemental Reports Packet #2 to add that the plan may include other measures as determined by the Commission and the City Manager.
- 16. Resilient Shoreline Program of Citizens for East Shore Parks**  
**From: Councilmembers Bartlett and Harrison**  
**Recommendation:** Adopt a Resolution authorizing the expenditure of \$250 from Councilmember Bartlett's expense account to Support the Resilient Shoreline Program of Citizens for East Shore Parks.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$250  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 68,238–N.S.
- 17. Letter to PG&E Regarding Maintenance**  
**From: Councilmember Wengraf, Councilmember Hahn, Mayor Arreguin**  
**Recommendation:** Approve a letter to PG&E urging them to maintain the foliage around their powerlines so that there is no conflict between lines and foliage. This request complies with existing standards and aides fire prevention.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Councilmember Droste added as a co-sponsor. Recommendation approved.
- 18. Endorsement of the 2018 Affordable Housing Act State Ballot Initiative**  
**From: Councilmembers Worthington, Harrison, and Bartlett**  
**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:** Councilmember Davila added as a co-sponsor. Item held over to December 19, 2017.

## Council Consent Items

19. **Opposition to the Repealing of SB 1**  
**From: Councilmembers Worthington and Hahn**  
**Recommendation:** That the City Council oppose the 2018 Initiative and Referendum that advocate for the repealing of SB 1 which ensures funding for state and local transportation projects.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Recommendation approved.
20. **Support for the 2018 ACA 5 State Ballot Measure**  
**From: Councilmember Worthington**  
**Recommendation:** That the City Council endorses the 2018 ACA 5 State ballot measure and encourages citizens to support it, for the ballot measure would ensure that taxes on motor vehicles will be directed towards funding transportation-related projects.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmembers Davila and Harrison added as co-sponsors. Recommendation approved.

### Action Calendar – Old Business

21. **Referral Response: Bi-Annual Housing Pipeline Report** *(Continued from October 31, 2017. Item contains revised materials.)*  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** 4 speakers. M/S/C (Harrison/Davila) to refer to the City Manager the following requests for future Pipeline Reports:
1. Utilize a tabular format for data similar to the table in the supplemental materials
  2. Include buildings under five units in the report
  3. Include data on ADUs in the report
  4. Issue the report annually, not semi-annually
  5. Show the data by Council District
  6. Include information regarding how much each project paid in Affordable Housing Mitigation Fees
  7. Include data on inclusionary units provided in each project
- Vote:** Ayes – Bartlett, Davila, Hahn, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio, Wengraf.

Recess 8:15 p.m. – 8:31 p.m.

## Action Calendar – Old Business

22. **Implementation Plan for Affordable Housing Action Plan Referrals** *(Continued from November 14, 2017. Item contains revised materials.)*

**From: City Manager**

**Recommendation:** Adopt the attached interdepartmental implementation plan for Affordable Housing Action Plan referrals.

**Financial Implications:** None

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400, and Timothy Burroughs, Planning and Development, 981-7400

**Action:** On the severed portion to include density standards.

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

**Action:** On the severed portion regarding the California Construction Cost Index.

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

**Action:** 3 speakers. M/S/C (Arreguin/Davila) to Approve the following priority order for Affordable Housing Action Plan referrals, and adopt the interdepartmental implementation plan as revised:

### High Priority

1. Develop a Small Sites Program to assist non-profits in acquiring multi-unit properties of 25 units or less. Consider giving priority to the creation of limited and non-equity cooperatives affiliated with a democratic community land trust. Consider master leasing as a mechanism for managing distinct, smaller properties.
2. Develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act (TOPA) that offers existing tenants in multi-unit properties of three units or more the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider.
3. A) Draft an ordinance creating a pilot Density Bonus policy for the Telegraph Commercial District to grant additional density for projects in the Telegraph area which pay Affordable Housing Fees in lieu of units on-site. B) Study the creation of a new City Density Bonus plan to allow developers of multi-family housing to add up to 15% more density in exchange for fees only.
4. Examine and eliminate barriers to developing student housing and senior housing.
5. Create specific per acre density standards, including standards for projects that include density bonus units.
6. Develop enforcement tools for Short-Term Rental Ordinance and Section 8 Non-Discrimination Ordinance (BMC Chapter 13.31, "Discrimination based on source of income prohibited"). Request that the City Manager direct staff to draft a fine schedule for violations of the short-term rental ordinance for multi-unit properties with multiple units used as STRs that are out of compliance with the host ordinance, including fines for when non-owner/tenant occupied dwelling units are made available for short-term rentals (from June 9, 2015 STR referral).
7. Refer to the City Manager and Planning Commission, and/or Housing Advisory Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within 1/2 mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction, and other forms of displacement as defined by Council.

## Action Calendar – Old Business

8. Increase commercial linkage fee by California Construction Cost Index CCCI.
9. Identify Parcels of City owned land appropriate for siting assisted-living modular micro-unit buildings; take affirmative steps to speed the permitting and approvals process; obtain zoning approval and a building permit and approvals process for the creation of below market housing; identify a housing non-profit to be responsible for managing and operating the building; and establish criteria for selecting individuals and determining eligibility.
10. Utilize list of city properties developed by city staff and further examine opportunities for placing affordable housing on these sites.
11. Investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and other school district employees. The investigation should include research into what other California jurisdictions (such as San Francisco, Oakland, Santa Clara, and San Mateo County) are considering as part of their pursuit of School District workforce housing.
12. a) Streamline the Affordable Housing Permitting process for Projects with majority of Affordable Housing (50% affordable units or more, Worthington referral 1/19/16); b) Remove Structural barriers to Affordable Housing (Green Affordable Housing Package Policy #2, Droste); c) waive or reduce permit fees for affordable housing projects (Hahn), including previously adopted streamlining measures from 2017.
13. Examine and eliminate barriers to building and renting Accessory Dwelling Units.
14. Develop Measure U1 Priorities and Implementation Criteria. Include consideration of ability to leverage funds and placing a measure on the November 2018 ballot to allow possible bonding against revenues.
15. Establish a City maintained online resource that would provide a brief overview of the history and purpose of Below Market Rate (BMR) units, a current list of all buildings that contain BMR units and the characteristics of the units, the percent of median income qualification levels for the units, the HUD published income guidelines for percentage of median and family size, the property owner, rental agent, and/or management company contact information, and other relevant information that would be helpful to potential renters of BMR units. The City shall update the information as more units become available, and quarterly, to ensure that information is current.

### Medium Priority

16. Impose fees when multifamily properties are destroyed due to fault of property owner (Demolition ordinance, RHSP, Relocation fees, fines).
17. Green Affordable Housing Package policy #1: Prioritize housing over parking in new developments. Reduce parking in R-4.
18. Amend Zoning code to allow housing and other non-commercial uses on the ground floor.
19. To encourage landlords to accept Section 8 and Shelter + Care vouchers study a program that is intended to encourage rehabilitation of substandard units that could be leased to recipients of Section 8 and Shelter + Care vouchers. Possible assistance that the City could provide including: creating a list of qualified, efficient, and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code.
20. Collaborate with Berkeley Housing Authority Board to invest capital funds from sale of the public housing for more affordable housing (Longer term referral).
21. To encourage landlords to accept Section 8 and Shelter + Care vouchers: identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords.
22. Establish Office of Anti-Displacement, and hire Anti-Displacement Advocate (non-city funded position).



## Action Calendar – Old Business

23. Provide housing counseling and legal services for Berkeley's low-income, elderly or disabled distressed homeowners.

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

## Action Calendar – New Business

### 23. FY 2017 Year-End Results and FY 2018 First Quarter Budget Update

**From:** City Manager

**Recommendation:** 1. Adopt a Resolution allocating the General Fund excess equity as follows: \$1,930,415 to the General Fund Stability Reserve, \$1,579,430 to the General Fund Catastrophic Reserve and incorporate additional allocations as amended by subsequent Council action. 2. Discuss and determine funding allocations based on the Mayor's June 27, 2017, revised amendments to the FY 2018 & FY 2019 Biennial Budget and as amended by subsequent Council action.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** 3 speakers. M/S/C (Worthington/Arreguin) to continue the item to December 5, 2017 and include the allocations from Mayor Arreguin in Supplemental Reports Packet #2 including a new resolution for the allocation to Dorothy Day House.

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

### 24a. Recommendation for Audit and Legal Review of Measure GG Expenditures with Attention to Allocation of Measure GG Funds for Fire Department Overtime

**From:** Disaster and Fire Safety Commission

**Recommendation:** We recommend that City Council request from the City Auditor an audit of Measure GG expenditures specifically regarding the allocation of Measure GG funds for Fire Department overtime pay. We additionally suggest a legal review by the City Attorney to determine if the decreasing budget for Fire Department overtime in the General Fund and the coordinated increase of Measure GG funds allocated to overtime pay is in compliance with Measure GG and State and Federal laws, and to provide corrective guidance if it is not.

**Financial Implications:** See report

Contact: Keith May, Commission Secretary, 981-3473

## Action Calendar – New Business

**24b. Companion Report: Recommendation for Audit and Legal Review of Measure GG Expenditures with Attention to Allocation of Measure GG Funds for Fire Department Overtime**

**From: City Manager**

**Recommendation:** The City Manager agrees to have the City Attorney conduct a legal review of appropriate use of Measure GG funds. Also, refer to the budget process the allocation of General Fund and Measure GG funds to Fire Department overtime costs.

**Financial Implications:** None

Contact: David Brannigan, Fire, 981-3473

**Action:** Item 24a moved to Consent Calendar. Approved recommendation as revised in Supplemental Reports Packet #2 as written below.

*We recommend that the City Manager make available an analysis of Measure GG by the City Attorney and when the new FUND\$ payroll system is in place, audit all use of overtime at the Berkeley Fire Department from both fiscal and Human Resources perspectives.*

### Council Action Items

**25. 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:** 1. Temporary Authorization to allow existing Berkeley cannabis businesses to apply for state cannabis permits to expand their existing medical cannabis activities to include adult use. Temporary permission will expire once Berkeley establishes comprehensive policies.

2. Adopt first reading of an Ordinance to amend BMC 12.27 to allow existing Berkeley licensed medical cannabis businesses into the new state adult use regulation and taxation system.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7582-N.S. amended to remove the word "Collectives" from the title of Section 12.27.130 and to remove "The seven duly registered residential collectives," from the first sentence of paragraph F. Second reading scheduled for December 19, 2017.

## Council Action Items

### 26. Ministerial Approval of Zoning-Compliant Affordable Housing

**From: Councilmembers Droste and Bartlett**

**Recommendation:** Refer to the City Manager to amend the zoning ordinance to allow ministerial approval of zoning-compliant affordable housing with design review conducted by staff. “Affordable housing” should be defined as a project provided by one of the region’s nonprofit affordable housing developers (SAHA, Bridge, RCD, etc.).

**Financial Implications:** See report

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

**Action:** Item held over to December 5, 2017 including Supplemental materials from Councilmember Worthington, revised materials from Councilmember Droste, and additional supplemental material submitted by Councilmembers Harrison and Hahn.

## Information Reports

### 27. Annual Investment Report: Fiscal Year Ended June 30, 2017

**From: City Manager**

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Received and filed.

### 28. Condominium Conversion Program – Annual Report

**From: City Manager**

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

**Action:** Received and filed.

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

## Adjournment in memory of:

**Action:** M/S/C (Hahn/Bartlett) to adjourn the meeting in memory of:

1. Houston Smith, UC Berkeley Professor
2. George Williams, City Planning Commissioner
3. Mark Hendrix, Disability Rights Activist
4. Jimi Hendrix, Musician (Recognition of his 75<sup>th</sup> birthday)

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

Councilmember Droste absent 10:08 p.m. – 10:10 p.m.

Adjourned at 10:10 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of April 25, 2017 as approved by the Berkeley City Council.

---

Mark Numainville, City Clerk

## **Communications**

### **Item 14: Consider The Homeless: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

1. Barbara Brust

### **Item 21: Referral Response: Bi-Annual Housing Pipeline Report**

2. Robert Lauriston

### **Item 25: 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**

3. Bianca Blesching

### **2527 San Pablo Avenue**

4. Penelope Cooper
5. Bette Flushman

### **Intersection Safety**

6. Steven Schuyler

### **Racial Disparity/Use of Force**

7. Moni Law
8. W.B.C.

### **Hepatitis A Outbreak**

9. Community Health Commission
10. Margy Wilkinson

### **Homeless Encampments**

11. Diana Bohn
12. Margy Wilkinson
13. David Lerman (3)
14. Blair Beekman

### **Planning Director Search**

15. Eugene Turitz
16. Wanda Warkentin

### **Wearable Body Cameras**

17. Tracy Rosenberg

### **Suggestions for Homelessness Court Order Response**

18. The Suitcase Clinic Advocacy Task Force Leaders

## Supplemental Communications and Reports 1

### **Item 2: Amendment: FY 2018 Annual Appropriations Ordinance**

19. Supplemental materials, Councilmember Worthington

### **Item 21: Referral Response: Bi-Annual Housing Pipeline Report**

20. Supplemental materials, submitted by Councilmember Harrison

### **Item 25: 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**

21. Cannabis Commission

### **Item 26: Ministerial Approval of Zoning-Compliant Affordable Housing**

22. Supplemental materials, Councilmember Worthington

## Supplemental Communications and Reports 2

### **Item 12: Budget Referral: Funding a Pedestrian-Activated Crosswalk Across Cedar on the Ohlone Greenway at Cedar Rose Park**

23. Mark Maslow

### **Item 14: Consider The Homeless: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

24. Barbara Brust

### **Item 15: Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services**

25. Supplemental materials, submitted by Councilmembers Hahn and Harrison

### **Item 22: Implementation Plan for Affordable Housing Action Plan Referrals**

26. Supplemental materials, submitted by Mayor Arreguin and Councilmember Harrison

### **Item 23: FY 2017 Year-End Results and FY 2018 First Quarter Budget Update**

27. Supplemental materials, submitted by Mayor Arreguin

28. Ann-Marie Hogan

29. Linda Franklin

30. Cindy Shamban

31. Sally Nelson

32. Homeless Commission

### **Item 24a: Recommendation for Audit and Legal Review of Measure GG Expenditures with Attention to Allocation of Measure GG Funds for Fire Department Overtime**

33. Supplemental materials, submitted by Councilmembers Hahn and Harrison

### **Item 26: Ministerial Approval of Zoning-Compliant Affordable Housing**

34. Revised materials, submitted by Councilmember Droste

35. Supplemental materials, submitted by Councilmembers Harrison and Hahn

36. East Bay for Everyone

### **Supplemental Communications and Reports 3**

**Item 10: Inaugural Resiliency Fair: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

37. Berkeley Times

**Item 14: Consider The Homeless: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

38. Unknown

**Item 21: Referral Response: Bi-Annual Housing Pipeline Report**

39. Presentation, submitted by Planning & Development

**Item 23: FY 2017 Year-End Results and FY 2018 First Quarter Budget Update**

40. Maulin Chokshi