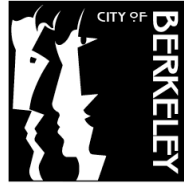


REVISED AGENDA
(ADDED CONTINUED ITEMS FROM JANUARY 23, 2018)



BERKELEY CITY COUNCIL MEETING

Tuesday, January 30, 2018

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.*

1. Proclamation recognizing Ruth Gendler
2. Proclamation recognizing Harriet Tubman Tenants Council
3. Proclamation recognizing Pizza Lover Month

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. Referral Response: City Council Rules of Procedure and Order From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter III, Section C and Chapter III, Section E to authorize the Agenda Committee to reorder the agenda as needed, and rescinding any preceding amendatory resolutions.

Financial Implications: None

Contact: Dee Williams-Ridley, City Manager, 981-7000

2. Contract No. 8949C Amendment: Intermedix for Ambulance Billing Services From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8949C with Intermedix, extending the contract from March 31, 2018 to June 30, 2018 and increasing the contract amount by \$189,000, for a total amended amount not to exceed \$1,389,000, to provide ambulance billing services.

Financial Implications: General Fund - \$189,000

Contact: David Brannigan, Fire, 981-3473

Consent Calendar

- 3. Appointment of Health Officer**
From: City Manager
Recommendation: Adopt a Resolution to appoint Lisa B. Hernandez, M.D. as the Health Officer for the City of Berkeley.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
- 4. Designating City's Labor Negotiator under Govt. Code Section 54957.6**
From: City Manager
Recommendation: Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in closed sessions with the City Council to discuss labor negotiations with certain unions and rescinding Resolution No. 67,803-N.S.
Financial Implications: None
Contact: Margarita Zamora, Human Resources, 981-6800
- 5. Contract: Third Wave Corporation for ERP Replacement Project's Enterprise Modules Needs Assessment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Third Wave Corporation for ERP Replacement Project: Enterprise Modules Needs Assessment, for a total not to exceed \$400,000 from February 15, 2018 to June 30, 2020.
Financial Implications: FUND\$ Replacement Fund - \$400,000
Contact: Savita Chaudhary, Information Technology, 981-6500
- 6. Grant Application: Land and Water Conservation Fund – San Pablo Park Restroom Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the federal Land and Water Conservation Fund (LWCF) in an amount not to exceed 50% of the San Pablo Park Restroom Renovation total project cost of \$450,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Council Consent Items

- 7. Immediate Measures to Address Fire Safety and Prevention**
From: Councilmembers Hahn, Wengraf, and Harrison
Recommendation: Refer to the City Manager to study and evaluate, in consultation with relevant Commissions, the following fire safety and prevention measures on a priority basis. After study and evaluation, implement or, where additional resources may be required, recommend implementation and sources of funding. 1. Complete the Berkeley Fire Department's comprehensive Evacuation Plan and publicize evacuation routes and protocols on a priority basis. 2. Increase outreach efforts to sign up residents for the Alameda County Emergency Alert program. 3. Review and update the City's existing Fire Safety ordinances, including BMC 12.50 Fire Inspection Program. 4. Consider implementation of a siren warning system, similar to Oakland's Emergency Siren system. 5. Review and, as necessary, strengthen coordination and communication with Oakland, East Bay Regional Parks (EBRP), Alameda County, Contra Costa and other neighboring Fire Department and emergency response service providers. 6. Expand programs and practices to reduce fire hazards and fuel loads and ensure clearance for utility lines on both public and private property as outlined in the report.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 8. Request that the City Manager Write a Letter to Navigation Service Providers to Help Mitigate Increased Neighborhood Traffic Volume and Unsafe Driving**
From: Councilmembers Wengraf, Maio, Droste, and Mayor Arreguin
Recommendation: Request that the City Manager write a letter to navigation service providers such as Waze, Google, and Apple, reporting that their apps have led to an inappropriate increase in traffic volumes and speeds on many local residential streets, and requesting specific adjustments to assumptions that guide their algorithms. The goal of the letter is to help mitigate increased traffic volume on neighborhood streets and unsafe driving in the City of Berkeley.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
- 9. Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding Streams for Student Housing**
From: Councilmembers Worthington and Bartlett
Recommendation: Referral to the City Manager & the Housing Commission to consider creating a dedicated revenue stream from campus area projects to fund housing for homeless and extremely low income students, and drafting a letter encouraging exploration of University funding streams for student housing.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

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 – Continued Business

- Aa. Proposed Ordinance: Surveillance Technology Use and Community Safety**
(Continued from January 23, 2018. Item contains supplemental materials.)

From: Police Review Commission

Recommendation: Adopt first reading of an ordinance governing the approval, acquisition, and use of surveillance technology by the City of Berkeley.

Financial Implications: Staff time

Contact: Katherine Lee, Commission Secretary, 981-4950

- Ab. Companion Report: Proposed Ordinance: Surveillance Technology and Community Safety**
(Continued from January 23, 2018)

From: City Manager

Recommendation: Refer this item to the City Council Agenda Committee for scheduling to return to the City Council no later than January 30, 2018 to allow additional time for City staff to resolve differences with the Police Review Commission's recommendations or develop alternative recommendations for the City Council to consider.

Financial Implications: Staff time

Contact: Andrew Greenwood, Police, 981-5900 and David Brannigan, Fire, 981-3473

Action Calendar – Old Business

- 10. Berkeley Way Housing Development Update** (Continued from December 19, 2017)

From: City Manager

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

- 11. Endorsement of the 2018 Affordable Housing Act State Ballot Initiative**
(Continued from December 19, 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 – New Business

12a. Cesar Chavez Off-Leash Dog Park, Limit Number of Dogs Per Person

From: Animal Care Commission

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 10.04, Section 120 (B), Dogs In Public Playgrounds And Parks Prohibited--Impoundment Required—Exception, to change the maximum number of dogs permitted in any “dog park” or “off leash” area set aside and designated as such by the City Council from four (4) dogs to eight (8) dogs per owner/guardian, or per responsible party at any one time.

Financial Implications: See report

Contact: Amelia Funghi, Commission Secretary, 981-6600

12b. Companion Report: Cesar Chavez Off-Leash Dog Park, Limit Number of Dogs Per Person

From: City Manager

Recommendation: Consider requesting a written report from the Parks and Waterfront Commission regarding the number of “off leash” dogs per person at Cesar Chavez Off-Leash Dog Park, prior to considering adoption of the recommendation from the Animal Care Commission.

Financial Implications: None

Contact: Jovan Grogan, City Manager's Office, 981-7000

Council Action Items

13. Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses

From: Mayor Arreguin

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 9.04 to modify the business license tax rate for Non-Medical Cannabis Businesses to \$50/\$1,000 gross receipts (or 5%).

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Council Action Items

14. **Direction and Referral to the City Manager Regarding “Premier Cru” Property From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Maio and Harrison**

Recommendation: 1. Adopt a Resolution re-affirming that the Premier Cru property (Real Property at 1001, 1007 and 1011 University Avenue and at 1925 Ninth Street, collectively) was purchased for and will be used by the City of Berkeley to develop affordable housing. 2. Refer to the City Manager to take the following actions to initiate the process of developing Affordable Housing at Premier Cru, and report back to Council at or before the June 12, 2018 Council Meeting: a. Create a preliminary term sheet outlining the full development potential of the parcel, including maximum allowable parcel buildout with a density bonus, either as a single or two/multi-phased project. Include rough estimates of number of units possible, allowing for a mix of unit sizes from small studios to multi-bedroom family units and space for anticipated on-site services, and demonstrate possible massing options that would maximize height on the San Pablo and other commercial frontages. Explain the status of the historic central building at 1007 University Ave and consider possible use or adaptation that preserves the building and conforms to historic preservation standards. b. Provide an estimated timeline for development of the site. 3. The Berkeley Way Affordable Housing Project is the City’s top affordable housing priority. Premier Cru, as a City property, to be developed for affordable housing falls under the “High Priority” on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to move Premier Cru forward as a High Priority initiative: a. Based on recommendations from Health, Housing and Community Services and other Departments, the Housing Advisory Commission, and on consultation with local affordable housing providers, and taking into consideration requirements and restrictions associated with potential funding sources, create a recommendation or recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in the proposed project or projects. b. Based on the above analyses and recommendations, and on Council direction, develop and issue an RFQ or RFP to affordable housing developers for proposals to develop affordable housing at the site. 4. Provide direction to the City Manager on appropriate interim uses for the property during the planning, funding and approvals process for affordable housing, until the property must be vacated to commence development of affordable housing.

Financial Implications: Staff time

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

Information Reports

15. **Status Report – Performance Audit of the Payroll Audit Division From: Auditor**

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

Public Comment – Items Not Listed on the Agenda

Adjournment in memory of:

1. Victims of the Montecito mudslides

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.

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 January 25, 2018.



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

Berkeley Police

2. Susana Wani and Richard Mansfield
3. Matt Chaney
4. Dale Phillips

Ohlone Park

5. David Lerman

Soup Kitchens / Shelters

6. Avram Gur Arye (2)

NCRIC / UASI / Urban Shield

7. Linda Franklin
8. Cindy Shamban

Save Alta Bates Community Forum

9. S. Omowale Fowles

Harriet Tubman Terrace Concerns

10. Harriet Tubman Tennant Council Steering Committee (3)
11. Jamie Garcia
12. Leonard Berdan

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.