CONSENT CALENDAR
January 23, 2018

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 7, 2017 (special), December 5 (regular), December 7, 2017 (special), December 11, 2017 (special), December 18, 2017 (special closed), and December 19, 2017 (special).

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments:
1. November 7, 2017–Special City Council Meeting
2. December 5, 2017–Regular City Council Meeting
3. December 7, 2017–Special City Council Meeting
4. December 11, 2017–Special City Council Meeting
5. December 18, 2017–Special Closed City Council Meeting
6. December 19, 2017–Special City Council Meeting
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
Tuesday, November 7, 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 – Kris Worthington
District 8 – Lori Droste

Preliminary Matters

Roll Call: 6:08 p.m.
Present: Councilmembers Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Mayor Arreguin.
Absent: None.

Worksession

1. Bi-Annual Report on Measure T1 City Infrastructure Bond Program
   From: City Manager
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700 and Phillip Harrington, Public Works, 981-6300
   Action: Presentation made and discussion held.

2. Parks, Recreation & Waterfront Department Capital Improvement Projects (CIP) Update
   From: City Manager
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
   Action: Presentation made and discussion held.

   Recess 8:04 p.m. – 8:22 p.m.

3. Update on Department of Public Works Capital Improvement Projects
   From: City Manager
   Contact: Phillip Harrington, Public Works, 981-6300
   Action: Presentation made and discussion held.

Public Comment - Items on this agenda only - 11 speakers.

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

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

Councilmember Harrison absent 8:22 p.m. – 9:48 p.m.
Councilmember Bartlett absent 8:22 p.m. – 9:48 p.m.
Councilmember Droste absent 9:17 p.m. – 9:48 p.m.
Councilmember Wengraf absent 9:32 p.m. – 9:48 p.m.

Adjourned at 9:48 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of November 7, 2017.

__________________________________
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Bi-Annual Report on Measure T1 City Infrastructure Bond Program
  1. Susan McKay And Caitlin Brostrom

Supplemental Communications and Reports 3

Item 1: Bi-Annual Report on Measure T1 City Infrastructure Bond Program
  2. Presentation and supplemental materials, submitted by Parks, Recreation and Waterfront and Public Works

Item 2: Parks, Recreation & Waterfront Department Capital Improvement Projects (CIP) Update
  3. Presentation and supplemental materials, submitted by Parks, Recreation and Waterfront

Item 3: Update on Department of Public Works Capital Improvement Projects
  4. Presentation, submitted by Public Works
MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, December 5, 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 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:06 p.m.

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

Absent: Councilmember Bartlett.

Councilmember Bartlett present at 6:08 p.m.

Ceremonial Matters: None

City Auditor Comments:

The City Auditor discussed the importance of ethics policies and values related to the budget items on the agenda and the adequate funding of the reserves. Also, the Auditor mentioned the referral from the Council on the referral list and the proper method for requesting audits.

City Manager Comments:

1. Planning Department Open House – 12/6 from 3:00 p.m. - 6:00 p.m. at 1947 Center Street
2. Winter on the Waterfront – 12/9 at 1:00 p.m. – 6:30 p.m. at the Berkeley Yacht Club
3. Highlights of the interim report on Council referrals and staff progress to date

Public Comment on Non-Agenda Matters: 9 speakers.

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

Consent Calendar

Action: M/S/C (Arreguin/Worthington) to accept supplemental materials from Mayor Arreguin on Item B2.
Vote: All Ayes.
Consent Calendar

Action: M/S/C (Worthington/Wengraf) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

1. **Contract: Access Information Management for Citywide Records Storage Services**  
   From: City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Access Information Management for storage of citywide records for a five-year period beginning June 1, 2018, through May 31, 2023, for a total contract amount not to exceed $300,000.  
   **Financial Implications:** General Fund - $300,000  
   Contact: Mark Numainville, City Clerk, 981-6900  
   **Action:** Adopted Resolution No. 68,239–N.S.

2. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 5, 2017**  
   From: City Manager  
   **Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.  
   **Financial Implications:** Various Funds - $3,291,877  
   Contact: Henry Oyekanmi, Finance, 981-7300  
   **Action:** Approved recommendation.

3. **2018 Delta Dental Plan Rates Renewal**  
   From: City Manager  
   **Recommendation:** Adopt a Resolution approving rates for the Delta Dental Plan that provide a 0.0% increase in dental premiums for calendar year 2018 at a cost of $2,272,000 for all coverage groups effective January 1, 2018 through December 31, 2018; and rescinding Resolution No. 67,305-N.S.  
   **Financial Implications:** See report  
   Contact: Margarita Zamora, Human Resources, 981-6800  
   **Action:** Adopted Resolution No. 68,240–N.S.
4. **2018 Health Plan Rates Renewal**  
   **From:** City Manager  
   **Recommendation:** Adopt two Resolutions:  
   1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: a. 10.66% increase for Kaiser S1 Group #60 (Active Group); b. 10.66% increase for the HSA-Qualified Deductible HMO Plan (Active Group); c. 4.75% increase for Pre-Medicare Eligible Retirees (Retiree Group); and d. 2.83% increase for Post-65 Senior Advantage (Retiree Group); and  
   2. Approving rates for the Sutter Health Plus health plans as follows: a. 5.04% increase for HMO Group (Active Group); and b. 9.13% increase for Pre-Medicare HMO Group (Retiree Group).  
   The health plan premium rates will be effective for the period of January 1, 2018 through December 31, 2018.  
   **Financial Implications:** See report  
   **Contact:** Margarita Zamora, Human Resources, 981-6800  
   **Action:** Adopted Resolution No. 68,241–N.S. (Kaiser) and Resolution No. 68,242–N.S. (Sutter).

5. **Contract No. 7911C: The Lipman Company, Inc. for Retiree Health Premium Assistance Plan Administration**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7911C with The Lipman Company, Inc. for administration of the Retiree Health Premium Assistance Plan for eligible retirees, for the period covering January 1, 2018 through December 31, 2019, increasing the amount of the contract by $172,000 for a revised total contract amount not to exceed $1,114,000.  
   **Financial Implications:** Various Retiree Medical Trust Funds - $1,114,000  
   **Contact:** Margarita Zamora, Human Resources, 981-6800  
   **Action:** Adopted Resolution No. 68,243–N.S.

6. **Contract No. 9971 Amendment: Hartford Life and Accident Insurance Company for SRIP II Long-Term Disability Insurance and Basic Life and AD&D Insurance**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9971 with Hartford Life and Accident Insurance Company (hereinafter “Hartford”) to provide Long-Term Disability (LTD) insurance, Basic Life insurance, Supplemental Life insurance, and Accidental Death and Dismemberment (AD&D) insurance for eligible employees for the period covering January 1, 2018 through December 31, 2020, increasing the contract amount by $502,500, for a revised total contract amount not to exceed $1,088,700.  
   **Financial Implications:** Payroll Deduction Trust Fund - $1,088,700  
   **Contact:** Margarita Zamora, Human Resources, 981-6800  
   **Action:** Adopted Resolution No. 68,244–N.S.
Consent Calendar

7. Fee Assessment – State of California Self-Insurance Fund (Workers’ Compensation Program)
   From: City Manager
   **Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2018 for administering the Workers’ Compensation Program, in an amount not to exceed $172,000.
   **Financial Implications:** Workers’ Compensation Fund - $172,000
   Contact: Margarita Zamora, Human Resources, 981-6800
   **Action:** Adopted Resolution No. 68,245–N.S. amended to increase the payment amount to $182,176.60.

8. Side Letter Agreements
   From: City Manager
   **Recommendation:** Adopt three Resolutions authorizing the City Manager to execute and implement a Side Letter Agreement with:
   1. Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association (SEIU Local 1021CSU); and
   2. Public Employees Union Local 1 (PEU Local 1); and
   **Financial Implications:** See report
   Contact: Margarita Zamora, Human Resources, 981-6800
   **Action:** Adopted Resolution No. 68,246–N.S. (1021), Resolution No. 68,247–N.S. (PEU), and Resolution No. 68,248–N.S. (IBEW).

9. Side Letter Agreements – AB 119
   From: City Manager
   **Recommendation:** Adopt four Resolutions authorizing the City Manager to execute and implement a Side Letter Agreement with:
   1. Service Employees International Union Local 1021 Maintenance and Clerical Chapters (SEIU1021MC); and
   2. Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association (SEIU Local 1021CSU/PTRLA); and
   3. Public Employees Union, Local 1 (PEU Local 1); and
   **Financial Implications:** None
   Contact: Margarita Zamora, Human Resources, 981-6800
   Adopted Resolution No. 68,249–N.S. (MC), Resolution No. 68,250–N.S. (PTRLA), Resolution No. 68,251–N.S. (PEU), and Resolution No. 68,252–N.S. (IBEW).
10. **Supplemental Retirement Plan and Berkeley Police Supplemental Retirement Plan Amendments**  
*From: City Manager*  
**Recommendation:** Adopt two Resolutions:  
1. a. Adopting certain amendments to and restatement of the City of Berkeley Supplemental Retirement Plan (SRP) intended to bring the SRP into compliance with technical changes to the Internal Revenue Code and other Federal laws, rules and regulations; b. Adopting a restatement of the SRP that codifies all SRP amendments; and c. Authorizing the City Manager to execute and implement the amendments and restatements; and  
2. a. Adopting certain amendments to and restatements of the Berkeley Police Supplemental Retirement Plan (Police SRP) intended to bring the Police SRP into compliance with the Public Employees’ Pension Reform Act under California law (PEPRA) and with technical changes to the Internal Revenue Code and other Federal laws, rules and regulations; b. Adopting a restatement of the Police SRP that codifies all Police SRP amendments; and c. Authorizing the City Manager to execute and implement the amendments and restatements.  
**Financial Implications:** None  
Contact: Margarita Zamora, Human Resources, 981-6800  
Adopted Resolution No. 68,253–N.S. (COB) and Resolution No. 68,254–N.S. (Police)

11. **Supplementary Retirement and Income Plan I, II, and III; Amending BMC Chapters 4.36, 4.38, and 4.39**  
*From: City Manager*  
**Recommendation:** Adopt first reading of three Ordinances:  
1. Amending Berkeley Municipal Code Chapter 4.36, Supplementary Retirement and Income Plan I (SRIP I) by repealing and reenacting Sections 4.36.103 (Compensation), 4.36.402(A).C (Adjustments on Account of Excessive Credits), 4.36.402(A).D (Code Section 415 Compensation Definition), and 4.36.602 (Time of Distribution); and  
2. Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II (SRIP II) by repealing and reenacting Sections 4.38.103 (Compensation), 4.38.402(A).C (Adjustments on Account of Excessive Credits), 4.38.402(A).D (Code Section 415 Compensation Definition), and 4.38.602 (Time of Distribution); and  
3. Amending Berkeley Municipal Code Chapter 4.39, Supplementary Retirement and Income Plan III (SRIP III) by repealing and reenacting Sections 4.39.403(B) (Adjustments on Account of Excessive Credits), 4.39.403(C) (Code Section 415 Compensation Definition), and 4.39.603 (Distribution of Death Benefits).  
**Financial Implications:** None  
Contact: Margarita Zamora, Human Resources, 981-6800  
Consent Calendar

12. **Contract No. 10036B Amendment: TruePoint Solutions, LLC for Accela Professional Services**
   
   From: City Manager

   **Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10036B with TruePoint Solutions, LLC for professional services, increasing the amount by $200,000, for a total not-to-exceed amount of $341,200, and for the term beginning June 1, 2015 to June 30, 2019.

   **Financial Implications:** Permit Service Center Fund - $200,000
   
   Contact: Savita Chaudhary, Information Technology, 981-6500

   **Action:** Adopted Resolution No. 68,255–N.S.

Council Consent Items

13. **Budget Referral: Funding a Pedestrian-Activated Crosswalk Across University at Grant**
   
   From: Councilmembers Maio and Harrison

   **Recommendation:** Refer to the budget process the funding of pedestrian-activated crosswalk across University Avenue at Grant Street.

   **Financial Implications:** $100,000
   
   Contact: Linda Maio, Councilmember, District 1, 981-7110

   **Action:** Approved recommendation.

14. **Budget Referral: Indigenous Peoples Day Pow Wow Budget Augmentation**
   
   From: Councilmember Maio, Mayor Arreguin, and Councilmember Davila

   **Recommendation:** Budget referral to increase the Indigenous Peoples Day Pow Wow CY 18 stipend from $4,050 to $6,050.

   **Financial Implications:** $2,000
   
   Contact: Linda Maio, Councilmember, District 1, 981-7110

   **Action:** Approved recommendation revised to include that the Council will revisit all allocations and examine the process and criteria for allocations.

15. **Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless**
   
   From: Councilmember Bartlett

   **Recommendation:** Refer to the City Manager’s office to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.

   **Financial Implications:** Staff time
   
   Contact: Ben Bartlett, Councilmember, District 3, 981-7130

   **Action:** Approved recommendation as amended in Supplemental Reports Packet #2 to remove reference to the budget referral and to also refer the item to the Housing Advisory Commission.
Council Consent Items

16. **Budget Priorities for Expenditure of Short-Term Rental Taxes**  
   **From:** Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett  
   **Recommendation:** Adopt a Resolution allocating the revenue collected from short-term rental taxes to programs supporting affordable housing and the arts.  
   **Financial Implications:** See report  
   **Contact:** Kate Harrison, Councilmember, District 4, 981-7140  
   **Action:** Moved to Action Calendar. 7 speakers. M/S/C (Worthington/Wengraf) to hold the item over (including supplemental materials) to December 19, 2017.  
   **Vote:** Ayes – Maio, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Harrison; Absent – Davila, Bartlett.

   Councilmember Davila absent 7:12 p.m. – 7:15 p.m.  
   Councilmember Bartlett absent 7:13 p.m. – 7:15 p.m.

17. **City Manager Referral: Consider CPUC Interconnection Applications**  
   **From:** Councilmember Worthington  
   **Recommendation:** Refer to the City Manager consideration of applying for CPUC interconnection applications.  
   **Financial Implications:** Minimal  
   **Contact:** Kriss Worthington, Councilmember, District 7, 981-7170  
   **Action:** Approved recommendation.

18. **City Manager Referral: Prioritizing New Business Before Old Business at City Council Meetings**  
   **From:** Councilmembers Worthington and Bartlett  
   **Recommendation:** Prioritize new business before old business at City Council Meetings by: 1. Altering the Council rules of procedure as adopted May 24, 2016 so that new business comes before old business. The reformatted section will read “The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, New Business, Old Business); Information Reports; and Communication from the Public”; and 2. Granting explicit authorization to Agenda Committee to move new business backwards or forwards at their discretion by amending section III E of the Rules of Procedure.  
   **Financial Implications:** None  
   **Contact:** Kriss Worthington, Councilmember, District 7, 981-7170  
   **Action:** Moved to Action Calendar. 3 speakers. M/S/C (Maio/Harrison) refer to the City Manager to return to Council with a resolution to amend the Rules of Procedure to authorize the Agenda Committee to re-order the agenda as needed.  
   **Vote:** All Ayes.
Council Consent Items

19. Authorizing that the City Manager Negotiate and Possibly Extend the Terms of the Existing Settlement Agreement Relating to 2501 Haste Street (Berkeley Inn Site) to Prospective Purchasers of the Parcels, Including West Builders
   From: Councilmember Worthington
   Recommendation: Authorize the City Manager to pursue possible extension of an existing settlement agreement relating to 2501 Haste street, (Berkeley Inn site) to apply to prospective purchasers, including West Builders, in order to spur possible development at a vacant and underutilized site.
   Financial Implications: None
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   Action: Approved recommendation.

20. Budget Referral: RFFB Light at Eton Avenue and Claremont Boulevard
   From: Councilmember Droste
   Recommendation: Refer to the budget process a one-time allocation for a Rectangular Rapid Flash Beacon (RFFB) light at Claremont Boulevard and Eton Avenue.
   Financial Implications: $50,000
   Contact: Lori Droste, Councilmember, District 8, 981-7180
   Action: Approved recommendation.

21. Budget Referral: Temporary Staff Position to Support Undergrounding of Utilities
   From: Councilmembers Droste and Wengraf
   Recommendation: Refer to the 2017-18 budget process $200,000 for a temporary staff position to carry out recommendations from, and work with, the Utility Undergrounding Subcommittee of the Public Works Commission.
   Financial Implications: $200,000
   Contact: Lori Droste, Councilmember, District 8, 981-7180
   Action: Moved to Action Calendar. 8 speakers. M/S/C (Worthington/Maio) to approve the recommendation as amended to refer the item to the June 2018 budget process.
   Vote: All Ayes.

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.
Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

22. Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14
From: City Manager
Recommendation: Conduct a public hearing and upon its conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Title 14 Vehicles and Traffic, to authorize metered parking on Telegraph Avenue between Bancroft Way and Dwight Way, and adopt a Resolution supporting the proposed Telegraph Avenue Loading Zone and Customer Parking Pilot Project.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 7 speakers. M/S/C (Maio/Wengraf) to close the public hearing. Vote: All Ayes.

Action: M/S/C (Worthington/Droste) to adopt Ordinance No. 7,586-N.S. as amended in Supplemental Reports Packet #2 to modify the pilot project proposal to designate the former bus stops as additional metered loading zones, which would have lower frequency of vehicles entering and exiting, and consequently less potential impact on bus operations. Second reading scheduled for December 19, 2017. Resolution No. 68,256–N.S. adopted as revised in Supplemental Reports Packet #2 to designate former bus stops as additional metered loading zones.

Recess 8:38 p.m. – 8:58 p.m.
A. **Amendment: FY 2018 Annual Appropriations Ordinance** *(Continued from November 28, 2017)*

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:** 0 speakers. M/S/C (Harrison/Hahn) to adopt Ordinance No. 7,587-N.S. as amended in Supplemental Reports Packet #2 to remove any references to 1011 University Avenue and modify the gross ($94,031,404) and net ($78,307,317) amounts to reflect the changes from the Mayor’s budget in Item B2. Second reading scheduled for December 19, 2017.

**Vote:** All Ayes.

B1. **FY 2017 Year-End Results and FY 2018 First Quarter Budget Update** *(Continued from November 28, 2017)*

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:** 16 speakers. M/S/C (Arreguin/Worthington) to adopt Resolution No. 68,257–N.S. as revised in Supplemental Reports Packet #2 from the City Manager to reflect the Council’s budget allocations.

**Vote:** All Ayes.
B2. **Mayor’s Recommendations for Allocation of Unassigned General Fund Excess Equity (Continued from November 28, 2017)**

From: Mayor Arreguin

**Recommendation:**
1. Approve the proposed allocations in Attachment A of $3,500,000 in Fiscal Year 2017 Unassigned Excess Equity, $1,000,000 in Measure U1 revenues for the Small Sites Program, and $173,531 in funding re-appropriated from the new 1011 University Avenue Council Chambers project.  
2. Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 010577 with Dorothy Day House to add $110,000 to expand the existing Berkeley Emergency Storm Shelter (BESS) and operate a nightly winter shelter for up to 140 nights through April 15, 2018 for a total contract amount not to exceed $181,324.  
3. Direct the City Manager to bring back to Council a proposal to establish an Irrevocable Supplemental Pension Trust and other options as proposed by staff.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** 16 speakers. M/S/C (Arreguin/Wengraf) to adopt recommendations #1 and #3 in Item B2 with the following amendments:

- $150,000 allocation to the reserves reduced to $71,000
- $30,000 allocation approved for the UC Theater
- $49,000 allocation approved for Berkeley Youth Alternatives
- $1,900,000 for Pathways Project
- $60,000 for portable toilets and hand-washing stations
- Allocation for illegal dumping to include measures to discourage illegal dumping
- $200,000 for undergrounding process referred to June 2018 budget process
- Ombudsman for Planning Department referred to June 2018 budget process

**Vote:** All Ayes.
C. **Ministerial Approval of Zoning-Compliant Affordable Housing** *(Continued from November 28, 2017. Item contains revised and supplemental materials.)*

From: Councilmembers Droste and Bartlett, Mayor Arreguin, and Councilmember Worthington

**Recommendation:** Refer to the Planning Commission and City Manager to amend the zoning ordinance by July of 2018 to allow ministerial zoning approval of: Housing projects that receive Housing Trust Fund monies; and/or Housing projects that have more than 50% below market rate (BMR) units with 20% of the BMR units designated for those earning up to 50% AMI (extremely low and very low income earners). Design review will be conducted by staff for the aforementioned projects.

**Financial Implications:** See report

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

**Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend to 11:15 p.m. to hear Item C and Item 24. Item 26 held over to December 19, 2017.

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

Councilmember Maio absent 10:39 p.m. – 10:47 p.m.

**Action:** M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 11:25 p.m.

**Vote:** All Ayes.

**Action:** 20 speakers. M/S/C (Bartlett/Worthington) to approve the recommendation amended to include direction to explore the potential appeal processes, if any, under a ministerial approval process, and to require the applicant to hold a community meeting prior to submitting an application.

**Vote:** All Ayes.

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**Action Calendar – New Business**

23a. **Proposed Ordinance: Surveillance Technology Use and Community Safety**

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

*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:** 4 speakers. M/S/C (Worthington/Arreguin) to hold items 23a and 23b over to January 23, 2018.

**Vote:** All Ayes.

### Council Action Items


*From: Councilmembers Bartlett, Harrison, and Davila*

**Recommendation:** Adopt first reading of an Ordinance amending the Berkeley Municipal Code to establish ability to pay provisions regarding parking fines and fees in accordance with guidelines established in Assembly Bill 503.

**Financial Implications:** Staff time

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

**Action:** M/S/C (Hahn/Davila) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** All Ayes.

**Action:** 3 speakers. M/S/C (Bartlett/Maio) to refer the item as written in Supplemental Reports Packet #2 to the City Manager to conduct an analysis of the item, including a review of current indigency procedures and coordination with similar efforts in the City of Oakland, and report back to the Council in 90 days.

**Vote:** All Ayes.

25. **Strengthening Provisions of Significant Community Benefits in the Downtown**

*From: Councilmembers Harrison*

**Recommendation:** Adopt a Resolution establishing a more specific process and more precise standards for evaluating “Significant Community Benefit” packages for buildings exceeding 75 feet in the Downtown area, and rescinding Resolution No. 67,172-N.S.

**Financial Implications:** See report

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

**Action:** Item (including supplemental materials) held over to January 23, 2018.
Information Reports

   From: City Manager  
   Contact: Mark Numainville, City Clerk, 981-6900  
   Action: Moved to Action Calendar. Item held over to December 19, 2017.

27. Issuance of $35,000,000 in General Obligation Bonds for the Measure T1 –  
    Infrastructure and Facilities Improvements (Post Sale Report)  
    From: City Manager  
    Contact: Henry Oyekanmi, Finance, 981-7300  
    Action: Report received and filed.

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

Adjournment in memory of:
   1. Monica Selter, Community Activist

Adjourned at 11:30 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the  
regular meeting of December 5, 2017 as approved by the Berkeley City Council.

__________________________________  
Mark Numainville, City Clerk

Communications

Item 23a: Proposed Ordinance: Surveillance Technology Use and Community  
Safety  
1. Tracy Rosenberg  
2. Gene Bernardi  
3. Police Review Commission

Winter Shelter Plans  
4. Homeless Commission

Marathon Traffic  
5. Keith Pageau

Housing Article  
6. Donald Goldmacher

Ford GoBikes  
7. Steven Saylor

Short-Term Rental Tax Revenues  
8. Thomas Lord

Supplemental Communications and Reports 1
Item 23a: Proposed Ordinance: Surveillance Technology Use and Community Safety
9. JP Massar

Item 25: Strengthening Provisions of Significant Community Benefits in the Downtown
10. Revised materials, submitted by Councilmember Harrison
11. Pamela Webster
12. Raj & Rita Sahai
13. Janis Ching
14. Nancy Van Zwalenburg
15. Elsa Johnson
16. Bruce Bagnell
17. Cindy Shamban
18. Patrick Oh
19. Donald Goldmacher
20. Cherilyn Parsons
21. Zipporah Collins
22. Paola Laverde
23. Tree Fitzpatrick
24. Sheila Jordan
25. David Ushijima
26. Kelly Hammargren
27. Chris Schildt
28. Linda Franklin
29. Margot Smith
30. Fred Dodsworth
31. Sally Nelson
32. Mary Elieisar
33. Jane Kitchel
34. Gary & Jane Facente
35. Ryan Steinberg
36. Hewot Shankute, on behalf of East Bay Community Law Center

Supplemental Communications and Reports 2

Item 7: Fee Assessment – State of California Self-Insurance Fund (Workers’ Compensation Program)
37. Revised materials, submitted by Human Resources

Item 8: Side Letter Agreements
38. Jeff Apkarian, on behalf of Public Employees Union Local 1

Item 14: Budget Referral: Indigenous Peoples Day Pow Wow Budget Augmentation
39. Christine Schwartz

Item 15: Refer to the City Manager’s Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless
40. Revised materials, submitted by Councilmember Bartlett

Item 16: Budget Priorities for Expenditure of Short-Term Rental Taxes
Supplemental Communications and Reports 2

41. Revised materials, submitted by Councilmember Harrison

**Item 22: Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14**
42. Revised materials, submitted by Public Works
43. Robert del Rosario, on behalf of AC Transit

**Item A: Amendment: FY 2018 Annual Appropriations Ordinance**
44. Revised materials, submitted by City Manager’s Office
45. Homeless Commission

**Item B1: FY 2017 Year-End Results and FY 2018 First Quarter Budget Update**
46. Supplemental materials, submitted by City Manager's Office

**Item B2: Mayor’s Recommendations for Allocation of Unassigned General Fund Excess Equity**
47. Boona Cheema

**Item C: Ministerial Approval of Zoning-Compliant Affordable Housing**
48. Supplemental materials, submitted by Councilmembers Harrison and Hahn
49. Brendan Adams
50. Zach Franklin
51. Elisa Batista
52. Thomas Lord (2)
53. Sophia DeWitt, on behalf of East Bay Housing Organizations
54. Dan Sawislak, on behalf of Resources for Community Development

**Item 23a: Proposed Ordinance: Surveillance Technology Use and Community Safety**
55. McGee-Spaulding Neighbors in Action

**Item 24: Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503**
56. Revised materials, submitted by Councilmember Bartlett

**Item 25: Strengthening Provisions of Significant Community Benefits in the Downtown**
57. Revised materials, submitted by Councilmember Harrison
58. Bruce Coughran
59. Tobey Wiebe
60. Erica Etelson
61. Watson Ladd
62. Dorothy Walker
63. Thomas Lord

Supplemental Communications and Reports 3

**Item 22: Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14**
64. Presentation, submitted by Public Works
Item B2: Mayor’s Recommendations for Allocation of Unassigned General Fund Excess Equity

65. Supplemental materials, submitted by Mayor Arreguin

Item C: Ministerial Approval of Zoning-Compliant Affordable Housing

66. Luis Amezcua, on behalf of the Sierra Club

67. Scott Wiener
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL

Thursday, December 7, 2017
6:00 P.M.
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR
Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:11 p.m.

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

Absent: Councilmembers Bartlett, Harrison, Maio and Worthington.

Councilmember Worthington present at 6:42 p.m.

Worksession

1. Climate Action Plan Update
   From: City Manager
   Contact: Timothy Burroughs, Planning and Development, 981-7400
   Action: 16 speakers. Discussion held.

   From: City Manager
   Contact: Phillip Harrington, Public Works, 981-6300
   Action: 2 speakers. Discussion held.

Councilmember Droste absent at 8:14 p.m.

Mayor Arreguin absent at 8:15 p.m.

Councilmember Wengraf absent at 8:24 p.m.

The Council lost quorum at 8:15 p.m. and continued to meet as a committee of the whole. The meeting concluded at 8:45 p.m.
This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of December 7, 2017.

__________________________________
Mark Numainville, City Clerk

Communications

• None

Supplemental Communications and Reports 1

• None

Supplemental Communications and Reports 2

• None

Supplemental Communications and Reports 3

Item 1: Climate Action Plan Update
  1. Presentation, submitted by Planning & Development
  2. Supplemental materials, submitted by Councilmember Harrison

Item 2: Development of a Vision Zero Traffic Safety Policy
  3. Presentation, submitted by Public Works
  4. Karen Parolek
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL

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

MONDAY, DECEMBER 11, 2017
10:00 A.M.
Main Branch Library – Community Room, 3rd Floor
Enter at 2031 Bancroft Way, Berkeley, CA 94704

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 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 10:15 a.m.

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

Absent: Councilmembers Bartlett and Worthington.

Councilmember Worthington present at 10:40 a.m. Councilmember Bartlett present at 11:45 a.m.

Worksession:

   A. Welcome Remarks by Mayor Arreguin
   B. Public Comment: 0 speakers.
   C. Brown Act and Values-Based Ethics Leadership (City Attorney and City Auditor)
   D. Open Government Committee Update and Overview of Berkeley Considers
   E. Break for Lunch
   F. Key Principles of Good Governance
   G. Collaboration and Working Together
   H. Wrap Up and Next Steps

Adjournment

Action: M/S/C (Wengraf/Droste) to adjourn the meeting.
Vote: Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Worthington.

Councilmember Bartlett absent 12:30 p.m. – 3:08 p.m.
Councilmember Worthington absent 12:45 p.m. – 3:08 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of December 11, 2017.

__________________________________
Mark Numainville, City Clerk

Communications

• None

Supplemental Communications and Reports 1

• None

Supplemental Communications and Reports 2

• None

Supplemental Communications and Reports 3

Item 1: City Council Development and Planning
1. Presentation, submitted by Ad-Hoc Committee on a More Open Government
2. Presentation, submitted by City Attorney’s Office
3. Presentation, submitted by Nancy Hetrick, Management Partners
4. Unknown
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, DECEMBER 18, 2017
4:00 P.M.

CYPRESS ROOM - 2180 Milvia Street, 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 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:08 p.m.

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

Absent: Councilmembers Bartlett, Davila, Hahn 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. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE
   SECTION 54957

   a. Title of position to be filled: Director of Human Resources

      Action: No reportable action taken

   b. Title of position to be filled: Fire Chief

      Action: No reportable action taken

Action: M/S/C (Arreguin/Maio) to adjourn the meeting to a specific date and time to hear
Item 2: Tuesday, December 19, 2017 at 5:00 p.m. at the City Council Chambers located
at 2134 Martin Luther King, Jr. Way.

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

Adjourned the meeting to a specific date and time at 5:47 p.m. on December 18, 2017.
2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

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

**Action:** Convened the meeting at 5:03 p.m. on December 19, 2017. Present - Maio, Bartlett, Harrison, Wengraf, Droste, Arreguin; Absent - Davila, Hahn, Worthington. Councilmember Worthington present at 5:06 p.m.; Councilmember Davila present at 5:11 p.m.

**Action:** No reportable action

**OPEN SESSION:**
No reportable action taken.

**Adjournment**

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

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

Adjourned at 6:17 p.m. on December 19, 2017.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of December 18, 2017.

__________________________________
Mark Numainville, City Clerk
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
Tuesday, December 19, 2017
6:00 P.M.
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
JESSE ARREGUIN, MAYOR

Councilmembers:
DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters
Roll Call: 6:26 p.m.
Present: Councilmembers Bartlett, Davila, Droste, Harrison, Maio, Worthington and Mayor Arreguin.
Absent: Councilmembers Hahn and Wengraf.

Councilmember Wengraf present at 6:27 p.m.

Ceremonial Matters:
1. Recognition of Hung Liu, Local Artist
2. Adjournment in Memory of San Francisco Mayor Ed Lee

City Auditor Comments:
The City Auditor provided an update on the positive outcomes from the cash handling audit and the audit on business license tax (Items 44 and 45).

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 6 speakers.

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

Consent Calendar
Action: M/S/C (Harrison/Worthington) to adopt the Consent Calendar in one motion except as indicated.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin: Noes – None; Abstain – None; Absent – Hahn.
Consent Calendar

1. **Supplementary Retirement and Income Plan I, II, and III; Amending BMC Chapters 4.36, 4.38, and 4.39**
   From: City Manager
   **Recommendation:** Adopt second reading of three Ordinances:
   1. Ordinance No. 7,583-N.S. amending Berkeley Municipal Code Chapter 4.36, Supplementary Retirement and Income Plan I (SRIP I) by repealing and reenacting Sections 4.36.103 (Compensation), 4.36.402(A).C (Adjustments on Account of Excessive Credits), 4.36.402(A).D (Code Section 415 Compensation Definition), and 4.36.602 (Time of Distribution); and
   2. Ordinance No. 7,584-N.S. amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II (SRIP II) by repealing and reenacting Sections 4.38.103 (Compensation), 4.38.402(A).C (Adjustments on Account of Excessive Credits), 4.38.402(A).D (Code Section 415 Compensation Definition), and 4.38.602 (Time of Distribution); and
   3. Ordinance No. 7,585-N.S. amending Berkeley Municipal Code Chapter 4.39, Supplementary Retirement and Income Plan III (SRIP III) by repealing and reenacting Sections 4.39.403(B) (Adjustments on Account of Excessive Credits), 4.39.403(C) (Code Section 415 Compensation Definition), and 4.39.603 (Distribution of Death Benefits).
   **First Reading Vote:** All Ayes.
   **Financial Implications:** None
   **Contact:** Margarita Zamora, Human Resources, 981-6800
   **Action:** Adopted second reading of Ordinance No. 7,583-N.S. (SRIP I), Ordinance No. 7,584-N.S. (SRIP II), and Ordinance No. 7,585-N.S. (SRIP III).

2. **Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14**
   From: City Manager
   **First Reading Vote:** All Ayes.
   **Financial Implications:** See report
   **Contact:** Phillip Harrington, Public Works, 981-6300
   **Action:** Adopted second reading of Ordinance No. 7,586-N.S.

3. **Amendment: FY 2018 Annual Appropriations Ordinance**
   From: City Manager
   **Recommendation:** Adopt second reading of Ordinance No. 7,587-N.S. amending the FY 2018 Annual Appropriations Ordinance No. 7,563-N.S. for fiscal year 2018 based upon recommended re-appropriation of committed FY 2017 funding and other adjustments since July 1, 2017 in the amount of $94,031,404 (gross) and $78,307,317 (net).
   **First Reading Vote:** All Ayes.
   **Financial Implications:** See report
   **Contact:** Teresa Berkeley-Simmons, Budget Manager, 981-7000
   **Action:** Adopted second reading of Ordinance No. 7,587-N.S.
4. **Adopt an Ordinance Amending BMC 12.27 to Allow Existing Berkeley Licensed Medical Cannabis Businesses Into the New State Adult Use Regulation and Taxation System**

   From: Councilmember Worthington, Mayor Arreguin, and Councilmembers Bartlett and Davila

   **Recommendation:** Adopt second reading of Ordinance No. 7,582-N.S. amending BMC 12.27 to allow existing Berkeley licensed medical cannabis businesses into the new state adult use regulation and taxation system.

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

   **Financial Implications:** None

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

   **Action:** Adopted second reading of Ordinance No. 7,582-N.S. as amended in Supplemental Reports #2 to correctly reflect the action taken on the first reading by Council on December 5, 2017.

   **12.27.130 Operating Standards for All Collectives.**

   F. The seven duly registered residential collectives, Cannabis Manufacturing and Processing businesses, and Manufacturing and Wholesale of Cannabis product businesses with valid cannabis business licenses are authorized to conduct adult-use cannabis operations exactly to the extent they can do for medical cannabis, if they meet following requirements:

   - a. Compliance with all requirements set forth in their existing business license
   - b. Obtainment of State licenses (temporary) for both Medical and Adult Use commercial sales
   - c. Obtainment of a City of Berkeley Temporary License. Temporary Adult Use Cannabis licenses are valid until such time as the City of Berkeley adopts comprehensive Cannabis regulations in compliance with State law.

5. **Annual Commission Attendance and Meeting Frequency Report**

   From: City Manager

   **Recommendation:** Adopt a Resolution approving a revised commission meeting frequency schedule and to accept the annual attendance report.

   **Financial Implications:** None

   **Contact:** Mark Numainville, City Clerk, 981-6900

   **Action:** Adopted Resolution No. 68,258–N.S.

6. **Minutes for Approval**

   From: City Manager

   **Recommendation:** Approve the minutes for the Council meetings of November 14, 2017 (special closed and regular), November 27, 2017 (special closed) and November 28, 2017 (regular).

   **Financial Implications:** None

   **Contact:** Mark Numainville, City Clerk, 981-6900

   **Action:** Approved minutes as submitted.
7. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 19, 2017**  
   **From: City Manager**  
   **Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.  
   **Financial Implications:** Various Funds - $4,100,000  
   **Contact:** Henry Oyekanmi, Finance, 981-7300  
   **Action:** Approved recommendation.

8. *****Removed from Agenda by City Manager*** Mental Health Adult Clinic Renovation – Allocation of Measure T1 Funds**  
   **From: City Manager**  
   **Contact:** Paul Buddenhagen, Housing and Community Services, 981-5400

9. **Contract No. 10515 Amendment: Tyler Technologies, Inc. for New World CAD and Fire RMS**  
   **From: City Manager**  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10515 with Tyler Technologies, Inc. for an additional New World CAD and RMS module, increasing the amount by $23,520, for a total not to exceed $1,187,730 from March 31, 2017 to June 30, 2020.  
   **Financial Implications:** General Fund - $23,520  
   **Contact:** Savita Chaudhary, Information Technology, 981-6500  
   **Action:** Adopted Resolution No. 68,259–N.S.

10. **Contract No. 8884B Amendment: St. Vincent de Paul for Mattress Recycling**  
    **From: City Manager**  
    **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8884B with St. Vincent de Paul to accept mattresses collected from community members for refurbishing and recycling at the City’s Solid Waste Management and Transfer Station. This amendment will increase the Contract $50,000 for a new total contract amount not to exceed $406,000 and will extend the contract expiration to June 30, 2018.  
    **Financial Implications:** Zero Waste Fund - $50,000  
    **Contact:** Phillip Harrington, Public Works, 981-6300  
    **Action:** Adopted Resolution No. 68,260–N.S.
11. **Contract No. 9114D Amendment: Stockton Tri Industries, Inc. to Clean, Paint, and Repair Refuse and Recycling Debris Bins**
   **From:** City Manager
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9114D with Stockton Tri Industries, Inc. to clean, paint, and repair refuse, recycling and green/food waste metal bins, and to increase the contract $30,000 for a total contract amount not to exceed $130,000 through the Contract’s expiration date of June 30, 2018.
   **Financial Implications:** Zero Waste Fund - $30,000
   **Contact:** Phillip Harrington, Public Works, 981-6300
   **Action:** Adopted Resolution No. 68,261–N.S.

12. **Purchase Order: Stockton Tri Industries Inc. for Solid Waste Metal Containers**
    **From:** City Manager
    **Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the bid received from Stockton Tri Industries, Inc. and execute a Purchase Order to provide solid waste metal containers for an amount not to exceed $322,646.
    **Financial Implications:** Zero Waste Fund - $322,646
    **Contact:** Phillip Harrington, Public Works, 981-6300
    **Action:** Adopted Resolution No. 68,262–N.S.

13. **Contract: Container Pros Professional Waste Services for Solid Waste Metal Container and Plastic Cart Placement Services**
    **From:** City Manager
    **Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a three-month contract with Container Pros Professional Waste Services for solid waste metal container and plastic cart placement services in an amount not to exceed $100,000.
    **Financial Implications:** Zero Waste Fund - $100,000
    **Contact:** Phillip Harrington, Public Works, 981-6300
    **Action:** Adopted Resolution No. 68,263–N.S.

14. **Purchase Order: National Auto Fleet Group for Two Front End Loading Refuse Trucks**
    **From:** City Manager
    **Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in National Joint Powers Alliance contract bid procedures, and authorizing the City Manager to execute a purchase order for two front end loading refuse trucks with National Auto Fleet Group in an amount not to exceed $740,000.
    **Financial Implications:** Zero Waste Fund - $740,000
    **Contact:** Phillip Harrington, Public Works, 981-6300
    **Action:** Adopted Resolution No. 68,264–N.S.
15. **Contract No. 10552 Amendment: Revel Environmental Manufacturing, Inc. for On-Call Storm Water Maintenance Services**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10552 with Revel Environmental Manufacturing, Inc. for on-call storm water maintenance services, increasing the current $50,000 contract by $225,000 for a total contract amount not to exceed $275,000.  
**Financial Implications:** Zero Waste Fund - $225,000  
**Contact:** Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,265–N.S.

16. **Appointment of Amy Roth to the Board of Library Trustees**  
*From: Board of Library Trustees*  
**Recommendation:** Adopt a Resolution appointing Amy Roth to the Board of Library Trustees for a term of four years beginning January 4, 2018.  
**Financial Implications:** None  
**Contact:** Elliot Warren, Commission Secretary, 981-6100  
**Action:** Adopted Resolution No. 68,266–N.S.

17. **Response to Referral to Community Environmental Advisory Committee (CEAC) and the Berkeley Energy Commission to Evaluate Phasing-out Natural Gas**  
*From: Energy Commission*  
**Recommendation:** Send a letter to California state energy agencies requesting policy support for phasing out fossil fuels by electrifying natural gas applications in response to referral directing CEAC and the Energy Commission to develop and evaluate a proposal to phase-out natural gas for heating and cooking.  
**Financial Implications:** None  
**Contact:** Billi Romain, Commission Secretary, 981-7400  
**Action:** Approved recommendation.

18. **Endorse and Sponsor The Boys Who Said No!**  
*From: Peace and Justice Commission*  
**Recommendation:** Adopt a Resolution allowing the Berkeley Peace and Justice Commission to endorse and sponsor the film, The Boys Who Said No!  
**Financial Implications:** None  
**Contact:** Shallon Allen, Commission Secretary, 981-5400  
**Action:** Adopted Resolution No. 68,267–N.S.
19. **Declaring Berkeley’s Opposition to Fascism**

*From: Peace and Justice Commission*

**Recommendation:** Adopt a Resolution declaring the Council of the City of Berkeley opposes fascism, white supremacy, anti-Semitism, and any individuals or organizations promoting fascism and/or committing violent attacks on people in Berkeley or anywhere else. Request City Clerk to send copies of this resolution to Senator Dianne Feinstein, Senator Kamala Harris, and Representative Barbara Lee.

**Financial Implications:** None

*Contact: Shallon Allen, Commission Secretary, 981-5400*

**Action:** Moved to Action Calendar. 14 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,268–N.S. amended as written in the revised item in Supplemental Reports Packet #2 with the amendment to retain the 6th Whereas clause and amend as written below.

> WHEREAS, the 2012 NDAA enables any President to point a finger of suspicion and accusation, with no evidence, at anyone, and have them arrested, not by the sheriff, but by the military, and have them disappeared with no acknowledgement that they were taken, and subjects them to indefinite detention, enhanced interrogation, and execution, while denying them the right to trial or counsel; and

**Vote:** Ayes – Maio, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin: Noes – None; Abstain – Davila; Absent – Hahn.
20. **Opposition to the US Military Helipad Construction and Training Operations in Takae, Okinawa**  
*From: Peace and Justice Commission*

**Recommendation:** Adopt a Resolution opposing the U.S. military helipad construction and training operations in Takae, Okinawa.

**Financial Implications:** None

Contact: Shallon Allen, Commission Secretary, 981-5400

**Action:** Moved to Action Calendar. 3 speakers. M/S/C (Worthington/Arreguin) to adopt Resolution No. 68,269–N.S. with the 11th Whereas clause, 12th Whereas clause, and the first Resolved clause to be revised as below.

WHEREAS, that Resolution stated, “as former members of the US military feel shame and outrage that the US military is complicit in this blatantly discriminatory treatment of the Okinawan people; Now therefore, be it resolved that Veterans for Peace condemns the renewed helipad construction at Takae, and urges the US Government, and in particular the US military, to communicate to the Japanese government that the US wants no part of this shameful, anti-democratic and discriminatory action, and that it does not want new bases at such a price”;

WHEREAS, approximately 4,000 hectares (9,900 acres) of the NTA were returned to Okinawa in December 2016;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it opposes the Takae helipad construction and training operation and support the Okinawa Chapter of Veterans for Peace Resolution.

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

21. Amending Open Government Ordinance Regarding Submission of Revised or Supplemental Agenda Material
From: Mayor Arreguin and Councilmembers Droste, Wengraf, and Hahn
Recommendation: 1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 2.06.070.E to require the submission of revised or supplemental agenda material by noon the day prior to the City Council meeting at which the item will be considered.
2. Adopt a Resolution revising the City Council Rules of Procedure and Order, Section III.4 to: a) require the submission of revised or supplemental agenda material by 12:00 p.m. the day prior to the City Council meeting at which the item will be considered; b) requiring that revised reports must reflect a comparison with the original item using track changes formatting; c) requiring that copies of revised reports must be delivered to the City Clerk for distribution at the meeting.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Moved to Action Calendar. 2 speakers. M/S/C (Worthington/Maio) to adopt first reading of Ordinance No. 7,588-N.S. Second reading scheduled for January 23, 2018; adopted Resolution No. 68,270–N.S. with an amendment to recommendation 2.c. to state that the copies submitted to the Clerk are for distribution to the City Council.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin: Noes – None; Abstain – None; Absent – Hahn.

22. Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley
From: Mayor Arreguin and Councilmembers Bartlett, Hahn, and Davila
Recommendation: Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.
Financial Implications: Unknown
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Approved recommendation.

23. Establishing Council Budget Committee
From: Mayor Arreguin and Councilmember Harrison
Recommendation: Establish a City Council Budget Committee, consisting of Mayor Jesse Arreguin and Councilmembers Kate Harrison, Sophie Hahn, and Susan Wengraf. The Budget Committee will be a standing committee of the City Council and will conduct its meetings in accordance with the Brown Act, Open Government Ordinance and other applicable city policies.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Approved recommendation.
Council Consent Items

24. **Referral to Planning Commission: Reclassification of 1050 Parker Street/2621 Tenth Street**  
   From: Mayor Arreguin  
   **Recommendation:** Pursuant to Berkeley Municipal Code Section 23A.20.020.B.1: Refer to the Planning Commission the reclassification of the existing MULI zoned portion of 1050 Parker Street/2621 Tenth Street (APN 054 176300103) to C-W West Berkeley Commercial District. Request that the Planning Commission submit its recommendation to the City Council on the reclassification request by March 27, 2018.  
   **Financial Implications:** See report  
   Contact: Jesse Arreguin, Mayor, 981-7100  
   **Action:** Approved recommendation.

25. **Send Letter to Presiding Judge of Alameda County Superior Court Regarding Delaying Scheduled Evictions during Winter Months**  
   From: Mayor Arreguin and Councilmembers Davila and Harrison  
   **Recommendation:** Send a letter on behalf of the Berkeley City Council to the Honorable Judge Morris Jacobson, Presiding Judge of the Alameda County Superior Court, requesting that the court adjust its schedules to delay eviction proceedings until after winter months, from December through March, to include issuing unlawful detainers and writs of possession.  
   **Financial Implications:** Staff time  
   Contact: Jesse Arreguin, Mayor, 981-7100  
   **Action:** Approved recommendation.

26. **Seventh Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
   From: Mayor Arreguin and Councilmembers Davila, Bartlett, and Hahn  
   **Recommendation:** Adopt two Resolutions:  
   1. Co-sponsoring the 7th Annual Martin Luther King Jr. Celebration Breakfast on January 15, 2018; and  
   2. Approving the expenditure of an amount not to exceed $250 per Councilmember including $250 from Mayor Arreguin, to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 7th Annual Martin Luther King Jr. celebration, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
   **Financial Implications:** Mayor’s Discretionary Funds - $250  
   Contact: Jesse Arreguin, Mayor, 981-7100  
   **Action:** Adopted Resolution No. 68,271–N.S. (Co-sponsoring) and Resolution No. 68,272–N.S. (Expenditure) amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio $250; Councilmember Davila $100; Councilmember Droste $250; Councilmember Wengraf $500; Mayor Arreguin $250.
27. Prohibiting Discrimination on the Basis of Relationship Structure
   From: Councilmember Maio
   Recommendation: Refer the proposed language to the City Manager requesting that the City amend Chapter 13.31 as proposed to prohibit discrimination on the basis of relationship structure in regard to Employment, Real Estate Transactions, Business Practices, City Facilities and Services or Education on the Basis of Relationship Structure.
   Financial Implications: Staff time
   Contact: Linda Maio, Councilmember, District 1, 981-7110
   Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.

28. Personal Delivery Service Franchise Agreements
   From: Councilmember Bartlett
   Recommendation: Referral to the City Manager's Office to develop a program that would enable the City to consider franchise applications for personal delivery service companies involving personal delivery devices.
   Financial Implications: Staff time
   Contact: Ben Bartlett, Councilmember, District 3, 981-7130
   Action: Approved recommendation.

29. Requesting Amendments to AB 626 California Retail Food Code: Microenterprise Home Kitchen Operations
   From: Councilmember Hahn
   Recommendation: Send an "oppose unless amended" letter regarding AB 626 to Assemblymember Tony Thurmond, Senator Nancy Skinner, Assembly Speaker Anthony Rendon, Senate President Pro-Temp Kevin de Leon, Assembly Appropriations Chair Lorena Gonzalez Fletcher, and Governor Jerry Brown, urging that the bill be amended to promote food safety and economic opportunity for home cooks, and to ensure that tech platforms do not wield excessive control over our rapidly changing food system.
   Financial Implications: None
   Contact: Sophie Hahn, Councilmember, District 5, 981-7150
   Action: Councilmember Davila added as a co-sponsor. Approved recommendation as revised in Supplemental Reports Packet #1.
   Vote: Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Arreguin: Noes – None; Abstain – Droste; Absent – Hahn.
30. **The Berkeley Public Library Foundation 16th Annual Authors Dinner:** Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

From: Councilmembers Wengraf, Droste, Harrison, and Maio

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Councilmembers Wengraf, Droste and Harrison to the Berkeley Public Library Foundation’s 16th Annual Authors Dinner with funds relinquished to the City’s General Fund for this purpose from the discretionary Council Office Budgets of Councilmembers Wengraf, Droste, Harrison, and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmembers' Discretionary Funds - $500

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

**Action:** Adopted Resolution No. 68,273–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio $500; Councilmember Davila $100; Councilmember Droste $500; Councilmember Wengraf $500; Mayor Arreguin $500; Councilmember Harrison - $500; Councilmember Bartlett - $250.

31. **Opposition to H.R. 620: The ADA Education and Reform Act of 2017**

From: Councilmember Worthington

**Recommendation:** Adopt a Resolution opposing H.R. 620 - “The ADA Education and Reform Act of 2017.”

**Financial Implications:** Minimal

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

**Action:** Adopted Resolution No. 68,274–N.S.

32. **Save the Graduate Student Waiver and Oppose H.R. 1, Tax Cuts and Jobs Act**

From: Councilmember Worthington

**Recommendation:** Oppose H.R. 1, Tax Cuts and Jobs Act, and send a letter of opposition to Speaker of the House Paul Ryan and Senate Majority Leader Mitch McConnell.

**Financial Implications:** Minimal

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

**Action:** Councilmember Davila added as a co-sponsor. Approved recommendation.

33. **State Implementation of "The 21st Century CURES Act Section 12006"**

From: Councilmember Worthington

**Recommendation:** Urge the state to implement an Electronic Visit Verification System that respects the privacies of consumers and minimizes the burden on individual caregivers.

**Financial Implications:** Minimal

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

**Action:** Approved recommendation.
Council Consent Items

34. Alta Bates Forum Facility Rental: Relinquishment of Council Office Budget Funds

From: Councilmembers Droste, Harrison, and Hahn

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember for the Alta Bates Forum facility rental with funds relinquished from the discretionary Council Office Budget of Councilmembers Droste and Harrison, and any other councilmembers who would like to contribute. The total rental cost for the Ed Roberts facility is $1250.

Financial Implications: Councilmembers' Discretionary Funds - $250

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

Action: Mayor Arreguin added as a co-sponsor. Adopted Resolution No. 68,275–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio $100; Councilmember Wengraf $175; Councilmember Droste $250; Councilmember Bartlett $100; Mayor Arreguin $250.

35. Membership Fee for the Association of California Commissions for Women (ACCW): Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmembers Droste, Bartlett, and Wengraf

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $25 per Sponsoring Councilmember for the membership dues requested by Berkeley’s Commission on the Status of Women to join the Association of California Commissions for Women for fiscal year 2018-2019, with funds relinquished from the discretionary Council Office Budgets of Councilmember Droste, Councilmember Bartlett, and any other Councilmembers who would like to contribute.

Financial Implications: Councilmembers' Discretionary Funds - $25

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

Action: Adopted Resolution No. 68,276–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio $25; Councilmember Droste $25; Councilmember Wengraf $25.

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. Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.
Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

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

*From: City Manager*

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

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 5 speakers.

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

**Action:** M/S/C (Worthington/Arreguin) to adopt Resolution No. 68,277–N.S.

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

Recess 8:23 p.m. – 8:42 p.m.

37. **Endorsement of the 2018 Affordable Housing Act State Ballot Initiative (Continued from November 28, 2017)**

*From: Councilmembers Worthington, Harrison, Bartlett, and Davila*

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

**Financial Implications:** Minimal

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

**Action:** Item held over January 30, 2018.
38. **Budget Priorities for Expenditure of Short-Term Rental Taxes** *(Continued from December 5, 2017. Item contains revised materials.)*

*From:* Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett

**Recommendation:** Adopt a Resolution allocating the revenue collected from short-term rental taxes to programs supporting affordable housing and the arts.

**Financial Implications:** See report

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

**Action:** 4 speakers. M/S/C (Worthington/Wengraf) to adopt Resolution No. 68,278–N.S. as amended in Supplemental Reports Packet #2 and modify the following clauses as they are written below.

WHEREAS, in accordance with BMC Section 23C.23.050 developers must either “Include On-Site Publicly Accessible Art valued at 1.75% of the Construction Cost” or “Pay an in-lieu fee of 0.80% of the Construction Cost to the City”; and

WHEREAS, the city will generate revenue to support administrative costs through the 2% monthly enforcement fee and from penalties imposed on violators of the provisions set forth in BMC 23C.22;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that starting in FY2019, the City Manager shall allocate the 2% monthly enforcement fee and revenue generated from any associated penalties to staff costs; and

NOW THEREFORE, BE IT RESOLVED that starting in FY2019, staff costs as approved by the City Council that exceed the above enforcement fees and penalties shall be appropriated from the short term rental taxes collected pursuant to BMC Section 23C.22.050, Section H, with primary allocation of the rental tax to the purposes listed below:

1. Two thirds (66.7%) allocated to the Affordable Housing Trust Fund.
2. One third (33.3%) allocated to the Civic Arts Grant Fund.

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

39. **City Council Referral Process – 2018 Interim Update** *(Continued from December 5, 2017)*

*From:* City Manager

*Contact:* Mark Numainville, City Clerk, 981-6900

**Action:** Moved to Consent Calendar with the changes noted in Supplemental Reports Packet #2 to change the status from “completed” to “started” for the following referrals: 2016-8, 2017-34, 2016-33, 2016-18, 2016-48, and 2016-73.
Action Calendar – New Business

40a. Repealing the Revised Oleoresin Capsicum (Pepper Spray) Policy Passed September 12, 2017
From: Police Review Commission
Recommendation: Adopt a Resolution repealing the recent change in the Berkeley Police Department’s use of Oleoresin Capsicum (OC, or pepper spray).
Financial Implications: None
Contact: Katherine Lee, Commission Secretary, 981-4950

From: City Manager
Recommendation: Keep in place current Council policy allowing the use of Oleoresin Capsicum (pepper spray) in specific circumstances upon specific individuals engaged in violent activity in a crowd situation.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900

Action: 21 speakers. M/S/C (Maio/Arreguin) to adopt Item 40b as written.
Vote: Ayes – Maio, Bartlett, Wengraf, Droste, Arreguin; Noes – Davila, Harrison, Worthington, Abstain – None; Absent – Hahn.

41a. Public Works Commission Recommendation for the Five-Year Paving Plan
From: Public Works Commission
Financial Implications: Unknown
Contact: Nisha Patel, Commission Secretary, 981-6300
41b. **Companion Report: Public Works Commission Recommendation for the Five-Year Paving Plan**

**From:** City Manager

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

**Financial Implications:** See report

**Contact:** Phillip Harrington, Public Works, 981-6300

**Action:** M/S/C (Arreguin/Worthington) accept supplemental material from Councilmember Maio on Item 41.

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

**Action:** M/S/C (Arreguin/Worthington) to suspend the rules and extend the meeting to 11:30 p.m.

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

Councilmember Droste absent 10:13 p.m. – 10:15 p.m.

Councilmember Harrison absent 10:13 p.m. – 10:17 p.m.

**Action:** 0 speakers. M/S/C (Maio/Worthington) to 1) adopt Resolution No. 68, 279–N.S. amended to include the projects in FY 2018 and FY 2019; and 2) Request that staff coordinate with the Public Works Commission on the items listed below.

1. Address all elements of the City of Berkeley’s paving policy such that our Paving Plan clearly identifies and implements integrated solutions.

   Such approaches would address the multiple demands on the street infrastructure that are designed for safety, environmentally sustainable and are economically efficient over the long run. Posited solutions would be consistent with:
   a. the City’s General Plan policy of encouraging use of forms of transportation other than automobiles;
   b. the Regional Water Quality Control Board (RWQCB) goals regarding water quality, the Bay, flooding potential and particularly runoff control;
   c. the City’s Measure G goal of an 80% reduction of greenhouse gas emissions by 2050. A broad scope would include consideration of reducing global warming (for example, dark vs. lighter paving materials).

2. Return with a 2019-22 Plan that directs 15% of available funds to Discretionary and Demonstration Projects with specific projects that address life cycle costs, pavement longevity, watershed impacts.

3. The 2019-22 Plan would reflect the following policies:
   a. Long-term cost effectiveness, long-term street pavement durability and aesthetics are
Action Calendar – New Business

important for priority setting and repair methodology selection;
b. Street rehabilitation shall be coordinated with utility, sewer and other activities
associated with addressing water contamination runoff, and with other underground
activities to minimize the cost and maximize the effectiveness of rehabilitation and
improve the environment.

4. Identify and work with consultants who have accomplishments and a track record in long-
lastling, innovative, watershed integrative paving technologies.

5. Report back to Council with revisions that address the above and provide for multiple
benefit, durable demonstration projects on at least 15% of available funding for the 2019-22
projects by June 2018.

6. Develop a process that incorporates life cycle cost analysis.

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

Council Action Items

42. Expediting the Planning Application Process for Bridge/Berkeley Food and
Housing Project to Seek to Meet No Place Like Home and Alameda County A1
Grant Deadlines
From: Councilmembers Worthington and Hahn
Recommendation: Expedite the planning application process, to make this project
eligible for No Place Like Home, Alameda County A1, and other regional, state and
federal funding streams.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Approved recommendation.

Information Reports

43. Referral Response: Voter Registration Forms in All City Buildings that Are
Accessible to the Public
From: City Manager
Contact: Mark Numainville, City Clerk, 981-6900
Action: Received and filed.

44. Audit Update - $52,000 Theft: More Can Be Expected Without Citywide
Changes in Culture and Procedures
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Received and filed.
Communications

    From: City Manager  
    Contact: Henry Oyekanmi, Finance, 981-7300  
    Action: Received and filed.

46. Berkeley Way Housing Development Update  
    From: City Manager  
    Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
    Action: Moved to Consent Calendar to hold the item over to January 30, 2018.

47. Referral Response: Feasibility of Acquiring a High-Capacity Scanner for Multiple City Departments  
    From: City Manager  
    Contact: Savita Chaudhary, Information Technology, 981-6500  
    Action: Received and filed.

48. FY 2018 Work Plan  
    From: Housing Advisory Commission  
    Contact: Amy Davidson, Commission Secretary, 981-5400  
    Action: Received and filed.

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

Adjournment in memory of:

Action: M/S/C (Maio/Wengraf) to adjourn the meeting in memory of:

1. San Francisco Mayor Ed Lee

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

Adjourned at 11:29 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of December 19, 2017.

Mark Numainville, City Clerk

Communications

Immigration Commentary
1. Blair Beekman
Communications

Homeless Observations
2. Autumn Moon
3. Mike Lee

Cannabis Article
4. Barbara Gilbert

Gentrification/Displacement Article
5. David Goldmacher

Dangerous Intersections
6. Holly Scheider
7. Steven Schuyler

Construction Noise
8. Jane Kitchel

Encampment on Adeline St. Median
9. Jay Primus

Live/Work Conversions
10. Maulin Chokshi

Supplemental Communications and Reports 1

Item 29: Requesting Amendments to AB 626 California Retail Food Code: Microenterprise Home Kitchen Operations
11. Revised materials, submitted by Councilmember Hahn

Item 38: Budget Priorities for Expenditure of Short-Term Rental Taxes
12. Revised materials, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item 4: Adopt an Ordinance Amending BMC 12.27 to Allow Existing Berkeley Licensed Medical Cannabis Businesses Into the New State Adult Use Regulation and Taxation System
13. Revised materials, submitted by City Clerk’s Office

Item 10: Contract No. 8884B Amendment: St. Vincent de Paul for Mattress Recycling
14. Christine Schwartz

Item 19: Declaring Berkeley’s Opposition to Fascism
15. Supplemental materials, submitted by Mayor Arreguin

Item 21: Amending Open Government Ordinance Regarding Submission of Revised or Supplemental Agenda Material
16. Brad Smith

Item 29: Requesting Amendments to AB 626 California Retail Food Code: Microenterprise Home Kitchen Operations
17. Christina Oatfield
Item 38: Budget Priorities for Expenditure of Short-Term Rental Taxes
18. Revised materials, submitted by Councilmember Harrison
19. Kathy Labriola
20. Rob Wrenn
21. Donald Goldmacher
22. S. Meridian
23. Sheila Goldmacher
24. Alan Snitow
25. David Fielder
26. Ying Lee
27. Judith White
28. Margot Smith
29. Bobbie & Larry Steinhart
30. Benita Smith
31. Karl Knobler (2)
32. Judy Turley
33. Bernard Marszalek
34. Kathy Kahn
35. Gary Hicks
36. John Selawsky
37. David Blake
38. Julia Cato
39. Phoebe Sorgen
40. Summer Brenner
41. Kitty Calavita
42. Miriam Berg
43. Ken Knabb
44. Gael Alcock
45. Zipporah Collins
46. Erin Diehm
47. Richard Walker
48. Patrick Kehoe
49. Allen Barth
50. S. Omowale Fowles
51. Linda Franklin
52. Shauna Haines
53. Sophia DeWitt, on behalf of East Bay Housing Organizations

Item 39: City Council Referral Process – 2018 Interim Update
54. Revised materials, submitted by the City Clerk’s Office

Item 40a: Repealing the Revised Oleoresin Capsicum (Pepper Spray) Policy Passed September 12, 2017
55. Carol Denney

Item 46: Berkeley Way Housing Development Update
56. Housing Advisory Commission
57. Carol Denney
Supplemental Communications and Reports 2

58. Donald Goldmacher
59. Matthew Lewis
60. Gramma Grass
61. Beth Montano
62. Elisa Batista
63. East Bay for Everyone
64. Karen Rusiniak
65. Elizabeth Ferguson
66. Negeene Mosaed
67. Sierra Club
68. Alan Tobey
69. Martin Nicolaus
70. J.W. Blish

Item 22: Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley
71. 82 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 36: Annual Monitoring Fee for Multi-Family Housing Developments Providing Below Market Rate Units
72. Presentation, submitted by Health, Housing & Community Services
73. Moni Law (2)

Item 40: Repealing the Revised Oleoresin Capsicum (Pepper Spray) Policy Passed September 12, 2017
74. David Mateer
75. Barbara Gilbert
76. Unknown

Item 41a: Public Works Commission Recommendation for the Five-Year Paving Plan
77. Presentation, submitted by Public Works Commission
78. Supplemental materials, submitted by Councilmember Maio

Item 41b: Companion Report: Public Works Commission Recommendation for the Five-Year Paving Plan
79. Presentation, submitted by Public Works

Item 46: Berkeley Way Housing Development Update
80. Rent Stabilization Board
81. Angelee Kumar

Street Spirit Article – Elisa Cooper
82. Moni Law