

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, February 13, 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

Preliminary Matters

Roll Call: 6:02 p.m.

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

Absent: None

Report from Closed Session:

At the closed session meeting held at 5:00 p.m. on February 13, 2018, the City Council approved the settlement agreement in the amount of \$150,000 in the Gray v. City of Berkeley pending litigation.

Ceremonial Matters:

1. Recognition of Rabbi Michael Lerner

City Manager Comments: None

City Auditor Comments

The Auditor thanked Council for its hard work on the General Fund Reserve Audit; Noted the audit on unfunded liabilities; and noted the need to simplify pay codes when moving to the new payroll system.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

- 1. Emergency Standby Officers for the Mayor and Councilmembers**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 68,140-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 68,318–N.S.
- 2. Contract: Lake Research Partners for 2018 Community Survey**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Lake Research Partners to develop and perform one (1) or two (2) telephone surveys of registered voters, provide the associated analysis and reports and any required consulting services. The contract would be for a one year period, starting February 14, 2018, for a total contract amount not to exceed \$62,000.
Financial Implications: General Fund - \$62,000
Contact: Matthai Chakko, City Manager’s Office, 981-7000
Action: Moved to Action Calendar. 4 speakers. M/S/C (Worthington/Droste) to adopt Resolution No. 68,319–N.S.
Vote: All Ayes.
- 3. License Agreement: Ecology Center – Soil Testing Training Program for High School Students at the Santa Fe Right-of-Way**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement with the Ecology Center to provide soil testing training for high school students at the Santa Fe Right-of-Way parcel between Derby and Carleton Streets.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,320–N.S.
- 4. Mills Act Contract – 2910-12 Telegraph Avenue**
From: City Manager
Recommendation: Adopt a Resolution to authorize and direct the City Manager to enter into a Mills Act contract with Linda M. Joseph for the City Landmark property at 2910-12 Telegraph Avenue.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Moved to Action Calendar. 4 speakers. M/S/C (Droste/Worthington) to adopt Resolution No. 68,321–N.S.
Vote: All Ayes.

Consent Calendar

5. Mills Act Contract – 4 Greenwood Common

From: City Manager

Recommendation: Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with Syndi B Master for the City Landmark property at 4 Greenwood Common.

Financial Implications: See report

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

Action: Moved to Action Calendar. 0 speakers. M/S/C (Worthington/Maio) to adopt Resolution No. 68,322–N.S. authorizing and directing the City Manager to enter into a Mills Act contract with Syndi B Master for the City Landmark property at 4 Greenwood Common.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf (Recused – resides within 500 feet).

6. Contract: Gehl Studio, Inc. for Conceptual Design, Feasibility Study and Related Services for the Center Street Plaza Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Gehl Studio, Inc. for conceptual design, feasibility study and related services for the Center Street Plaza Project, for the period March 1, 2018 through March 1, 2021, in an amount not to exceed \$550,000.

Financial Implications: Various Funds - \$550,000

Contact: Phillip Harrington, Public Works, 981-6300

Action: Moved to Action Calendar. 5 speakers. M/S/C (Arreguin/Harrison) to adopt Resolution No. 68,323–N.S. amended to include that the new design will consider the conceptual plan created by Walter Hood and the public process to date.

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

7. Commission on Aging Liaison Appointments

From: Commission on Aging

Recommendation: Adopt a Resolution appointing liaisons from the Commission on Aging to the following commissions: Disaster and Fire Safety Commission, Parks and Waterfront Commission, Transportation Commission, Board of Library Trustees, Planning Commission, Homeless Commission, Animal Care Commission, Human Welfare and Community Action Commission, Commission on Disability, Housing Advisory Commission, Community Health Commission, Mental Health Commission, and Peace and Justice Commission.

Financial Implications: None

Contact: Richard Castrillon, Commission Secretary, 981-5190

Action: Adopted Resolution No. 68,324–N.S.

Council Consent Items

8. **Contract No. 9369 Amendment: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**
From: Mayor Arreguin
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9369 with Badawi & Associates to perform annual audits of the city's financial statements and to perform annual compliance audits required by the Single Audit Act of 1984 (as amended), for fiscal year 2018 (FY18), in the amount of \$155,400; with an option to extend the agreement for two additional one-year periods for the FY19 and FY20 audits, in the amounts of \$163,170 and \$171,329, respectively, increasing the maximum contract value by \$489,899 from \$753,997 to \$1,243,896 for the period May 6, 2018 to June 30, 2021, option periods included.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,325–N.S.
9. **Declaring Berkeley a Sanctuary for Adult-Use Cannabis Customers, Providers, and Landlords**
From: Mayor Arreguin and Councilmembers Bartlett and Davila
Recommendation: Adopt a Resolution declaring that Berkeley will be a sanctuary for adult-use cannabis customers, businesses, providers, and landlords, specifying procedures regarding staff interaction with the Drug Enforcement Administration related to the enforcement of federal drug laws.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted Resolution No. 68,326–N.S. as revised in Supplemental Reports Packet #2 with the second Resolved clause to read as follows:

BE IT FURTHER RESOLVED that no department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal drug laws related to cannabis landlords, property owners, cultivators, distributors, retailers, laboratory testers, or customers who are operating within California state law and local ordinances; and

Council Consent Items

- 10. Amendment to Commercial Waste Collection System for the 4th Street Commercial District Operating Akin to a Mall**
From: Councilmember Maio and Mayor Arreguin
Recommendation: Amend Option 1A to Expanding Refuse Collection to read: City provides all commercial services but roll-off containers and compactors, and except for commercial districts (excluding restaurants) wherein special collection services are embedded in existing leases and where the district provides special services.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Moved to Action Calendar. 2 speakers. M/S/C (Arreguin/Maio) to refer the item to Agenda Committee for future scheduling.
Vote: All Ayes.
- 11. Direction to the City Manager: Negotiate with BART to Remove Prison-Like Fence from Here-There Sign Located at 63rd Street and Martin Luther King Jr. Street**
From: Councilmembers Bartlett and Davila
Recommendation: Direct the City Manager to negotiate with BART to remove the prison-like fence from the Here-There Sign located at 63rd Street and Martin Luther King Jr. Street.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmembers Hahn and Harrison added as co-sponsors. Approved recommendation as written in the original item.
- 12. Black History Month: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmembers Bartlett, Hahn, and Davila
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Black History Month and Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3). The funds should be relinquished to the City's general fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 68,327–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Wengraf - \$100; Councilmember Harrison - \$150; Councilmember Davila - \$150; Councilmember Maio - \$100; Councilmember Worthington \$250.

Council Consent Items

- 13. Referral to the Peace & Justice Commission: Examine Internet Communications Platforms Servicing Berkeley**
From: Councilmembers Bartlett, Davila, and Harrison
Recommendation: Referral to the Peace & Justice Commission to examine the internet communications platforms servicing Berkeley to assess whether they are propagating or promoting racism and/or discrimination.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.
- 14. Supporting SB 100 - California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases**
From: Councilmembers Hahn and Harrison, Mayor Arreguin, and Councilmember Worthington
Recommendation: In light of its reintroduction, reaffirm the City Council's support of the new version of SB 584, SB 100, mandating that all of California's end-use electricity is produced from renewable energy sources by 2045. Send a letter to Senator Kevin De León, Senator Nancy Skinner, and Assemblymember Tony Thurmond reaffirming Berkeley's support of this bill.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 15. Supporting Reauthorization of the Institute of Museums and Library Services**
From: Councilmembers Hahn and Wengraf
Recommendation: Send a letter to U.S. Senators Dianne Feinstein and Kamala Harris requesting that they co-sponsor Senate Bill S 2771, reauthorizing funding for the Institute of Museums and Library Services (IMLS).
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 16. Opposing Threats of Imminent Heightened US Immigration and Customs Enforcement Activities in the Bay Area**
From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Harrison and Davila
Recommendation: Adopt a Resolution expressing our strongest opposition to recent threats of imminent heightened enforcement activities by US Immigration and Customs Enforcement (ICE) in the Bay Area, and to reiterate Berkeley's commitment to protecting its immigrant community.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 68,328–N.S.

Council Consent Items

- 17. Referral to the City Manager to Submit a Filing to the CPUC Recommending Adjusting Electric Rule 20 to Better Serve the City of Berkeley and Other Communities with Very High Fire Hazard Severity Zones**
From: Councilmembers Wengraf and Hahn, Mayor Arreguin, and Councilmember Droste
Recommendation: A referral to the City Manager to submit a filing with the California Public Utilities Commission (CPUC) concerning the CPUC's current review of Electric Rule 20. The CPUC is considering, among other things, how the existing program is administered by the various utility companies operating in California and the definition of what projects are to be included in the public interest.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.
- 18. Support for California Bills to Enhance Disaster Insurance Coverage**
From: Councilmembers Wengraf, Droste, and Hahn
Recommendation: Write a letter in support of the following bills seeking to aid disaster survivors in filing claims and receiving fair payment from their disaster insurance: SB897, SB894, SB824, AB1722, AB1800, AB1875 and AB1797. Send the letter to State Senator Nancy Skinner and Assemblymember Tony Thurmond in support of these bills.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmember Davila added as a co-sponsor. Approved recommendation.
- 19. Black Repertory Group Theater: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Worthington
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$10,000 per councilmember, including \$10,000 from Councilmember Worthington, to Black Repertory Group, with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Kriss Worthington and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$10,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,329–N.S.
- 20. Proclamation in Honor of Holocaust Remembrance Day**
From: Councilmembers Worthington, Wengraf, Hahn, and Harrison
Recommendation: Adopt the Remembrance Day Proclamation.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Council Consent Items

- 21. Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Worthington, Wengraf, and Hahn
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including up to \$250 each from Councilmember Worthington and Susan Wengraf, to support the Holocaust Remembrance Day Event with funds relinquished to the City's general fund for this purpose so that the City of Berkeley is able to invite and support the community on this event from Councilmembers Kriss Worthington and Susan Wengraf's discretionary Council Office Budgets and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$250
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,330–N.S. as amended in Supplemental Reports Packet #2 revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Wengraf - \$250; Councilmember Harrison - \$150; Councilmember Maio - \$100; Councilmember Bartlett - \$200; Councilmember Droste - \$100; Councilmember Worthington \$500; Mayor Arreguin - \$250.
- 22. Raising the Tibetan Flag in Solidarity with the Tibetan People for the 59th Anniversary of the Tibetan National Uprising and the Day Shall be Officially Recognized as "Tibet Day" and the Tibetan Flag Shall be Raised at City Hall**
From: Councilmembers Worthington and Davila
Recommendation: Adopt a Resolution urging China to respect Tibetan People's right to self-determination, safeguard their human rights and their pristine environment, and to resume dialogue with His Holiness and other Tibetan leaders. Additionally, to allow the Tibetan flag to be raised on the city flag pole on March 10, 2018 and every year hereafter to show solidarity with the people of Tibet.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,331–N.S.
- 23. Support Congressional Adoption of "Resolution of Disapproval" of FCC Vote Overturning Net Neutrality**
From: Councilmembers Worthington, Davila, and Hahn
Recommendation: Support Congressional adoption of "Resolution of Disapproval" of FCC vote overturning Net Neutrality.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Council Consent Items

24. **Adopt Proclamation Declaring April 24, 2018 as Armenian Genocide Commemoration Day in Berkeley**
From: Councilmembers Worthington, Davila, Harrison, and Wengraf
Recommendation: That the City of Berkeley adopt a proclamation declaring April 24, 2018 Armenian Genocide Commemoration Day in Berkeley.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.
25. **Southwest Airlines Reported Mistreatment of a Muslim Passenger and Subsequent Charges Levied by the State of Maryland**
From: Councilmember Worthington
Recommendation: Approve sending letters to Southwest Airlines and Maryland State Attorney condemning the reported mistreatment of a Muslim customer by Southwest Airlines and requesting that subsequent charges levied by the State of Maryland against said passenger be dropped.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
26. **Referral to the City Manager on Gender Options of the General Application for City Boards and Commissions**
From: Councilmembers Droste, Maio, Wengraf, and Worthington
Recommendation: Refer to the City Manager to add a nonbinary gender option on the General Application for appointment to Berkeley boards and commissions.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Approved recommendation.
27. **Letter of Support for SB 831 (Wieckowski) Land Use: Accessory Dwelling Units**
From: Councilmembers Droste and Bartlett
Recommendation: Send a letter of support to State Senator Nancy Skinner and State Assemblymember Tony Thurmond urging them to support SB 831 (Wieckowski) Land Use: Accessory Dwelling Units.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Moved to Action Calendar. Councilmember Harrison added as a co-sponsor. M/S/C (Arreguin/Worthington) to hold over Items 27 and 28 to February 27, 2018.
Vote: Ayes – Maio, Davila, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Harrison.

Councilmember Bartlett absent 10:15 p.m. – 10:23 p.m.

Councilmember Harrison absent 10:16 p.m. – 10:17 p.m.

Council Consent Items

28. Small Business Subcommittee Creation

From: Councilmember Droste, Mayor Arreguin, and Councilmembers Wengraf and Maio

Recommendation: Form a four-person Mayor-Council ad-hoc subcommittee consisting of Mayor Arreguín, Councilmember Droste, Councilmember Maio, and Councilmember Hahn to explore issues related to Berkeley's small businesses.

Financial Implications: Staff time

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

Action: Moved to Action Calendar. Held over to February 27, 2018.

29. Amending Resolution 67,821-N.S. "Establishing the City Council's Policy for the General Fund Reserves" to Include General Fund Usage Criteria

From: Councilmember Droste, Harrison, and Wengraf

Recommendation: Per Council direction on October 3, 2017, Councilmembers Droste, Harrison, Wengraf and Worthington formed an ad-hoc subcommittee to review and propose General Fund Stability Reserve Usage criteria such as those recommended and proposed by the City Auditor and City Manager. The Subcommittee was formed to increase transparency and demonstrate the Council's commitment to fiscal responsibility. The Subcommittee recommends adding language as outlined in the report to Resolution 67,821-N.S.

Financial Implications: See report

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

Action: Adopted Resolution No. 68,332–N.S. with the amendment below.

2. All other reasonable and available expenditure reduction measures shall have been considered by the City Manager and the City Council before using one-time funding to support operational positions.

Action Calendar – Public Hearings

Action Calendar – Public Hearings

30. Residential Preferential Parking (RPP) Program Reform and Expansion

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 14 to expand eligibility for Residential Preferential Parking to specified areas, allow Residential Preferential Parking in areas zoned Mixed Use Residential, authorize new meters in West Berkeley to manage commercial parking adjacent to residences in mixed-use areas, add a cap on the number of annual permits residents may purchase, and
2. Adopt a Resolution raising permit fees to eliminate the Program's operating deficit and rescinding Resolution No. 66,895-N.S. effective March 1, 2018.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: 9 speakers. M/S/C (Maio/Worthington) to include the severed portion of the ordinance in Section 14.72.090.A.1.

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

Action: M/S/C (Maio/Worthington) to:

1. Adopt first reading of Ordinance No. 7,589–N.S. Second reading scheduled for February 27, 2018.
2. Refer to the City Manager to explore options to amendments to the ordinance related to the cap on permits for situations such as caregivers, child care, and others.
3. Continue the public hearing for recommendation #2 to February 27, 2018.

Vote: All Ayes.

Action Calendar – Old Business

31. Strengthening Provisions of Significant Community Benefits in the Downtown

(Continued from January 23, 2018. Item contains revised materials.)

From: Councilmember Harrison and Mayor Arreguin

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 held over to March 13, 2018

Action Calendar – Old Business

32a. Addressing Critical Concerns of the Homeless - Port-a-Potties, Wash Stations and Trash Removal at Encampments/Hepatitis A Vaccine Distribution

(Continued from January 23, 2018.)

From: Homeless Commission

Recommendation: Adopt a Resolution to 1. Develop a quick, barrier-free process to provide port-a-potties, wash stations, and trash pick-up for unsheltered homeless residents, prioritizing the largest encampments and taking into consideration proximity, safety and accessibility; and 2. Support the City's securing and administration of Hepatitis A vaccines; have them provided where homeless persons generally congregate; and have community-based organizations that receive funding from the City distribute information about where homeless persons can access these vaccines.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, 981-5400

32b. Companion Report: Addressing Critical Concerns of the Homeless - Port-a-Potties, Wash Stations and Trash Removal at Encampments/Hepatitis A Vaccine Distribution *(Continued from January 23, 2018.)*

From: City Manager

Recommendation: Take no action on the Homeless Commission's resolution, and instead allow City staff to continue making progress on current efforts to distribute port-a-potties, handwashing stations, trash pick-up, and Hepatitis A vaccine.

Financial Implications: See report

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

Action: Moved Item 32a to the Consent Calendar with the following motion:

That the Council expresses its appreciation to the Homeless Commission for its recommendations to increase sanitary facilities, trash removal and take proactive effort to provide Hepatitis A vaccinations.

The Council wishes to reaffirm our support for City staff's efforts to install portable restrooms and hand washing stations adjacent to encampment areas, implement proactive trash pickup at encampment sites, address illegal dumping, and administer Hepatitis A vaccinations to homeless individuals.

Action Calendar – Old Business

- 33. Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses**
(Continued from January 30, 2018.)
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
- Action:** M/S/C (Hahn/Worthington) to extend debate for 20 minutes.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Worthington) to extend debate for 20 minutes.
Vote: All Ayes.
- Action:** M/S/Failed (Wengraf/Hahn) to refer the issue of tax rates for non-medical cannabis to an ad hoc committee of the Council.
Vote: Ayes – Hahn, Wengraf, Droste; Noes – Davila, Bartlett, Worthington, Arreguin; Abstain – Maio, Harrison.
- Action:** 31 speakers. M/S/C (Arreguin/Harrison) to 1) adopt first reading of Ordinance No. 7,590–N.S., second reading scheduled for February 27, 2018; 2) refer to the Community Health Commission to study the health effects of cannabis and possible funding recommendations for allocating the tax revenue; 3) request that staff explore variable or progressive tax rates based on license types; and 4) request that the Mayor involve regional stakeholders regarding tax rate equity.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn, Wengraf.

Action Calendar – New Business

- 34. Proposition 218 Formation of New Streetlight Improvement District and Authorization of Streetlight Engineering Report**
From: City Manager
Recommendation: Adopt a Resolution approving the formation of the new Streetlight Maintenance and Improvement District 2018 and the development of a Streetlight Engineer’s Report.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Moved to Consent Calendar. Adopted Resolution No. 68,333–N.S.

Action Calendar – New Business

35. Proposition 218 Clean Stormwater Fee Initiative, Fee Report, and Ballot Procedures

From: City Manager

Recommendation: Adopt two Resolutions:

1. Approving the Stormwater Fee Initiative and Fee Report.
2. Approving the Ballot Procedures under the Proposition 218 Fee Initiative Process for the Stormwater Fund.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: 0 speakers. M/S/C (Droste/Hahn) to adopt 1) Resolution No. 68,334–N.S. (Stormwater); and 2) Resolution No. 68,335–N.S. (Ballot Procedures) as revised in Supplemental Reports Packet #1.

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

Councilmember Harrison absent 8:11 p.m. – 8:17 p.m.

Councilmember Bartlett absent 8:12 p.m. – 8:17 p.m.

Recess 8:17 p.m. – 8:30 p.m.

36a. Supplemental Paid Family Leave

From: Commission on the Status of Women and Commission on Labor

Recommendation: Adopt first reading of an Ordinance adding Berkeley Municipal Code Chapter 9.90 with the following changes: 1. Add Job Protection Language to ensure workers cannot be fired for using paid family leave. 2. Include the City of Berkeley as a “covered employer” in Chapter 9.90.030 of the Ordinance. 3. Allocate financial resources for outreach, education, and enforcement of the provisions provided by Ordinance.

Financial Implications: Unknown

Contact: Shallon Allen, Commission Secretary, 981-7071, Delfina Geiken, Commission Secretary, 981-5400

36b. Companion Report: Supplemental Paid Family Leave

From: City Manager

Recommendation: Since the Commissions’ action would result in City costs of approximately \$945,485, recommend that the Council refer the Commission on the Status of Women and Commission on Labor’s recommendations to the City’s referral prioritization process.

Financial Implications: See report

Contact: Margarita Zamora, Human Resources, 981-6800

Action: Items 36a and 36b held over to March 13, 2018.

Action Calendar – New Business

37. Housing Advisory Commission's U1 Recommendations

From: Housing Advisory Commission

Recommendation: Targeting of U1 Funds: The City should consider establishing a household income targeting goal regarding U1 expenditures and housing affordability. To set this goal, the City could consider the use of progress made towards meeting the City's Housing Element RHNA numbers. At present, the most under-served income groups are households with extremely low-incomes, low-incomes, and moderate-incomes. A second issue is how income groups are defined for purposes of allocating U1 funds. In general, affordable housing programs use Alameda County incomes defined by household size to determine program eligibility. While it can be argued that very low-income should be defined with a higher income threshold in Berkeley than in some other areas of Alameda County (considering differentials in the cost of living), there really are few other options, particularly if the City and its partners use U1 funds to leverage other funding from state and federal sources.

Recommendations for Allocation of U1 Funds: 1. Initially allocate 15% for anti-displacement activities. These activities could include eviction defense and housing counseling, funding the housing retention program, and additional funds for a flexible housing subsidies pool. Remainder of funds to be used to maintain and increase the supply of permanently affordable housing; this may include co-operative housing. 2. Do not allocate all U1 revenues in a given fiscal year to a single project.

Administrative Recommendations: 1. City to determine what percentage of U1 funds to be allocated for administration of U1 funds. 2. When appropriate, use the Housing Trust Fund process to allocate funds. 3. Track U1 deposits and expenditures – as promised in the ballot measure. 4. City needs to establish a way to track U1 Funds and expenditures. 5. City should prepare an annual report by May of each year for the HAC and public that reports on revenues and expenditures related to U1 funds.

Financial Implications: None

Contact: Amy Davidson, Commission Secretary, 981-5400

Action: Item 37 held over to February 27, 2018.

38a. First They Came for the Homeless Encampment

From: Homeless Commission

Recommendation: Adopt a Resolution that the City of Berkeley provide the First They Came for the Homeless encampment with a location for a tent city which will not be subject to removal absent a major legal violation by the entire encampment community, in addition to working on a longer-term, broader policy that impacts other encampments.

Financial Implications: Unknown

Contact: Peter Radu, Commission Secretary, 981-5400

Action Calendar – New Business

**38b. Companion Report: First They Came for the Homeless Encampment
From: City Manager**

Recommendation: Take no action on the Homeless Commission's resolution to provide the First They Came for the Homeless encampment with a permanent location for a tent city, but adopt the Commission's concurrent recommendation to develop a broader policy on homeless encampments throughout the City.

Financial Implications: Staff time

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

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: All Ayes.

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

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

Councilmember Worthington absent 11:01 p.m. – 11:12 p.m.

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 11:35 p.m.

Vote: All Ayes.

Action: 27 speakers. M/S/Failed (Droste/Wengraf) to approve the recommendation in Item 38b.

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

Action: M/S/C (Harrison/Hahn) to refer Item 38a back to the Homeless Commission with the chart of questions provided by Council and request that the commission develop a more specific policy that is broadly applicable.

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

39a. Storage at Premier Cru

From: Homeless Commission

Recommendation: Adopt a Resolution to provide storage for unhoused persons at the Premier Cru complex.

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, 981-5400

Action Calendar – New Business

39b. Companion Report: Storage at Premier Cru

From: City Manager

Recommendation: Take no action on the Homeless Commission's resolution to provide storage for unhoused persons at the Premier Cru complex, and instead allow staff to explore various locations that would be feasible given the available budget.

Financial Implications: None

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

Action: M/S/C (Arreguin/Maio) to hold over Items 39a and 39b to March 13, 2018.

Vote: All Ayes.

Information Reports

40. Referral Response: City Council Legislative Position Tracking List

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Action: Received and filed.

41. Increasing the Fixed Assets Capitalization Threshold from \$1,000 per Unit to \$5,000 per Unit

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Received and filed.

42. Referral Response: Water Fountain and Water Bottle Filling Station Requirement

From: City Manager

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

Action: Received and filed.

43. Space for Berkeley Food Network

From: Zero Waste Commission

Contact: Heidi Obermeit, Commission Secretary, 981-6300

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 2 speakers.

Adjournment

Action: Adjourned the meeting in memory of:

1. Warner Freeman, Berkeley Teacher
2. Bob Marley, on the occasion of his 73rd birthday
3. Frances Townes, Local Activist

Adjourned at 11:35 p.m.

Communications

Item 16: Opposing Threats of Imminent Heightened US Immigration and Customs Enforcement Activities in the Bay Area

1. Summer Brenner

Easy Does It

2. Kevin Hara

State Policy on Homeless

3. David Lerman (2)

Article on Homelessness

4. Harry Brill

Sidewalk on Shattuck in Front of Peets

5. Gaby Olander

Housing Commentary

6. David Lerman (2)

Council Concern

7. Bob Flasher

Response to Proposed Ordinance

8. Mike Lee

Annual Activities Report

9. Sugar-Sweetened Beverage Product Panel of Experts

SB 827

10. Housing Advisory Commission

Homeless Encampments

11. Erik Dreher
12. Jack Kurzweil
13. Pedro Alvarez, Jr.

Use of City Email

14. Tree Fitzpatrick

Police Force Concerns

15. Esther Lerman
16. Dil Khan

Cultivation of Medical Cannabis Beyond the M Zone

17. Alan Kalmanoff

1524 University Avenue/Police Written Statements

18. W.B.C.

Supplemental Communications and Reports 1

Item 30: Residential Preferential Parking (RPP) Program Reform and Expansion

19. C. Will Starr

Item 33: Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses

- 20. Holly Scheider
- 21. Robert Abiad
- 22. Bhima Sheridan

Item 35: Proposition 218 Clean Stormwater Fee Initiative, Fee Report, and Ballot Procedures

- 23. Revised materials, submitted by Public Works

Supplemental Communications and Reports 2

Item 2: Contract: Lake Research Partners for 2018 Community Survey

- 24. Barbara Gilbert

Item 6: Contract: Gehl Studio, Inc. for Conceptual Design, Feasibility Study and Related Services for the Center Street Plaza Project

- 25. Kelly Hammargren
- 26. Tree Fitzpatrick

Item 9: Declaring Berkeley a Sanctuary for Adult-Use Cannabis Customers, Providers, and Landlords

- 27. Revised materials, submitted by Mayor Arreguin

Item 11: Direction to the City Manager: Negotiate with BART to Remove Prison-Like Fence from Here-There Sign Located at 63rd Street and Martin Luther King Jr. Street

- 28. Supplemental materials, submitted by Mayor Arreguin

Item 21: Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

- 29. Revised materials, submitted by Councilmember Worthington

Item 27: Letter of Support for SB 831 (Wieckowski) Land Use: Accessory Dwelling Units

- 30. Victoria Legg
- 31. Bob Flasher

Item 30: Residential Preferential Parking (RPP) Program Reform and Expansion

- 32. Louise Rosenkrantz
- 33. Stephen Wollmer

Item 31: Strengthening Provisions of Significant Community Benefits in the Downtown

- 34. Igor Tregub, on behalf of the Sierra Club
- 35. Tree Fitzpatrick
- 36. Margot Smith

Item 33: Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses

- 37. Justin Gill
- 38. John Caner

- 39. Elvis McGovern
- 40. Sabrina Fendrick
- 41. Holly Scheider
- 42. Erica Etelson
- 43. Dan Feinberg
- 44. Laurie Capitelli
- 45. Margit Roos-Collins

Item 36a: Supplemental Paid Family Leave

Item 36b: Companion Report: Supplemental Paid Family Leave

- 46. Jess McCarter
- 47. Terrence Regan

Item 38a: First They Came for the Homeless Encampment

Item 38b: Companion Report: First They Came for the Homeless Encampment

- 48. David Coolidge
- 49. Robert Fraser
- 50. Tristia Bauman

Supplemental Communications and Reports 3

Item 11: Direction to the City Manager: Negotiate with BART to Remove Prison-Like Fence from Here-There Sign Located at 63rd Street and Martin Luther King Jr. Street

- 51. Christine Schwartz

Item 12: Black History Month: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds

- 52. Unknown

Item 30: Residential Preferential Parking (RPP) Program Reform and Expansion

- 53. Presentation, submitted by Public Works Department

Item 33: Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses

- 54. Thomas Gorham

Item 35: Proposition 218 Clean Stormwater Fee Initiative, Fee Report, and Ballot Procedures

- 55. Presentation, submitted by Public Works Department

Item 36: Supplemental Paid Family Leave

- 56. Elisa Mikiten

Item 38: First They Came for the Homeless Encampment

- 57. Sam Clune
- 58. Unknown
- 59. Sophie Hahn