



Office of the City Manager

CONSENT CALENDAR
February 27, 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 January 8, 2018 (special closed), January 16, 2018 (special), January 22, 2018 (special closed), January 23, 2018 (special closed and regular), and January 30, 2018 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 8, 2018–Special Closed City Council Meeting
2. January 16, 2018–Special City Council Meeting
3. January 22, 2018–Special Closed City Council Meeting
4. January 23, 2018–Special Closed City Council Meeting
5. January 23, 2018–Regular City Council Meeting
6. January 30, 2018–Regular City Council Meeting

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

MONDAY, JANUARY 8, 2018

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 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:06 p.m.

Present: Councilmembers Bartlett, Droste, Hahn, Maio and Mayor Arreguin.

Absent: Councilmembers Davila, Harrison, Wengraf and Worthington.

Councilmember Worthington present at 4:11 p.m.

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: Health Officer

Action: No reportable action.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 4:35 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of January 8, 2018.

Mark Numainville, City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, January 16, 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: 6:08 p.m.

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

Absent: Councilmember Harrison.

Worksession

1. **Economic Development Worksession: Small Business Support**
From: City Manager
Jordan Klein, Economic Development, 981-7530
Action: 6 speakers. Presentation made and discussion held.

Action Calendar

2. **Proposed City of Berkeley 2018-2019 Strategic Plan**
From: City Manager
Recommendation: Adopt a Resolution accepting the proposed Fiscal Year 2018-2019 Strategic Plan as presented by the City Manager for City of Berkeley implementation.
Financial Implications: None
Contact: Dee Williams-Ridley, City Manager, 981-7000
Action: 3 speakers. M/S/C (Arreguin/Worthington) to adopt Resolution No. 68,280–N.S. as amended below.
 - Add Gilman Interchange Project (environmental and design phase)
 - Add Milvia Street Bikeway in Section 1.5
 - Add language stating the priority of bike and pedestrian projects
 - Amend Goal #9 to read “Be a customer-focused organization providing excellent, timely, easily-accessible service and information to the community.”
 - Amend Goal #7 to read “Be a global leader in addressing climate change, environmental justice, and protecting the environment”**Vote:** Ayes – Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjournment

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

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

Councilmember Wengraf absent 7:59 p.m. – 8:41 p.m. Councilmember Droste absent 8:01 p.m. – 8:41 p.m.

Adjourned at 8:41 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of January 16, 2018.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Economic Development Worksession: Small Business Support

1. Robert Power

Item 2: Proposed City of Berkeley 2018-2019 Strategic Plan

2. Kelly Hammargren

Supplemental Communications and Reports 3

Item 1: Economic Development Worksession: Small Business Support

3. Presentation, submitted by Office of Economic Development

Item 2: Proposed City of Berkeley 2018-2019 Strategic Plan

4. Presentation, submitted by City Manager's Office

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

MONDAY, JANUARY 22, 2018

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 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:06 p.m.

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

Absent: Councilmembers Davila and Worthington.

Councilmember Davila present at 4:09 p.m.

Councilmember Worthington present at 4:09 p.m.

Public Comment - Limited to items on this agenda only: 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH 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: No reportable action.

OPEN SESSION:

No reportable action.

Adjournment

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

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

Adjourned at 6:40 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of January 22, 2018.

Mark Numainville, City Clerk

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JANUARY 23, 2018

4:30 P.M.

COUNCIL CHAMBERS – 2134 Martin Luther King, Jr. Way, Berkeley, CA

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 4:40 p.m.

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

Absent: None.

Public Comment - Limited to items on this agenda only: 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

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

Action: No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

Pending litigation – one case

- a. *Deshon Hudson v. City of Berkeley*
United States District Court Case #3:17-cv-01016 EMC

Action: M/S/C (Maio/Worthington) to authorize the proposed settlement agreement of \$60,000.

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

OPEN SESSION:

Council authorized a settlement agreement in the litigation action *Deshon Hudson v. City of Berkeley* (United States District Court Case #3:17-cv-01016 EMC) for the amount of \$60,000.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:43 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of January 23, 2018.

Mark Numainville, City Clerk

**MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, January 23, 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: 6:03 p.m.

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

Absent: None.

Ceremonial Matters:

1. Recognition of Daniel Maher, Ecology Center
2. Adjournments In Memory Of (see adjournment section)

City Auditor Comments:

1. Update on the Zero Waste 2020 Goal report from the Public Works Department

City Manager Comments: None

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

Councilmember Bartlett absent 7:03 p.m. – 9:46 p.m.

Recess 7:08 p.m. – 7:12 p.m.

Consent Calendar

- 1. Amending Open Government Ordinance Regarding Submission of Revised or Supplemental Agenda Material**
From: Mayor Arreguin and Councilmembers Droste, Wengraf, and Hahn
Recommendation: Adopt second reading of Ordinance No. 7,588-N.S. 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.
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Absent – Hahn.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted second reading of Ordinance No. 7,588-N.S.
- 2. Minutes for Approval**
From: City Manager
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).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 3. Appointment of Director of Human Resources**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of LaTanya Bellow as the Director of Human Resources to be effective January 29, 2018 at an annual salary of \$206,950.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, 981-7000
Action: Adopted Resolution No. 68,281–N.S. as amended in Supplemental Reports Packet #2 to change the built-in raise from 5% to 2.5%.
- 4. Appointment of Fire Chief**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of David Brannigan as the Fire Chief to be effective January 28, 2018 at an annual salary of \$194,472.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, 981-7000
Action: Adopted Resolution No. 68,282–N.S.

Consent Calendar

- 5. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.
Financial Implications: \$10,000 (Donation)
Contact: Jovan Grogan, City Manager's Office, 981-7000
Action: Adopted Resolution No. 68,283–N.S.
- 6. Activation of Downtown Berkeley BART Plaza**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to implement programs to activate Downtown Berkeley BART Plaza, including: 1) implementing a pilot program to permit two food vendors at Downtown Berkeley BART Plaza for one year, and 2) executing a contract with Downtown Berkeley Association for the production of arts and cultural activities at Downtown Berkeley BART Plaza in an amount not to exceed \$50,000, and authorizing renewal of that contract for up to two years, for a total amount not to exceed \$150,000.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Moved to Action Calendar. 6 speakers. M/S/C (Worthington/Arreguin) to adopt Resolution No. 68,284–N.S. as revised in Supplemental Reports Packet #2 to reduce the contract amount to \$10,000 per year for up to three years with the amendment in the Resolved clause to state "...with Downtown Berkeley Association for the non-exclusive production of arts and cultural programming..."
Vote: All Ayes.
- 7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 23, 2018**
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 - \$865,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 8. Fire Department Donation**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation in the amount of \$62,154.42 from the Fusako Castro Estate to the Berkeley Fire Department.
Financial Implications: General Fund - \$62,154.42 (Donation)
Contact: David Brannigan, Fire, 981-3473
Action: Adopted Resolution No. 68,285–N.S.

Consent Calendar

- 9. Amend Contract No. 010577: Dorothy Day House for Winter Shelter Expansion**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 010577 with Dorothy Day House to add \$180,000 to expand the existing Berkeley Emergency Storm Shelter (BESS) and operate a nightly winter shelter for up to 140 nights, potentially at two sites, through April 15, 2018 for a total contract amount not to exceed \$251,324.
Financial Implications: General Fund - \$180,000
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,286–N.S.
- 10. Increase Berkeley Paratransit Services Taxi Scrip Redemption Window Cash Drawer Amount**
From: City Manager
Recommendation: Adopt a Resolution authorizing Berkeley Paratransit Services (BPS) to increase the cash drawer amount for the Taxi Scrip Redemption window to \$15,000 to allow BPS to increase the daily cash redemption limit from \$400 to \$800, one day per week.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,287–N.S.
- 11. Memorandum of Understanding for a Winter Relief Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute a memorandum of understanding (MOU) between Alameda County and the City of Berkeley for a new Winter Relief Program which will provide literally homeless people on the streets of Berkeley respite.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,288–N.S.
- 12. Memorandum of Understanding for Alameda County Unsheltered Homeless Immediate Impact Program Funding**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and negotiate and execute any agreement and amendments with the County of Alameda’s Housing and Community Development Department to support homeless programs that provide relief to unsheltered residents.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,289–N.S.

Consent Calendar

13. **Mental Health Adult Clinic Renovation – Allocation of Measure T1 Funds**

From: City Manager

Recommendation: Adopt a Resolution authorizing the allocation of \$2 million of Phase 1 Measure T1 funds for major renovations of the City of Berkeley's Adult Mental Health Clinic located at 2640 Martin Luther King Jr. Way.

Financial Implications: See report

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

Action: No action taken on Consent Calendar vote.

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

Action: M/S/C (Hahn/Arreguin) to reconsider the vote on Item 13.

Vote: All Ayes.

Action: 3 speakers. M/S/C (Arreguin/Worthington) to adopt Resolution No. 68,290–N.S. authorizing the allocation of \$2 million of Phase 1 Measure T1 funds for major renovations of the City of Berkeley's Adult Mental Health Clinic located at 2640 Martin Luther King Jr. Way.

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

14. **Classification and Salary: Assistant Manager of Mental Health Services**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 67,484-N.S. Classification and Salary Resolution for Public Employees Union - Local One, to establish the classification of Assistant Manager of Mental Health Services with a monthly salary range of \$9,304 - \$11,311 effective January 23, 2018.

Financial Implications: See report

Contact: Margarita Zamora, Human Resources, 981-6800

Action: Adopted Resolution No. 68,291–N.S.

15. **Contract No. 5224F Amendment: Application Associates for Citywide Computer Training**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 5224F to provide Citywide Computer Training, including foundational computer skills for erma (enterprise resource management application), increasing the amount by \$20,000 for a total not to exceed \$380,000 from April 1, 2001 to June 30, 2019.

Financial Implications: FUND\$ Replacement Fund - \$20,000

Contact: Savita Chaudhary, Information Technology, 981-6500

Action: Adopted Resolution No. 68,292–N.S.

Consent Calendar

- 16. Contract: Kimley-Horn and Associates Incorporation (Inc.) for Broadband Infrastructure Master Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Kimley-Horn and Associates Inc. for Broadband Infrastructure Master Plan, for a total not to exceed \$238,157 from March 1, 2018 to December 31, 2019.
Financial Implications: Capital Improvement Fund - \$238,157
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,293–N.S.
- 17. Contract No. 10632 Amendment: GHD, Inc. for Structural Condition Assessment & Ferry Transportation Feasibility Study for Berkeley Pier**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10632 for professional consultant services from GHD, Inc. by increasing the amount by \$94,744 for a new contract amount not to exceed \$330,744.
Financial Implications: Measure T1, Infrastructure & Facilities Fund - \$94,744
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,294–N.S.
- 18. Contract No. 9535 Amendment: Carducci and Associates, Inc. for Landscape Architectural Services for Current Parks Projects**
From: City Manager
Recommendation: Adopt Resolution authorizing the City Manager to execute an amendment to Contract No. 9535 for on-call landscape architecture services with Carducci and Associates, Inc. by increasing the amount by \$75,000 for a not to exceed contract amount of \$395,000.
Financial Implications: Various Funds - \$75,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,295–N.S.
- 19. DBW Loan Application: Dock Replacement at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a loan application to the California Department of Boating and Waterways (DBW) for a loan not to exceed \$5,000,000 for replacement docks at the Berkeley Marina.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,296–N.S.

Consent Calendar

20. **Donation: Friends of Becky Temko Tot Park for Becky Temko Tot Park Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from the Friends of Becky Temko Tot Park in the amount of \$7,000 for the Becky Temko Tot Park Renovation Project.
Financial Implications: \$7,000 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,297–N.S.
21. *****Removed from Agenda by City Manager*** Grant Applications: Land and Water Conservation Fund for up to Five Parks Improvement Projects**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
22. **Referral Response: Location Approval Process for Apothecarium Dispensary**
From: City Manager
Recommendation: Adopt a Resolution establishing an approval process for a new location for the Apothecarium, a previously approved medical cannabis dispensary.
Financial Implications: See report
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted Resolution No. 68,298–N.S.
23. **Community Workforce Agreement with Building Trades Council, et.al. for Construction Projects Over \$500,000**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with the Building Trades Council and twenty-two labor organizations regarding the provision of labor to construction projects in Berkeley with an estimated value in excess of \$500,000 for a three-year term that will expire June 30, 2020.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,299–N.S. amended to change the title to “COMMUNITY WORKFORCE AGREEMENT WITH BUILDING TRADES COUNCIL, ET. AL., FOR CITY OF BERKELEY CONSTRUCTION PROJECTS OVER \$500,000” and amend the second Whereas clause and the Resolved clause to change “construction projects” to “City of Berkeley construction projects”
24. **Re-Appointment of Vylma Ortiz to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Approve the re-appointment of Vylma Ortiz to the Mental Health Commission, as a representative of the General Public Interest category, to complete her three year term ending June 27, 2020.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400
Action: Adopted Resolution No. 68,300–N.S.

Consent Calendar

25. **Freedom from Domestic Violence as a Human Right Resolution**
From: Commission on the Status of Women and Peace and Justice Commission
Recommendation: Adopt the Freedom from Domestic Violence as a Human Right Resolution.
Financial Implications: None
Contact: Shallon Allen, Commission Secretary, 981-7071
Action: Adopted Resolution No. 68,301–N.S.
26. **Calling on the Federal Government to Extend Temporary Protected Status for All Nations Currently Under the Program, and to Establish a Pathway to Permanent Residency for Current Beneficiaries**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution calling on the federal government to extend Temporary Protected Status (TPS) for all nations currently under the program, and to establish a pathway to permanent residency for current beneficiaries.
Financial Implications: None
Contact: Shallon Allen, Commission Secretary, 981-7071
Action: Adopted Resolution No. 68,302–N.S.

Council Consent Items

27. **Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool**
From: Councilmembers Davila and Bartlett
Recommendation: Short Term Referral to City Manager to assess the feasibility to keep the West Campus Pool open all year round and to start COB Shower Program at the West Campus Pool. Keeping the West Campus Pool open all year round will provide equitable swimming options in both North Berkeley and in South/West Berkeley and provide another location available for our community to shower.
Financial Implications: Unknown
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Councilmembers Harrison and Hahn added as co-sponsors. Approved recommendation.

Council Consent Items

- 28. Budget Referral: Hopkins Street Corridor Traffic and Placemaking Study**
From: Councilmember Hahn
Recommendation: Refer to the Budget Process the funds necessary to undertake a traffic and placemaking study of the Hopkins/Monterey/Sacramento corridor; specifically, Sacramento Street from the southern approach of Rose Street to Hopkins, Hopkins from Gilman Avenue to Sutter/Henry, and the Monterey Avenue approach to Hopkins from the North. The study should include all intersections and use a “complete streets” approach to identify improvements to be integrated into the paving and bicycle infrastructure work already scheduled for this area and to identify additional projects to be undertaken over time, with an emphasis on pedestrian safety, bike and vehicle safety and flow, community-building and placemaking, parking, support for local businesses, green infrastructure and aesthetics. Include cost estimates, potential sources of funding and a proposed timeline for implementation of recommended improvements.
Financial Implications: \$200,000
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 29. Proclamation Reaffirming the City of Berkeley’s Commitment to Roe v. Wade**
From: Councilmembers Wengraf, Droste, Maio, and Worthington
Recommendation: Adopt a Proclamation reaffirming the City of Berkeley’s commitment to Roe v. Wade, honoring the 45th anniversary of its passage.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 68,303–N.S.
- 30. Adopt a More Student Housing Now Resolution to Facilitate Both University and Private Housing Investment in the Campus Area as Soon as Possible**
From: Councilmembers Worthington and Harrison, and Mayor Arreguin
Recommendation: Adopt a More Student Housing Now Resolution, to facilitate both University and private housing investment in the campus area as soon as possible, by prioritizing Planning Commission and City Council action to remove impediments.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 68,304–N.S.

Council Consent Items

31. **Amend the Council Rules and Procedures to Address the Unintended Consequences Regarding the Operations of Ad-Hoc Committees From: Councilmembers Worthington and Davila, and Mayor Arreguin**
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order regarding subcommittees to ensure the following changes: 1. The Ad-hoc Committee meetings must be open to public. 2. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. 3. Agenda and the minutes of the meeting must be maintained and made available upon request.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,305–N.S. as written in Supplemental Reports Packet #2 and further amended to add parts 2 and 3 from the recommendation as noted below.

Subcommittees shall conduct their meetings in public and in accessible locations that are open to the public. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.

Action Calendar – Public Hearings

32. ZAB Appeal: 2527 San Pablo Avenue

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision, with revisions, to approve Use Permit No. ZP2016-0207 to demolish an existing vacant service station building and construct a six-story, mixed use building with 63 dwelling units, including 12 below market rate units for qualified persons with intellectual and developmental disabilities (I/DD); 3,179 square feet of combined ground floor commercial space for restaurant use including incidental service of beer and wine; and ground level parking for 49 vehicles; and dismissing the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 34 speakers. M/S/C (Maio/Worthington) to close the public hearing.

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

Action: M/S/C (Hahn/Davila) to adopt Resolution No. 68,306–N.S. amended to add the conditions listed below affirming the Zoning Adjustments Board (ZAB) decision, with revisions, to approve Use Permit No. ZP2016-0207 to demolish an existing vacant service station building and construct a six-story, mixed use building with 63 dwelling units, including 12 below market rate units for qualified persons with intellectual and developmental disabilities (I/DD); 3,179 square feet of combined ground floor commercial space for restaurant use including incidental service of beer and wine; and ground level parking for 49 vehicles; and dismissing the appeal.

- Bedrooms without a window will not be counted as a bedroom and the names of the rooms on the plans must accurately reflect the type of room.
- Discounted (50%) laundry services will be provided to BMR units in perpetuity.
- Correct the number of BMR units in the Conditions to 12.
- Add a condition that requires an on-site manager.
- Approve concession to waive the remainder 0.6 unit Affordable Housing Mitigation Fee.

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

Recess 9:28 p.m. – 9:46 p.m.

Action Calendar – Public Hearings

33. Extend Residential Preferential Parking Permit Program on Sections of Blake Street, Ashby Avenue, and Prince Street

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Sections 25C, 25J and 25M by adding subsections to extend Residential Preferential Permit Parking on three city blocks of Blake Street, Ashby Avenue, and Prince Street.

Financial Implications: General Fund - \$2,543

Contact: Phillip Harrington, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.

M/S/C (Maio/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 68,307–N.S.

Vote: All Ayes.

Action Calendar – Old Business

34a. Proposed Ordinance: Surveillance Technology Use and Community Safety
(Continued from December 5, 2017)

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

34b. Companion Report: Proposed Ordinance: Surveillance Technology and Community Safety
(Continued from December 5, 2017)

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: 6 speakers. M/S/C (Arreguin/Worthington) to hold over Items 34a and 34b to January 30, 2018 including revised materials submitted by the City Manager.

Action Calendar – Old Business

- 35. Strengthening Provisions of Significant Community Benefits in the Downtown**
(Continued from December 5, 2017. 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 moved to Consent Calendar and held over to February 13, 2018. Created Ad-Hoc Subcommittee of Councilmembers Worthington, Harrison, Droste, and Mayor Arreguin tasked with analyzing the issue and reporting to Council on February 13, 2018.

Action Calendar – New Business

- 36a. Referral Response - Summer Learning Loss**
From: Children, Youth, and Recreation Commission
Recommendation: The Children, Youth and Recreation Commission recommends that the City Council direct the City Manager to assign the appropriate City staff to meet with appropriate Berkeley Unified School District staff as a first step toward understanding the issue of summer learning loss in Berkeley, and the existing summer learning activities available to elementary school students.
Financial Implications: Staff time
Contact: Stephanie Chu, Commission Secretary, 981-6700

Action Calendar – New Business

36b. Companion Report: Referral Response - Summer Learning Loss

From: City Manager

Recommendation: Refer to the City Manager to work with community partners that support the City's 2020 Vision Program to determine the appropriateness of addressing the youth summer learning loss in Berkeley, and the existing summer learning activities available to elementary school students, as a part of the goals and objectives of the 2020 Vision Program.

Financial Implications: See report

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

Action: 2 speakers. M/S/C (Harrison/Davila) to refer Item 36a to the City Manager, removing the reference to assigning to staff, and referring the item to the 2 x 2 Committee and request that the 2 x 2 Committee invite the Board of Library Trustees and the Commission to present information.

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

Councilmember Worthington absent 10:40 p.m. – 11:30 p.m.

Action: M/S/C (Arreguin/Davila) to suspend the rules and extend the meeting to 11:30 p.m. to hear Items 37 and 39.

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

37a. Addressing Critical Concerns of the Homeless - Port-a-Potties, Wash Stations and Trash Removal at Encampments/Hepatitis A Vaccine Distribution

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

Action Calendar – New Business

37b. Companion Report: Addressing Critical Concerns of the Homeless - Port-a-Potties, Wash Stations and Trash Removal at Encampments/Hepatitis A Vaccine Distribution

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: 2 speakers. No action taken. Item held over to February 13, 2018.

Council Action Items

38. Establishing a Joint Subcommittee for the Implementation of Housing Laws

From: Mayor Arreguin

Recommendation: Adopt a Resolution establishing the formation of a Joint Subcommittee that will focus on the implementation of the California Housing Package, the Housing Accountability Act, and the recently prioritized city Short-Term Housing Action Plan (HAP). The Joint Subcommittee will be subject to the Fair Representation Ordinance and will consist of members appointed from the Zoning Adjustment Board, Housing Advisory Commission, and Planning Commission.

Financial Implications: Unknown

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Moved to Consent Calendar. Adopted Resolution No. 68,308–N.S. as amended in Supplemental Reports Packet #2 to allow Councilmembers to appoint any commissioner from the designated commissions.

39. Replace Berkeley City Limit Signs to Read: "Welcome to Berkeley", "LOVE LIFE!", "Sanctuary City" and "Ohlone Territory"

From: Councilmember Davila and Mayor Arreguin

Recommendation: Short Term Referral to the City Manager to replace Berkeley City Limit Signs to read: "Welcome to Berkeley", "LOVE LIFE!", "Sanctuary City" and "Ohlone Territory".

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Action: 8 speakers. M/S/C (Arreguin/Wengraf) to refer the item to the Transportation Commission and request that the Commission's recommendation appear on the Council agenda no later than six months from January 23, 2018.

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

Councilmember Droste absent 10:55 p.m. – 11:30 p.m.

Councilmember Maio absent 11:03 p.m. – 11:30 p.m.

Information Reports

Information Reports

40. **Referral Response: Creation of a New Classification - Housing Inspection and Community Services Manager**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
41. **Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.
42. **Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Towards the Year 2020 Zero Waste Goal Public Works Zero Waste Division Update Status Report**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.
43. **“To Achieve Fairness and Impartiality” – Report and Recommendations from the Berkeley Police Review Commission**
From: Police Review Commission
Contact: Katherine Lee, Commission Secretary, 981-4950
Action: Item held over to March 13, 2018.
44. **Update On Berkeley Homeless Task Force Recommendations**
From: Mayor Arreguin
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Received and filed, including materials submitted in Supplemental Reports Packet #2.

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

Adjournment

Adjourned the meeting in memory of:

1. Shelley Rideout, Local Activist
2. Sandra Hunt, Local Activist
3. John Oliver Simon, Local Poet
4. Dorothy Bryant, Local Artist
5. Hugh Masekela, Musician
6. Edwin Hawkins, Musician

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 January 23, 2018 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item 26: Calling on the Federal Government to Extend Temporary Protected Status for All Nations Currently Under the Program, and to Establish a Pathway to Permanent Residency for Current Beneficiaries

1. Russ Bumper

Item 32: ZAB Appeal: 2527 San Pablo Avenue

2. Bette Flushman
3. Penelope Cooper
4. Constantine Philipides
5. Jennifer Cooper
6. Maria Rose Keys
7. Toni Mester

Item 34: Surveillance Technology Use and Community Safety

8. Veterans for Peace

Developer Bills

9. Zelda Bronstein

Hub Issues

10. Mike Lee (3)

Thank You

11. Abigail Steckel

Progressives

12. Avram Gur Arye

Telegraph / Haste

13. Jack Kurzweil

Encampment Fires

14. Autumn Moon
15. Eric Friedman

Smoke-Free Signage

16. Carol Denney (2)

Encampment on Median

17. Barbara Brust

Housing Complaint

18. Elidia Duarte

NCRIC / UASI

Communications

19. Linda Franklin

Police Staffing

20. Victoria Legg

21. David Lerman

22. Eric Friedman

23. Paul Winsberg

24. John Prausnitz

25. Kelly Hammargren

26. Linda Stone

27. Josh Maddox

28. Matthew Monteen

29. Paula Israel

30. Anthony Marzo

Electric Vehicles

31. Kelly Hammargren

CBCB Marijuana Dispensary

32. Leah Greenblat

LPC Concerns

33. Tree Fitzpatrick

Pepper Spray Article

34. Russ Bumper

Armed Private Security Guards

35. Louise Rosenkrantz

Israel Concerns

36. George Muenz

37. Tena

Housing / Police Issues

38. Lisa Nuss

Court Document

39. W.B.C.

Supplemental Communications and Reports 1

Item 13: Mental Health Adult Clinic Renovation – Allocation of Measure T1 Funds

40. Parks & Waterfront Commission

Item 32: ZAB Appeal: 2527 San Pablo Avenue

41. Jonathan Singh

42. Toni Mester

Item 34a: Proposed Ordinance: Surveillance Technology Use and Community Safety

43. Supplemental materials, submitted by Police Department

44. McGee-Spaulding Neighbors in Action

Supplemental Communications and Reports 1

Item 35: Strengthening Provisions of Significant Community Benefits in the Downtown

- 45. Linda Franklin
- 46. David Ushijima
- 47. Nancy an Zwalenburg
- 48. Patrick Oh
- 49. Pamela Webster
- 50. Zipporah Collins
- 51. Janis Ching
- 52. Wellstone Democratic Renewal Club
- 53. Thomas Lord
- 54. Ryan Steinberg
- 55. Ken Knabb
- 56. Chris Schildt
- 57. Michael Weber

Supplemental Communications and Reports 2

Item 3: Appointment of Director of Human Resources

- 58. Revised materials, submitted by City Manager's Office

Item 6: Activation of Downtown Berkeley BART Plaza

- 59. Supplemental materials, submitted by Councilmember Worthington
- 60. Carol Denney

Item 30: Adopt a More Student Housing Now Resolution to Facilitate Both University and Private Housing Investment in the Campus Area as Soon as Possible

- 61. Christine Schwartz
- 62. Sheila Goldmacher
- 63. East Bay for Everyone
- 64. Associated Students of the University of California
- 65. 40 similarly-worded letters submitted by Connor Hughes, Holden Valentine, Calvin Nguyen, Jordan Keen, Amy Choi, Courtney Park, Angie Chen, Shasun Sulur, Salwa Meghjee, Tyler Jacobson, Iris Vold, Savannah Gray, Jung-Han Hsia, Samuel Kung, Kylie Murdock, Anna Whitney, Angelica Rodriquez, Melody Lin, Gissell Vasquez, Ella Smith, Joanna Chen, Varsha Sarveshwar, Alondra Tlatelpa, Farah Oraby, Tansy Cai, Bryan Osorio, Adam Bittenson, Anjali Nadeswaran, Dana Alpert, Tiffany Chang, Mark Green, Nelson Ke, Dominick Williams, Jyhying Chang, Elizabeth Ramirez, Madison Miller, David Ying, Nuha Khalfay, Matthew Lewis, Austin Smith

Item 31: Amend the Council Rules and Procedures to Address the Unintended Consequences Regarding the Operations of Ad-Hoc Committees

- 66. Revised materials, submitted by Councilmember Worthington
- 67. Kelly Hammargren

Item 32: ZAB Appeal: 2527 San Pablo Avenue

- 68. Alesia Connelly
- 69. Ted Dienstfrey
- 70. Michelle Donaldson

Supplemental Communications and Reports 2

- 71. Jill Escher
- 72. Patrick Sheahan
- 73. Jim Corr
- 74. Homeless Commission
- 75. Marianne Iversen
- 76. Sophie Hahn

Item 33: Extend Residential Preferential Parking Permit Program on Sections of Blake Street, Ashby Avenue, and Prince Street

- 77. Meg Kunchai

Item 34: Proposed Ordinance: Surveillance Technology Use and Community Safety

- 78. Mimi Mounqovan
- 79. Veteran for Peace, East Bay Chapter
- 80. 61 'in support of' form letters

Item 35: Strengthening Provisions of Significant Community Benefits in the Downtown

- 81. Luis Amezcua, on behalf of the Sierra Club

Item 38: Establishing a Joint Subcommittee for the Implementation of Housing Laws

- 82. Revised materials, submitted by Mayor Arreguin

Item 39: Replace Berkeley City Limit Signs to Read: "Welcome to Berkeley", "LOVE LIFE!", "Sanctuary City" and "Ohlone Territory"

- 83. Edward Manegold
- 84. Jessica Abbe

Item 44: Update on Berkeley Homeless Task Force Recommendations

- 85. Revised materials, submitted by Mayor Arreguin

Supplemental Communications and Reports 3

Item 32: ZAB Appeal: 2527 San Pablo Avenue

- 86. Presentation, submitted by Planning & Development
- 87. Kristen Zimmerman
- 88. Andy Forrest
- 89. Lauren Carroll
- 90. Linda Tung
- 91. Alex Krem
- 92. Emily Ahlvin
- 93. Eugenia Foon
- 94. Shelley Forrest
- 95. Lisa Rasler
- 96. Shelley Doty

Item 34: Proposed Ordinance: Surveillance Technology Use and Community Safety

- 97. 7 'in support of' form letters

Item 37b: Companion Report: Addressing Critical Concerns of the Homeless - Port-a-Potties, Wash Stations and Trash Removal at Encampments/Hepatitis A Vaccine Distribution

Supplemental Communications and Reports 3

98. Presentation, submitted by Health, Housing & Community Services

**MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, January 30, 2018
6:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 6:04 p.m.

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

Absent: Councilmember Davila.

Councilmember Davila present at 6:09 p.m.

Ceremonial Matters:

1. Proclamation recognizing the 45th Anniversary of Roe v. Wade
2. Proclamation recognizing J. Ruth Gendler, Local Author
3. Proclamation recognizing Harriet Tubman Tenants Council
4. Proclamation recognizing Pizza Lover Month – February 2018
5. Announcement: Community Forum on Alta Bates, 2/3/18, 11am-1pm at Ed Roberts Campus

City Manager Comments:

1. Community Meeting on the North Berkeley Senior Center Renovations, 2/15/18, 2pm – 4pm, at North Berkeley Senior Center

Public Comment on Non-Agenda Matters: 10 speakers.

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

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

Vote: All Ayes.

Consent Calendar

- 1. Referral Response: City Council Rules of Procedure and Order**
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter III, Section C and Chapter III, Section E to authorize the Agenda Committee to reorder the agenda as needed, and rescinding any preceding amendatory resolutions.
Financial Implications: None
Contact: Dee Williams-Ridley, City Manager, 981-7000
Action: Adopted Resolution No. 68,309–N.S.
- 2. Contract No. 8949C Amendment: Intermedix for Ambulance Billing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8949C with Intermedix, extending the contract from March 31, 2018 to June 30, 2018 and increasing the contract amount by \$189,000, for a total amended amount not to exceed \$1,389,000, to provide ambulance billing services.
Financial Implications: General Fund - \$189,000
Contact: David Brannigan, Fire, 981-3473
Action: Adopted Resolution No. 68,310–N.S.
- 3. Appointment of Health Officer**
From: City Manager
Recommendation: Adopt a Resolution to appoint Lisa B. Hernandez, M.D. as the Health Officer for the City of Berkeley.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,311–N.S.
- 4. Designating City’s Labor Negotiator under Govt. Code Section 54957.6**
From: City Manager
Recommendation: Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in closed sessions with the City Council to discuss labor negotiations with certain unions and rescinding Resolution No. 67,803-N.S.
Financial Implications: None
Contact: Margarita Zamora, Human Resources, 981-6800
Action: Adopted Resolution No. 68,312–N.S.

Consent Calendar

- 5. Contract: Third Wave Corporation for ERP Replacement Project's Enterprise Modules Needs Assessment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Third Wave Corporation for ERP Replacement Project: Enterprise Modules Needs Assessment, for a total not to exceed \$400,000 from February 15, 2018 to June 30, 2020.
Financial Implications: FUND\$ Replacement Fund - \$400,000
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,313–N.S.
- 6. Grant Application: Land and Water Conservation Fund – San Pablo Park Restroom Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the federal Land and Water Conservation Fund (LWCF) in an amount not to exceed 50% of the San Pablo Park Restroom Renovation total project cost of \$450,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,314–N.S.

Council Consent Items

Council Consent Items

7. **Immediate Measures to Address Fire Safety and Prevention**
From: Councilmembers Hahn, Wengraf, and Harrison
Recommendation: Refer to the City Manager to study and evaluate, in consultation with relevant Commissions, the following fire safety and prevention measures on a priority basis. After study and evaluation, implement or, where additional resources may be required, recommend implementation and sources of funding. 1. Complete the Berkeley Fire Department's comprehensive Evacuation Plan and publicize evacuation routes and protocols on a priority basis. 2. Increase outreach efforts to sign up residents for the Alameda County Emergency Alert program. 3. Review and update the City's existing Fire Safety ordinances, including BMC 12.50 Fire Inspection Program. 4. Consider implementation of a siren warning system, similar to Oakland's Emergency Siren system. 5. Review and, as necessary, strengthen coordination and communication with Oakland, East Bay Regional Parks (EBRP), Alameda County, Contra Costa and other neighboring Fire Department and emergency response service providers. 6. Expand programs and practices to reduce fire hazards and fuel loads and ensure clearance for utility lines on both public and private property as outlined in the report.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Moved to Action Calendar. 4 speakers. Councilmember Droste added as a co-sponsor. M/S/C (Maio/Hahn) to consider the previously adopted item from Councilmember Bartlett, the item from January 30, and the future item from the Commission as a single package and to acknowledge the work done by the commission and by staff; item amended to revise recommendation 6.f. to read "Taking into account the same considerations as a and b above, establish..."
Vote: All Ayes.
8. **Request that the City Manager Write a Letter to Navigation Service Providers to Help Mitigate Increased Neighborhood Traffic Volume and Unsafe Driving**
From: Councilmembers Wengraf, Maio, Droste, and Mayor Arreguin
Recommendation: Request that the City Manager write a letter to navigation service providers such as Waze, Google, and Apple, reporting that their apps have led to an inappropriate increase in traffic volumes and speeds on many local residential streets, and requesting specific adjustments to assumptions that guide their algorithms. The goal of the letter is to help mitigate increased traffic volume on neighborhood streets and unsafe driving in the City of Berkeley.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

Council Consent Items

9. **Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding Streams for Student Housing**

From: Councilmembers Worthington and Bartlett

Recommendation: Referral to the City Manager & the Housing Commission to consider creating a dedicated revenue stream from campus area projects to fund housing for homeless and extremely low income students, and drafting a letter encouraging exploration of University funding streams for student housing.

Financial Implications: Minimal

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

Action: Moved to Action Calendar. 7 speakers. Councilmember Harrison and Mayor Arreguin added as co-sponsors. M/S/C (Harrison/Wengraf) to approve the recommendation as written below.

Refer to the City Manager and Housing Commission to consider in partnership with the proposed density bonus in the campus area and other policies directed at increasing student housing, creating a dedicated revenue stream to fund housing for homeless and extremely low income students using methods of identifying eligible students based on one or more of the following criteria: EOP, FAFSA, Pell Grant, Work Study qualified, family income or other verifiable status as well as similar categories applicable to graduate students.

Vote: All Ayes.

Recess 8:18 p.m. – 8:27 p.m.

Action Calendar – Continued Business

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

From: Police Review Commission

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

Financial Implications: Staff time

Contact: Katherine Lee, Commission Secretary, 981-4950

Action Calendar – Continued Business

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

From: City Manager

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

Financial Implications: Staff time

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

Action: 12 speakers. M/S/C (Droste/Worthington) to hold over the proposals from the Commission, the City Manager, and the Mayor (from Supplemental Packet #2) to the March 13, 2018 agenda and agendize the items as "a, b, and c" items.

Vote: All Ayes.

Action Calendar – Old Business

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

From: City Manager

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

Action: 8 speakers. M/S/C (Harrison/Arreguin) to direct the City Manager to provide an off-agenda memo to the Council on the parking issues by February 15, 2018 and to submit an item on the March 13, 2018 agenda for Council action on the parking issue including the following components.

- Effect of including parking in the project on competitiveness of securing cap and trade funds
- Time and cost to redesign the project under each parking scenario, including a zero parking scenario
- Analysis of cost implications for each parking scenario, and potential sources of funds if parking revenue falls short
- Building height options and construction type

Vote: All Ayes.

11. Endorsement of the 2018 Affordable Housing Act State Ballot Initiative *(Continued from December 19, 2017)*

From: Councilmembers Worthington, Harrison, Bartlett and Davila

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

Financial Implications: Minimal

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

Action: Moved to Consent Calendar as written in Supplemental Reports Packet #1.

Action Calendar – New Business

- 12a. Cesar Chavez Off-Leash Dog Park, Limit Number of Dogs Per Person**
From: Animal Care Commission
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 10.04, Section 120 (B), Dogs In Public Playgrounds And Parks Prohibited--Impoundment Required—Exception, to change the maximum number of dogs permitted in any “dog park” or “off leash” area set aside and designated as such by the City Council from four (4) dogs to eight (8) dogs per owner/guardian, or per responsible party at any one time.
Financial Implications: See report
Contact: Amelia Funghi, Commission Secretary, 981-6600
- 12b. Companion Report: Cesar Chavez Off-Leash Dog Park, Limit Number of Dogs Per Person**
From: City Manager
Recommendation: Consider requesting a written report from the Parks and Waterfront Commission regarding the number of “off leash” dogs per person at Cesar Chavez Off-Leash Dog Park, prior to considering adoption of the recommendation from the Animal Care Commission.
Financial Implications: None
Contact: Jovan Grogan, City Manager's Office, 981-7000

Action: Moved Item 12b to the Consent Calendar with the amendment to also refer the item back to the Animal Care Commission.

Council Action Items

- 13. Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses**
From: Mayor Arreguin
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 9.04 to modify the business license tax rate for Non-Medical Cannabis Businesses to \$50/\$1,000 gross receipts (or 5%).
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: 12 speakers. M/S/C (Arreguin/Wengraf) to continue the item to February 13, 2018.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Councilmember Worthington absent 10:44 p.m. – 11:00 p.m.

Council Action Items

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

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

Financial Implications: Staff time

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

Action: 16 speakers. M/S/C (Worthington/Wengraf) to:

1. Adopt Resolution No. 68,315–N.S.
2. Approve recommendations #2 amended to change “San Pablo” to “University”
3. Approve recommendation #3
4. Request that the City Manager expeditiously create a process for finding appropriate for-profit and non-profit interim uses; Continue conversations with the Berkeley Food Network for possible use of a portion of the site; Refer the scheduling of a Worksession or presentation on the use of the site to the Agenda Committee

Vote: All Ayes.

Council Action Items

Action: M/S/Failed (Worthington/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m. to hear Item 13.

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

Councilmember Hahn absent 10:40 p.m. – 10:50 p.m.

Information Reports

15. Status Report – Performance Audit of the Payroll Audit Division

From: Auditor

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

Action: Received and filed.

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

Adjournment in memory of:

1. Victims of the Montecito mudslides
2. Helen Ripplier Wheeler, Ph.D, Local Activist and Educator
3. Ursula Le Guin, Local Author
4. Mary Marks, Local Artist

Adjourned at 11:00 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 30, 2018 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Immigration Commentary

1. Blair Beekman

Berkeley Police

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

Ohlone Park

5. David Lerman

Soup Kitchens / Shelters

Communications

6. Avram Gur Arye (2)

NCRIC / UASI / Urban Shield

- 7. Linda Franklin
- 8. Cindy Shamban

Save Alta Bates Community Forum

- 9. S. Omowale Fowles

Harriet Tubman Terrace Concerns

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

Supplemental Communications and Reports 1

Item 11: Endorsement of the 2018 Affordable Housing Act State Ballot Initiative

- 13. Revised materials, submitted by Councilmember Worthington

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

- 14. Cannabis Commission

Item 14: Direction and Referral to the City Manager Regarding “Premier Cru” Property

- 15. Supplemental materials, submitted by Councilmember Worthington

Supplemental Communications and Reports 2

Item 9: Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding Streams for Student Housing

- 16. Revised materials, submitted by Councilmember Worthington
- 17. Christine Schwartz
- 18. East Bay for Everyone

Item Aa: Proposed Ordinance: Surveillance Technology Use and Community Safety

- 19. Supplemental materials, submitted by Mayor Arreguin
- 20.5 ‘in support of’ form letters

Item 10: Berkeley Way Housing Development Update

- 21. Kirsten Rose
- 22. Phoebe Sorgen
- 23. Katharine Bierce
- 24. Sophia DeWitt
- 25. Jeanne Clinton
- 26. Sarah Herbold
- 27. Housing Advisory Commission
- 28. Paolo Laverde
- 29. Ellen Chen

Supplemental Communications and Reports 2

- 30. Daniel Newman
- 31. Luis Amezcua, on behalf of the Sierra Club
- 32. East Bay for Everyone
- 33. Doug Smith

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

- 34. Claudia Kawczynska

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

- 35. Zachary Michelson
- 36. Sabrina Fendrick, on behalf of Berkeley Patients Group

Item 14: Direction and Referral to the City Manager Regarding “Premier Cru” Property

- 37. Supplemental communications, submitted by Councilmember Worthington
- 38. Sara Webber, on behalf of Berkeley Food Network
- 39. East Bay for Everyone

Supplemental Communications and Reports 3

Item 9: Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding Streams for Student Housing

- 40. East Bay Young Democrats
- 41. Berkeley Student Cooperative

Item 10: Berkeley Way Housing Development Update

- 42. Nancy Kates
- 43. Elizabeth Ferguson
- 44. Hadiyah Abdul-Mu'min
- 45. Cathy Blankespoor
- 46. Stephanie Thomas

Item 14: Direction and Referral to the City Manager Regarding “Premier Cru” Property

- 47. Supplemental materials, submitted by City Clerk’s Office
- 48. Chrise de Tournay Birkhahn

Picture

- 49. Margy Wilkinson