

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, March 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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Councilmember may move any information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

- 1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 13, 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 - \$630,000
Contact: Henry Oyekanmi, Finance, 981-7300
- 2. Contract No 9709C Amendment: Pacific Site Management for the Provision of Landscape Maintenance Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9709C with Pacific Site Management for the provision of landscape maintenance services at the North Berkeley Senior Center, South Berkeley Senior Center, West Berkeley Service Center, Berkeley Mental Health Clinics and the Ann Chandler Public Health Center, increasing the not to exceed amount by \$50,788 for a total not to exceed amount of \$209,518 through June 30, 2019.
Financial Implications: Various Funds - \$50,788
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Consent Calendar

3. Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245

From: City Manager

Recommendation: Adopt two Resolutions:

1. Approving a new 16-month Memorandum Agreement with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the "Union") with a term of June 18, 2017 through October 20, 2018, by authorizing the City Manager to execute and implement the new labor agreement that includes certain adjustments to salaries and benefits as set forth in the contract; and
2. Approving a new salary resolution for Representation Unit C that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 67,340–N.S.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, 981-6800

4. Donation from Microsoft Dynamics: One (1) Surface Pro 4 128GB, Approximate Retail Value (ARV) \$999.00 and One (1) Surface Pro 4 Keyboard, Approximate Retail Value (ARV) \$129.99

From: City Manager

Recommendation: Adopt a Resolution accepting one Surface Pro 4 128GB and one Surface Pro 4 Keyboard with a combined value of \$1128.99 from Microsoft Dynamics.

Financial Implications: None

Contact: Savita Chaudhary, Information Technology, 981-6500

5. Lease Amendment: 200 Seawall Drive, RUI One Corporation (Skates Restaurant)

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the City's ground lease with RUI One Corporation, to extend it through December 31, 2018, to allow both parties to continue negotiations on a future lease, and add a holdover clause to follow standard leasing practices.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

6. Contract No. 9044 Amendment: Building Opportunities for Self-Sufficiency for Leaf and Litter Removal of City Streets and Sidewalks

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9044 with Building Opportunities for Self-Sufficiency for leaf and litter removal of City streets and sidewalks, for an additional \$47,542 for a total contract amount not to exceed \$1,650,042.

Financial Implications: Zero Waste Fund - \$47,542

Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 7. Contract: Mosto Construction, Inc. for Sanitary Sewer Rehabilitation - Urgent Sewer Repair Project FY 2018**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Urgent Sewer Repair Project FY 2018 with sites located throughout the City; accepting the bid of the lowest responsible bidder, Mosto Construction, Inc.; and, authorizing execution of a contract and any amendments, extensions, or change orders until completion of the project in accordance with approved plans and specifications, in an amount not to exceed \$412,078.
Financial Implications: Sanitary Sewer Operation - \$412,078
Contact: Phillip Harrington, Public Works, 981-6300
- 8. Contracts: On-Call Structural Engineering Services, IDA Structural Engineers, Inc. and KPW Structural Engineers, Inc.**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call structural engineering services for capital improvement projects, each for a period of July 1, 2018 through June 30, 2021:
1. IDA Structural Engineers, Inc. (IDA), for an amount not to exceed \$150,000.
2. KPW Structural Engineers, Inc. (KPW), for an amount not to exceed \$150,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 9. Major Encroachment Permit: 0 Panoramic Way**
From: City Manager
Recommendation: Adopt a Resolution authorizing the issuance of a major encroachment permit to East Bay Municipal Utility District, for a turnout constructed in the public right-of-way fronting 0 Panoramic Way (Assessor's Parcel Number 055-1862-053).
Financial Implications: None
Contact: Phillip Harrington, Public Works, 981-6300
- 10. Festival Grants Program**
From: Civic Arts Commission
Recommendation: Refer to the City Manager the establishment of the City of Berkeley Festival Grants Program to allocate General Fund grants for special events and festivals via a regular and transparent process, for implementation beginning in the FY2020 budget year.
Financial Implications: See report
Contact: Mary Ann Merker, Commission Secretary, 981-7530

Consent Calendar

11. **Re-appointment of Paul Kealoha-Blake to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution for the re-appointment of Paul Kealoha-Blake to the Mental Health Commission, as a representative of the General Public Interest category, to complete his third term ending March 21, 2021.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400

Council Consent Items

12. **Supporting FairVote California's Proposed Changes to Ranked Choice Voting Reporting**
From: Mayor Arreguin, and Councilmembers Hahn and Harrison
Recommendation: Send a Letter to the Alameda County Registrar of Voters asking them to implement FairVote California's proposal to process the redistribution of votes in ranked choice elections until only two candidates remain.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
13. **Referral to the City Manager's Office: Amendments to Berkeley Municipal Code Title 14**
From: Councilmembers Bartlett and Hahn
Recommendation: Refer to the City Manager's office to: 1. Develop amendments to Berkeley Municipal Code Title 14 to authorize new parking meters in South Berkeley along the following areas: a. Shattuck Ave between Derby and Ward; and b. Shattuck Ave between Derby and Carleton. 2. Hold a public hearing and upon conclusion adopt the first reading of the ordinance incorporating amendments identified above.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
14. **Support for H.R. 4779, the Restricting Excessive Federal Enforcement and Regulations of Cannabis (REFER) Act of 2018**
From: Councilmembers Bartlett and Davila
Recommendation: Adopt a Resolution of support for the Restraining Excessive Federal Enforcement & Regulations of Cannabis Act (REFER) Act of 2018 introduced by Congresswoman Barbara Lee. Send a copy of the resolution to Congresswoman Barbara Lee.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

- 15. Support for the Marijuana Justice Act of 2018**
From: Councilmembers Bartlett and Davila
Recommendation: Adopt a Resolution of support for the Marijuana Justice Act of 2018, the comprehensive marijuana reform legislation that has been introduced by Congresswoman Barbara Lee. Send a copy of the resolution to Congresswoman Barbara Lee.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 16. Support for the Congresswoman Barbara Lee's Resolution (H. Con. Res. 74) Affirming the Right of All Renters to a Safe, Affordable, and Decent Home**
From: Councilmembers Bartlett, Hahn, and Davila
Recommendation: Adopt a Resolution of support for H.Con.Res.74 of 2017, a resolution that has been introduced by Congresswoman Barbara Lee. Send a copy of the resolution to Congresswoman Barbara Lee.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 17. Referral to the Arts Commission and the City Manager: Cost Estimate and Plan for Installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St**
From: Councilmembers Bartlett, Harrison, Davila, and Hahn
Recommendation: Refer to the City Manager a request to develop a cost estimate and an installation plan for installing sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer the cost estimate and plan to the Arts Commission.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 18. Budget Referral: Installation of Traffic Lights, HAWK Lights, or Stop Sign at California St & Ashby Ave**
From: Councilmember Bartlett
Recommendation: Refer to the budget process the installation of Traffic Lights, HAWK Lights, or Stop Signs at the intersection of California St & Ashby Ave. If such an installation is approved in the budget process, direct the City Manager and Transportation staff to expedite said installation. Prior to installation of either Traffic Lights, HAWK Lights or Stop Signs in this location, a traffic study and public hearing must be held to consider the impacts of the proposed improvements. This item urges staff to expeditiously complete all steps necessary to install the improvements immediately after the budget referral is approved.
Financial Implications: \$10,000-\$400,000
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Council Consent Items

19. **Budget Referral: Police Foot Patrol in Downtown**
From: Councilmember Harrison
Recommendation: Refer to the FY 2018/19 Budget Process to establish funding for police foot patrol or bicycle officers to cover the Downtown Area as defined in the Downtown Area Plan, which includes portions of Berkeley Police Department Beats 4, 3 and 5. In addition, explore the possibility of a deputized Community Service Officer, who can issue citations and make arrests. Potential revenue sources could include parking revenue if Downtown meters are extended from 6-8 p.m.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
20. **Support for AB 1796 (Muratsuchi) to Remove Impediments to the Installation of Electric Vehicle Charging Stations**
From: Councilmembers Wengraf, Bartlett, Harrison, and Hahn
Recommendation: Send a letter of support of AB 1796 (Muratsuchi) to Assemblymember Thurmond, State Senator Skinner and Governor Brown.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
21. **Referral to the Energy Commission: Strategies to Improve EV Usage**
From: Councilmembers Wengraf, Harrison, Bartlett, and Hahn
Recommendation: Refer to the Energy Commission and the City Manager to research best practices to encourage and support the use of electric vehicles, and develop a draft EV Plan for Berkeley that City Council can adopt. The plan should include realistic goals supported by city-wide initiatives to improve EV infrastructure and incentivize EV use for Berkeley's residents and workers.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
22. **Supporting the California Clean Water and Safe Parks Act**
From: Councilmember Worthington, Mayor Arreguin, and Councilmembers Hahn and Harrison
Recommendation: That the Council adopts a Resolution supporting Proposition 68, formerly SB 5, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, that the City of Berkeley supports and can be listed as a member of the Californians for Clean Water and Safe Park coalition, and directs staff to email a copy of this adopted resolution to the League of California Cities.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

23. **City Manager Referral: Improving the City's Elevator Ordinance**
From: Councilmembers Worthington, Maio, Hahn, and Harrison
Recommendation: Referral to the City Manager and Commission on Disability to improve the City's Elevator Ordinance by addressing the concerns of the disabled community.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
24. **Send Ford Bikes a 90 day Notice to Provide Electric Bikes based on agreement, refer the Transportation Commission to look at additional Share Bike Alternatives, and Electric Motor Scooter and Electric Bike Share Programs**
From: Councilmember Worthington
Recommendation: Have the City Manager give Ford Bikes a 90 days notice to provide electric bikes based on their agreement with the city. Refer to the transportation commission to see if the city can look into alternative bike share programs, motor scooter share program, and electric bike programs to explore more affordable and accessible rideshare programs for a more equitable and environmental friendly Berkeley.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar

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

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

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

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

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

Action Calendar – Public Hearings

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

- 25. ZAB Appeal: 2212 Tenth Street, Use Permit No. ZP2016-0129**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution to dismiss the appeal and uphold the Zoning Adjustments Board decision to approve Use Permit No. ZP2016-0129 to (1) demolish an existing 1,080 square foot, single-family dwelling and an approximately 120 sq. ft. detached one-car garage, and (2) construct two new detached, two-story dwellings.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400

Action Calendar – Old Business

- 26. “To Achieve Fairness and Impartiality” – Report and Recommendations from the Berkeley Police Review Commission** *(Continued from January 23, 2018.)*
From: Police Review Commission
Contact: Katherine Lee, Commission Secretary, 981-4950
- 27a. Proposed Ordinance: Surveillance Technology Use and Community Safety** *(Continued from January 30, 2018.)*
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
- 27b. Companion Report: Proposed Ordinance: Surveillance Technology and Community Safety** *(Continued from January 30, 2018. Item contains supplemental material.)*
From: City Manager
Recommendation: Adopt first reading of the Surveillance Technology Use Ordinance as proposed by the City Manager, adding a new chapter to the Berkeley Municipal Code.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900 and David Brannigan, Fire, 981-3473
- 27c. Proposed Ordinance: Surveillance Technology Use and Community Safety**
From: Mayor Arreguin
Recommendation: Adopt first reading of the Acquisition and Use of Surveillance Technology Ordinance as proposed by the Mayor, adding a new chapter to the Berkeley Municipal Code.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100

Action Calendar – Old Business

- 28. Strengthening Provisions of Significant Community Benefits in the Downtown** *(Continued from February 13, 2018. Item contains revised material.)*
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
- 29a. Supplemental Paid Family Leave** *(Continued from February 13, 2018.)*
From: Commission on the Status of Women, 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
- 29b. Companion Report: Supplemental Paid Family Leave** *(Continued from February 13, 2018.)*
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: LaTanya Bellow, Human Resources, 981-6800
- 30a. Storage at Premier Cru** *(Continued from February 13, 2018.)*
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 – Old Business

30b. Companion Report: Storage at Premier Cru *(Continued from February 13, 2018.)*
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 Calendar – New Business

31. BRIDGE's Berkeley Way Development: Funding and Public Parking Requirements

From: City Manager

Recommendation: Provide direction on the next steps to further the City's partnership with the BRIDGE Housing Corporation (BRIDGE) and the Berkeley Food and Housing Project (BFHP) for the Berkeley Way development project. Specifically:

1. Direct the City Manager to work with BRIDGE and BFHP to finalize the design with the City's preferred amount of public parking. Staff have identified a single level of subterranean parking using puzzle lifts to provide approximately 200 spaces as the most financially feasible model.

2. Direct the City Manager on how to respond to the remaining \$15M gap in the homeless shelter and affordable housing budget that BRIDGE and BFHP have proposed for City funding. At this point, the most feasible financing strategy that staff has identified which would yield sufficient funding is using the available \$2.2M in the Housing Trust Fund and bond financing using increased business license revenues from Measure U1. In consultation with the City's bond counsel, staff estimates that the City could attain \$15M in bond financing for an annual debt payment of approximately \$2M for 10 years.

3. Direct the City Manager on how to respond to the \$1.5M in parking mitigation fees that will be required as a result of the Downtown Area Plan parking fee requirements because the project does not provide resident parking.

4. Direct the City Manager on how to address the additional gap of up to \$8.5M in the project that BRIDGE and BFHP initially proposed filling with 49 project-based Section 8 vouchers from the Berkeley Housing Authority (BHA). BHA staff indicated they will be unable to award project-based vouchers in 2018 because they are facing a budget shortfall.

Financial Implications: See report

Contact: Jovan Grogan, City Manager's Office, 981-7000; Paul Buddenhagen, Housing and Community Services, 981-5400; Phillip Harrington, Public Works, 981-6300

Information Reports

32. *****Removed from the Agenda by the City Manager*** FY 2018 Mid-Year Budget Update**
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
33. **Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
34. **City Auditor's Snapshot: Quarterly Summary Report on Audit Recommendations**
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
West Branch – 1125 University
North Branch – 1170 The Alameda
South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 1, 2018.***

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.*

### **Item 27: Proposed Ordinance: Surveillance Technology Use and Community Safety**

1. John Heaton
2. Chris Mathis

#### **Berkeley Police**

3. Erik Schmitt
4. Carol Denney

#### **Article on Free Public Transport**

5. Donald Goldmacher / Sophie Hahn

**Article on Copenhagen**

6. Donald Goldmacher

**Council Meeting Concerns**

7. Tree Fitzpatrick

**Berkeley Concerns**

8. Eric Friedman

**Allocation of Measure T1 Funds**

9. Eric Friedman

**Support for West Berkeley Shellmound**

10. Christie Keith

11. Jessie Barker

12. Aram Krikorian

13. Jillian Bautista

14. Jae Hee Kim

15. Vicki Legion

16. Amy Shoemaker

**Lights on Vine Street**

17. Jenniffer Hamilton

**Storm Water Fee Protest / Pollution**

18. David Lerman (3)

**Parcel Tax**

19. David Lerman

**City Liabilities**

20. David Lerman

**Power Washing on Shattuck**

21. Marc Bernasconi

**Proposed Good Governance Police Accountability Plan**

22. Police Review Commission

**Bike Path/Crossing at Cedar Street**

23. Kelly Phillips

**Housing vs. Shelter**

24. Avram Gur Arye

**Housing Loophole**

25. Carol Denney

**Cashless Businesses in Berkeley**

26. Cassia

**Elmwood Retail**

27. Sara Hartley

**Persian New Year Festival**

28. Lisa Bullwinkel

## **Ban on Offshore Oil and Gas Drilling Resolution**

29. Delia Ridge Creamer

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

