



Office of the City Manager

CONSENT CALENDAR
March 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 February 6, 2018 (special), February 13, 2018 (special closed and regular), February 20, 2018 (special), February 26, 2018 (special closed), and February 27, 2018 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. February 6, 2018–Special City Council Meeting
2. February 13, 2018–Special Closed Council Meeting
3. February 13, 2018–Regular City Council Meeting
4. February 20, 2018–Special City Council Meeting
5. February 26, 2018–Special Closed City Council Meeting
6. February 27, 2018–Special Closed City Council Meeting
7. February 27, 2018–Regular City Council Meeting

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

Tuesday, February 6, 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 6:05 p.m.

Action Calendar – Public Hearings

Action Calendar – Public Hearings

1. **ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247**

From: City Manager

Recommendation: Conduct a public hearing, consider the applicant's request to revise the project description as described herein and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0247 to construct four detached, 3-story, approximately 1,800 square-foot, single-family dwellings, each with an average height of 33', on a 6,250 square-foot vacant parcel in the MU-R District, as amended, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 4 speakers. M/S/C (Arreguin/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Worthington/Harrison) to remand the application to the Zoning Adjustments Board to enable discussion between the opposing parties, review the affordable housing requirements, and consider any further changes by the applicant.

Vote: All Ayes.

Recess 7:09 p.m. – 7:19 p.m.

Action Calendar – Public Hearings

2. ZAB Appeal: 2334 Jefferson Avenue, Administrative Use Permit No. ZP2016-0203

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0203 to raise an existing 2,543 square-foot, 2-story, single-family dwelling, with an average height of 18'4" by 5'6" for a new average height of 23'10", convert 515 square feet of the existing basement into living space, and vertically extend the building walls within the nonconforming front yard setback, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 6 speakers. M/S/C (Wengraf/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Worthington) to adopt Resolution No. 68,316–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit No. ZP2016-0203 to raise an existing 2,543 square-foot, 2-story, single-family dwelling, with an average height of 18'4" by 5'6" for a new average height of 23'10", convert 515 square feet of the existing basement into living space, and vertically extend the building walls within the nonconforming front yard setback, and dismiss the appeal.

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

Recess 8:15 p.m. – 8:27 p.m.

3. ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

A. Adopt a Resolution (as presented in Attachment 1) to: 1. Determine that appeal issues 1, 2, 4, 7, 10, 11, 14 through 15 are without merit and reject the appeal as to those issues; and 2. Remand to the Zoning Adjustments Board (ZAB) to consider appeal issues 3, 5, 6, 8, 9, 12 and 13 and to consider the revised project presented by the applicant within the appeal.

-OR-

B. Adopt a Resolution (Attachment 2) reversing the Zoning Adjustments Board decision and approving Use Permit No. ZP2016-0062 to construct a 3,447 sq. ft., three-story, single-family dwelling with an integrated 748 sq. ft. Accessory Dwelling Unit, and a two-car parking structure in the front yard setback, on a 6,082 sq. ft. vacant parcel;

-OR-

C. Adopt a Resolution (Attachment 3) upholding the Zoning Adjustments Board decision to deny Use Permit No. ZP2016-0062 to construct a 3,447 sq. ft., three-story, single-family dwelling with an integrated 748 sq. ft. Accessory Dwelling Unit,

Action Calendar – Public Hearings

and a two-car parking structure in the front yard setback, on a 6,082 sq. ft. vacant parcel.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 10 speakers. M/S/C (Wengraf/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Arreguin) to adopt Resolution No. 68,317–N.S. to: 1. Determine that appeal issues 1, 2, 4, 7, 10, 11, 14 through 15 are without merit and reject the appeal as to those issues; 2. Remand to the Zoning Adjustments Board (ZAB) to consider appeal issues 3, 5, 6, 8, 9, 12 and 13 and to consider the revised project presented by the applicant within the appeal; 3. Direct the applicant to submit complete plans that conform with city requirements; 4. Direct the applicant to place story poles at the property to accurately reflect the proposed project.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 9:32 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of February 6, 2018.

Mark Numainville, City Clerk

Communications

Item 1: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247

1. Matthew Wadlund
2. Jeffrey Spahn
3. Victoria Fierce, on behalf of California Renters Legal Advocacy and Education Fund

Item 2: ZAB Appeal: 2334 Jefferson Avenue

4. David Ushijima (4)
5. Connie Jacowitz

Item 3: ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

6. Richard O'Connell (2)
7. Reba Jones
8. Fred Schlachter

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247

9. Richard
10. Melissa Bottrell

Item 2: ZAB Appeal: 2334 Jefferson Avenue, Administrative Use Permit No. ZP2016-0203

11. David Ushijima (2)
12. Jonah Markowitz

Item 3: ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

13. Revised materials, submitted by Planning & Development
14. Immanuel Bereket
15. Nga Pham
16. Sophie Hahn
17. Ric O'Connell

Supplemental Communications and Reports 3

Item 1: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit No. ZP2016-0247

18. Presentation, submitted by Planning & Development
19. Matthew Wadlund

Item 2: ZAB Appeal: 2334 Jefferson Avenue, Administrative Use Permit No. ZP2016-0203

20. Presentation, submitted by Planning & Development
21. Unknown (2)

Item 3: ZAB Appeal: 1436 Campus Drive, Use Permit ZP No. 2016-0062

22. Presentation, submitted by Planning & Development
23. Rena Rickles

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, FEBRUARY 13, 2018

5:00 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: 5:04 p.m.

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

Absent: Councilmembers Bartlett, Davila, Hahn and Worthington.

Councilmember Davila present at 5:08 p.m. Councilmember Hahn present at 5:08 p.m.

Councilmember Bartlett present at 5:10 p.m. Councilmember Worthington present at 5:10 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 LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

Pending litigation – one case

- a. *Gray v. City of Berkeley*
Alameda County Superior Court Case No. RG16840595

Action: M/S/C (Wengraf/Worthington) to approve the recommendation for a settlement in the amount of \$150,000 in the *Gray v. City of Berkeley* pending litigation.

Vote: All Ayes.

OPEN SESSION:

Approved settlement agreement in the amount of \$150,000 in the *Gray v. City of Berkeley* pending litigation.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:12 p.m.

This is to certify that the foregoing is a true and correct record of the special closed session meeting of February 13, 2018.

Mark Numainville, City Clerk

**MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 13, 2018
6:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 6:02 p.m.

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

Absent: None.

Report from Closed Session:

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

Ceremonial Matters:

- 1. Recognition of Rabbi Michael Lerner

City Manager Comments: None

City Auditor Comments

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

Public Comment on Non-Agenda Matters: 10 speakers.

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

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

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

Consent Calendar

5. Mills Act Contract – 4 Greenwood Common

From: City Manager

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

Financial Implications: See report

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

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

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

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

From: City Manager

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

Financial Implications: Various Funds - \$550,000

Contact: Phillip Harrington, Public Works, 981-6300

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

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

7. Commission on Aging Liaison Appointments

From: Commission on Aging

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

Financial Implications: None

Contact: Richard Castrillon, Commission Secretary, 981-5190

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

Council Consent Items

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

BE IT FURTHER RESOLVED that no department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal drug laws related to cannabis landlords, property owners, cultivators, distributors, retailers, laboratory testers, or customers who are operating within California state law and local ordinances; and
10. **Amendment to Commercial Waste Collection System for the 4th Street Commercial District Operating Akin to a Mall**
From: Councilmember Maio and Mayor Arreguin
Recommendation: Amend Option 1A to Expanding Refuse Collection to read: City provides all commercial services but roll-off containers and compactors, and except for commercial districts (excluding restaurants) wherein special collection services are embedded in existing leases and where the district provides special services.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Moved to Action Calendar. 2 speakers. M/S/C (Arreguin/Maio) to refer the item to Agenda Committee for future scheduling.
Vote: All Ayes.

Council Consent Items

- 11. Direction to the City Manager: Negotiate with BART to Remove Prison-Like Fence from Here-There Sign Located at 63rd Street and Martin Luther King Jr. Street**
From: Councilmembers Bartlett and Davila
Recommendation: Direct the City Manager to negotiate with BART to remove the prison-like fence from the Here-There Sign located at 63rd Street and Martin Luther King Jr. Street.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmembers Hahn and Harrison added as co-sponsors. Approved recommendation as written in the original item.
- 12. Black History Month: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmembers Bartlett, Hahn, and Davila
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Black History Month and Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3). The funds should be relinquished to the City's general fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 68,327–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Wengraf - \$100; Councilmember Harrison - \$150; Councilmember Davila - \$150; Councilmember Maio - \$100; Councilmember Worthington \$250.
- 13. Referral to the Peace & Justice Commission: Examine Internet Communications Platforms Servicing Berkeley**
From: Councilmembers Bartlett, Davila, and Harrison
Recommendation: Referral to the Peace & Justice Commission to examine the internet communications platforms servicing Berkeley to assess whether they are propagating or promoting racism and/or discrimination.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.

Council Consent Items

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

Council Consent Items

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

Council Consent Items

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

Council Consent Items

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

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

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

Council Consent Items

28. Small Business Subcommittee Creation

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

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

Financial Implications: Staff time

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

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

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

From: Councilmember Droste, Harrison, and Wengraf

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

Financial Implications: See report

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

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

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

Action Calendar – Public Hearings

Action Calendar – Public Hearings

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

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

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

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

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

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

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

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

Vote: All Ayes.

Action Calendar – Old Business

31. Strengthening Provisions of Significant Community Benefits in the Downtown *(Continued from January 23, 2018. Item contains revised materials.)*

From: Councilmember Harrison and Mayor Arreguin

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

Financial Implications: See report

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

Action: Item held over to March 13, 2018

Action Calendar – Old Business

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

(Continued from January 23, 2018.)

From: Homeless Commission

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

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, 981-5400

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

From: City Manager

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

Financial Implications: See report

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

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

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

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

Action Calendar – Old Business

- 33. Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses**
(Continued from January 30, 2018.)
From: Mayor Arreguin
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 9.04 to modify the business license tax rate for Non-Medical Cannabis Businesses to \$50/\$1,000 gross receipts (or 5%).
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
- Action:** M/S/C (Hahn/Worthington) to extend debate for 20 minutes.
Vote: All Ayes.
- Action:** M/S/C (Hahn/Worthington) to extend debate for 20 minutes.
Vote: All Ayes.
- Action:** M/S/Failed (Wengraf/Hahn) to refer the issue of tax rates for non-medical cannabis to an ad hoc committee of the Council.
Vote: Ayes – Hahn, Wengraf, Droste; Noes – Davila, Bartlett, Worthington, Arreguin; Abstain – Maio, Harrison.
- Action:** 31 speakers. M/S/C (Arreguin/Harrison) to 1) adopt first reading of Ordinance No. 7,590–N.S., second reading scheduled for February 27, 2018; 2) refer to the Community Health Commission to study the health effects of cannabis and possible funding recommendations for allocating the tax revenue; 3) request that staff explore variable or progressive tax rates based on license types; and 4) request that the Mayor involve regional stakeholders regarding tax rate equity.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn, Wengraf.

Action Calendar – New Business

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

Action Calendar – New Business

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

From: City Manager

Recommendation: Adopt two Resolutions:

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

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

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

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

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

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

Recess 8:17 p.m. – 8:30 p.m.

36a. Supplemental Paid Family Leave

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

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

Financial Implications: Unknown

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

36b. Companion Report: Supplemental Paid Family Leave

From: City Manager

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

Financial Implications: See report

Contact: Margarita Zamora, Human Resources, 981-6800

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

Action Calendar – New Business

37. Housing Advisory Commission's U1 Recommendations

From: Housing Advisory Commission

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

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

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

Financial Implications: None

Contact: Amy Davidson, Commission Secretary, 981-5400

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

38a. First They Came for the Homeless Encampment

From: Homeless Commission

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

Financial Implications: Unknown

Contact: Peter Radu, Commission Secretary, 981-5400

Action Calendar – New Business

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

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

Financial Implications: Staff time

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

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

Vote: All Ayes.

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

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

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

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

Vote: All Ayes.

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

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

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

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

39a. Storage at Premier Cru

From: Homeless Commission

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

Financial Implications: See report

Contact: Peter Radu, Commission Secretary, 981-5400

Action Calendar – New Business

39b. Companion Report: Storage at Premier Cru

From: City Manager

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

Financial Implications: None

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

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

Vote: All Ayes.

Information Reports

40. Referral Response: City Council Legislative Position Tracking List

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Action: Received and filed.

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

From: City Manager

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Received and filed.

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

From: City Manager

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

Action: Received and filed.

43. Space for Berkeley Food Network

From: Zero Waste Commission

Contact: Heidi Obermeit, Commission Secretary, 981-6300

Action: Received and filed.

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

Adjournment

Action: Adjourned the meeting in memory of:

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

Adjourned at 11:35 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of February 13, 2018 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

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

1. Summer Brenner

Easy Does It

2. Kevin Hara

State Policy on Homeless

3. David Lerman (2)

Article on Homelessness

4. Harry Brill

Sidewalk on Shattuck in Front of Peets

5. Gaby Olander

Housing Commentary

6. David Lerman (2)

Council Concern

7. Bob Flasher

Response to Proposed Ordinance

8. Mike Lee

Annual Activities Report

9. Sugar-Sweetened Beverage Product Panel of Experts

SB 827

10. Housing Advisory Commission

Homeless Encampments

11. Erik Dreher

12. Jack Kurzweil

13. Pedro Alvarez, Jr.

Use of City Email

14. Tree Fitzpatrick

Police Force Concerns

15. Esther Lerman

16. Dil Khan

Communications

Cultivation of Medical Cannabis Beyond the M Zone

17. Alan Kalmanoff

1524 University Avenue/Police Written Statements

18. W.B.C.

Supplemental Communications and Reports 1

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

19. C. Will Starr

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

20. Holly Scheider

21. Robert Abiad

22. Bhima Sheridan

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

23. Revised materials, submitted by Public Works

Supplemental Communications and Reports 2

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

24. Barbara Gilbert

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

25. Kelly Hammargren

26. Tree Fitzpatrick

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

27. Revised materials, submitted by Mayor Arreguin

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

28. Supplemental materials, submitted by Mayor Arreguin

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

29. Revised materials, submitted by Councilmember Worthington

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

30. Victoria Legg

31. Bob Flasher

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

32. Louise Rosenkrantz

33. Stephen Wollmer

Supplemental Communications and Reports 2

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

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

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

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

Item 36a: Supplemental Paid Family Leave

Item 36b: Companion Report: Supplemental Paid Family Leave

- 46. Jess McCarter
- 47. Terrence Regan

Item 38a: First They Came for the Homeless Encampment

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

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

Supplemental Communications and Reports 3

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

- 51. Christine Schwartz

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

- 52. Unknown

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

- 53. Presentation, submitted by Public Works Department

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

- 54. Thomas Gorham

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

- 55. Presentation, submitted by Public Works Department

Supplemental Communications and Reports 3

Item 36: Supplemental Paid Family Leave

56. Elisa Mikiten

Item 38: First They Came for the Homeless Encampment

57. Sam Clune

58. Unknown

59. Sophie Hahn

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

Tuesday, February 20, 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 Droste, Hahn, Maio, Wengraf and Mayor Arreguin.

Absent: Councilmembers Bartlett, Davila, Harrison and Worthington.

Councilmember Davila present at 6:06 p.m. Councilmember Bartlett present at 6:08 p.m.

Worksession

- 1. **Discuss Possible Ballot Measures for November 2018, and Provide Direction to the City Manager About Which Issues to Include in a Community Survey**

From: City Manager

Contact: Matthai Chakko, City Manager’s Office, 981-7000

Action: 3 speakers. Presentation made and discussion held.

- 2. **City Council Disaster Training**

From: City Manager

Contact: David Brannigan, Fire, 981-3473

Action: 1 speaker. Presentation made and discussion held.

Recess 8:04 p.m. – 8:19 p.m.

- 3. **Conceptual Study for Undergrounding Utility Wires in Berkeley**
From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission

Contact: Nisha Patel, Commission Secretary, 981-6300; Keith May, Commission Secretary, 981-3473; Farid Javandel, Commission Secretary, 981-6300

Action: 4 speakers. Presentation made and discussion held.

Adjournment

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

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

Adjourned at 9:43 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of February 20, 2018.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item 1: Discuss Possible Ballot Measures for November 2018, and Provide Direction to the City Manager About Which Issues to Include in a Community Survey

1. Presentation, submitted by City Manager's Office

Item 2: City Council Disaster Training

2. Presentation, submitted by Fire Department

Item 3: Conceptual Study for Undergrounding Utility Wires in Berkeley

3. Presentation, submitted by Public Works, Disaster & Fire Safety, and Transportation Commissions

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

MONDAY, FEBRUARY 26, 2018

4:00 P.M.

CYPRESS ROOM - 2180 Milvia Street, Berkeley, CA

Teleconference Locations:

4867 Santa Cruz Avenue, #5, San Diego, CA 92107

Oasia Hotel Novena - 8 Sinaran Drive, Singapore, 307470

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 4:07 p.m.

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

Absent: Councilmembers Harrison, Wengraf and Worthington.

Councilmember Wengraf present at 4:12 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, Dania Torres-Wong, 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, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters; and Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire officers Association.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 6:17 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of February 26, 2017.

Mark Numainville, City Clerk

**BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

TUESDAY, FEBRUARY 27, 2018

5:00 P.M.

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

Teleconference Location - Oasia Hotel Novena - 8 Sinaran Dr., Singapore, 307470

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 5:07 p.m.

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

Absent: Councilmembers Bartlett, Harrison and Worthington.

Councilmember Bartlett present at 5:08 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: Director of Planning and Development

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 5:31 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting of February 27, 2018.

Mark Numainville
City Clerk

**MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 27, 2018
6:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
TELECONFERENCE LOCATION:
OASIA HOTEL NOVENA - 8 SINARAN DRIVE, SINGAPORE, 307470

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: Councilmember Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf and Mayor Arreguin.

Absent: Councilmember Worthington.

Councilmember Worthington present at 6:10 p.m.

Ceremonial Matters:

1. Proclamation recognizing Winston Burton
2. Proclamation recognizing Center for Early Intervention for Deafness
3. Adjourned in Memory of the Victims of the Parkland, Florida School Shooting
4. Adjourned in Memory of Zachary Cruz, on the 9th anniversary of his fatality as a pedestrian

City Auditor Comments:

The City Auditor provided updates on Items 25 and 28 related to audit status reports; noted the importance of monitoring program and service impacts and informing Council; noted the quick completion of audit recommendations by Parks, Recreation and Waterfront on the parks tax audit.

City Manager Comments:

1. Reopening ceremony for Tom Bates Sports Fields on March 2 at 8:50 a.m.

Public Comment on Non-Agenda Matters: 6 speakers.

Public Comment on Consent Calendar and Information Items Only: 3 speakers.

Consent Calendar

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

Vote: All Ayes.

- 1. Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses**
From: Mayor Arreguin
Recommendation: Adopt second reading of Ordinance No. 7,590-N.S. 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%).
First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn, Wengraf.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted second reading of Ordinance No. 7,590-N.S.
- 2. Minutes for Approval**
From: City Manager
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).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 3. Designate the Line of Succession for the Director of Emergency Services**
From: City Manager
Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 67,773-N.S.
Financial Implications: None
Contact: David Brannigan, Fire, 981-3473
Action: Adopted Resolution No. 68,336–N.S.
- 4. Donation of Fire Apparatus and Equipment**
From: City Manager
Recommendation: Adopt a Resolution donating surplus fire apparatus and equipment, including three surplus fire engines to the Bomberos de Tonala and Bomberos de Yahualica.
Financial Implications: See report
Contact: David Brannigan, Fire, 981-3473
Action: Adopted Resolution No. 68,337–N.S.

Consent Calendar

- 5. Contract No. 9105E Amendment: Meyers Nave for Chief Labor Negotiations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9105E in the amount of \$50,000 with Meyers Nave for Chief Labor Negotiator services, for a revised total contract amount not to exceed \$300,000.
Financial Implications: General Fund - \$50,000
Contact: LaTanya Bellow, Human Resources, 981-6800
Action: Adopted Resolution No. 68,338–N.S.
- 6. Contract: Redwood Engineering Construction for Becky Temko Tot Park Renovation**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for Becky Temko Tot Park Renovation project, Specification No. 18-11175-C; and 2. Confirming that the bid from the lowest bidder, Alex Kushner General Contractor, has been deemed non-responsive; and 3. Accepting the bid of the second lowest responsive and responsible bidder, Redwood Engineering Construction; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the Becky Temko Tot Park Renovation project at 2424 Roosevelt Avenue, Berkeley, CA 94703, in an amount not to exceed \$310,560, which includes a contract amount of \$258,800 and a 20% contingency in the amount of \$51,760.
Financial Implications: Various Funds - \$310,560
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,339–N.S.
- 7. Establishment of a Sister City Relationship with Gongju, Republic of Korea**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution establishing a sister city relationship with the municipality of Gongju in the South Chungcheong Province of the Republic of Korea.
Financial Implications: None
Contact: Shallon Allen, Commission Secretary, 981-7071
Action: Adopted Resolution No. 68,340–N.S.

Council Consent Items

8. **Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot Coverage**
From: Councilmembers Maio, Wengraf, Droste, and Harrison
Recommendation: Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a full public hearing, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an historic non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation revised to read as noted below.
- Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.*
9. **Restricting the Number of Vehicles Being Parked on Our Streets**
From: Councilmembers Maio and Harrison
Recommendation: Refer to the Transportation Commission to establish an ordinance that would prevent the parking of many multiples of vehicles on any given Berkeley street, or contiguous streets, by an individual owner.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Councilmember Wengraf added as a co-sponsor. Approved recommendation.
10. **LifeLong Medical Care 2018 Gala: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to LifeLong Medical Care, for their 2018 Gala on February 24, 2018, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$150
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 68,341–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Maio - \$100; Councilmember Bartlett - \$100.

Council Consent Items

11. **Berkeley Youth Alternatives' 14th Annual Crab Feed Fundraiser: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$100 from Councilmember Cheryl Davila, to Berkeley Youth Alternatives, for their 14th Annual Crab Feed Fundraiser on February 22, 2018, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$100
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 68,342–N.S. revised to increase Councilmember Davila's contribution from \$100 to \$150 and to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Maio - \$100; Councilmember Bartlett - \$100.
12. **Support Assembly Bill 403: Legislative Employee Whistleblower Protection Act**
From: Councilmember Worthington
Recommendation: That the Council support Assembly Bill 403 which ensures whistleblower protections for all legislative employees and send a letter to Governor Jerry Brown urging him to sign the bill into law.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Davila added as a co-sponsor. Approved recommendation revised to read as noted in Supplemental Reports Packet #1.
- That the Council send a letter to Governor Jerry Brown appreciating him for signing the bill into law.*
13. **Request the DA to Drop the Charges Against AFSCME Worker, David Cole**
From: Councilmembers Worthington and Bartlett
Recommendation: That the Council send a letter requesting Alameda County DA to drop the charges against AFSCME worker David Cole.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Davila added as a co-sponsor. Approved recommendation.

Council Consent Items

- 14. Repairing Claremont Court Gates at Russell St. and Claremont Blvd.: Relinquishment of Council Office Budget Funds**
From: Councilmember Droste
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per sponsoring Councilmember, with funds relinquished from the discretionary Council Office Budgets of Councilmember Droste and any other Councilmembers who would like to contribute. Funds would go to the Claremont Elmwood Neighborhood Association.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Adopted Resolution No. 68,343–N.S. revised to include a contribution from Mayor Arreguin in the amount of \$250.

Action Calendar – Public Hearings

- 15. Residential Preferential Parking (RPP) Program Reform and Expansion**
(Continued from February 13, 2018.)
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt second reading of Ordinance No. 7,589-N.S. amending Berkeley Municipal Code Title 14 to expand eligibility for Residential Preferential Parking to specified areas, allow Residential Preferential Parking in areas zoned Mixed Use Residential, authorize new meters in West Berkeley to manage commercial parking adjacent to residences in mixed-use areas, add a cap on the number of annual permits residents may purchase, and
2. Adopt a Resolution raising permit fees to eliminate the Program's operating deficit and rescinding Resolution No. 66,895-N.S. effective March 1, 2018.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- Public Testimony:** The Mayor opened the public hearing. 3 speakers.
M/S/C (Maio/Wengraf) to close the public hearing.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin;
Noes – None; Abstain – None; Absent – Worthington.
- Councilmember Worthington absent 7:02 p.m. – 11:07 p.m.
- 3 speakers on second reading of ordinance.
- Action:** M/S/C (Maio/Hahn) to:
1. Adopt second reading of Ordinance No. 7,589-N.S.
2. Adopt Resolution No. 68,344–N.S.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin;
Noes – None; Abstain – None; Absent – Worthington.

Action Calendar – Public Hearings

16. Residential Curbside Electric Vehicle Charging Pilot Extension and Application Fee

From: City Manager

Recommendation:

1. Adopt a Resolution extending the Residential Curbside Electric Vehicle Charging Pilot (Pilot) through December 31, 2020, in conjunction with other efforts to plan for and increase electrical vehicle adoption. This Pilot, which allows Berkeley residents who lack off-street parking to install a space for charging an electric vehicle (EV) on their property or in the public right-of-way adjacent to their property, was originally approved by City Council on July 1, 2014, Resolution No. 66,707-N.S, for a three-year duration that concluded in December 2017; and
2. Conduct a public hearing and upon conclusion, adopt a Resolution establishing an administrative fee for processing Pilot applications to determine eligibility.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 3 speakers.

M/S/C (Wengraf/Hahn) to close the public hearing.

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

Councilmember Maio absent 7:31 p.m. – 7:36 p.m.

Action: M/S/C (Arreguin/Droste) to:

1. Adopt Resolution No. 68,345–N.S. (Extending Pilot)

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

Action: M/S/C (Arreguin/Droste) to:

2. Adopt Resolution No. 68,346–N.S. (Administrative Fee)

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

Councilmember Bartlett absent 7:52 p.m. – 8:00 p.m.

17. ZAB Appeal: 739 Channing Way, Use Permit ZP No. 2017-0039

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit No. ZP2017-0039 to construct three detached, three-story buildings with ten dwelling units, four live-work units for arts and crafts, one office space, and 16 off-street parking spaces.

Financial Implications: None

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

Action: Appeal withdrawn by appellant prior to meeting. 2 speakers. No action taken.

Action Calendar – Old Business

18. **Letter of Support for SB 831 (Wieckowski) Land Use: Accessory Dwelling Units**
(Continued from February 13, 2018.)

From: Councilmembers Droste, Bartlett, and Harrison

Recommendation: Send a letter of support to State Senator Nancy Skinner and State Assemblymember Tony Thurmond urging them to support SB 831 (Wieckowski) Land Use: Accessory Dwelling Units.

Financial Implications: Staff time

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

Action: Item removed from the agenda by Councilmember Droste.

19. **Small Business Subcommittee Creation** *(Continued from February 13, 2018.)*

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

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

Financial Implications: Staff time

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

Action: M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:10 p.m.

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

Action: 1 speaker. M/S/C (Droste/Arreguin) to approve the recommendation with the following revisions:

- Councilmember Harrison to replace Mayor Arreguin on the subcommittee
- Scope of subcommittee work limited to addressing the issues in the Worksession report by the Office of Economic Development and examining the feasibility of creating a new Fair Representation Ordinance commission for small business
- Subcommittee report back to Council due in September 2018

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

Councilmember Davila absent 10:59 p.m. – 11:07 p.m.

Councilmember Hahn absent 11:01 p.m. – 11:07 p.m.

Action Calendar – Old Business

20. Housing Advisory Commission's U1 Recommendations *(Continued from February 13, 2018.)*

From: Housing Advisory Commission

Recommendation: Targeting of U1 Funds: The City should consider establishing a household income targeting goal regarding U1 expenditures and housing affordability. To set this goal, the City could consider the use of progress made towards meeting the City's Housing Element RHNA numbers. At present, the most under-served income groups are households with extremely low-incomes, low-incomes, and moderate-incomes. A second issue is how income groups are defined for purposes of allocating U1 funds. In general, affordable housing programs use Alameda County incomes defined by household size to determine program eligibility. While it can be argued that very low-income should be defined with a higher income threshold in Berkeley than in some other areas of Alameda County (considering differentials in the cost of living), there really are few other options, particularly if the City and its partners use U1 funds to leverage other funding from state and federal sources. Recommendations for Allocation of U1 Funds: 1. Initially allocate 15% for anti-displacement activities. These activities could include eviction defense and housing counseling, funding the housing retention program, and additional funds for a flexible housing subsidies pool. Remainder of funds to be used to maintain and increase the supply of permanently affordable housing; this may include co-operative housing. 2. Do not allocate all U1 revenues in a given fiscal year to a single project. Administrative Recommendations: 1. City to determine what percentage of U1 funds to be allocated for administration of U1 funds. 2. When appropriate, use the Housing Trust Fund process to allocate funds. 3. Track U1 deposits and expenditures – as promised in the ballot measure. 4. City needs to establish a way to track U1 Funds and expenditures. 5. City should prepare an annual report by May of each year for the HAC and public that reports on revenues and expenditures related to U1 funds.

Financial Implications: None

Contact: Amy Davidson, Commission Secretary, 981-5400

Action: Item held over to March 27, 2018.

Action Calendar – New Business

21. Discussion and Direction Regarding Potential Ballot Measures for the November 6, 2018 General Municipal Election

From: City Manager

Recommendation: Discuss possible ballot measures for November 2018, and provide direction to the City Manager about which issues to include in a community survey.

Financial Implications: See report

Contact: Matthai Chakko, City Manager's Office, 981-7000

Action: M/S/C (Arreguin/Maio) to accept supplemental materials from staff on item 21.

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

Noes – None; Abstain – None; Absent – Worthington.

Action: M/S/Failed (Davila/Harrison) to amend the main motion to include increasing councilmember salaries in the community survey.

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

Action: 1 speaker. M/S/C (Arreguin/Maio) to provide direction to staff to poll on the following potential measures:

- \$100M Bond for Affordable Housing for extremely low, very low, low, and moderate income households, including teachers.
- \$50M Bond for Affordable Housing for extremely low, very low, low, and moderate income households, including teachers.
- Graduated Transfer Tax for Affordable Housing for extremely low, very low, low, and moderate income households, including teachers – raised to 2% for homes sold for over \$750,000; and raised to 3% for homes sold for over \$2,000,000.
- Increase city sales tax by 0.5 percentage points to 9.75% for community safety – police staffing, retention, recruitment, and community policing, as well as mental health outreach services and transport.
- \$5M parcel tax, for a 12 year term, for homeless services including shelters, navigation center, and rapid rehousing.

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

Noes – None; Abstain – None; Absent – Worthington.

Action Calendar – New Business

22a. Wildland Urban Interface Fire Safety and Fire Safety Education

From: Disaster and Fire Safety Commission

Recommendation: Approve specific measures described to support the recommendations to: 1. Strengthen existing fire safety measures utilized by the City of Berkeley for the safety and wellbeing of its residents. 2. Strengthen existing fire education outreach efforts to make contact with more citizens by using both digital and paper media platforms. Proposed measures include: 1. Programmable alert sirens; 2. Form a subcommittee or workgroup comprised of members of both the Disaster Fire Safety and Parks and Waterfront Commissions to review the efficacy of the Fire Fuel Chipper and Debris Program as it is currently implemented; 3. Take advantage of federal, state, local, non-profit or PG&E grant opportunities for fire mitigation and education; 4. Clarify when to initiate the Red Flag Nixle warning; 5. Temporarily suspend the addition of Auxiliary Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Auxiliary Unit Permit (AUP); 6. Enforce California Vehicle Code 22514 for stopping or parking near a fire hydrant; 7. Adopt parking restrictions on narrow streets in the Berkeley hills fire zone; and 8. The aforementioned subcommittee or workgroup (#2 above) will interface with Berkeley Path Wanderers Association to further encourage path restoration and maintenance with the goal of evacuation in mind.

Financial Implications: See report

Contact: Keith May, Commission Secretary, 981-3473

Action Calendar – New Business

22b. Companion Report: Wildland Urban Interface Fire Safety and Fire Safety Education

From: City Manager

Recommendation: Recommend that City Council refer the specific operational items in the Disaster and Fire Safety Commission report to the budget process for consideration and review by impacted City departments.

Financial Implications: See report

Contact: David Brannigan, Fire, 981-3473

Action: 2 speakers. M/S/C (Hahn/Wengraf) to:

A. Commend the Disaster and Fire Safety Commission for their outstanding work in researching and putting together this set of recommendations.

B. Take the following Action:

1. To address long term fire, earthquake and disaster preparedness, response, and safety:

Refer all of the Proposed Measures from the Commission's report to the City Manager for review by the Fire Department, Public Works, Parks, Recreation & Waterfront and other affected departments to be considered and prioritized along with:

- Councilmember Bartlett's November 28, 2017 referrals,
- Councilmember Hahn's January 30, 2018 referrals, and
- The January 2018 Conceptual Study to Underground Utility Wires

All of these measures should be reviewed, evaluated and prioritized by the City Manager. Report the City Manager's prioritization to Council.

Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);

2. To address the urgent firestorm risk demonstrated by the recent, devastating fires in Northern and Southern California:

Direct the City Manager to report back to Council identifying the most important, financially feasible measures that can be deployed immediately or with relative speed and will have the greatest impact on prevention and/or on the safety of both people and property in the event of a catastrophic fire, earthquake or other disaster. Include general information about existing sources of funding for each measure and an estimate of additional funds that might be required, as well as potential funding sources.

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

Recess 8:59 p.m. – 9:19 p.m.

Action Calendar – New Business

- 23. Conceptual Study for Undergrounding Utility Wires in Berkeley**
From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission
Recommendation: That Council approve the following items: 1. Conceptual Study for undergrounding utility wires in Berkeley (the “Undergrounding Plan”). 2. Proceed with Phase 3 of the Undergrounding Plan. We want to emphasize the importance for Berkeley to actively participate in the current California Public Utilities Commission review of the Rule 20 program.
Financial Implications: See report
Contact: Nisha Patel, Commission Secretary, 981-6300, Keith May, Commission Secretary, 981-3473, and Farid Javandel, Commission Secretary, 981-6300
Action: 1 speaker. M/S/C (Maio/Wengraf) to accept the Conceptual Study for undergrounding utility wires in Berkeley (the “Undergrounding Plan”); and approve the commencement of further study in Phase 3 of the Undergrounding Plan as investigation, with amendments to Task 2 to read “Develop Financing Options,” and Task 5 to state “Consider implementation issues, barriers, and potential timing in the implementation of Phase 3.” Budget for staff assistance to be referred to the budget process. Request report back to Council after Task 5.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Information Reports

- 24. ***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
- 25. Status Update: Audit Report on Written Guidance and Improved Monitoring Can Help Prevent Unnecessary Overtime at the Animal Shelter and Help Manage Citywide Comp Time at the Animal Shelter from October 1, 2014 – December 31, 2017**
From: City Manager
Contact: Jovan Grogan, City Manager's Office, 981-7000
Action: Received and filed.
- 26. Berkeley Economic Dashboards**
From: City Manager
Contact: Jordan Klein, Economic Development, 981-7530
Action: Received and filed.
- 27. FY 2018 First Quarter Investment Report: Ended September 30, 2017**
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Received and filed.

Information Reports

28. Audit Status Report - Parks Tax: Good Practices in Place, Fiscal Year 2016 Expenditure Review

From: City Manager

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

Action: Received and filed.

29. goBerkeley Parking Management Program - Recommended Adjustments for April 1, 2018

From: City Manager

Contact: Phillip Harrington, Public Works, 981-6300

Action: Received and filed.

Public Comment on Non-Agenda Matters – 2 speakers

Adjournment

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

1. Victims of the Parkland, Florida School Shooting
2. Zachary Cruz, on the 9th anniversary of his fatality as a pedestrian

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

Councilmember Harrison absent 11:05 p.m. – 11:07 p.m.

Adjourned at 11:07 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of February 27, 2018 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Centralized Location with Voicemail for Homeless

1. Homeless Commission

Support CPUC Draft Resolution E-4907

2. Foothill Tax Payers Association

Surveillance Technology Ordinance

3. Tree Fitzpatrick
4. Robert Byrne

Places for the Homeless

Communications

5. Sarah Watson

Alta Bates Campus

6. Stacey Wells

Police Staffing

7. Janice Greenberg

8. Eric Perney

2301 Bancroft Way

9. Lorraine Mole

Encampment Fire / Removal at Old City Hall

10. Will Starr

11. Anne-Lise Francois

12. Carol Denney

13. Margy Wilkinson

14. Diana Bohn

15. Mike Zint

Piles of Trash @ MLK Jr Way / Hearst

16. David Lerman

Illegal Camping at Public Parks

17. David Lerman

Municipal Bonds Suggestions

18. Diego Aguilar-Canabal

Encampment Along Ohlone Greenway

19. Sandy Steinman

Photos of Dare2Change Encampment

20. Avram Gur Arye

Albany Bown

21. Thea Kelley

Abandoned Properties

22. Jack Kurzweil

23. Stephanie Allan

24. Nancy Chimmel

Shelter at 9th/ University

25. Rachel Crossman / Cheryl Davila

Hours of Operation

26. Mike Zint

Power Washing on Shattuck

27. Marc Bernasconi

Rebecca Caplan / Bay Area Air Quality Management District

Communications

28. 12 form letters submitted by Mary Rose, Joanna Katz, Janet Perlman, Sudia McCaleb, Nancy Feinstein, Margaret Norman, Walter Bankovitch, Todd Jailer, Caryn Graves, Laura Leipzig, Jane Harada, Randall G.

Vacancy Registration Form

29. W.B.C.

Rent Ceilings

30. W.B.C.

Notice of Violation

31. W.B.C.

Copy of Cashier's Check

32. W.B.C.

Subpoena

33. W.B.C.

Request for Service

34. W.B.C.

Supplemental Communications and Reports 1

Item 12: Support Assembly Bill 403: Legislative Employee Whistleblower Protection Act

35. Revised materials, submitted by Councilmember Worthington

Supplemental Communications and Reports 2

Item 15: Residential Preferential Parking (RPP) Program Reform and Expansion

36. Alfred Twu

Item 17: ZAB Appeal: 739 Channing Way, Use Permit ZP No. 2017-0039

37. Gordon Larks

Item 23: Conceptual Study for Undergrounding Utility Wires in Berkeley

38. Supplemental materials, submitted by Councilmember Wengraf

39. Judith Bloom

40. Jill Dodd

41. Martin Dodd

42. Judith Tabb

43. David Tabb

44. Alan Sanstad

45. Hilary Goldstine

46. Daniel Goldstine

47. Harry Pollack and Joanne Backman

48. Joy Carlin

49. Greg Murphy

50. Henry Abarbanel

51. Raymond Jeanloz

52. Shirley Issel

53. Jane Wenger

Supplemental Communications and Reports 2

Item 15: Residential Preferential Parking (RPP) Program Reform and Expansion
54. 172 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 15: Residential Preferential Parking (RPP) Program Reform and Expansion
55. Presentation, submitted by Public Works
56. Sandy Campbell
57. Carli Jipsen
58. Christine Schwartz

Item 16: Residential Curbside Electric Vehicle Charging Pilot Extension and Application Fee
59. Presentation, submitted by Planning & Development

Item 17: ZAB Appeal: 739 Channing Way, Use Permit ZP No. 2017-0039
60. Steven Goldin

Item 19: Small Business Subcommittee Creation
61. Ellen Jacobs

Item 21: Discussion and Direction Regarding Potential Ballot Measures for the November 6, 2018 General Municipal Election
62. Supplemental materials, submitted by City Manager's Office

Item 22: Wildland Urban Interface Fire Safety and Fire Safety Education
63. Victoria Legg

Item 23: Conceptual Study for Undergrounding Utility Wires in Berkeley
64. Nancy Turak
65. Marc Davis
66. Marvin Snow
67. Marissa Moss
68. Peter Schwab
69. Andrea Lewis
70. Jane Henderson
71. Diane Webershapiro
72. Marian Wolfe
73. Gail Machlis
74. Changiz Faizbakhsh
75. Charlotte & Kevin Gray
76. Grant Culter
77. Lynn Glaser
78. Robin Hollenberg
79. Kori Kody
80. Frederique Wynberg
81. Otto & Jessica Williams
82. Michael Frantz
83. Melanie Cornwell
84. Michael Cassidy

Supplemental Communications and Reports 3

85. Terry Roberts

86. April Gilbert

87. Laura Louis

88. Vladimir Bazjanac

89. Terry Mandel

Zachary Cruz Pedestrian Safety Month

90. Frank Cruz

