

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, April 3, 2018

6:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TELECONFERENCE LOCATION: 3300 WAILEA ALANUI DR 51D, WAILEA, HI 96753

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.*

1. Proclamation recognizing Chavez Commemoration Period
2. Proclamation recognizing Holocaust Remembrance Day
3. Proclamation recognizing Daniel Buford

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. Contract: HdL Companies for Audit Services-Cannabis Dispensaries From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with HdL Companies ("HdL") to provide auditing and consulting services for cannabis regulation and taxation support for a three-year period, with the option to extend for two (2) additional 12-month periods, in an amount not to exceed \$94,000 per year for a total award not to exceed five (5) years and \$470,000.

Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 3, 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 - \$2,380,000

Contact: Henry Oyekanmi, Finance, 981-7300

3. Purchase Order Amendment: Life-Assist, Inc. for Emergency Medical Supplies

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the Purchase Order with Life-Assist, Inc., increasing the purchase order amount by \$110,000, for a total amended amount not to exceed \$1,110,000, to provide additional funding for emergency medical supplies.

Financial Implications: Paramedic Tax Fund - \$110,000

Contact: David Brannigan, Fire, 981-3473

4. Contract No. 10754 Amendment: Team Ghilotti Inc. for South Cove Parking Lot and Restroom Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10754 with Team Ghilotti Inc. for the South Cove Parking Lot and Restroom Project, increasing the amount by \$130,000 for an amended total amount not to exceed \$1,814,956.

Financial Implications: Marina Operations/Maint Fund - \$130,000

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

5. Approval of Streetlight Engineer's Report for the Street Lighting Assessment District 2018, Setting Public Hearing, and Approval of Proposition 218 Balloting Procedures

From: City Manager

Recommendation: Adopt three Resolutions:

1. Approving the intent to levy assessments for Fiscal Year 2018-19 for the Streetlight Improvement District 2018 for Fiscal Year 2018-19, approving Proposition 218 Streetlight Engineer's Report, and providing notice of public hearing to be held May 29, 2018.

2. Approving the ballot procedures under the Proposition 218 fee Initiative Process for the Streetlight Program.

3. Authorizing the City Manager to vote and sign the Street Lighting Assessment District 2018 Ballot on Behalf of City-owned property.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

6. **Appointment of Ben Ludke to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution approving the appointment of Ben Ludke to the Mental Health Commission, as a representative of the special public interest category, for a three year term beginning April 4, 2018 and ending April 3, 2021.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400

Council Consent Items

7. **City of Berkeley Membership in the U.S. Conference of Mayors**
From: Mayor Arreguin
Recommendation: Approve the allocation of \$9,181 from the available General Fund balance for Fiscal Year 2018 to cover the costs of City of Berkeley membership in the U.S. Conference of Mayors.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
8. **International Women's Day: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin and Councilmember Hahn
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$140 per Councilmember including \$140 from Mayor Arreguin to the Bay Area Teacher Training Institute with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$140
Contact: Jesse Arreguin, Mayor, 981-7100
9. **Referral to the Health Commission to Consider a "Deemed Approved Ordinance"**
From: Councilmembers Harrison and Maio
Recommendation: Refer to the Health Commission to consider a Concurrent Sales of Gasoline and Alcoholic Beverages Law regulating the concurrent sales of gasoline and alcoholic beverages. Deem such establishments approved, subject to their adherence to certain standards of behavior.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, 981-7140

Council Consent Items

- 10. Allocating \$50,000 to the Bay Area Community Land Trust for the Small Sites Program**
From: Councilmembers Harrison, Maio, and Hahn
Recommendation: Adopt a Resolution authorizing the City Manager to increase the City's contract with the Bay Area Community Land Trust (BACLT) by \$50,000 to enable BACLT to hire an additional half-time staff person to work on locating appropriate small properties for conversion from rental to limited-equity cooperatives and assisting the residents in the conversion process. Funds would be appropriated from the \$1,000,000 Council set aside for the Small Sites Program.
Financial Implications: \$50,000
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 11. Budget Referral: Increase Berkeley Civic Arts Grants Program Budget by \$75,000 for FY 2019**
From: Councilmembers Hahn, Harrison, Worthington, and Davila
Recommendation: Refer to the budget process a \$75,000 increase to the FY 2019 budget for the Civic Arts Program, bringing the total for FY 2019 to \$500,000.
Financial Implications: \$75,000
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 12. City Manager Referral: Expansion of the GoBerkeley Transportation Program to Increase Parking Efficiency**
From: Councilmember Worthington
Recommendation: City Manager Referral; Expansion of the GoBerkeley Transportation Program to allow private parking vendors to charge adjustable rates for parking spaces.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 13. Support SB 912: Housing: Homelessness Programs and Affordable Housing**
From: Councilmembers Worthington and Hahn, and Mayor Arreguin
Recommendation: That the Council support SB 912 which allocates \$2,000,000,000 to the Department of Housing and Community Development to fund statewide homelessness programs and affordable housing.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 14. Referral to Peace & Justice Commission: Ordinance Prohibiting the Award of City Contracts to Vendors Acting as Data Brokers or Providing Extreme Vetting Services to ICE, as well as Prohibiting City Investment in Such Companies**
From: Councilmembers Worthington, Harrison, and Davila
Recommendation: Referral to the Peace & Justice Commission to consider the attached draft ordinance.
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.

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.

15. **LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the decision of the Landmarks Preservation Commission to designate the University Laundry building, located at 2526-30 Shattuck Avenue, a City of Berkeley Landmark.

Financial Implications: None

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

Action Calendar – Public Hearings

16. Proposition 218 Protest Hearing and Approval of Balloting for 2018 Clean Stormwater Fee

From: City Manager

Recommendation: Conduct a public protest hearing in accordance with the requirements of Proposition 218 to count and publicly announce the results of the protest voting, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution allowing ballots for the 2018 Clean Stormwater Fee to be mailed in accordance with Proposition 218.

Adopt Resolutions:

1. Approving the documentation of the results of the protest hearing and proceeding with ballot process, and
2. Authorizing the City Manager to vote and sign 2018 Clean Stormwater Fee ballot on behalf of City-owned property.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action Calendar – Old Business

17. 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 *(Continued from March 13, 2018)*

From: Councilmembers 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

18a. Supplemental Paid Family Leave *(Continued from March 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

Action Calendar – Old Business

- 18b. **Companion Report: Supplemental Paid Family Leave** (*Continued from March 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

Council Action Items

19. **Amending the Council Rules of Procedure and Order: Public Comment on the Consent Calendar**

From: Mayor Arreguin and Councilmember Maio

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter IV, Section A, Subsection 1 to remove limits on the number of speakers on a Consent Item, and to allow only Councilmembers to move a Consent Item to the Action Calendar.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100

Information Reports

20. **LPC-NOD for a Structural Alteration Permit at 2740-2744 Telegraph Avenue**

From: City Manager

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

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.

~~~~~  
***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 22, 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 8: International Women's Day: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

1. Jane Welford / Stefan Elgstrand

**Item 15: LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)**

2. Barbara Anscher
3. Laura Fujii
4. Landmarks Preservation Commission

**Love Peace Week**

5. Arnie Passman

**North Berkeley BART Housing**

6. David Lerman (3)
7. Mark Brucker
8. Donald Morgan
9. Dorothy Walker

**Small Businesses**

10. S. Omowale Fowles

**Sanctuary City**

11. Lindsay Bombalski

**Document Revisions**

12. Kelly Hammargren

**Berkeley Police Support**

13. Howard Fields
14. Dominic Montagu
15. Katherine Bond

**Tasers**

16. Russ Bumper

**Tiny House Project**

17. Alan Roselius

**Peak Democracy**

18. Evan McDonald

**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.