

**ANNOTATED 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

Preliminary Matters

Roll Call: 6:01 p.m.

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

Absent: Davila, Droste

Councilmember Davila present at 6:03 p.m.

Ceremonial Matters:

1. Proclamation recognizing Daniel Buford
2. Proclamation commemorating the Armenian Genocide
3. Proclamation recognizing Holocaust Remembrance Day

City Manager Comments:

1. Berkeley Bay Festival, April 14 at Shorebird Park

Public Comment on Non-Agenda Matters: 8 speakers.

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

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

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

Consent Calendar

- 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
Action: Item held over to April 24, 2018.
- 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
Action: Approved recommendation.
- 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
Action: Adopted Resolution No. 68,373–N.S.
- 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
Action: Moved to Action Calendar. 4 speakers. M/S/C (Hahn/Harrison) to adopt Resolution No. 68,374–N.S.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Worthington, Droste.

Consent Calendar

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

Action: Adopted Resolution No. 68,375–N.S. (Intent to Levy); Resolution No. 68,376–N.S. (Ballot Procedures); Resolution No. 68,377–N.S. (Authorizing the CM).

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

Action: Adopted Resolution No. 68,378–N.S.

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

Action: Approved recommendation.

Council Consent Items

- 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
Action: Adopted Resolution No. 68,379–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - \$50; Councilmember Hahn - \$140.
- 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
Action: Approved recommendation.
- 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
Action: Councilmember Bartlett added as a co-sponsor. Recommendation revised to state “Direct the City Manager to issue an RFI for the scope of services in the report.”

Council Consent Items

- 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
Action: Approved recommendation.
- 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
Action: Item held over to April 24, 2018.
- 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
Action: Approved recommendation.
- 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: Moved to Action Calendar. 2 speakers. M/S/C (Harrison/Arreguin) to hold the item over to May 1, 2018.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Worthington, Droste.

Action Calendar – Public Hearings

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

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

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

Councilmember Worthington absent 7:01 p.m. – 10:44 p.m.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,380–N.S. 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.

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

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

Public Testimony: The Mayor opened the public hearing. 1 speakers.

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

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

Action: M/S/C (Arreguin/Maio) to adopt Resolution No. 68,381–N.S. (Results of Protest Hearing) and Resolution No. 68,382–N.S. (Authorizing the CM).

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

Recess 8:20 p.m. – 8:39 p.m.

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

Action: Item removed from the agenda by Councilmember Worthington.

Action Calendar – Old Business

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

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

Action: 4 speakers. M/S/C (Bartlett/Hahn) to 1) form an ad hoc committee comprised of Councilmembers Bartlett (Chair), Davila, Hahn, and Harrison to consider the proposed ordinance; and 2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.

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

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

Action: 4 speakers. M/S/C (Arreguin/Maio) to adopt Resolution No. 68,383–N.S. amended to allow a speaker that spoke on Consent to speak again if a Councilmember moves the item to Action; to allow a Councilmember to move an item from Consent to Action at any time during consideration or public comment on the Consent Calendar; and to revisit the new policy by the end of 2018.

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

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

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

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

1. Stephon Clark
2. Martin Luther King, Jr.
3. Winnie Mandela
4. Palestinian Protesters

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

Adjourned at 10:44 p.m.

Communications

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 1

Item 10: Allocating \$50,000 to the Bay Area Community Land Trust for the Small Sites Program

19. Revised materials, submitted by Councilmember Harrison
20. Denise Diaz
21. Mary Barnes
22. Luis Frigo
23. Susan Quinlan
24. JJ Noire
25. Patrice Roll

Item 15: LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)
26. Edith Frederick
27. Nancy Ukai

Supplemental Communications and Reports 2

Item 4: Contract No. 10754 Amendment: Team Ghilotti Inc. for South Cove Parking Lot and Restroom Project
28. Kelly Hammagren
29. Martin Nicolaus

Item 10: Allocating \$50,000 to the Bay Area Community Land Trust for the Small Sites Program
30. Marcia Edelen
31. Chris Canzonieri

Item 15: LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)
32. Sachiko Moran
33. Patricia M. Ito
34. Robert Baldwin

Item 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
35. Jake Cline

Item 18b: Companion Report: Supplemental Paid Family Leave
36. Revised materials, submitted by Human Resources

Item 9: Referral to the Health Commission to Consider a “Deemed Approved Ordinance”
37. 52 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 3: Purchase Order Amendment: Life-Assist, Inc. for Emergency Medical Supplies
38. Christine Schwartz

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

Item 15: LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)
40. Presentation, submitted by Planning & Development
41. Jonathan Morris
42. Tiffany Ikeda and Nancy Ukai, Japanese American Citizens League
43. Unknown
44. Unknown

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

45. Presentation, submitted by Public Works

Item 18b: Companion Report: Supplemental Paid Family Leave

46. Presentation, submitted by Human Resources

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

47. Kelly Hammagren

Business Partners & Friends Luncheon

48. Unknown

West Berkeley Shellmound Site

49. Bean Crane, Liyanna Sadowsky, Ingrid Pollyan, Mykel Mogg, Amy L. Hito, Arthur Jacobs, Daniel Ilario

Winter Emergency Shelter

50. Don Armenta