

# AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, May 1, 2018

6:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 2 – CHERYL DAVILA

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 8 – LORI DROSTE

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

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

## Preliminary Matters

### Roll Call:

### Ceremonial Matters:

1. Proclamation recognizing Affordable Housing Week
2. Proclamation recognizing Path Wanderers Association
3. Proclamation recognizing Indra's Net Theater Company

**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. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*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”.*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

## **Recess Items**

### **1. Contract Amendment with Dorothy Day House for Winter Shelter Extension From: City Manager**

**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to add up to \$150,000 to extend the operation of the Berkeley Emergency Storm Shelter (BESS) through May 31, 2018, with an option to extend the end date to June 30, 2018. Of the \$150,000, \$100,000 will be used to execute an amendment to Contract No. 010577A with Dorothy Day House, for a total contract amount not to exceed \$351,324.

**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, 981-6900

## Consent Calendar

### 2. **Calling for a Consolidated General Municipal Election for November 6, 2018**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 6, 2018; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.

2. Adopt a Resolution establishing policies and timelines for filing ballot measure arguments.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

### 3. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 1, 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 - \$3,323,457

Contact: Henry Oyekanmi, Finance, 981-7300

### 4. **Supplemental Military Leave Compensation Policy**

**From: City Manager**

**Recommendation:** Adopt a Resolution amending Resolution No. 67,963-N.S. to extend the City's supplemental military leave compensation benefit to May 31, 2019 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two years that must be taken within 36 months for employees called up to involuntary active military service.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, 981-6800

### 5. **Contract: Heritage Landscaping Company for City-Wide Irrigation Management System**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Heritage Landscaping Company for a new city-wide irrigation management system in an amount not to exceed \$531,507 for the initial installation of the controllers, ten years of service support, and a ten year warranty.

**Financial Implications:** Measure T1 - Infrastructure & Facilities Fund - \$531,507

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

## Consent Calendar

- 6. Contract: BayGreen, Inc. for Mobile Pumpout and Related Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with BayGreen, Inc. for mobile vessel pumpout and related services at the Berkeley Marina in an amount not to exceed \$331,800 over a period of seven years, consisting of an initial term of three years, with options to extend for two additional two-year periods.  
**Financial Implications:** Marina Operations/Maint Fund - \$331,800  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 7. Contract: FieldTurf USA, Inc. for Maintenance Services on the Artificial Turf Fields at Tom Bates Regional Sports Complex**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with FieldTurf USA, Inc. for maintenance services at Tom Bates Regional Sports Complex for a total amount not to exceed \$62,200 over eight years.  
**Financial Implications:** Gilman Fields Reserve AC Fund - \$62,200  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 8. License Agreement: Creative Lab – Arts Program at Virginia McGee Totland Building**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a license agreement with George Hull of Creative Lab to license the building located at 1644 Virginia Street for one year, with an option of three, one-year term extensions.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 9. Lease Agreement: Berkeley Art Center Association at 1275 Walnut Street**  
**From: City Manager**  
**Recommendation:** Adopt the first reading of an Ordinance authorizing the City Manager to execute a lease agreement with the Berkeley Art Center Association (BACA) to use City property at 1275 Walnut Street for a ten-year lease term with an option to extend for one additional ten-year term.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 10. Proclaiming May 2018 as Mental Health Month**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution proclaiming May 2018 as Mental Health Month in the City of Berkeley.  
**Financial Implications:** None  
Contact: Karen Klatt, Commission Secretary, 981-5400

## Consent Calendar

11. **Audit Report: Stronger Oversight Necessary to Ensure Continued Assistance for Severely Physically Disabled Persons**  
**From: Auditor**  
**Recommendation:** Request that the City Manager report back by May 7, 2019, and annually thereafter, regarding the status of recommendations until reported fully implemented by Easy Does It (EDI).  
**Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750

## Council Consent Items

12. **Appointments to City Council Committees and Regional Bodies**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution modifying the list of appointments of Council representatives to Council committees, commissions, and regional bodies for the year 2018. Please see the resolution attached to the report for committee names and the pertinent appointed councilmember.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100
13. **Cities Open Internet Pledge for Net Neutrality**  
**From: Mayor Arreguin, and Councilmembers Maio, Hahn, and Davila**  
**Recommendation:**  
1. Sign on to the Cities Open Internet Pledge.  
2. Refer to the City Manager to look into ways to implement the points raised the Pledge and ensure the City of Berkeley is a Net Neutrality city.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Mayor, 981-7100
14. **Support the Alameda County Child Care and Early Education Initiative**  
**From: Mayor Arreguin, and Councilmembers Maio and Hahn**  
**Recommendation:** Adopt a Resolution supporting the Alameda County Child Care and Early Education Initiative (Measure A), a countywide ballot measure for the June 5, 2018 Primary that would raise the sales tax by 0.5% to provide funding for childcare and preschool for low and middle income families and services for homeless and at-risk children.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100

## Council Consent Items

**15. Resolution in Support of AB 931**

**From: Councilmember Bartlett**

**Recommendation:** Adopt a Resolution that recognizes and demonstrates our full support of the Assembly Bill 931 co-authored by Assemblymembers Shirley Weber and Kevin McCarty that aims to make significant changes to how law enforcement officers employ lethal force against community members.

**Financial Implications:** None

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

**16. Resolution in Support of SB 1421**

**From: Councilmember Bartlett**

**Recommendation:** Adopt a Resolution that recognizes and demonstrates our full support of the California State Senate Bill 1421 authored by Assemblymember Nancy Skinner, that aims to create transparency in law enforcement, increasing trust between police and the communities they serve.

**Financial Implications:** None

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

**17. Our Family Coalition's 2018 Annual Night Out Event, May 11th, 2018:**

**Relinquishment of Council Funds and Sponsorship**

**From: Councilmember Droste**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$350 per sponsoring Councilmember including \$350 from Councilmember Droste to the Our Family Coalition's 2018 annual Night Out event on May 11th with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budget of Councilmember Droste and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$350

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

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*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

18. **FY 2018 Second Quarter Investment Report: Ended December 31, 2017**  
*(Continued from March 27, 2018)*  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300
  
19. **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**  
*(Continued from April 3, 2018)*  
**From: Councilmembers Worthington, Harrison, and Davila**  
**Recommendation:** Referral to the Peace & Justice Commission to consider the draft ordinance attached to the report.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
  
20. **Banking Services with Wells Fargo Bank**  
**From: City Manager**  
**Recommendation:** Authorize the City Manager to continue the work of unbundling the banking services with Wells Fargo and exercise the final two years of the first three-year option period to extend Contract No. 9367 with Wells Fargo through May 31, 2020 in order to ensure business continuity and allow adequate time for new solicitation processes and implementation of new Banking Service providers.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300
  
21. **Recommendation for Fire and Health Departments to Participate in Urban Shield Exercises and UASI Grant Funded Trainings**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** We recommend that City Council direct Berkeley Fire Department and Health Department staff, including Firefighters/Paramedics, hazardous materials personnel, Office of Emergency Services (OES) staff, Police and CERT (Community Emergency Response Team) volunteers to continue their participation in Urban Shield exercises and UASI-funded trainings and workgroups, with the condition that these activities be thoughtfully selected to enhance the City's capacity for a Whole Community approach to planning, organizing and preparing for life endangering hazards faced by Berkeley, including earthquakes, wildfires, hazardous materials release, building collapse, terrorism, and radiation emergencies. We further recommend that the extent and details of participation in Urban Shield and UASI-funded trainings be fully transparent and shared with the public. We recommend that there be focused and consistent oversight by publicly elected officials and/or appointed people, to ensure transparency and accountability to the public. Through the additional transparency and review, the nature of Urban Shield and UASI-funded trainings and the benefit to the public can be monitored and evaluated.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, 981-3473

## Action Calendar

- 22. Berkeley Microbond Blockchain Initiative – Pilot Project**  
**From: Councilmember Bartlett**  
**Recommendation:** Refer to the City Manager to implement a Pilot Project for the Berkeley Microbond Blockchain Initiative. The specific Pilot Project should be selected by the Berkeley City Council at the April 24, 2018 meeting.  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 23. Support SB 1227 - Encouraging the Creation of More Student Housing**  
**From: Councilmember Worthington and Mayor Arreguin**  
**Recommendation:** That the Council support SB 1227, introduced by Senator Nancy Skinner, which seeks to increase student housing and remove vehicular parking ratio requirements in developments consisting of full-time university/college students.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 24. City Manager Referral: Innovation Grant & Increase Mental Health Response to Public Disturbances**  
**From: Councilmember Worthington**  
**Recommendation:** City Manager Referral; the City applies for Innovation Grants in Increasing Mental Health Response to Public Disturbances.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 25. Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area**  
**From: Councilmember Worthington**  
**Recommendation:** That the Council refers the Planning Commission to allow 4 zoning amendments to increase student housing in the Southside Area through a Temporary Emergency Pilot Project.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 26a. Emergency Outdoor Shelter for the Homeless**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution entitled “Emergency Outdoor Shelter for the Homeless.”  
**Financial Implications:** Staff time  
Contact: Shallon Allen, Commission Secretary, 981-7071



## Action Calendar

**26b. Companion Report to Peace and Justice Commission's Emergency Outdoor Shelter for the Homeless Report**

**From: City Manager**

**Recommendation:** Take no action on the Peace and Justice Commission's resolution, and instead: (i) Allow for encampment policy to be developed and considered by City Council; and (ii) Allow City Manager to continue the program implementation process already underway for the homeless storage pilot program authorized by Council on December 5, 2017.

**Financial Implications:** None

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

## Information Reports

**27. LPC NOD: 2500 Shattuck Avenue/#LMIN 2017-0007, The George A. Mattern/Berkeley Bank Building**

**From: City Manager**

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

**28. LPC NOD: 2524 Dwight Way/#LMSAP 2016-0007, The Stuart House**

**From: City Manager**

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

**29. LPC NOD: 2910-2912 Telegraph Avenue/#LMSAP 2017-0011, The Yazdi Building**

**From: City Manager**

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

**30. LPC NOD: 1120 Second Street/#LMSAP 2017-0005**

**From: City Manager**

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

**31. LPC NOD: 2901 Benvenue Avenue/#LMIN 2018-0001, The Hicks House**

**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](mailto:clerk@cityofberkeley.info)

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

#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 19, 2018.***

A handwritten signature in blue ink that reads "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 23: Support SB 1227 - Encouraging the Creation of More Student Housing**

1. Jon-Luc Dargenton, on behalf of the ASUC Sexual Violence Commission
2. Neil McClintick
3. Zach Carter

### **Police Oversight**

4. Peace & Justice Commission
5. Eric Friedman
6. Elisa Mikiten

### **Premier Cru**

7. Barbara Mercer

### **SB 54**

8. Eddy N.

### **LimeBike**

9. 6 form letters, submitted by Sarah Doggett, Marcus Wong, Aaron Culich, Bryan Culbertson, Jackson Julien, Daniel Richheimer

### **Watch Berkeley Gov**

10. Dave Margulius

### **1900 Fourth Street**

11. Ralph Murphy

### **CMFA Open PACE Program Administrators**

12. Lee McCormick

### **HCR 74**

13. Wyndy Knox Carr

### **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.

