AGENDA

BERKELEY CITY COUNCIL MEETING
Tuesday, May 15, 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 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

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

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

Preliminary Matters

Roll Call:

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

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

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

1. Modifications to BMC Chapters 9.49 and 13.44 for Activation of Downtown Berkeley BART Plaza
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,594-N.S. amending Berkeley Municipal Code Chapter 9.49 (Food Vending on Sidewalks and Rights-of-Way) and Chapter 13.44 (Permits for Street Events and Block Parties) to facilitate the activation of Downtown Berkeley BART Plaza.
   First Reading Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.
   Financial Implications: See report
   Contact: Jordan Klein, Economic Development, 981-7530

2. Lease Agreement: Retroactively Execute Lease Agreement with Dorothy Day House for the Operation of the Emergency Storm Shelter at 1925 Ninth Street
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,595-N.S. authorizing the City Manager to retroactively execute a Lease agreement and any amendments thereto with Dorothy Day House to allow it to operate the Berkeley Emergency Storm Shelter (BESS) at 1925 Ninth Street.
   First Reading Vote: All Ayes.
   Financial Implications: See report
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
3. **Lease Agreement: Berkeley Art Center Association at 1275 Walnut Street**  
   **From:** City Manager  
   **Recommendation:** Adopt second reading of Ordinance No. 7,596-N.S. authorizing the City Manager to execute a lease agreement anticipated to begin June 1, 2018 with the Berkeley Art Center Association (BACA) to use the property located at 1275 Walnut Street for a ten-year lease term with an option to extend this lease for one additional ten-year term.  
   **First Reading Vote:** All Ayes.  
   **Financial Implications:** See report  
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, 981-6700

4. **Amendment: FY 2018 Annual Appropriations Ordinance**  
   **From:** City Manager  
   **Recommendation:** Adopt first reading of an Ordinance amending the FY 2018 Annual Appropriations Ordinance No. 7,587–N.S. for fiscal year 2018 based upon other adjustments in the amount of $63,210,746 (gross) and $18,160,796 (net).  
   **Financial Implications:** See report  
   **Contact:** Teresa Berkeley-Simmons, Budget Manager, 981-7000

5. **Minutes for Approval**  
   **From:** City Manager  
   **Recommendation:** Approve the minutes for the Council meetings of April 3, 2018 (regular), April 23, 2018 (special closed), April 24, 2018 (special closed, special, and regular), and April 26, 2018 (special).  
   **Financial Implications:** None  
   **Contact:** Mark Numainville, City Clerk, 981-6900

6. **Contract No. 9900 Amendment: NetFile for Online Campaign Report and Form 700 Filing and Tracking**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9900 with Westcoast Online Information Systems, Inc. dba NetFile for an amount not to exceed $114,000 for the period June 1, 2018 through May 31, 2023 for online campaign report and Form 700 filing and tracking, including a public financing module.  
   **Financial Implications:** General Fund - $114,000  
   **Contact:** Mark Numainville, City Clerk, 981-6900

7. **Contract No. 10177 Amendment: Paw Fund for Spay and Neuter Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to extend Contract No. 10177A and any amendments with Paw Fund (Contractor) to increase the contract by $23,812 and extend until June 30, 2019 to provide no-cost spay and neuter surgeries to eligible pet owners for FY2018-FY2019 in the amount not to exceed $71,436.  
   **Financial Implications:** See report  
   **Contact:** Jovan Grogan, City Manager’s Office, 981-7000
8. Establishment of the Parklet Ordinance; Adding Berkeley Municipal Code Section 14.48.300
   From: City Manager
   Recommendation:
   1. Adopt first reading of an Ordinance adding BMC 14.48.300, Parklets Ordinance, to allow the City of Berkeley Engineering Division of the Public Works Department to process minor encroachment permits for the installation of parklets in the public right of way; and
   Financial Implications: See report
   Contact: Jordan Klein, Economic Development, 981-7530

9. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses
   From: City Manager
   Recommendation: Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to help modernize the ordinance and make the zoning review process for new or expanding small businesses easier, clearer, and more streamlined.
   Financial Implications: See report
   Contact: Jordan Klein, Economic Development, 981-7530; Timothy Burroughs, Planning and Development, 981-7400

10. Assessments: Downtown Berkeley Business Improvement District
    From: City Manager
    Financial Implications: See report
    Contact: Jordan Klein, Economic Development, 981-7530

11. Assessments: North Shattuck Business Improvement District
    From: City Manager
    Recommendation: Adopt a Resolution approving the North Shattuck Property and Business Improvement District (NSBID or “the District”) Annual Report of Fiscal Year (FY) 2018 and proposed budget for FY 2019, and declaring Council’s intention to levy an annual assessment for the NSBID for FY 2019.
    Financial Implications: See report
    Contact: Jordan Klein, Economic Development, 981-7530
12. **Assessments: Telegraph Business Improvement District**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution approving the Telegraph Property and Business Improvement District (TBID or “the District”) Annual Report of Fiscal Year (FY) 2018 and proposed budget for FY 2019, and declaring Council’s intention to levy an annual assessment for the TBID for FY 2019.  
   **Financial Implications:** See report  
   Contact: Jordan Klein, Economic Development, 981-7530

13. **Assessments: Berkeley Tourism Business Improvement District**  
   **From:** City Manager  
   **Recommendation:** Adopt two Resolutions:  
   1. Approving the Annual Report of FY18 and preliminary budget for FY19 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners’ Association; and  
   2. Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors’ Bureau, d.b.a. Visit Berkeley, for $674,098 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2018 to June 30, 2019.  
   **Financial Implications:** See report  
   Contact: Jordan Klein, Economic Development, 981-7530

14. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 15, 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 - $1,125,000  
   Contact: Henry Oyekanmi, Finance, 981-7300
15. **Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Promotion, Protection, and Prevention Services**  
*From: City Manager*  
**Recommendation:** Adopt five Resolutions authorizing the City Manager to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:  
1. Public Health Infrastructure Program in the projected amount of $32,080 for FY 2019.  
2. Foster Care Program in the projected amount of $93,187 for FY 2019.  
4. School Linked Health Services Program (Measure A Funding) in the projected amount of $187,164 for FY 2019.  
5. Tobacco Prevention Program in the projected amount of $73,680 for FY 2019.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

16. **Revenue Grant Agreements: Funding Support from the Partner Organizations to Conduct Public Health Promotion, Protection, and Prevention Services**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of $129,259 for April 1, 2018 to March 30, 2019.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
17. **Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Promotion, Protection, and Prevention Services**

*From: City Manager*

**Recommendation:** Adopt seven Resolutions authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following seven revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of $420,000 for FY 2019.
3. Tuberculosis Control Program in the projected amount of $17,000 for FY 2019.
5. Tobacco Trust Fund in the projected amount of $300,000 for FY 2019.
7. Immunization in the projected amount of $42,204 for FY 2019.

**Financial Implications:** See report

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

18. **Classification and Salary: Building and Safety Manager, Assistant Building and Safety Manager**

*From: City Manager*

**Recommendation:** Adopt a Resolution: 1. amending Resolution No. 67,485-N.S., Classification and Salary Resolution for Public Employees Union – Local One, to revise the classification of Building and Safety Manager with a monthly salary range of $11,891.00 - $14,890.00 effective May 15, 2018; and 2. amending Resolution No. 67,485-N.S., Classification and Salary Resolution for Public Employees Union – Local One, to revise the classification of Assistant Building and Safety Manager with a monthly salary range of $11,053.67 - $13,436 effective May 15, 2018.

**Financial Implications:** See report

*Contact:* LaTanya Bellow, Human Resources, 981-6800

19. **Contract No. 10551B Amendment: Santalynda Marrero DBA SMconsulting for Professional Consulting Services**

*From: City Manager*

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10551B with Santalynda Marrero DBA SMconsulting to provide professional coaching services to the Department of Information Technology for an amount not to exceed $39,000, and a total contract value not to exceed $87,175, and extend the term through June 30, 2019.

**Financial Implications:** General Fund - $39,000

*Contact:* Savita Chaudhary, Information Technology, 981-6500
Consent Calendar

20. **Contract No. 9765 Amendment: United Site Services of California, Inc. for Portable Toilet Rental and Service**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9765 with United Site Services of California, Inc. for rental and service of portable toilet units, increasing the current contract amount of $525,000 by $240,000, for a total not to exceed amount of $765,000.
   **Financial Implications:** Various Funds - $240,000
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10200 with Freitas Landscaping for the reduction of hazardous vegetation during the high-risk fire season, increasing the current contract amount of $447,000 by $50,000, for a total not to exceed of $497,000 and extending the contract term through December 31, 2018.
   **Financial Implications:** Various Funds - $50,000
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

22. **Contract No. 9069D Amendment: AMEC Foster Wheeler plc for On-Call Environmental Consulting Services**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9069D with AMEC Foster Wheeler plc for on-call environmental consulting services, increasing the current contract by $150,000 for a total contract amount not to exceed $450,000 and extending the contract through December 31, 2020.
   **Financial Implications:** Zero Waste Fund - $150,000
   Contact: Phillip Harrington, Public Works, 981-6300

23. **Transgender Health Access Training at City of Berkeley Clinics**
   From: Commission on the Status of Women
   Recommendation: Adopt a Resolution providing $2,400 from the General Fund to support a half-day Transgender Health Access Training for City of Berkeley Public Health staff in June 2018.
   **Financial Implications:** General Fund - $2,400
   Contact: Shallon Allen, Commission Secretary, 981-7071
24. **Referral to Develop Comprehensive Plan for Disaster Preparedness and Post-Disaster Rebuilding with Respect to Multi-Family Housing**  
   **From:** Housing Advisory Commission  
   **Recommendation:** Refer to applicable City departments and commissions the development of a comprehensive plan for both disaster preparedness and post-disaster rebuilding with respect to multi-family housing. As part of the plan, applicable departments and commissions should explore how applicable ordinances (e.g., Demolition Ordinance, Relocation Ordinance, Rent Stabilization Ordinance) may interface with rebuilding efforts in the event of a major disaster and make recommendations to amend or clarify them as appropriate. The referral can be added to existing referrals concerning disaster preparedness item and prioritized as appropriate.  
   **Financial Implications:** See report  
   **Contact:** Amy Davidson, Commission Secretary, 981-5400

25. **Resolution for the City of Berkeley to Declare Itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons**  
   **From:** Peace and Justice Commission  
   **Recommendation:** Adopt a Resolution for the City of Berkeley to declare itself strongly supportive of the UN Treaty on the Prohibition of Nuclear Weapons.  
   **Financial Implications:** None  
   **Contact:** Shallon Allen, Commission Secretary, 981-7071

**Council Consent Items**

   **From:** Mayor Arreguin  
   **Recommendation:** Refer $30,000 to the budget process to expand Berkeley school supply distribution through SupplyBank.org, and ensure every low-income Berkeley student has the appropriate school and dental supplies they need to be successful.  
   **Financial Implications:** None  
   **Contact:** Jesse Arreguin, Mayor, 981-7100
Council Consent Items

27. Establish the City Council’s Tone and Direction as the City Moves Forward with Improvements in the Police Department’s and Police Review Commission’s Policies and Procedures

From: Councilmembers Maio, Wengraf, Hahn, and Droste

Recommendation: That the Council clearly establish a positive tone for the public, the Police Review Commission (PRC), and staff. As we move forward to further advance fairness and accountability in policing that we affirm the following:
1. Berkeley’s Police Department is one of the finest in the nation.
2. The Police Department has been engaged in continuous improvement and commissioned the Center for Policing Equity (CPE) Draft Report for that purpose.
3. The parties (Council, PRC, and others engaged) rely solely on factual data and refrain from promulgating data that is outdated and not been verified.

In addition, Council should take under advisement and solicit general policy suggestions from progressive criminologists in our community, such as has been provided by Dr. Barry Krisberg, a resident and national expert in criminology:

a. The keys to effective policing are core principles of community policing, restorative justice and the sincere attempt to employ control strategies that are guided by the value of the least restrictive alternative consistent with public safety. Related to this is resistance to militarization of the department.

b. The Department should have meaningful positive rewards for officers who meet the highest standards.

c. Police morale is very important.

d. Due process, rights of citizens and police, should receive the highest levels of support.

Financial Implications: None

Contact: Linda Maio, Councilmember, District 1, 981-7110

28. Visioning Event to Present and Share Ideas on Creating Housing at the North Berkeley BART Station Based Solely on BART’s Guidelines Before any Participation by the City

From: Councilmember Maio and Mayor Arreguin

Recommendation: Request that the City Manager hold an event where ideas for building housing on the North Berkeley BART parking lots (bordered by Sacramento, Delaware, Acton, and Virginia) could be presented and shared with the public. These designs would be based solely on current BART guidelines, absent the City’s participation.

Financial Implications: None

Contact: Linda Maio, Councilmember, District 1, 981-7110
29. **Tracking of Short Term (90-day) and Other Date-Certain Council Referrals**
   From: Councilmember Hahn, Mayor Arreguin, and Councilmember Harrison
   Recommendation: Direct the City Manager to: 1. Compile and publish a Chart of all Council Short-Term (90-day) and Date-Certain items that have been referred by the City Council. The Chart should include the following information: the Meeting Date at which the item was referred; the Agenda Item number; the Title of the Referral and its Recommendation; the Due Date for the item as specified by Council; the Responsible Department/Division; and the Current Status of the Referral. “Current Status of the Referral” shall state whether the item is completed; is pending and will be completed by the Due Date; is pending and unlikely to be completed by the Due Date; or is past Due. For items pending and unlikely to be completed by the Due Date, or past Due, a new expected completion date shall be provided with a short explanation for the delay. 2. Include an updated Chart of Short-Term and Date-Certain Referrals as an Information item on the Agenda for the last Regular Meeting of each month. 3. Publish the first Chart of Short-Term and Date-Certain Referrals at or before the final Regular City Council Meeting of June 2018.
   Financial Implications: Staff time
   Contact: Sophie Hahn, Councilmember, District 5, 981-7150

   From: Councilmembers Wengraf, Hahn, Davila, and Harrison
   Financial Implications: None
   Contact: Susan Wengraf, Councilmember, District 6, 981-7160

31. **Support H.R.5308 (Lee) Women’s History and Nineteenth Amendment Centennial Quarter Dollar Coin Program Act**
   From: Councilmembers Wengraf, Hahn, and Davila
   Recommendation: Write a letter of support for H.R. 5308 to its sponsor, U.S. Congresswoman Barbara Lee [D-CA-13], and cc the bill’s co-sponsor, Bruce Poliquin [R-ME-2], and Senators Kamala Harris and Dianne Feinstein.
   Financial Implications: None
   Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Council Consent Items

32. **Support AB 3157: Right-Sizing the State Tax Rate on Cannabis**
   From: Councilmember Worthington
   **Recommendation:** That the Council support AB 3157, introduced by Assemblymember Rob Bonta, which seeks to right-size the State Tax Rate on Cannabis to incentive legal compliance.
   **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. 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 – 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.

33. **Fees: Public Health Laboratory Services**
   From: City Manager
   **Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution establishing a new fee schedule for Public Health Clinical Services effective July 1, 2018, and rescinding Resolution No. 67,040-N.S.
   **Financial Implications:** See report
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
34. Selected Recreation Program & Facility Rental Fee Increases for FY 2019  
   From: City Manager  
   **Recommendation:** Conduct a public hearing and upon conclusion, adopt a  
   Resolution approving new fees and increasing current fees for select recreation  
   programs and facility rentals; and rescinding Resolution No. 67,984-N.S. and all  
   amendatory resolutions.  
   **Financial Implications:** See report  
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  

35. Selected Marina Fee Increases FY2019  
   From: City Manager  
   **Recommendation:** Conduct a public hearing and upon conclusion, adopt a  
   Resolution approving new fees and increasing current fees for select Marina fees;  
   and rescinding Resolution No. 67,107-N.S. and all amendatory resolutions.  
   **Financial Implications:** See report  
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  

36. Published Charges: Mental Health Clinical Services  
   From: City Manager  
   **Recommendation:** Conduct a Public Hearing and, upon conclusion, adopt a  
   Resolution establishing Published Charges for Mental Health Clinical Services for FY  
   2018. Published Charges are effective July 1, 2017.  
   **Financial Implications:** See report  
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  

37. FY 2019 Street Lighting Assessment  
   From: City Manager  
   **Recommendation:** Conduct a public hearing and upon conclusion, adopt a  
   Resolution confirming the assessments in the Engineer’s March 2018 Report, and  
   authorizing the levying of assessments for FY 2019 Berkeley Street Lighting  
   Assessment District No. 1982-1.  
   **Financial Implications:** See report  
   Contact: Phillip Harrington, Public Works, 981-6300  

38. Fiscal Year 2019 Proposed Budget Update Public Hearing #1  
   From: City Manager  
   **Recommendation:** Conduct a public hearing regarding the FY 2019 Proposed  
   Budget Update.  
   **Financial Implications:** See FY 2019 Proposed Budget Update  
   Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
39. **Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development**  
**From:** City Manager  
**Recommendation:** Discuss results of the second community survey and provide direction to the City Manager about the drafting of possible measures for inclusion on the November 2018 ballot.  
**Financial Implications:** See report  
Contact: Matthai Chakko, City Manager's Office, 981-7000

40. **Referral Response: Repeal Existing Accessory Dwelling Unit Ordinance (Chapter 23D.10), Adopt New Accessory Dwelling Unit Ordinance (Chapter 23C.24) and Modify Applicable Sections of the Zoning Ordinance that Apply to Accessory Dwelling Units**  
**From:** City Manager  
**Recommendation:** Adopt first reading of an Ordinance amending the Zoning Ordinance to modify existing regulations for Accessory Dwelling Units (ADUs) in order to clarify and further streamline the permitting process for ADUs, repealing Berkeley Municipal Code Chapter 23D.10, enacting Berkeley Municipal Code Chapter 23C.24, and amending BMC Titles 23D, 23E, and 23F.  
**Financial Implications:** None  
Contact: Timothy Burroughs, Planning and Development, 981-7400

**Council Action Items**

41. **Referral to Labor Commission to Establish Fair Workweek Requirements in Berkeley**  
**From:** Councilmember Harrison  
**Recommendation:** Refer to the Labor Commission to draft an Ordinance to establish regulations governing the scheduling and hiring practices of qualifying businesses in Berkeley.  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Council Action Items

42. **City-Sponsored Emergency Preparedness Training and Emergency Preparedness Program**  
*From: Councilmembers Davila and Harrison*  
*Recommendation:*  
1. Direct the City Manager to adopt an ordinance requiring that all City of Berkeley employees, Councilmembers, the Mayor and their respective staff complete the following City sponsored Emergency Preparedness training courses: Disaster Preparedness/Disaster Service Worker, Area Safety Monitor, Council and staff receive additional CPR/AED/First Aid Training. Courses will be offered by the City of Berkeley Fire Department in conjunction with Public Works and Human Resources.  
*Financial Implications:* See report  
*Contact:* Cheryl Davila, Councilmember, District 2, 981-7120

43. **Amending Berkeley Municipal Code Chapter 12.92 to Specify that Vacancy after a Given Period in a Residential or Commercial Building is a Condition of Unlawful Nuisance**  
*From: Councilmembers Harrison, Davila, and Bartlett*  
*Recommendation:* Adopt the first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.92 to specify that vacancy after a given period in a residential or commercial building is a condition of unlawful nuisance.  
*Financial Implications:* See report  
*Contact:* Kate Harrison, Councilmember, District 4, 981-7140

44. **Budget Referral: Replace Berkeley City Limit Signs to Read “Welcome to Berkeley, LOVE LIFE! Sanctuary City and Ohlone Territory”**  
*From: Councilmember Davila*  
*Financial Implications:* $3,000  
*Contact:* Cheryl Davila, Councilmember, District 2, 981-7120

45. **Consider the Police Review Commission Sub-Committee’s Charter Amendment Recommendations**  
*From: Councilmember Worthington*  
*Recommendation:* That the Council consider adopting the PRC Sub-Committee Charter Amendment Recommendation, and initiate a process towards placing a measure on the November ballot.  
*Financial Implications:* Minimal  
*Contact:* Kriss Worthington, Councilmember, District 7, 981-7170
46. Referral Response: Consider CPUC Interconnection Applications
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400

47. Animal Care Commission 2018 Work Plan
From: Animal Care Commission
Contact: Amelia Funghi, Commission Secretary, 981-6600

48. Referral Response: The Viability of Residential Wind Turbines in Berkeley
From: Energy Commission
Contact: Billi Romain, Commission Secretary, 981-7400

49. City Auditor Fiscal Year 2018 Audit Plan Amendment
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx and KPFB Radio 89.3.
Archived indexed video streams are available at http://www.cityofberkeley.info/citycouncil.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

Agendas and agenda reports may be accessed via the Internet at http://www.cityofberkeley.info/citycouncil and may be read at reference desks at the following locations:
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 May 3, 2018.

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.

Establish the City Council’s Tone and Direction as the City Moves Forward with Improvements in the Police Department’s and Police Review Commission’s Policies and Procedures
1. Elisa Mikiten

Berkeley Police
2. Daniel Frydman
3. Elisabeth Goldstein
4. Steven Schuyler

Surveillance Technology Use
5. Bridget Brehen

Crime
6. David Lerman
7. Keslie Stewart (2)
Encampment at 2nd & Page
8. CC Miksza

High Rise Buildings
9. Kelly Hammargren

Vacant Property Proposal
10. Fred Dodsworth

West Berkeley Shellmound Site
11. Lucinda Olney
12. Rachel Hope

To-Go Containers
13. Michael Dreyer
14. Sue Selters

Strike Pledge
15. Julie Waters

Proposed Policies on Sidewalks
16. Christine Schwartz

Joint Powers Agreement / East Bay Community Housing
17. Alejandro Soto-Vigil

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.