

**ANNOTATED 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 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:10 p.m.

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

Absent: Davila, Droste

Ceremonial Matters:

1. Recognition of Berkeley World Music Festival 15th Anniversary
2. Recognition of Rethink Your Drink Day and Week 2018
3. Recognition of National Public Works Week 2018
4. Recognition of Mental Health Month 2018

City Manager Comments: None

City Auditor Comments:

1. New audit for code enforcement for fire prevention added to Audit Plan. Noted the importance of the funds allocated to the reserves. Noted the Aa2 bond rating from Moody's, and the rating agency's comment on pension liabilities for California cities.

Public Comment on Non-Agenda Matters: 4 speakers.

Public Comment on Consent Calendar and Information Items Only: 26 speakers.

Consent Calendar

Action: M/S/C (Maio/Arreguin) to accept revised materials on Item 28 from Councilmember Maio.

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

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

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

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

Action: Adopted second reading of Ordinance No. 7,594-N.S.

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

Action: Adopted second reading of Ordinance No. 7,595-N.S.

Consent Calendar

- 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
Action: Adopted second reading of Ordinance No. 7,596-N.S.
- 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
Action: Adopted first reading of Ordinance No. 7,597–N.S. as revised in Supplemental Reports Packet #1 to correct the dollar amounts as follows: Dual Appropriations figure from -\$80,874,484 to -\$80,926,108; Net Adjustments figure from -\$18,160,796 to -\$18,109,172; Net Appropriations figure from \$521,058,159 to \$521,006,535. Second reading scheduled for May 29, 2018.
- 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
Action: Approved minutes as submitted.
- 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
Action: Adopted Resolution No. 68,420–N.S.

Consent Calendar

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
Action: Adopted Resolution No. 68,421–N.S.
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
2. Adopt a Resolution rescinding the Parklet Pilot Program: Procedures and Conditions document adopted by City Council on July 2, 2013.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: 1. Adopted first reading of Ordinance No. 7,598–N.S. Second reading scheduled for May 29, 2018. 2. Adopted Resolution No. 68,422–N.S.
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
Action: Approved recommendation.

Consent Calendar

- 10. Assessments: Downtown Berkeley Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving Downtown Berkeley Property and Business Improvement District (DPBID, “Downtown BID” 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 Downtown BID for FY 2019.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Adopted Resolution No. 68,423–N.S.
- 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
Action: Adopted Resolution No. 68,424–N.S.
- 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
Action: Adopted Resolution No. 68,425–N.S.
- 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
Action: Adopted Resolution No. 68,426–N.S. (Annual Report); and Resolution No. 68,427–N.S. (Contract).

Consent Calendar

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

Action: Approved recommendation.

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.

3. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$170,250 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

Action: Adopted Resolution No. 68,428–N.S. (Public Health); Resolution No. 68,429–N.S. (Foster Care); Resolution No. 68,430–N.S. (BHS and BTA); Resolution No. 68,431–N.S. (School Linked); and Resolution No. 68,432–N.S. (Tobacco Prevention).

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

Action: Adopted Resolution No. 68,433–N.S.

Consent Calendar

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.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$345,246 for FY 2019.
3. Tuberculosis Control Program in the projected amount of \$17,000 for FY 2019.
4. Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected amount of \$250,000 for FY 2019.
5. Tobacco Trust Fund in the projected amount of \$300,000 for FY 2019.
6. Childhood Lead Poisoning Prevention in the projected amount of \$67,305 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

Action: Adopted Resolution No. 68,434–N.S. (CHDP); Resolution No. 68,435–N.S. (MCAH); Resolution No. 68,436–N.S. (Tuberculosis); Resolution No. 68,437–N.S. (CRI); Resolution No. 68,438–N.S. (Tobacco Trust); Resolution No. 68,439–N.S. (Childhood Lead); and Resolution No. 68,440–N.S. (Immunization).

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

Action: Adopted Resolution No. 68,441–N.S.

Consent Calendar

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
Action: Adopted Resolution No. 68,442–N.S.
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
Action: Adopted Resolution No. 68,443–N.S.
21. **Contract No. 10200 Amendment: Freitas Landscaping for Reduction of Hazardous Vegetation**
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
Action: Adopted Resolution No. 68,444–N.S.
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
Action: Adopted Resolution No. 68,445–N.S.

Consent Calendar

- 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
Action: Adopted Resolution No. 68,446–N.S.
- 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
Action: Approved recommendation.
- 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
Action: Adopted Resolution No. 68,447–N.S.

Council Consent Items

- 26. Budget Referral: \$30,000 to the FY 2019 Budget Process for SupplyBank.Org to Expand School Supply Distribution**
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
Action: Approved recommendation.

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

Action: Approved recommendation as amended in Supplemental Reports Packet #2 to revise the recommendation noting the esteemed history of BPD and the accomplishments of recent leadership; also revised language in the Background section regarding the CPE Report and the Police Review Commission.

Council Consent Items

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

Action: Moved to Action Calendar. 12 speakers. M/S/C (Maio/Arreguin) to approve the revised recommendation as written below.

Requesting the City Manager to assist in holding an event where ideas for building housing on the North Berkeley BART Station parking lots (bordered by Sacramento, Delaware, Acton, and Virginia) could be presented by and shared with the public. Assistance is requested in the form of providing a meeting room and props for showing designs. No staff time needed.

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

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

Action: Councilmember Davila added as a co-sponsor. Approved recommendation.

Council Consent Items

- 30. In Support of Proposed Federal Assault Weapons Ban Legislation: S.2095, H.R.5077, H.R.5087, and S.1945**
From: Councilmembers Wengraf, Hahn, Davila, and Harrison
Recommendation: Adopt a Resolution in support of S.2095 (Feinstein) Assault Weapons Ban of 2017, H.R.5077 (Wilson) Assault Weapons Bans of 2018, H.R.5087 (Cicilline) Assault Weapons Ban of 2018, and S.1945 (Menendez) Keep Americans Safe Act. Direct the City Clerk to send copies of the adopted resolution to the authors of the bills, President Donald Trump, U.S. Senators Dianne Feinstein and Kamala Harris, U.S. Congresswoman Barbara Lee, Governor Jerry Brown, State Senator Nancy Skinner, and State Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 68,448–N.S.
- 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
Action: Approved recommendation.
- 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: Councilmember Bartlett added as a co-sponsor. Approved recommendation.
Vote: Ayes – Maio, Bartlett, Harrison, Worthington, Arreguin; Noes – Wengraf; Abstain – Hahn; Absent – Davila, Droste.

Action Calendar – Public Hearings

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Councilmember Harrison absent 8:16 p.m. – 8:18 p.m.

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 68,449–N.S.

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

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Councilmember Bartlett absent 8:17 p.m. – 8:28 p.m.

Action: M/S/C (Maio/Wengraf) to adopt Resolution No. 68,450–N.S.

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

Action Calendar – Public Hearings

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

Public Testimony: The Mayor opened the public hearing. 2 speakers.

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

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

Action: M/S/C (Maio/Wengraf) to adopt Resolution No. 68,451–N.S.

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

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Action: M/S/C (Maio/Harrison) to adopt Resolution No. 68,452–N.S.

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

Action Calendar – Public Hearings

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Action: M/S/C (Maio/Wengraf) to adopt Resolution No. 68,453–N.S.

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

Recess 8:28 p.m. – 8:48 p.m.

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

Public Testimony: The Mayor opened the public hearing. 2 speakers.

Action: Discussion held.

Action Calendar – New Business

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

Action: 1 speaker. M/S/C (Harrison/Arreguin) to conduct a third community survey on an affordable housing bond at \$100 million, \$150 million, and \$200 million with the same series, same term, and to be paid by all property owners.

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

Action: M/S/C (Arreguin/Worthington) to continue the item to May 29, 2018.

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

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

Action: M/S/C (Arreguin/Harrison) to continue Item 45 to May 29, 2018.

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

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

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

Action: 17 speakers. M/S/C (Hahn/Harrison) to adopt first reading of Ordinance No. 7,599–N.S. Second reading scheduled for May 29, 2018.

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

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

Action: Moved to Consent Calendar. Referred the item, including revised material in Supplemental Reports Packet #2, to the Labor Commission and the Ad Hoc Subcommittee on Paid Family Leave and expanded the scope of the subcommittee to include the Fair Workweek referral.

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.
2. Budget Referral for the Emergency Preparedness Program and the Emergency Planning Coordinator position to oversee program.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Action: Item held over to June 12, 2018.

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

Action: Item 43 held over to May 29, 2018, including revised material in Supplemental Reports Packet #1.

Council Action Items

44. **Budget Referral: Replace Berkeley City Limit Signs to Read “Welcome to Berkeley, LOVE LIFE! Sanctuary City and Ohlone Territory”**
From: Councilmember Davila
Recommendation: Refer to the FY19 (2018/2019) Budget Process an estimate of \$3,000 to Replace Berkeley City Limit Signs to read: Welcome to Berkeley, LOVE LIFE!, Sanctuary City and Ohlone Territory.
Financial Implications: \$3,000
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Item held over to June 12, 2018.
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
Action: Item held over to May 29, 2018 including revised material in Supplemental Reports Packet #1.

Information Reports

46. **Referral Response: Consider CPUC Interconnection Applications**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
47. **Animal Care Commission 2018 Work Plan**
From: Animal Care Commission
Contact: Amelia Funghi, Commission Secretary, 981-6600
Action: Received and filed.
48. **Referral Response: The Viability of Residential Wind Turbines in Berkeley**
From: Energy Commission
Contact: Billi Romain, Commission Secretary, 981-7400
Action: Received and filed.
49. **City Auditor Fiscal Year 2018 Audit Plan Amendment**
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda: 4 speakers.

Adjournment

Action: Adjourned in memory of:

1. Bob Allen, Berkeley Commissioner
2. Marian Altman, Berkeley Educator
3. Dr. Davida Coady, Physician and Humanitarian
4. Jerry Robinson, Berkeley Neighbor

Adjourned at 11:15 p.m.

Communications

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 1

Item 4: Amendment: FY 2018 Annual Appropriations Ordinance

18. Revised materials, submitted by City Manager's Office

Item 8: Establishment of the Parklet Ordinance; Adding Berkeley Municipal Code Section 14.48.300

19. Revised materials, submitted by City Manager's Office

Item 32: Support AB 3157: Right-Sizing the State Tax Rate on Cannabis

20. Revised materials, submitted by Councilmember Worthington

Item 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

21. Rolf Bell

22. Judi Sui

23. John & Patricia Rea

24. Claudia Kawczynska

25. Cameron Woo

26. ADU Task Force

Item 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

27. Revised materials, submitted by Councilmember Harrison

Item 45: Consider the Police Review Commission Sub-Committee's Charter Amendment Recommendations

28. Revised materials, submitted by Councilmember Worthington

Supplemental Communications and Reports 2

Item 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

29. Supplemental materials, submitted by Councilmembers Worthington & Harrison

30. Kelly Hammargren

Item 38: Fiscal Year 2019 Proposed Budget Update Public Hearing #1

31. Supplemental materials, submitted by City Manager's Office

Item 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

- 32. Dan McDunn
- 33. Lisa Titus
- 34. Diana Damonte
- 35. Dorothy Walker
- 36. Maurice Levitch
- 37. Steven Bolliger
- 38. Donna Graves
- 39. John Brogan
- 40. Debra Sanderson

Item 41: Referral to Labor Commission to Establish Fair Workweek Requirements in Berkeley

- 41. Revised materials, submitted by Councilmember Harrison

Item 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

- 42. 177 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 2: Lease Agreement: Retroactively Execute Lease Agreement with Dorothy Day House for the Operation of the Emergency Storm Shelter at 1925 Ninth Street

- 43. Christine Schwartz

Item 24: Referral to Develop Comprehensive Plan for Disaster Preparedness and Post-Disaster Rebuilding with Respect to Multi-Family Housing

- 44. Gradiva Couzin

Item 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

- 45. Revised materials, submitted by Councilmember Maio
- 46. Shirley Dean

Item 38: Fiscal Year 2019 Proposed Budget Update Public Hearing #1

- 47. Barbara Gilbert

Item 39: Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development

- 48. Presentation, submitted by City Manager's Office

Item 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

49. Presentation, submitted by Planning & Development

50. Cullen Gerst

Item 44: Budget Referral: Replace Berkeley City Limit Signs to Read “Welcome to Berkeley, LOVE LIFE! Sanctuary City and Ohlone Territory”

51. Rochelle Mandel

Rethink Your Drink

52. Unknown

Berkeley World Music Festival

53. Unknown