

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, May 29, 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:** 6:16 p.m.

**Present:** Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington, Arreguin

**Absent:** None.

**Ceremonial Matters:**

1. Recognition of Barbara Lubin and the Middle East Children's Alliance
2. Recognition of Asian American Political Empowerment Month

**City Manager Comments:** None

**City Auditor Comments:** None

**Public Comment on Non-Agenda Matters:** 10 speakers. Additional public comments related to 1900 4<sup>th</sup> Street and the Ohlone Shellmound.

Recess 7:36 p.m. – 7:48 p.m.

**Public Comment on Consent Calendar and Information Items Only:** 9 speakers.

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

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

Councilmember Worthington absent 8:01 p.m. – 8:21 p.m.

## Consent Calendar

- 1. Amendment: FY 2018 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,597-N.S. 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 \$18,109,172 (net).  
**First Reading Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Davila, Droste.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,597-N.S.
- 2. Establishment of the Parklet Ordinance; Adding Berkeley Municipal Code Section 14.48.300 and Amending Section 16.18.010**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,598-N.S. 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 amending BMC 16.18.010 to classify parklets as minor encroachments.  
**First Reading Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Davila, Droste.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Adopted second reading of Ordinance No. 7,598-N.S.
- 3. 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 second reading of Ordinance No. 7,599-N.S. 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.  
**First Reading Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Davila, Droste.  
**Financial Implications:** None  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,599-N.S. as revised in Supplemental Reports Packet #1 to correct the set back requirement language in 23C.24.050.

## Consent Calendar

### 4. **Emergency Standby Officers for the Mayor and Councilmembers**

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 68,318-N.S.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Adopted Resolution No. 68,454–N.S.

### 5. **Updated Commissioners' Manual**

**From: City Manager**

**Recommendation:** Adopt a Resolution 1. rescinding Resolution No. 65,570-N.S.; 2. adopting the updated edition of the Commissioners' Manual to include new regulations, clarify current procedures, and increase organization and efficiency; and 3. rescinding Resolution No. 61,312-N.S. due to redundancy.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Item held over to June 12, 2018.

### 6. **Contract No. 10882 Amendment: Lake Research Partners for 2018 Community Survey**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No.10882 with Lake Research Partners to develop and perform telephone surveys of registered voters, provide the associated analysis and reports and any required consulting services; increasing the authorized contract amount from \$62,000 to \$87,000 and extending the term through February 14, 2019.

**Financial Implications:** General Fund - \$25,000

Contact: Matthai Chakko, City Manager's Office, 981-7000

**Action:** Adopted Resolution No. 68,455–N.S.

### 7. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 29, 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 - \$915,000

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

## Consent Calendar

### 8. **Notice of Appropriations Limit for Fiscal Year 2019**

**From: City Manager**

**Recommendation:** Adopt a Resolution providing notice that: 1. Council will adopt an appropriations limit for Fiscal Year 2019 at its meeting of June 26, 2018; and 2. the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 11, 2018.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Adopted Resolution No. 68,456–N.S.

### 9. **Contract No. 10638 Amendment: Gardeners' Guild for Maintenance at Tom Bates Sports Complex and Gabe's Sport Fields**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No.10638 with Gardeners' Guild for operations and maintenance services at Tom Bates and Gabriel Catalfo (Gabe's) Fields, increasing the not to exceed amount by \$13,800 for a total not to exceed amount of \$702,120, and removing the annual not to exceed limit.

**Financial Implications:** Sports Field (Vendor Oper) Fund - \$702,120

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

**Action:** Adopted Resolution No. 68,457–N.S.

### 10. **Donation: Memorial Bench in Cesar Chavez Park in Memory of Marty Benson Downey**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed in Cesar Chavez Park in memory of Marty Benson Downey.

**Financial Implications:** \$3,400 (Donation)

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

**Action:** Adopted Resolution No. 68,458–N.S.

### 11. **Donation: Memorial Bench in Cesar Chavez Park in Memory of Monica Selter**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed in Cesar Chavez Park in memory of Monica Selter.

**Financial Implications:** \$3,400 (Donation)

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

**Action:** Adopted Resolution No. 68,459–N.S.

## Consent Calendar

**12. Amend Berkeley Municipal Code Section 14.52.130 for Inoperable Pay-and-Display Stations to Align with the California Vehicle Code**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 14.52.130 Time Limits Enforced at Inoperable Parking Meters and Pay-And-Display Stations to align with California Vehicle Code (CVC) §22508.5, which allows free parking up to the posted time limit at a space controlled by an inoperable parking meter.

**Financial Implications:** None

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted first reading of Ordinance No. 7,600–N.S. Second reading scheduled for June 12, 2018.

**13. Contract No. 9361C Amendment: Pakpour Consulting Group, Inc. for On-Call Design Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9361C with Pakpour Consulting Group, Inc. for additional contract services, increasing the contract by \$180,000 for a total amount not to exceed \$780,000, and extending the contract term from June 30, 2019 to December 31, 2019.

**Financial Implications:** Various Funds - \$180,000

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,460–N.S. as revised in Supplemental Reports Packet #1 to correct the increase amount to \$190,000.

## Council Consent Items

**14. Implementation of Secure Storage Program**

**From: Mayor Arreguin, and Councilmembers Hahn, Harrison, and Maio**

**Recommendation:**

1. Direct the City Manager to expedite implementation of two publicly available, secure storage facilities to accommodate as many individuals as possible, based on the parameters set in staff's March 2, 2018 RFI: Downtown Homeless Storage Pilot - Staffing and Operations and on additional parameters outlined in Program Details, below.

2. Direct the City Manager to publicize the locations, hours, and rules applicable to new storage facilities through normal outreach channels (website, press release, etc.) and through direct outreach to homeless individuals by the City, community organizations (CBOs) and other partners such as the Downtown Berkeley Association and Telegraph Avenue BID.

3. Refer \$100,000 to the budget process; an added \$25,000 for the downtown storage location and \$75,000 for storage in West Berkeley.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation.

## Council Consent Items

- 15. Support AB 2308: Banning Butts to Eliminate Toxic Cigarette Waste**  
**From: Mayor Arreguin and Councilmember Harrison**  
**Recommendation:** Adopt a Resolution supporting AB 2308 (Stone), which will ban the sale of cigarettes with single use filters. Send a copy of the Resolution to State Senator Nancy Skinner, Assemblymembers Tony Thurmond and Mark Stone, and Governor Jerry Brown.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 68,461–N.S.
- 16. Request the Alameda County Board of Supervisors to Increase the Number of Slots for Those Who are Mentally Ill Participating in Assisted Outpatient Treatment (AOT) by 20, for a Total of 50, and Assign at Least 10 Slots for Berkeley**  
**From: Councilmembers Maio and Hahn, and Mayor Arreguin**  
**Recommendation:** Send a letter to the Alameda County Board of Supervisors requesting that the County increase the number of slots for Assisted Outpatient Treatment and assign 10 of those slots for homeless persons in Berkeley who qualify per W&I Code 5345-5439.5.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Councilmember Wengraf added as a co-sponsor. Approved recommendation.

## Council Consent Items

**17. Oppose AB 2923, Which Would Place BART in Charge of Local Zoning of their Property**

**From: Councilmember Maio, Mayor Arreguin, and Councilmember Hahn**

**Recommendation:** Oppose AB 2923 and communicate our opposition to the State Assembly and Senate, and Governor Brown's office.

**Financial Implications:** None

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

**Action:** Moved to Action Calendar. 19 speakers. M/S/Failed (Hahn/Davila) to oppose AB 2923 as written in the original item.

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

**Action:** Moved to Action Calendar. M/S/Failed (Droste/Worthington) to recommend the following amendments to AB 2923

- Maximize affordable housing units
- Limit BART purview to density and parking
- Limit applicability to current BART property
- Minimum requirement for 20% affordable units
- Support the labor standards in the bill
- Require BART to cooperate and coordinate with local governments to create a process regarding affordability and height requirements

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

**Action:** Moved to Action Calendar. M/S/C (Maio/Arreguin) to oppose the AB 2923 unless amended as requested below:

- Limit BART purview to density and parking
- Local governments retain control over height requirements
- Limit applicability to current BART property
- Increase the minimum requirement for affordable units
- Require BART to cooperate and coordinate with local governments to create a process regarding affordability and height requirements

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

Recess 9:30 p.m. – 9:39 p.m.

## Council Consent Items

18. **BOSS 2018 5th Annual Rising Stars Gala: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$100 from Councilmember Cheryl Davila, to Building Opportunity for Self-Sufficiency (BOSS) for their 2018 5th Annual Rising Stars Gala on June 22, 2018, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$100  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,462–N.S. revised to include contributions from the following Councilmembers up the amounts listed: Councilmember Maio - \$100; Councilmember Hahn - \$100; Councilmember Harrison - \$100; Councilmember Bartlett - \$100.
19. **Supporting Community Requests for Audit of Alameda County Sheriff's Office Budget**  
**From: Councilmembers Davila, Harrison, and Hahn**  
**Recommendation:** Adopt a Resolution supporting activist and community groups' requests for the Alameda County Board of Supervisors to audit the Alameda County Sheriff's Office budget in the interest of transparency. Send a letter requesting the support of Alameda County Board of Supervisor, Keith Carson.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,463–N.S.
20. **Middle East Children's Alliance 30th Anniversary Celebration & Tribute to Co-founder Barbara Lubin: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a Resolution to approve the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to the Middle East Children's Alliance, for their 30th Anniversary Celebration & Tribute to co-founder Barbara Lubin on June 4, 2018 with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$250  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,464–N.S. revised to include contributions from the following Councilmembers up the amounts listed: Councilmember Maio - \$200; Councilmember Harrison - \$200; Councilmember Bartlett - \$100.



## Council Consent Items

- 21. Declaring a California Homelessness State of Emergency**  
**From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Bartlett and Maio**  
**Recommendation:** Adopt a Resolution requesting that Governor Brown proclaim a California Homelessness State of Emergency, and send the Resolution to Governor Brown, State Senator Nancy Skinner, and State Assemblymember Tony Thurmond.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Adopted Resolution No. 68,465–N.S.
- 22. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day Event**  
**From: Councilmembers Wengraf, Worthington, Mayor Arreguin, and Councilmember Hahn**  
**Recommendation:** Refer to the budget process \$6,000 for the funding of the annual City of Berkeley Holocaust Memorial Event.  
**Financial Implications:** \$6,000  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Approved recommendation.
- 23. Budget Referral: Solar Powered Lights and Signage for Paths Pilot Project**  
**From: Councilmember Wengraf, Mayor Arreguin, and Councilmember Hahn**  
**Recommendation:** Refer to the budget process \$5,000 for a pilot project of the Berkeley Path Wanderers Association to install solar powered lighting and signage on paths in Berkeley. The paths to be chosen will be in three different parts of Berkeley and will be selected based on evacuation scenarios.  
**Financial Implications:** \$5,000  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.
- 24. Support for AB 2874 (Health Facilities - Access to Emergency Care)**  
**From: Councilmember Droste, Mayor Arreguin, and Councilmembers Hahn and Harrison**  
**Recommendation:** That the Berkeley City Council send a letter supporting AB 2874, which will ensure state oversight and community input when a hospital plans to close, to Assemblymember Thurmond and State Senator Skinner.  
**Financial Implications:** None  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** Approved recommendation.

## Action Calendar – Public Hearings

**25. Ballot Tabulation Hearing, Ordering Levies for 2018 Street Lighting Assessment District Proposition 218**

**From: City Manager**

**Recommendation:** Conduct a public hearing for the 2018 Street Lighting Assessment District as required by Proposition 218 and, upon conclusion of the hearing, the ballots shall be tabulated. If, based on the votes, which are weighted by the amount of the assessment, there is a majority approval by voters, adopt a Resolution enacting the 2018 Street Lighting Assessment District, approving the Final Streetlight Engineer's Report, accepting tabulation results, and ordering levies for the 2018 Streetlight Improvement Assessment District.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

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

Hearing continued to June 12, 2018 and ballot tabulation continued to May 30, 2018 at 2180 Milvia Street at 8:30 a.m.

**26. Ballot Tabulation Hearing, Ordering Levies of 2018 Clean Stormwater Proposition 218 Fee Initiative**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, tabulate ballots for the 2018 Clean Stormwater Fee initiative, and, if there is a majority approval, adopt a Resolution approving the Final Fee Report, accepting the ballot results, and ordering the levy of fees of the 2018 Clean Stormwater Fee.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

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

Hearing continued to June 12, 2018 and ballot tabulation continued to May 30, 2018 at 2180 Milvia Street at 8:30 a.m.

**27. One-Way Car Share Pilot Program – Fee Changes**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving an updated fee structure for the One-way Car Share Two-and-a-Half-Year Pilot Program for Fiscal Year 2019 that will increase residential parking permit fees by 20 percent and decrease parking meter deposits by 14 percent and amending Resolution No. 67,696-N.S.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Item 27 and 37 referred to the Agenda Committee for scheduling.

## Action Calendar – Public Hearings

### 28. Fiscal Year 2019 Proposed Budget Update Public Hearing #2

**From:** City Manager

**Recommendation:** Conduct a second 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. M/S/C (Worthington/Maio) to close the public hearing.

**Vote:** All Ayes.

**Action:** Discussion held.

## Action Calendar – Old Business

### 29. Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development

*(Continued from May 15, 2018)*

**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. Direction provided as noted below.

#### Homeless Services

Direction provided to draft ballot measure language based on the polling language for an increase in the transfer tax on all taxable properties for various homeless services including elements from the community safety measure such as mental health, emergency transports, and crisis response for homeless persons.

#### Community Safety

No further direction at this time for ballot measure language.

#### Affordable Housing Bond

Direction provided to draft bond measure language based on the polling language for affordable housing. Dollar amounts to be determined on June 12.

#### Full-Time Council and Salaries

Direction provided to draft ballot measure language based on the polling language for a Charter Amendment to designate the Council as full-time and provide for a process to set salaries.

## Action Calendar – Old Business

- 30. City Manager Referral: Expansion of the GoBerkeley Transportation Program to Increase Parking Efficiency** *(Continued from April 24, 2018)*  
**From: Councilmember Worthington**  
**Recommendation:** City Manager Referral; Expansion of the GoBerkeley Transportation Program to allow private parking vendors to charge adjustable rates for parking spaces.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item held over to June 26, 2018.
- 31. 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** *(Continued from May 15, 2018. Item contains revised material.)*  
**From: Councilmembers Harrison, Davila, Bartlett, and Mayor Arreguin**  
**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 held over to June 12, 2018 including revised material from Councilmember Harrison and Supplemental material in Supplemental Reports Packet #2 from Councilmember Hahn.

## Action Calendar – Old Business

32. **Consider the Police Review Commission Sub-Committee’s Charter Amendment Recommendations** *(Continued from May 15, 2018. Item contains revised material.)*

**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:** M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m. to hear Item 32; Refer Items 34a/b and 35 to the Agenda Committee for scheduling; continue the hearings on Items 25 and 26 to June 12, 2018.

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

Councilmember Maio absent 10:41 p.m. – 10:44 p.m.

**Action:** M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:45 p.m.

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

**Action:** 20 speakers. M/S/C (Worthington/Arreguin) to agendize the supplemental item from Mayor Arreguin on June 12 with the report from the Police Review Commission and the direct the City Manager to initiate, and expeditiously complete, the meet and confer process with affected bargaining units on the elements of the proposals that are required to be Charter amendments.

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

## Action Calendar – New Business

**33. Amending Berkeley Municipal Code Title 6 and Title 14 to Include Electric Vehicle Parking in Municipal Off-Street Parking Facilities and on Public Streets  
From: City Manager**

**Recommendation:**

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 14 Vehicles and Traffic by adding Chapter 14.46 Electric Vehicle Parking to manage their parking on public streets and amending Berkeley Municipal Code Chapter 6.24 Municipal Off-Street Parking lots to manage electric vehicle parking for off-street facilities, revise terminology to utilize “off-street parking facilities” in order to represent off-street lots and garages, and remove references to the City Epark card.
2. Adopt a Resolution updating the schedule of fines for parking violations and late payment penalties to include fine and late payment penalty amounts for violating the laws set forth in the Ordinance, and rescinding Resolution No. 65,812-N.S.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,601–N.S. Second reading scheduled for June 12, 2018. Adopted Resolution No. 68,466–N.S.

**34a. Home Share Pilot Program Recommendation**

**From: Housing Advisory Commission**

**Recommendation:** Direct the City Manager to issue a Request for Qualifications (RFQ) to establish a two-year Home Share Pilot Program that could be expanded into a permanent housing program in the City of Berkeley.

**Financial Implications:** See report

Contact: Amy Davidson, Commission Secretary, 981-5400

**34b. Companion Report: Home Share Pilot Program Recommendation**

**From: City Manager**

**Recommendation:** Refer agencies interested in establishing a home share pilot program to the City’s Request for Proposals process for community agency funding.

**Financial Implications:** See report

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

**Action:** Item 34a and 34b referred to the Agenda Committee for scheduling.

**35. Including a Public Purchase Option in a Small Sites Housing Program**

**From: Housing Advisory Commission**

**Recommendation:** Direct the City Manager as follows concerning the implementation of a Small Sites Program in Berkeley: 1. Ensure that the City of Berkeley has the legal option to directly purchase properties under the Small Sites Program. 2. Ensure that any corporation designated by the City and in which the City maintains a majority (controlling) ownership may directly purchase properties under the Small Sites Program, even if that corporation is for-profit (e.g. a California B corporation). In implementing recommendation (2), do not weaken the qualification requirements for non-profit corporations which are not majority-owned or majority-controlled by the City. Additionally, purchases made by the City itself or a corporation controlled by the City should not be constrained with respect to future rental prices.

**Financial Implications:** Staff time

Contact: Amy Davidson, Commission Secretary, 981-5400

**Action:** Item 35 referred to the Agenda Committee for scheduling.

### **Information Repots**

**36. Referral Response: Direction and Referral Regarding “Premier Cru” Property**

**From: City Manager**

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

**Action:** Received and filed.

**37. One-Way Car Share – Mid-Pilot Program Report**

**From: City Manager**

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Item 27 and 37 referred to the Agenda Committee for scheduling.

**38. Status Report – Leases Audit: Conflicting Directives Hinder Contract Oversight**

**From: City Manager**

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Received and filed.

**39. City Auditor's Snapshot: Quarterly Summary Report on Audit**

**Recommendations**

**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:** M/S/C (Maio/Bartlett) to adjourn the meeting in memory of:

1. Victims of the Santa Fe, Texas School Shooting

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

Councilmember Droste absent 11:39 p.m. – 11:41 p.m.

Councilmember Harrison absent 11:39 p.m. – 11:41 p.m.

Councilmember Wengraf absent 11:40 p.m. – 11:41 p.m.

Councilmember Davila absent 11:40 p.m. – 11:41 p.m.

Adjourned at 11:41 p.m.

## **Communications**

### **Item 12: Support AB 2308: Banning Butts to Eliminate Toxic Cigarette Waste**

1. David Lerman (3)

### **Item 21: Ballot Tabulation Hearing, Ordering Levies for 2018 Street Lighting Assessment District Proposition 218**

### **Item 22: Ballot Tabulation Hearing, Ordering Levies of 2018 Clean Stormwater Proposition 218 Fee Initiative**

2. Iris Star (2)

### **Police Misconduct**

3. Russ Tilleman

### **Cannabis Stickers**

4. Carol Denney

### **People's Park**

5. Carol Denney

### **Storm Drain Screens**

6. David Lerman

### **Codornices Creek**

7. Susan Schawrtz, on behalf of Friends of Five Creeks

### **Golden Duplexes**

8. Labi Rabiou

### **Encampments**

9. Summi Kaipa

10. Pedro Alvarez Jr.

### **Cricket Store Concern**

11. Phoebe Sorgen

### **Flyer Removal**

12. Carol Denney

13. John Caner



**1900 4<sup>th</sup> Street**

- 14. Phoebe Sorgen
- 15. Sara Fain
- 16. Dorothy Walker
- 17. Terri Saul

**Cannabis Dispensary Regulations**

- 18. BUSD School Board

**Support for Playground at 63<sup>rd</sup> Street / MLK Jr. Way**

- 19. Juniper Frost
- 20. Colleen McCann
- 21. Mark Meyer
- 22. Sherk Chung
- 23. Hyunka Lee
- 24. Shalom Bochner
- 25. Sarah Garret
- 26. Jesse McFarland
- 27. 11 'in support of' form letters

**Supplemental Communications and Reports 1**

**Item 3: 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**

- 28. Revised materials, submitted by Planning & Development

**Item 13: Contract No. 9361C Amendment: Pakpour Consulting Group, Inc. for On-Call Design Services**

- 29. Revised materials, submitted by Public Works

**Item 17: Oppose AB 2923, Which Would Place BART in Charge of Local Zoning of their Property**

- 30. Watson Ladd
- 31. Theo Posselt
- 32. Jeffrey Till
- 33. Hilary Worthen
- 34. Andrew Fox
- 35. Matt Vander Sluis, on behalf of Greenbelt Alliance

**Item 25: Ballot Tabulation Hearing, Ordering Levies for 2018 Street Lighting Assessment District Proposition 218**

**Item 26: Ballot Tabulation Hearing, Ordering Levies of 2018 Clean Stormwater Proposition 218 Fee Initiative**

- 36. Robert Minor

**Item 32: Consider the Police Review Commission Sub-Committee's Charter Amendment Recommendations**

- 37. Hali Hammer
- 38. Sheila Goldmacher

39. Russ Tilleman

**Item 34: Home Share Pilot Program Recommendation**

40. Ashby Village

**Supplemental Communications and Reports 2**

**Item 16: Request the Alameda County Board of Supervisors to Increase the Number of Slots for Those Who are Mentally Ill Participating in Assisted Outpatient Treatment (AOT) by 20, for a Total of 50, and Assign at Least 10 Slots for Berkeley**

41. Stephanie Antalocy

**Item 17: Oppose AB 2923, Which Would Place BART in Charge of Local Zoning of their Property**

42. Diego Aguilar-Canabal

43. Karl Torke

44. Milo Trauss

45. Andreas Cluver, on behalf of the Building and Construction Trades Council of Alameda County, AFL-CIO

**Item 31: 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**

46. Supplemental materials, submitted by Councilmember Hahn

**Item 32: Consider the Police Review Commission Sub-Committee's Charter Amendment Recommendations**

47. Revised materials, submitted by Councilmember Worthington

48. Supplemental materials, submitted by Mayor Arreguin

49. Berkeley Citizens Action Steering Committee

50. Kelly Hammargren

51. Berkeley Progressive Alliance

52. Diana Bohn

53. Joel Kaufmann

54. Catherine Johnson

55. Kitty Calavita

56. Susan Blake

57. Summer Brenner

58. George Killingsworth

59. Mark Schimmelman

60. Gael Alcock

61. Ruth Morgan

62. Laura Truffaut

63. Doug Dohrer

**Item 35: Including a Public Purchase Option in a Small Sites Housing Program**

64. East Bay Community Law Center and The People's Land and Housing Project – Bay Area

65. Thomas Lord (2)

**Item 16: Request the Alameda County Board of Supervisors to Increase the Number of Slots for Those Who are Mentally Ill Participating in Assisted Outpatient Treatment (AOT) by 20, for a Total of 50, and Assign at Least 10 Slots for Berkeley**

66. 117 Communications submitted via Berkeley Considers, includes summary information.

**Supplemental Communications and Reports 3**

**Item 14: Implementation of Secure Storage Program**

67. Christine Schwartz

**Item 17: Oppose AB 2923, Which Would Place BART in Charge of Local Zoning of their Property**

68. Ethan Elkind

69. Devon Lake

70. David Ying

71. Unknown

**Item 29: Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development**

72. Presentation, submitted by City Manager's Office

**Item 32: Consider the Police Review Commission Sub-Committee's Charter Amendment Recommendations**

73. Janice Schroeder

74. Igor Tregub

75. Tony Platt

**Item 35: Including a Public Purchase Option in a Small Sites Housing Program**

76. Thomas Lord

**Asian American Political Alliance (AAPA)**

77. Alvin Ja

**1900 Fourth Street / West Berkeley Shellmound**

78. Margy Wilkinson

79. Unknown