To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

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).

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments:
1. April 3, 2018–Regular City Council Meeting
2. April 23, 2018–Special Closed Council Meeting
3. April 24, 2018–Special Closed City Council Meeting
4. April 24, 2018–Special City Council Meeting
5. April 24, 2018–Regular City Council Meeting
6. April 26, 2018–Special City Council Meeting
MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, April 3, 2018
6:00 P.M.
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
TELECONFERENCE LOCATION: 3300 WAILEA ALANUI DR 51D, WAILEA, HI 96753

JESSE ARREGUIN, MAYOR
Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:01 p.m.

Present: Councilmembers Bartlett, Hahn, Harrison, Maio, Wengraf, Worthington and Mayor Arreguin.

Absent: Councilmembers Davila and Droste.

Councilmember Davila present at 6:03 p.m.

Ceremonial Matters:

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

City Manager Comments:

1. Berkeley Bay Festival, April 14 at Shorebird Park

Public Comment on Non-Agenda Matters: 8 speakers.

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

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

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Droste.
1. **Contract: HdL Companies for Audit Services-Cannabis Dispensaries**
   From: City Manager
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with HdL Companies ("HdL") to provide auditing and consulting services for cannabis regulation and taxation support for a three-year period, with the option to extend for two (2) additional 12-month periods, in an amount not to exceed $94,000 per year for a total award not to exceed five (5) years and $470,000.
   **Financial Implications:** See report
   Contact: Henry Oyekanmi, Finance, 981-7300
   **Action:** Item held over to April 24, 2018.

2. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 3, 2018**
   From: City Manager
   **Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
   **Financial Implications:** Various Funds - $2,380,000
   Contact: Henry Oyekanmi, Finance, 981-7300
   **Action:** Approved recommendation.

3. **Purchase Order Amendment: Life-Assist, Inc. for Emergency Medical Supplies**
   From: City Manager
   **Recommendation:** Adopt a Resolution authorizing the City Manager to amend the Purchase Order with Life-Assist, Inc., increasing the purchase order amount by $110,000, for a total amended amount not to exceed $1,110,000, to provide additional funding for emergency medical supplies.
   **Financial Implications:** Paramedic Tax Fund - $110,000
   Contact: David Brannigan, Fire, 981-3473
   **Action:** Adopted Resolution No. 68,373–N.S.

4. **Contract No. 10754 Amendment: Team Ghilotti Inc. for South Cove Parking Lot and Restroom Project**
   From: City Manager
   **Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10754 with Team Ghilotti Inc. for the South Cove Parking Lot and Restroom Project, increasing the amount by $130,000 for an amended total amount not to exceed $1,814,956.
   **Financial Implications:** Marina Operations/Maint Fund - $130,000
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
   **Action:** Moved to Action Calendar. 4 speakers. M/S/C (Hahn/Harrison) to adopt Resolution No. 68,374–N.S.
   **Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Worthington, Droste.
5. **Approval of Streetlight Engineer’s Report for the Street Lighting Assessment District 2018, Setting Public Hearing, and Approval of Proposition 218 Balloting Procedures**

From: City Manager

**Recommendation:** Adopt three Resolutions:
1. Approving the intent to levy assessments for Fiscal Year 2018-19 for the Streetlight Improvement District 2018 for Fiscal Year 2018-19, approving Proposition 218 Streetlight Engineer’s Report, and providing notice of public hearing to be held May 29, 2018.
2. Approving the ballot procedures under the Proposition 218 fee Initiative Process for the Streetlight Program.
3. Authorizing the City Manager to vote and sign the Street Lighting Assessment District 2018 Ballot on Behalf of City-owned property.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

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

6. **Appointment of Ben Ludke to the Mental Health Commission**

From: Mental Health Commission

**Recommendation:** Adopt a Resolution approving the appointment of Ben Ludke to the Mental Health Commission, as a representative of the special public interest category, for a three year term beginning April 4, 2018 and ending April 3, 2021.

**Financial Implications:** None

Contact: Karen Klatt, Commission Secretary, 981-5400

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

## Council Consent Items

7. **City of Berkeley Membership in the U.S. Conference of Mayors**

From: Mayor Arreguin

**Recommendation:** Approve the allocation of $9,181 from the available General Fund balance for Fiscal Year 2018 to cover the costs of City of Berkeley membership in the U.S. Conference of Mayors.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation.
Council Consent Items

8. **International Women’s Day: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
   **From:** Mayor Arreguin and Councilmember Hahn  
   **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $140 per Councilmember including $140 from Mayor Arreguin to the Bay Area Teacher Training Institute with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
   **Financial Implications:** Mayor's Discretionary Funds - $140  
   **Contact:** Jesse Arreguin, Mayor, 981-7100  
   **Action:** Adopted Resolution No. 68,379–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Davila - $50; Councilmember Hahn - $140.

9. **Referral to the Health Commission to Consider a “Deemed Approved Ordinance”**  
   **From:** Councilmembers Harrison and Maio  
   **Recommendation:** Refer to the Health Commission to consider a Concurrent Sales of Gasoline and Alcoholic Beverages Law regulating the concurrent sales of gasoline and alcoholic beverages. Deem such establishments approved, subject to their adherence to certain standards of behavior.  
   **Financial Implications:** Staff time  
   **Contact:** Kate Harrison, Councilmember, District 4, 981-7140  
   **Action:** Approved recommendation.

10. **Allocating $50,000 to the Bay Area Community Land Trust for the Small Sites Program**  
    **From:** Councilmembers Harrison, Maio, and Hahn  
    **Recommendation:** Adopt a Resolution authorizing the City Manager to increase the City’s contract with the Bay Area Community Land Trust (BACLT) by $50,000 to enable BACLT to hire an additional half-time staff person to work on locating appropriate small properties for conversion from rental to limited-equity cooperatives and assisting the residents in the conversion process. Funds would be appropriated from the $1,000,000 Council set aside for the Small Sites Program.  
    **Financial Implications:** $50,000  
    **Contact:** Kate Harrison, Councilmember, District 4, 981-7140  
    **Action:** Councilmember Bartlett added as a co-sponsor. Recommendation revised to state “Direct the City Manager to issue an RFI for the scope of services in the report.”
11. **Budget Referral: Increase Berkeley Civic Arts Grants Program Budget by $75,000 for FY 2019**  
   **From:** Councilmembers Hahn, Harrison, Worthington, and Davila  
   **Recommendation:** Refer to the budget process a $75,000 increase to the FY 2019 budget for the Civic Arts Program, bringing the total for FY 2019 to $500,000.  
   **Financial Implications:** $75,000  
   **Contact:** Sophie Hahn, Councilmember, District 5, 981-7150  
   **Action:** Approved recommendation.

12. **City Manager Referral: Expansion of the GoBerkeley Transportation Program to Increase Parking Efficiency**  
   **From:** Councilmember Worthington  
   **Recommendation:** City Manager Referral; Expansion of the GoBerkeley Transportation Program to allow private parking vendors to charge adjustable rates for parking spaces.  
   **Financial Implications:** Minimal  
   **Contact:** Kriss Worthington, Councilmember, District 7, 981-7170  
   **Action:** Item held over to April 24, 2018.

13. **Support SB 912: Housing: Homelessness Programs and Affordable Housing**  
   **From:** Councilmembers Worthington and Hahn, and Mayor Arreguin  
   **Recommendation:** That the Council support SB 912 which allocates $2,000,000,000 to the Department of Housing and Community Development to fund statewide homelessness programs and affordable housing.  
   **Financial Implications:** Minimal  
   **Contact:** Kriss Worthington, Councilmember, District 7, 981-7170  
   **Action:** Approved recommendation.

14. **Referral to Peace & Justice Commission: Ordinance Prohibiting the Award of City Contracts to Vendors Acting as Data Brokers or Providing Extreme Vetting Services to ICE, as well as Prohibiting City Investment in Such Companies**  
   **From:** Councilmembers Worthington, Harrison, and Davila  
   **Recommendation:** Referral to the Peace & Justice Commission to consider the attached draft ordinance.  
   **Financial Implications:** Minimal  
   **Contact:** Kriss Worthington, Councilmember, District 7, 981-7170  
   **Action:** Moved to Action Calendar. 2 speakers. M/S/C (Harrison/Arreguin) to hold the item over to May 1, 2018.  
   **Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Worthington, Droste.
15. LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the decision of the Landmarks Preservation Commission to designate the University Laundry building, located at 2526-30 Shattuck Avenue, a City of Berkeley Landmark.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 10 speakers.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Worthington, Droste.

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

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,380–N.S. affirming the decision of the Landmarks Preservation Commission to designate the University Laundry building, located at 2526-30 Shattuck Avenue, a City of Berkeley Landmark.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Worthington, Droste.
16. **Proposition 218 Protest Hearing and Approval of Balloting for 2018 Clean Stormwater Fee**

From: City Manager

**Recommendation:** Conduct a public protest hearing in accordance with the requirements of Proposition 218 to count and publicly announce the results of the protest voting, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution allowing ballots for the 2018 Clean Stormwater Fee to be mailed in accordance with Proposition 218.

**Adopt Resolutions:**
1. Approving the documentation of the results of the protest hearing and proceeding with ballot process, and
2. Authorizing the City Manager to vote and sign 2018 Clean Stormwater Fee ballot on behalf of City-owned property.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. 1 speakers. M/S/C (Wengraf/Maio) to close the public hearing.

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

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

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

Recess 8:20 p.m. – 8:39 p.m.

17. **Send Ford Bikes a 90 Day Notice to Provide Electric Bikes Based on Agreement, Refer the Transportation Commission to Look at Additional Share Bike Alternatives, and Electric Motor Scooter and Electric Bike Share Programs (Continued from March 13, 2018)**

From: Councilmembers Worthington

**Recommendation:** Have the City Manager give Ford Bikes a 90 days notice to provide electric bikes based on their agreement with the city. Refer to the transportation commission to see if the city can look into alternative bike share programs, motor scooter share program, and electric bike programs to explore more affordable and accessible rideshare programs for a more equitable and environmental friendly Berkeley.

**Financial Implications:** Minimal

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

**Action:** Item removed from the agenda by Councilmember Worthington.
18a. **Supplemental Paid Family Leave (Continued from March 13, 2018)**  
From: Commission on the Status of Women, Commission on Labor  
Recommendation: Adopt first reading of an Ordinance adding Berkeley Municipal Code Chapter 9.90 with the following changes: 1. Add Job Protection Language to ensure workers cannot be fired for using paid family leave. 2. Include the City of Berkeley as a “covered employer” in Chapter 9.90.030 of the Ordinance. 3. Allocate financial resources for outreach, education, and enforcement of the provisions provided by Ordinance.  
Financial Implications: Unknown  
Contact: Shallon Allen, Commission Secretary, 981-7071, Delfina Geiken, Commission Secretary, 981-5400

18b. **Companion Report: Supplemental Paid Family Leave (Continued from March 13, 2018)**  
From: City Manager  
Recommendation: Since the Commissions’ action would result in City costs of approximately $945,485, recommend that the Council refer the Commission on the Status of Women and Commission on Labor’s recommendations to the City’s referral prioritization process.  
Financial Implications: See report  
Contact: LaTanya Bellow, Human Resources, 981-6800

**Action:** 4 speakers. M/S/C (Bartlett/Hahn) to 1) form an ad hoc committee comprised of Councilmembers Bartlett (Chair), Davila, Hahn, and Harrison to consider the proposed ordinance; and 2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.  
**Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Worthington, Droste.
Council Action Items

19. **Amending the Council Rules of Procedure and Order: Public Comment on the Consent Calendar**
   
   From: Mayor Arreguin and Councilmember Maio
   
   **Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter IV, Section A, Subsection 1 to remove limits on the number of speakers on a Consent Item, and to allow only Councilmembers to move a Consent Item to the Action Calendar.
   
   **Financial Implications:** None
   
   Contact: Jesse Arreguin, Mayor, 981-7100
   
   **Action:** 4 speakers. M/S/C (Arreguin/Maio) to adopt Resolution No. 68,383–N.S. amended to allow a speaker that spoke on Consent to speak again if a Councilmember moves the item to Action; to allow a Councilmember to move an item from Consent to Action at any time during consideration or public comment on the Consent Calendar; and to revisit the new policy by the end of 2018.
   
   **Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes – Davila; Abstain – None; Absent – Worthington, Droste.

Information Reports

20. **LPC-NOD for a Structural Alteration Permit at 2740-2744 Telegraph Avenue**
   
   From: City Manager
   
   **Contact:** Timothy Burroughs, Planning and Development, 981-7400
   
   **Action:** Received and filed.

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

Adjournment

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

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

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

Adjourned at 10:44 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of April 3, 2018 as approved by the Berkeley City Council.

__________________________________
Mark Numainville, City Clerk

Communications
Item 8: International Women’s Day: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
1. Jane Welford / Stefan Elgstrand

Item 15: LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)
2. Barbara Anscher
3. Laura Fujii
4. Landmarks Preservation Commission

Love Peace Week
5. Arnie Passman

North Berkeley BART Housing
6. David Lerman (3)
7. Mark Brucker
8. Donald Morgan
9. Dorothy Walker

Small Businesses
10. S. Omowale Fowles

Sanctuary City
11. Lindsay Bombalski

Document Revisions
12. Kelly Hammargren

Berkeley Police Support
13. Howard Fields
14. Dominic Montagu
15. Katherine Bond

Tasers
16. Russ Bumper

Tiny House Project
17. Alan Roselius

Peak Democracy
18. Evan McDonald

Supplemental Communications and Reports 1

Item 10: Allocating $50,000 to the Bay Area Community Land Trust for the Small Sites Program
19. Revised materials, submitted by Councilmember Harrison
20. Denise Diaz
21. Mary Barnes
22. Luis Frigo
23. Susan Quinlan
24. JJ Noire
25. Patrice Roll

Item 15: LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)
Supplemental Communications and Reports 1

26. Edith Frederick
27. Nancy Ukai

Supplemental Communications and Reports 2

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

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

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

Item 17: Send Ford Bikes a 90 Day Notice to Provide Electric Bikes Based on Agreement, Refer the Transportation Commission to Look at Additional Share Bike Alternatives, and Electric Motor Scooter and Electric Bike Share Programs
35. Jake Cline

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

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

Supplemental Communications and Reports 3

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

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

Item 15: LPC Appeal: 2526-30 Shattuck Avenue (The University Laundry Building)
40. Presentation, submitted by Planning & Development
41. Jonathan Morris
42. Tiffany Ikeda and Nancy Ukai, Japanese American Citizens League
43. Unknown
44. Unknown
Supplemental Communications and Reports 3

Item 16: Proposition 218 Protest Hearing and Approval of Balloting for 2018 Clean Stormwater Fee
45. Presentation, submitted by Public Works

Item 18b: Companion Report: Supplemental Paid Family Leave
46. Presentation, submitted by Human Resources

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

Business Partners & Friends Luncheon
48. Unknown

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

Winter Emergency Shelter
50. Don Armenta
MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, APRIL 23, 2018
4:00 P.M.
CYPRESS ROOM - 2180 Milvia Street, Berkeley, CA

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

Preliminary Matters

Roll Call: 4:11 p.m.

Present: Councilmembers Bartlett, Davila, Droste, Harrison, Wengraf and Mayor Arreguin.

Absent: Councilmembers Hahn, Maio and Worthington.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Jovan Grogan, Deputy City Manager, Eddie Kreisberg, Chief Labor Negotiator, Dania Torres-Wong, Chief Labor Negotiator, LaTanya Bellow, Director of Human Resources, Margarita Zamora, Employee Relations Manager, David Brannigan, Fire Chief, Andrew Greenwood, Chief of Police; Rebecca Chen, Senior Human Resources Analyst.


Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.
Adjournment

**Action:** M/S/C (Wengraf/Harrison) to adjourn the meeting.

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

Adjourned at 4:58 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting held on April 23, 2018.

_________________________________
Mark Numainville
City Clerk
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

TUESDAY, APRIL 24, 2018
4:00 P.M.

COUNCIL CHAMBERS – 2134 Martin Luther King, Jr. Way, Berkeley, CA

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: 4:07 p.m.

Present: Councilmembers Bartlett, Davila, Droste, Hahn, Maio, Wengraf and Mayor Arreguin.

Absent: Councilmembers Harrison and Worthington.

Councilmember Worthington present at 4:11 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address: 1231 Addison Street, Berkeley, CA
Agency Negotiators: Dee Williams-Ridley, City Manager
Jovan Grogan, Deputy City Manager
Mark Numainville, City Clerk

Negotiating parties: City of Berkeley, 2180 Milvia Street, Berkeley, CA
Building Owner – Berkeley Unified School District, 2020 Bonar Street, Berkeley

Under negotiation: Price and terms

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken
Adjournment

Action: M/S/C (Worthington/Maio) to adjourn the meeting.
Vote: Ayes – Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 4:55 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on April 24, 2018

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Mark Numainville, City Clerk
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
Tuesday, April 24, 2018
5:00 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: 5:05 p.m.

Present: Councilmembers Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Mayor Arreguin.

Absent: Councilmember Harrison.

Worksession

1. Work Session: Berkeley Microbond Blockchain Initiative
   From: Councilmember Bartlett
   Contact: Ben Bartlett, Councilmember, District 3, 981-7130
   Action: Presentation made and discussion held.

Public Comment - Items on this agenda only - 2 speakers.

Adjournment

Action: M/S/C (Maio/Worthington) to adjourn the meeting.
Vote: Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 6:01 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of April 24, 2018.

Mark Numainville, City Clerk
Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Work Session: Berkeley Microbond Blockchain Initiative
1. Nicholas Weaver

Supplemental Communications and Reports 3

Item 1: Work Session: Berkeley Microbond Blockchain Initiative
2. Presentation, submitted by Councilmember Bartlett
MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, April 24, 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

Preliminary Matters

Roll Call: 6:09 p.m.

Present: Councilmembers Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Mayor Arreguin.

Absent: Councilmember Bartlett.

Councilmember Bartlett present at 6:11 p.m.

Ceremonial Matters:
1. Proclamation recognizing Gerry Traucht
2. Proclamation recognizing Break Up With Your Bank Day
3. Proclamation recognizing Gene Poschman

City Manager Comments: None

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 17 speakers.

Consent Calendar

Action: M/S/C (Hahn/Davila) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.
1. **Referral Response: Modifications to R-1A District Development Standards for Developing a Second Dwelling Unit in a Detached Main Building in the Rear Yard of a Parcel; BMC Chapters 23D.20 and 23F.04**
   
   **From:** City Manager
   
   **Recommendation:** Adopt second reading of Ordinance No. 7,593-N.S. amending the Zoning Ordinance, Berkeley Municipal Code Chapters 23D.20 and 23F.04, by modifying the existing requirements for Main Buildings in rear yards in the Limited Two-Family Residential District (R-1A, BMC Chapter 23D.20).
   
   **First Reading Vote** (Ordinance Sections 1, 2, and 3 - Modify Development Standards): Ayes - Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes - Worthington.
   
   **First Reading Vote** (Ordinance Section 4 - Applicability): Ayes - Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes - Worthington, Droste.
   
   **Financial Implications:** None
   
   **Contact:** Timothy Burroughs, Planning and Development, 981-7400
   
   **Action:** Adopted second reading of Ordinance No. 7,593-N.S.

2. **Minutes for Approval**
   
   **From:** City Manager
   
   **Recommendation:** Approve the minutes for the Council meetings of March 12, 2018 (special closed), March 13, 2018 (special closed and regular), March 20, 2018 (special), March 26, 2018 (special closed), and March 27, 2018 (special closed and regular).
   
   **Financial Implications:** None
   
   **Contact:** Mark Numainville, City Clerk, 981-6900
   
   **Action:** Approved minutes as submitted.

   
   **From:** City Manager
   
   **Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9541 with Code Publishing Company for code publishing services for the Berkeley Municipal Code, increasing the contract by $49,500 for a total not to exceed amount of $99,000, and extending the contract to December 21, 2022.
   
   **Financial Implications:** General Fund - $49,500
   
   **Contact:** Mark Numainville, City Clerk, 981-6900
   
   **Action:** Adopted Resolution No. 68,384–N.S.
Consent Calendar

4. Modifications to BMC Chapters 9.49 and 13.44 for Activation of Downtown Berkeley BART Plaza
From: City Manager
Recommendation: Adopt first reading of an Ordinance 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.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
Action: Moved to Action Calendar. 1 speaker. M/S/C (Arreguin/Harrison) to adopt first reading of Ordinance No. 7,594–N.S. amended to remove the exception for the BART Plaza in Section 13.44.110.B. Second reading scheduled for May 15, 2018.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Councilmember Worthington absent 8:33 p.m. – 10:25 p.m.

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 24, 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 - $750,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.

6. Purchase Order: L.N. Curtis for Wildland Fire Personal Protective Equipment (Clothing)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with L.N. Curtis & Sons in an amount not to exceed $70,000 for the purchase of wildland fire personal protective equipment (PPE) and accessories. L.N. Curtis & Sons is an authorized distributor of wildland PPE.
Financial Implications: General Fund - $70,000
Contact: David Brannigan, Fire, 981-3473
Action: Adopted Resolution No. 68,385–N.S.
7. **Purchase Order: AllStar Fire Equipment Inc. for Self-Contained Breathing Apparatus Bottles**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with AllStar Fire Equipment Inc. in an amount not to exceed $100,000 for the purchase of 95 self-contained breathing apparatus (SCBA) 45 minute bottles. AllStar Fire Equipment Inc. is an authorized distributor and authorized service center for testing and repair of the SCBA products for the State of California.  
   **Financial Implications:** General Fund - $100,000  
   **Contact:** David Brannigan, Fire, 981-3473  
   **Action:** Adopted Resolution No. 68,386–N.S.

8. **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 first reading of an Ordinance 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.  
   **Financial Implications:** See report  
   **Contact:** Paul Buddenhagen, Housing and Community Services, 981-5400  

9. **Contract 7645E Amendment: NEOGOV Job Applicant Tracking System**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 7645E with NEOGOV, Inc. for a job applicant tracking system and service, for the period covering May 17, 2018 through May 16, 2021, increasing the amount of the contract by $48,500 for a revised total contract amount not to exceed $205,000.  
   **Financial Implications:** General Fund - $48,500  
   **Contact:** LaTanya Bellow, Human Resources, 981-6800  
   **Action:** Adopted Resolution No. 68,387–N.S.

10. **Contract: Syntech Systems, Inc. for Fueling System and Software**  
    **From:** City Manager  
    **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Syntech Systems, Inc. to provide the infrastructure and software for the City’s Fleet Fueling Program in an amount not to exceed $186,472 for the period of time May 1, 2018 through June 30, 2021.  
    **Financial Implications:** Various Funds - $186,472  
    **Contact:** Phillip Harrington, Public Works, 981-6300  
    **Action:** Adopted Resolution No. 68,388–N.S.
11. **Contract: Sposeto Engineering, Inc. for Fiscal Year 2017-2018 Sidewalk Project**

   **From:** City Manager

   **Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Fiscal Year 2017-2018 Sidewalk Project, 18-11158-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Sposeto Engineering, Inc.; and 3. Authorizing the execution of a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $1,717,312.

   **Financial Implications:** Various Funds - $1,717,312

   **Contact:** Phillip Harrington, Public Works, 981-6300

   **Action:** Adopted Resolution No. 68,389–N.S.

12. **Contracts: On-Call Geotechnical and Engineering Testing Services**

   **From:** City Manager

   **Recommendation:** Adopt four Resolutions authorizing the City Manager to execute the following contracts and any amendments, extensions, or other change orders for on-call geotechnical and engineering testing services for capital improvement projects, each for a period of June 1, 2018 through June 30, 2021:

   1. Construction Testing Services, Inc., for an amount not to exceed $500,000;
   2. Inspection Services, Inc., for an amount not to exceed $500,000;
   3. BSK Associates, for an amount not to exceed $400,000; and
   4. ENGEO, Inc., for an amount not to exceed $400,000.

   **Financial Implications:** Various Funds - $550,000

   **Contact:** Phillip Harrington, Public Works, 981-6300

   **Action:** Adopted Resolution No. 68,390–N.S. (Construction Testing Services); Resolution No. 68,391–N.S. (Inspection Services); Resolution No. 68,392–N.S. (BSK Associates); Resolution No. 68,393–N.S. (ENGEO).

13. **Declaration of Intent - FY 2019 Street Lighting Assessment**

   **From:** City Manager

   **Recommendation:** Adopt a Resolution granting the City Manager the authority to approve the Engineer’s March 2018 report, Street Lighting Assessment District 1982-1; set a public hearing to be held before the Council of the City of Berkeley at its May 15, 2018 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2019 Levy of Assessments of Street Lighting Assessment District No. 1982-1.

   **Financial Implications:** See report

   **Contact:** Phillip Harrington, Public Works, 981-6300

   **Action:** Adopted Resolution No. 68,394–N.S.
Consent Calendar

14. **Approving Proposed Projects Anticipated to be Paid for by the State’s Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2019**

   **From:** City Manager
   **Recommendation:** Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California’s Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission. In order to receive this funding, the City must annually submit to the State a list of projects anticipated to be completed.
   **Financial Implications:** See report
   **Contact:** Phillip Harrington, Public Works, 981-6300
   **Action:** Adopted Resolution No. 68,395–N.S.
   **Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn.

15. **Referral Response: Prior Salary Referral**

   **From:** Commission on the Status of Women and Commission on Labor
   **Recommendation:** Void the referral to the Commission on the Status of Women and the Commission on Labor for a prior salary ordinance due to identical statewide legislation signed by Governor Brown on October 12, 2017.
   **Financial Implications:** None
   **Contact:** Shallon Allen, Commission Secretary, 981-7071; Delfina Geiken, Commission Secretary, 981-5400
   **Action:** Approved recommendation.

16. **Partial Response to Council Referral on Deep Green Building Initiative - Recommendation for Dedicated Revenue Stream to Incentivize Residential Energy Efficiency and Electrification** *(Continued from March 27, 2018)*

   **From:** Energy Commission
   **Recommendation:** The Berkeley Energy Commission recommends that the City Council refer to staff a request to conduct an analysis to identify and develop a dedicated revenue stream to incentivize residential energy efficiency and electrification investments, based on a cost benefit analysis to determine highest value energy-saving measures. This recommendation supports the Deep Green Building Initiative referral from the Council to the Energy Commission.
   **Financial Implications:** See report
   **Contact:** Billi Romain, Commission Secretary, 981-7400
   **Action:** Approved recommendation as revised below.

   **City Council refers to staff a request to conduct an analysis to identify and develop a set of programs and policies consistent with the Climate Action Plan to incentivize residential energy efficiency and electrification investments, based on a cost benefit analysis to determine highest value energy-saving measures. This recommendation supports the Deep Green Building Initiative referral from the Council to the Energy Commission.**

   **Council further refers $50,000 to the budget process for the staff work and analysis.**
Consent Calendar

17. Refer the Housing Advisory Commissions Questions on the Smoke-Free Residential Housing Ordinance to Staff and Berkeley Considers

From: Housing Advisory Commission

Recommendation: The Housing Advisory Commission respectfully requests that the Council direct the City Manager to assist the HAC in its review of the Smoke-Free Residential Housing Ordinance, a regulation of tobacco use, as follows: 1. By responding to the HAC’s questions enumerated in the report with any readily available responsive information. 2. By facilitating the conduct of a “Berkeley Considers” questionnaire about the Smoke-Free Residential Housing Ordinance, questions for which are proposed in the report.

Financial Implications: Staff time

Contact: Amy Davidson, Commission Secretary, 981-5400

Action: Approved recommendation.

18. Re-appointment of Shelby Heda to the Mental Health Commission

From: Mental Health Commission

Recommendation: Adopt a Resolution for the re-appointment of Shelby Heda to the Mental Health Commission, as a representative of the Special Public Interest category, to complete her third term ending April 30, 2021.

Financial Implications: None

Contact: Karen Klatt, Commission Secretary, 981-5400

Action: Adopted Resolution No. 68,396–N.S.

Council Consent Items

19. California Schools and Local Communities Funding Act of 2018

From: Mayor Arreguin, and Councilmembers Maio, Hahn, and Wengraf

Recommendation: Adopt a Resolution in support of the California Schools and Local Communities Funding Act of 2018, which will modify Proposition 13 by requiring large commercial properties to be reassessed every three years.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100


20. Leave of Absence for Councilmember Cheryl Davila from the Mental Health Commission

From: Mayor Arreguin

Recommendation: Approve a Leave of Absence for Councilmember Cheryl Davila from the April 26, 2018 meeting of the Mental Health Commission.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100

Action: Approved recommendation.
21. **Support SB 1441 – Ban on Declawing**  
*From: Mayor Arreguin, and Councilmembers Wengraf, Worthington, and Harrison*  
**Recommendation:** Adopt a Resolution Supporting SB 1441 (Stern), which will ban declawing and similar surgical procedures in California. Send a copy of the Resolution to State Senators Nancy Skinner and Henry Stern, Assemblymember Tony Thurmond, and Governor Jerry Brown.  
**Financial Implications:** None  
**Contact:** Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,398–N.S.

22. **Enable Eric Leenson to be Berkeley’s Emissary at the Upcoming Gathering CANAL**  
*From: Councilmember Maio*  
**Recommendation:** Request Eric Leenson to be Berkeley’s emissary at the upcoming gathering of CANAL (Caribbean North American Laboratory for Social and Solidarity Economies) in Barcelona, Spain, May 22-24, which will include a report back to Berkeley on innovative approaches and policies on how Berkeley might foster socially-responsible entities.  
**Financial Implications:** None  
**Contact:** Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

23. **Referral to the Commission on Aging: Draft a Letter to the Commission on Judicial Performance in Support of the Probate Court Reform Movement**  
*From: Councilmembers Davila, Bartlett, and Hahn*  
**Recommendation:** Referral to the Commission on Aging to draft a letter to the Commission on Judicial Performance in support of the Probate Court Reform Movement’s demand that the Commission on Judicial Performance 1) Investigate the predatory climate of the Probate Court, 2) Conduct an audit to assess the impact of Probate Court decisions on African-American and minority families compared to Caucasian families, and 3) If malfeasance is discovered, demand restitution to families that have been harmed.  
**Financial Implications:** None  
**Contact:** Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation revised in Supplemental Reports Packet #2 and as written below.

Send a letter to the Judicial Council of California (the policymaking body of the court system), and to Alameda County District Attorney Nancy O’Malley to support the Probate Court Reform Movement’s request for an investigation of predatory climate; conduct an audit and assess impacts of Probate Court decisions on African Americans and minorities families compared to Caucasians and to demand restitution if malfeasance are discovered.
24. **Women’s Daytime Drop-In Center: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

*From: Councilmembers Davila, Maio, Mayor Arreguin, and Councilmember Wengraf*

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember including $100 from Councilmember Cheryl Davila, to the Women’s Daytime Drop-In Center, for their 30th Annual Chance for Change on June 2, 2017, 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. 68,399–N.S. revised to include contributions from the following Councilmembers up the amounts listed: Councilmember Hahn - $100; Councilmember Harrison - $200; Councilmember Maio - $250; Councilmember Bartlett - $100; Councilmember Wengraf - $100; Mayor Arreguin - $100.

25. **Seventh Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**

*From: Councilmembers Bartlett, Hahn, and Davila*

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Councilmember Ben Bartlett, to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 7th Annual Martin Luther King Jr. celebration, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Bartlett and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - $500

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

**Action:** Item removed from the agenda by Councilmember Bartlett.

26. **Removing Plastic Microfibers From The Water Supply: A Referral to the Community Environmental Advisory Commission**

*From: Councilmember Harrison*

**Recommendation:** Refer to the Community Environmental Advisory Commission to assess the City’s capacity to participate in an outreach program informing residents of the harmful nature of microfibers.

**Financial Implications:** See report

**Contact:** Kate Harrison, Councilmember, District 4, 981-7140

**Action:** Councilmembers Hahn and Davila added as a co-sponsor. Approved recommendation revised to add that the Council will send a letter to EBMUD requesting a report on EBMUD’s water sourcing measures in drought years; and that the letter will be submitted to Council as an information item.
27. Opposing SB 827 (Wiener, Skinner, Ting): Transit-Rich Housing Bonus
From: Councilmembers Hahn, Harrison, Maio, and Mayor Arreguin
Recommendation: Adopt a Resolution Opposing Senate Bill (SB) 827, and send a letter to Senators Wiener, Skinner and Tang, and to Assemblymember Thurmond, providing them with the Resolution.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Vote: Ayes – Davila, Bartlett, Hahn, Harrison, Arreguin; Noes – Worthington; Abstain – Maio, Wengraf, Droste.

28. Support of AB2370 (Holden), Relating to Lead Exposure in Drinking Water of Child Day Care Facilities
From: Councilmembers Wengraf, Hahn, Droste, and Davila
Recommendation: Submit a letter of support to Assembly Member Holden for his proposed legislation: AB 2370.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

29. Support of SB 1041 (Leyva), Childhood Lead Poisoning Prevention
From: Councilmembers Wengraf, Hahn, Droste, and Davila
Recommendation: Submit a letter of support to Senator Leyva for her proposed legislation, SB 1041.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

30. Oppose the Tax Fairness, Transparency and Accountability Act of 2018
From: Councilmembers Wengraf, Hahn, Droste, and Mayor Arreguin
Recommendation: Adopt a Resolution opposing the “Tax Fairness, Transparency and Accountability Act of 2018” and send a copy to the League of California Cities. In addition, send a letter of opposition to members of the California Business Roundtable (CRBT) so they realize the negative effect this potential legislation will have on municipalities. This initiative has already surpassed 25% of the required signatures to qualify for the November 2018 ballot. If passed by voters this could have grave consequences for cities throughout California.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 68,401–N.S.
31. **Submission of the PY 2018 Annual Action Plan Including Allocations of Federal Funds**

**From:** City Manager

**Recommendation:** Conduct a public hearing on the federal Program Year (PY) 2018 Annual Action Plan (AAP) for federal funds, including the allocation of federal funding for community agencies for FY2019, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the FY2019 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 85% of the FY2019 HOME funds to the Housing Trust Fund, 5% for Community Housing Development Organization (CHDO) operating funds 10% for program administration; and 4. Authorizing the City Manager to submit the PY 2018 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

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

Councilmember Bartlett absent 7:59 p.m. – 8:11 p.m.

**Action:** M/S/C (Worthington/Maio) to adopt Resolution No. 68,402–N.S.

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.
32. Submission of a Second Substantial Amendment to the PY2017 Annual Action Plan to Allocate $893,333 in Community Development Block Grant (CDBG) Funding for Public Facility Improvements to the Mental Health Adult Services Clinic

From: City Manager

Recommendation: Conduct a public hearing on a substantial amendment to the federal Program Year (PY) 2017 Annual Action Plan (AAP) which proposed an allocation of Community Development Block Grant (CDBG) funding for one public facility renovation project at the City’s Mental Health Clinic, and upon conclusion, adopt a Resolution: 1. Approving revised CDBG funding recommendation in the amount of $893,333 for one public facility improvement project; and; and 2. Authorizing the City Manager to submit the Substantial Amendment to the PY 2017 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

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

Vote: All Ayes.

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 68,403–N.S.

Vote: All Ayes.

33. Select East Bay Community Energy’s Brilliant 100 Electricity Service for Municipal Accounts

From: City Manager

Recommendation:
1. Receive an update from East Bay Community Energy regarding its program design, products, timeline and next steps; and
2. Adopt a Resolution authorizing the City Manager to select East Bay Community Energy’s Brilliant 100 (100% carbon-free) electricity service for municipal accounts.

Financial Implications: None

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

Action: Moved to Consent Calendar. Adopted Resolution No. 68,404–N.S.
34. **Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance**  
From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Maio and Wengraf  
Recommendation:  
1. Refer the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance to the Zero Waste Commission to invite input from key stakeholders, including restaurants and other food retailers and zero waste, plastics, oceans and other environmental experts, and hold public meetings to obtain input on the proposed Ordinance.  
2. Refer to the Zero Waste Commission to report back to the City Council results of the Commission’s community outreach and analysis, and provide recommendations for improvements to the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Moved to Consent Calendar. Approved recommendation with direction to the commission to combine consideration of the plastic straw ban with this referral.

35. **Contract: HdL Companies for Audit Services-Cannabis Dispensaries (Continued from April 3, 2018)**  
From: City Manager  
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with HdL Companies (“HdL”) to provide auditing and consulting services for cannabis regulation and taxation support for a three-year period, with the option to extend for two (2) additional 12-month periods, in an amount not to exceed $94,000 per year for a total award not to exceed five (5) years and $470,000.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** 1 speaker. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,405–N.S.  
**Vote:** Ayes – Maio, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Bartlett; Abstain – None; Absent – Worthington.

36. **City Manager Referral: Expansion of the GoBerkeley Transportation Program to Increase Parking Efficiency (Continued from April 3, 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 May 29, 2018.
### 37. Budget Referral and Referral to the City Manager: Support for Youth Spirit Artwork’s Tiny House Village Project

**From:** Councilmembers Bartlett and Harrison

**Recommendation:** The City Council should approve the following actions supporting Youth Spirit Artwork’s 25 Youth Tiny House Village project. 1. Waive parking requirements. 2. Allow outdoor activities to 8 pm. 3. Referral to the City Manager to expedite the processing and approval of any Administrative Use Permit applications associated with this project. 4. Refer to the budget $75,000 to fund a fulltime social worker. 5. Refer to the budget $22,581 to fund the permit fees of each tiny house. 6. Refer to the budget $1,500 annually to fund solid waste management for the project.

**Financial Implications:** See report

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

**Action:** 33 speakers. M/S/C (Hahn/Wengraf) to approve the recommendation below based on the revised recommendation in Supplemental Reports Packet #2

Refer to the City Manager to advance the following actions regarding Youth Spirit Artworks’ Tiny House Village Project:

- Identify the most appropriate and expeditious path for this unique and important project to be reviewed and analyzed through the City’s development review and permitting process, including public input.
- Based on the project’s application for development review and permitting, provide a best estimate for the permitting fees that would be assessed to the project so that the City Council may consider referring permit costs to the City’s budget process.
- Provide a best estimate for the cost to the City of providing solid waste management services to the Tiny House Village so that the City Council may consider referring these costs to the City budget process.
- Consider options for waiving parking requirements.
- The YSA application will be processed under the normal development review process. Any additional staff work needed on the YSA project beyond the normal development review process, such as ordinance amendments, is referred to the Council prioritization process.

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

### 38a. “To Achieve Fairness and Impartiality” – Report and Recommendations from the Berkeley Police Review Commission

**From:** Police Review Commission

(Continued from March 13, 2018)

**Contact:** Katherine Lee, Commission Secretary, 981-4950
38b. **Accept and Acknowledge Report from the Berkeley Police Review Commission, “To Achieve Fairness and Impartiality,” and Refer Key Recommendations to the City Manager for Policy Development and Consideration in September 2018 Report to City Council**

*From: Councilmember Harrison*

**Recommendation:**
1. Accept and acknowledge the Berkeley Police Review Commission’s (“PRC”) Report and Recommendations: “To Achieve Fairness and Impartiality.”
2. Refer key PRC report recommendations, detailed in the Background below, to the City Manager for: a. consideration in the September 2018 City Manager Report to City Council on the Berkeley Police Department’s efforts to track yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found; and implement policy and practice reforms; and b. development, where appropriate, of new BPD policies, or further enhancement to existing BPD policies.

**Financial Implications:** Staff time

*Contact: Kate Harrison, Councilmember, District 4, 981-7140*

**Action:** Moved to Consent Calendar. Adopted recommendation as revised in Supplemental Packet #1 and further revised as below:
- The process to develop the department action plan will not start until the final CPE report is issued.
- The work group will have one year to report back on the action plan.
- Process to be run by a professional mediator/facilitator.
- Other referred items will be reported back earlier if possible (some may be reported in September 2018).

Some provisions of the referred items may be subject to the meet and confer process with the Berkeley Police Association.

**Information Reports**


*From: City Manager*

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

**Action:** Received and filed.

40. **LPC NOD: 2151 Shattuck Avenue #LMSAP2017, The Wright Block Building**

*From: City Manager*

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

**Action:** Received and filed.

41. **FY 2017-18 Peace and Justice Commission Work Plan**

*From: Peace and Justice Commission*

*Contact: Shallon Allen, Commission Secretary, 981-7071*

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda** - 1 speaker.
Adjournment

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

1. Miriam “Mim” Hawley, Former Councilmember
2. Bob Piper, Local Transportation and Environmental Advocate

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

Councilmember Droste absent at 10:24 p.m. Councilmember Davila absent at 10:24 p.m.

Adjourned at 10:25 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of April 24, 2018 as approved by the Berkeley City Council.

__________________________________
Mark Numainville, City Clerk

Communications

Item 39: Select East Bay Community Energy’s Brilliant 100 Electricity Service for Municipal Accounts
1. Linnie Drolet (2)

Berkeley Police Department
2. James Nielsen
3. David Lerman (2)
4. Carol Denney

Corporate Personhood / HJR 48
5. Phoebe Sorgen

Pedestrian Safety
6. Nancy Bartell
7. Unknown

Robotic Parking Garage Technology
8. Roger Courtney

Homeless Concerns
9. Jonah Strauss

Taxes
10. Katz Freund
11. Eric Friedman

1900 Fourth/Shellmound
Communications

12. Richard Schwartz (4)
13. Christopher D. Dore
14. Indian People Organizing for Change
15. Maxina Ventura

Council Vote
16. Moni Law

Incident Report
17. W.B.C.

Police Accountability Board
18. Russ Tilleman

AirBnB Restrictions
19. Bill Kristy

2777 Shattuck Honda Concerns
20. Jane Kitchel

Urban Shield Program
21. Zipporah Collins

Airplane Flyovers
22. Bob Minor

University Ave Road Condition
23. Mark Caplin

Copy of Cashier's Checks
24. W.B.C.

Accumulation of Items in Parks
25. Erik Dreher

Refuse and Recycling Process Concerns
26. Sheila Press

Vehicle Campers
27. Carol Denney

Commission Draft Minutes
28. Kelly Hammargren

LimeBike Program
29. Paul Regier
30. Joshua Sleutel

Display Motto
31. Jacquie Sullivan

Supplemental Communications and Reports 1

Item 8: Lease Agreement: Retroactively Execute Lease Agreement with Dorothy Day House for the Operation of the Emergency Storm Shelter at 1925 Ninth Street
32. Susan Black
33. Liz Wiener
34. Elizabeth Strain

**Item 38b:** Accept and Acknowledge Report from the Berkeley Police Review Commission, “To Achieve Fairness and Impartiality,” and Refer Key Recommendations to the City Manager for Policy Development and Consideration in September 2018 Report to City Council

35. Revised materials, submitted by Councilmember Harrison

**Supplemental Communications and Reports 2**

**Item 23:** Referral to the Commission on Aging: Draft a Letter to the Commission on Judicial Performance in Support of the Probate Court Reform Movement

36. Revised materials, submitted by Councilmember Davila

**Item 26:** Removing Plastic Microfibers from the Water Supply: A Referral to the Community Environmental Advisory Commission

37. Revised materials, submitted by Councilmember Harrison

38. Shang Mei Lee

**Item 27:** Opposing SB 827 (Wiener, Skinner, Ting): Transit-Rich Housing Bonus

39. Revised materials, submitted by Councilmember Hahn

**Item 33:** Select East Bay Community Energy’s Brilliant 100 Electricity Service for Municipal Accounts

40. Tom Kelly

**Item 34:** Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance

41. Leia Ambra

42. Iris Greenberg-Smith

**Item 37:** Budget Referral and Referral to the City Manager: Support for Youth Spirit Artwork’s Tiny House Village Project

43. Revised materials, submitted by Councilmember Bartlett

44. Mike Lee

**Item 34:** Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance

45. 237 Communications submitted via Berkeley Considers, includes summary information.

**Supplemental Communications and Reports 3**

**Item 27:** Opposing SB 827 (Wiener, Skinner, Ting): Transit-Rich Housing Bonus

46. Ann Fryman

**Item 31:** Submission of the PY 2018 Annual Action Plan Including Allocations of Federal Funds

47. Presentation, submitted by Health, Housing & Community Services

**Item 34:** Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance
48. Lynn Dyer, on behalf of the Foodservice Packaging Institute
49. Timothy James, on behalf of the California Grocers Association
50. John Paluska and Andrew Hoffman
51. Aladdin Sammakieh
52. Luis Amezcua, on behalf of the Sierra Club
53. Christine Schwartz
54. Galen Dutch
55. Multiple Berkeley Businesses

**Item 37: Budget Referral and Referral to the City Manager: Support for Youth Spirit Artwork’s Tiny House Village Project**
56. Carol Denney (2)
57. Tom Luce
58. Unknown

**Misc. Communications**

**Break Up With Your Bank Day**
59. Unknown
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
Thursday, April 26, 2018
6:00 P.M.
LONGFELLOW SCHOOL AUDITORIUM – 1500 DERBY STREET, BERKELEY, CA

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: 6:06 p.m.

Present: Councilmembers Davila, Droste, Hahn, Harrison, Maio, Wengraf and Mayor Arreguin.

Absent: Councilmembers Bartlett and Worthington.

Action: M/S/C (Arreguin/Maio) to accept revised material from Councilmember Harrison on Item #1.

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

Public Comment - Limited to items on this agenda only - 70 speakers.

Recess 8:18 p.m. – 8:32 p.m.

Action Calendar
1. **Proposed Policies on Sidewalks and Encampments**  
   **From:** Mayor Arreguin and Councilmember Hahn  
   **Recommendation:** Direct the City Manager to return to Council with (1) an Ordinance codifying Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets, (2) a final Encampment Response Policy, and (3) necessary amendments, if any, to existing policies, Administrative Regulations and/or code sections impacted by the proposed Ordinance and Policy, for Council adoption.  
   **Financial Implications:** Staff time  
   **Contact:** Jesse Arreguin, Mayor, 981-7100  
   **Action:** 70 speakers. M/S/C (Maio/Arreguin) to direct the City Manager to return to Council with (1) an Ordinance for Council adoption codifying Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets; and (2) necessary amendments, if any, to existing policies, Administrative Regulations and/or code sections impacted by the proposed Ordinance. Regulations for Council adoption to be based on the revised materials submitted at the meeting and further amended as below.

- 3.a. BART Access Corridor is a Sidewalk, including a wide plaza area, on the same side of the street as a BART Station entrance, within 25 feet of such entrance and the west side of Shattuck Avenue from Addison Street to Alston Way.

- 3.c. Parklet is an improved area within the dedicated public right-of-way with seating, tables, landscaping and/or other amenities, that is intended for being used temporarily for the enjoyment and use of all citizens. [Definition to conform with proposed code amendments]

- Direction to staff to verify if the Ohlone Greenway is covered under the policy for City Parks or if it should be covered under these regulations

- 9. Lying – first sentence should not be included in the ordinance language.

- 9.iii. iii) On Sidewalks in all Commercial Districts and in the Manufacturing (M), Mixed Manufacturing (MM) and Mixed-Use Light Industrial Zones (MULI) between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday, and 10 a.m. and 10:00 p.m. on Sundays and federal holidays. (Lying is permitted in these locations from 10:00 p.m. and 7:00 a.m. Monday through Saturday, and 6:00 p.m. Sunday to 7:00 a.m. Monday.)

- 10.b. Cushioning Material shall not expand beyond what is reasonably needed to cushion the body while seated or lying, and shall be removed by the owner when not in use.

- In all sections related to dogs, clarify that the dogs must be leashed.

- In all sections where it states “action requested” change to “action required.”

- 12. Enforcement – staff to analyze which staff should address these regulations and determine if any specificity is required in the regulations.

- 12.a.i. If, based on complaints, direct observation or referrals, City staff become aware that Objects or Cushioning Materials are placed in a location or manner in violation of these or other regulations, written notice shall be provided stating the City’s regulations and the corrective action required. If Objects or Cushioning Materials are unattended notice shall be posted on or directly adjacent to such Objects or Cushioning Materials.

- 12.a.ii. Depending on the impacts of the violation, notice shall state whether corrective action must be taken immediately, or may specify any time period, not to exceed 1 hour, for Objects or Cushioning Material to be moved and brought into compliance with these regulations.
• 12.a.iv. – Deleted
• Remove references to “City staff” throughout and just use “City.”
• 12.b.ii. If the individual does not come into compliance after being provided with notice and an opportunity to comply, a Citation may be issued.
• 12.b.v. Amend the language to state that the City will withdraw the citation on the first occurrence if the person accesses services, but the city may or may not withdraw the citation on subsequent occurrences for the same person.
• 12.c.ii. If an individual does not comply, after being provided with notice and an opportunity, a Citation may be issued.

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

Adjournment

Action: M/S/C (Droste/Wengraf) to adjourn the meeting.
Vote: Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Worthington.

Adjourned at 9:51 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of April 26, 2018.

__________________________________
Mark Numainville, City Clerk

Communications

Item 1: Proposed Policies on Sidewalks and Encampments
1. Jerry Cho

Supplemental Communications and Reports 1

• None

Supplemental Communications and Reports 2

Item 1: Proposed Policies on Sidewalks and Encampments
2. Charles Siegel
3. Miranda Ewell
4. Sarah Bowles
5. Charles Benton
6. Jo Ann Driscoll
7. Bruce Ackerman
8. Evan McDonald
Supplemental Communications and Reports 2

9. Ian Fraser  
10. John Lineweaver  
11. Deborah Nicholas  
12. Elisa Kingsbury  
13. Ann Nomy  
14. Chris Horgan (2)  
15. Elena Prakoura (2)  
16. Sara Hartley  
17. Lynn Bradley  
18. Elise Proulx  
19. Scott Braunstein  
20. Alan Saldich  
21. Esther Lerman  
22. George Gurrola  
23. Audrey Ichinose  
24. Voltairine de Cleyre  
25. Catherine Johnson  
26. Alice Feller  
27. Eric & Marianne Haesloop  
28. Autumn Moon  
29. Hilary Winslow  
30. Robert Abiad  
31. Toni Garrett  
32. Dona Bretherick

Supplemental Communications and Reports 3

Item 1: Proposed Policies on Sidewalks and Encampments
33. Supplemental materials, submitted by Councilmember Harrison  
34. Amber Whitson  
35. Osha Neumann  
36. Rosie Merlin  
37. Bryce Nesbitt  
38. Cheryl Brewster  
39. Cara Statucki  
40. Joshua Miele (2)  
41. Catherine Rauch (2)  
42. Sandy Simon  
43. Michael Caplan  
44. Elana Auerbach  
45. Tree Fitzpatrick (2)  
46. Stuart Baker  
47. Alejandro Soto-Vigil (2)  
48. Unknown