

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, July 10, 2018

6:00 PM

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 2 – CHERYL DAVILA

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 8 – LORI DROSTE

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

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

Preliminary Matters

Roll Call:

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

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

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

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

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

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

- 1. License Agreement: Berkeley Community Media for Storage at Maudelle Shirek Building**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,614-N.S. authorizing the City Manager to execute a license agreement with Berkeley Community Media to use City property at 2134 Martin Luther King, Jr. Way for one year and subject to future extensions by the City Manager.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, 981-6900
- 2. Amending the Coast Live Oak Ordinance (BMC Section 6.52.010) to Allow the Removal of Trees that Substantially Interfere with Affordable Housing Projects**
From: Councilmembers Hahn and Harrison, and Mayor Arreguin
Recommendation: Adopt second reading of Ordinance No. 7,615-N.S. amending Berkeley Municipal Code Section 6.52.010 to allow for the removal of Coast Live Oak trees from locations where they would substantially interfere with development projects that include 50% or more of their units at Below Market Rate affordability, and requiring replacement Coast Live Oak trees to be planted.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

Consent Calendar

3. **FY 2019 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,617-N.S. adopting the FY 2019 Annual Appropriations Ordinance (AAO) in the amount of \$461,650,106 (gross appropriations) and \$406,847,665 (net appropriations).

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

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

4. **Extending the Timelines in the City's Agreement with BRIDGE Housing Corporation for the Berkeley Way Development**

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a first amendment to the City's Disposition and Development Agreement (DDA) with BRIDGE Housing Corporation for the Berkeley Way development. The amended timeline will be consistent with Council's March 13, 2018 direction to prioritize all City actions needed to allow BRIDGE the opportunity to apply for Affordable Housing and Sustainable Communities funding in 2019.

Financial Implications: See report

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

5. **Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions thereto with Bay Area Community Resources in an amount not to exceed \$74,000 for the period July 1, 2018 through June 30, 2019 for the placement of AmeriCorps members.

Financial Implications: General Fund - \$74,000

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

6. **Master Lease and Property Management Agreement for 2111 McKinley Avenue**

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a master lease and property management agreement and any amendments with Building Opportunities for Self-Sufficiency (BOSS) to use City Property at 2111 McKinley Avenue for a one-year lease term with an option to extend for one additional one-year term.

Financial Implications: See report

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

Consent Calendar

- 7. Contract: Bay Construction Company for Strawberry Creek Park (South) Sport Court Renovations**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Strawberry Creek Park (South) Sport Court Renovations project, Specification No. 17-11123-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Bay Construction Company; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Bay Construction Company, for the Strawberry Creek Park (South) Sport Court Renovations project at 1260 West Street, Berkeley, CA 94702, in an amount not to exceed \$546,000, which includes a contract amount of \$455,000 and a 20% contingency in the amount of \$91,000.
Financial Implications: Various Funds - \$546,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 8. Referral Response: Adopt a New Urban Agriculture Ordinance (Chapter 23C.26), Adopt New Urban Agriculture Definitions (amend Chapter 23F.04), and Modify Tables Listing Permitted Uses in Applicable Zoning Districts**
From: City Manager
Recommendation: Adopt first reading of an ordinance amending the Zoning Ordinance to establish and allow a new Urban Agriculture land use classification that permits urban agriculture in all zoning districts, with the exception of Environmental Safety – Residential (ES-R). This requires enacting Berkeley Municipal Code (BMC) Chapter 23C.26, and amending BMC Titles 23D, 23E, and 23F.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400
- 9. Donation: Fusako Castro Estate to the Berkeley Police Department**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation in the amount of \$62,154 from the Fusako Castro Estate to the Berkeley Police Department.
Financial Implications: \$62,154 (donation)
Contact: Andrew Greenwood, Police, 981-5900
- 10. Contract No. R8781D Amendment: Community Conservation Centers, Inc. for Recyclables Processing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract R8781D with Community Conservation Centers, Inc. for recyclables processing to increase the contract amount \$699,815 for an amended total amount not to exceed \$1,754,414 for the term ending December 31, 2018.
Financial Implications: Zero Waste Fund - \$699,815
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 11. Cooperative Agreement and Lease: Downtown Berkeley Bike Station**
From: City Manager
Recommendation:
1. Adopt a Resolution authorizing the City Manager to execute a cooperative agreement with the Bay Area Rapid Transit District for continued operation of the Downtown Berkeley Bike Station in its new Center Street Garage location for a two-year term in an amount not to exceed \$130,000, expiring on June 30, 2020.
2. Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Bay Area Rapid Transit for retail space at the Center Street Garage for a two-year lease term expiring June 30, 2020, with an option to extend for three one-year terms.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300

Council Consent Items

- 12. Declaring a “No Hate Week” in Berkeley**
From: Mayor Arreguin
Recommendation: Adopt a Resolution declaring the week of November 11-17, 2018 as a “No Hate Week” in the City of Berkeley, in conjunction with other Bay Area cities.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 13. Building Opportunities for Self-Sufficiency (BOSS): Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$200 per council member, including \$200 from Councilmember Maio, to Building Opportunities for Self-Sufficiency (BOSS), to help sponsor a documentary film about BOSS’s important work, with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$200
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 14. Women's Daytime Drop-in Center: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per council member, including \$1,000 from Councilmember Maio, to the Women’s Daytime Drop-in Center with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Linda Maio, Councilmember, District 1, 981-7110

Council Consent Items

15. **Short-term referral to the City Manager to develop the Access to the Arts Ordinance allowing street permits to include artists and musicians interested in leading art shows, art galleries, photography shoots, and related events in public spaces**
From: Councilmembers Bartlett and Worthington
Recommendation: Short-term referral to the City Manager to develop an ordinance allowing musicians and artists to access public spaces according to these conditions: 1. Artists are eligible for this permit by agreeing to and following the current Berkeley Municipal Code (BMC). 2. This permit will allow a spacing of seven foot by seven foot (forty-nine square feet) if a five foot by five foot space (twenty-five square feet) is left unrestricted for pedestrian use and wheelchair or disability accommodations. 3. This permit will be available once a week for applicants. 4. This permit is only applicable for artists and musicians planning a “single or small group impact event.”
Financial Implications: Minimal
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
16. **Send a letter to the Board of Directors of BART Requesting That BART Rename the Ashby BART Station the Mable Howard BART Station**
From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Hahn and Davila
Recommendation: Send the letter attached to the report to the Board of Directors of BART requesting that BART rename the Ashby BART Station the Mable Howard BART Station.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
17. **Referral to City Manager to Consolidate all City Commission Workplans in One Place for Easy Access for Staff, the Public, and Elected Officials**
From: Councilmembers Wengraf, Hahn, and Droste
Recommendation: Make a referral to the City Manager to consolidate all City Commission Workplans in one place for easy (electronic) access for staff, the public, and elected officials.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
18. **Community Firescaping and Fire Safety Meeting, July 12, 2018: Relinquishment of Council Office Budget Funds**
From: Councilmembers Wengraf, Hahn, and Droste
Recommendation: Adopt a Resolution approving the expenditure of an amount up to \$85 per Councilmember that wishes to contribute, not to exceed \$250 total. Funds will pay for ReScape California, a nonprofit, to provide a presentation on firescaping to Berkeley residents on July 12, 2018 from 7-9:30pm at Northbrae Community Church.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Council Consent Items

19. Ordinance Allowing Currently Permitted Non-Cannabis Nurseries in Specified Areas to Become Commercial Cannabis Retail Nurseries

From: Councilmembers Worthington, Davila, and Harrison

Recommendation: That the Council adopt an ordinance amending nursery zoning policies to allow medical and/or adult-use cannabis cultivation in the area bounded by University Avenue, San Pablo Avenue, Dwight Way, and Sixth Street specifically for currently permitted nursery-only cultivation sites, subject to compliance with state regulations.

Financial Implications: Minimal

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

20. Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets

From: Councilmembers Worthington and Hahn

Recommendation: Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or other public right-of-way.

Financial Implications: See report

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

21. Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city's short-term rental ordinance

From: Councilmember Worthington

Recommendation: Refer the City Manager to look into adopting revisions to Ordinance No. 7,521--N.S by modeling after the Home-Sharing Ordinance of the City of Santa Monica and the Residential Unit Conversion Ordinance of the City of San Francisco in order to increase compliance with city regulations on short-term rentals of unlicensed properties.

Financial Implications: Minimal

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

Council Consent Items

- 22. Black Repertory Group Theater: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmembers Worthington and Davila
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$10,000 per council member, including \$10,000 from Councilmember Worthington, to Black Repertory Group, with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Kriss Worthington and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$10,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 23. Relinquishment of Discretionary Account to the Berkeley Art Center for the Mayor's Ambassador for the Arts**
From: Councilmembers Worthington and Hahn
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$2,000 per councilmember, including \$2,000 from Councilmember Worthington to the Berkeley Art Center in support of the outstanding efforts of the Mayor's Ambassador for the Arts, Susan Duhan Felix, with funds relinquished to the City's general fund for this purpose from the discretionary account of Councilmember Kriss Worthington and any other councilmembers who would like to contribute. The Berkeley Art Center for the Mayor's Ambassador for the Arts needs a total of \$6,000; thus, we invite other Councilmembers to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$2,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 24. Support Disaster Recovery Bills H.R.4557 & 5474 and S.2996 & 2880 to Help Ensure Low Income Survivors Receive Long-Term Recovery, Restoration of Infrastructure and Housing, Economic Revitalization, and Send Letters To Congress**
From: Councilmembers Worthington, Davila, and Hahn
Recommendation: That the Berkeley City Council supports disaster recovery bills (H.R.4557 & 5474 and S.2996 & 2880), and the coordination within federal agencies for entering into agreements with the Department of Housing and Urban Development (HUD) to set up a Disaster Housing Assistance Program to administer a disaster voucher program. And the Council sends a letter in support to Congressional Sponsors Representative Ann Wagner, Senator Elizabeth Warren, Senator Bill Nelson, Senator Dianne Feinstein, Senator Kamala Harris, and Representative Barbara Lee.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

- 25. Establishing a Voluntary Security Camera Registration Program**
From: Councilmembers Worthington, Wengraf, and Droste
Recommendation: Adopt a Resolution establishing a Voluntary Security Camera Registration program whereby residents and business owners can voluntarily register their security camera systems with the Berkeley Police Department.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 26. Comprehensive Report on Homeless Services**
From: Councilmembers Droste and Wengraf, Mayor Arreguin, and Councilmember Bartlett
Recommendation: Request that staff provides Council with an annual comprehensive homeless services report and worksession which updates and includes information on items outlined in the report.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180

Action Calendar

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

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearings

27. ZAB Appeal: 840 Page Street, Use Permit #ZP2016-0064

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2016-0064 to add a third story and increase the number of bedrooms on the parcel from five to seven, for an existing three-unit dwelling on a parcel that was legally developed but is now non-conforming to residential density limits (three units when only one is allowed), and dismiss the appeal.

Financial Implications: None

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

Action Calendar

28. Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Vacant Residential Buildings Meet a Condition of Unlawful Nuisance *(Continued from June 12, 2018. Item contains revised and supplemental material.)*

From: Councilmembers Harrison, Davila, Bartlett, and Mayor Arreguin

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.92 to specify the time period after which vacant residential buildings meet a condition of unlawful nuisance.

Financial Implications: See report

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

29a. Immediate Priorities for Fire Safety, Education, Prevention and Overall Disaster Preparedness

From: Disaster and Fire Safety Commission

Recommendation: That the Berkeley City Council review the spreadsheet attached to the report summarizing each recommendation made by members of the City Council or the Disaster Fire Safety Commission and consider that those marked as an Immediate Priority are achievable and affordable actions to be taken as integral elements of community preparedness to the elevated risk of wildfire in Berkeley's Wildland Urban Interface zone.

Financial Implications: See Report

Contact: Keith May, Commission Secretary, 981-3473

29b. Companion Report: Immediate Priorities For Fire Safety, Education, Prevention and Overall Disaster Preparedness

From: City Manager

Recommendation: Consider the attached prioritizations made by the Fire Department and the Disaster and Fire Safety Commission in referring issues regarding fire safety, education, prevention and overall disaster preparedness to the budget process and the RRV process.

Financial Implications: See Report

Contact: David Brannigan, Fire, 981-3473

Action Calendar

30. **Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot**

From: City Manager

Recommendation:

1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of \$135 million to acquire, rehabilitate, preserve or construct affordable housing and submitting to the Berkeley electorate on the November 6, 2018 ballot a measure to authorize a general obligation bond in that amount.

2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282(b).

Financial Implications: See report

Contact: Farimah Brown, City Attorney, 981-6950

31. **Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance—Berkeley Municipal Code Chapter 13.76**

From: Rent Stabilization Board

Recommendation:

1. Select a timeframe between 12 and 15 years as the rolling period of exemption for newly constructed rental units. (Section 13.76.130.I)

2. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 6, 2018 General Municipal Election.

3. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

Contact: Jay Kelekian, Rent Stabilization Board, 981-7368

32a. **Referral Response: Proposed Charter Amendment to Restructure the Police Oversight Body** *(Continued from June 12, 2018. Item contains supplemental material.)*

From: Police Review Commission

Recommendation: Consider a Charter amendment proposed by the Police Review Commission (PRC) to restructure the police oversight body to broaden its authority and strengthen its powers, for placement on the November 2018 ballot, and direct the City Manager to initiate the meet-and-confer process with the Berkeley Police Association.

Financial Implications: See report

Contact: Katherine Lee, Commission Secretary, 981-4950

Action Calendar

- 32b. Direct the City Manager to analyze the Mayor's proposed Police Commission Charter Amendment, and initiate meet-and-confer where required** *(Continued from June 12, 2018.)*
From: Mayor Arreguin
Recommendation: That the City Council direct the City Manager to initiate meet-and-confer, and review the combined PRC and Mayor's proposed Police Commission Charter Amendment to ensure legal compliance and to enable the Council to place a measure on the November 2018 ballot. The City Manager is directed to expeditiously schedule meetings with affected bargaining units with the goal of completing the meet-and-confer process in time for the August 10, 2018 deadline for placing measures on the November 2018 ballot.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 33. ***Item Removed by City Manager*** Amending Berkeley Municipal Code Chapter 6.20 to Update Parking Restrictions at the Berkeley Waterfront**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 34. Auto Sales in Commercial South Area (C-SA) Zones** *(Continued from June 12, 2018.)*
From: Mayor Arreguin and Councilmembers Bartlett and Hahn
Recommendation: Refer to the Planning Commission and the Adeline Corridor Planning Process to develop an ordinance that would prohibit new auto uses and auto sales in C-SA zones.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
- 35. Accessory Dwelling Unit Ordinance Updates** *(Continued from June 12, 2018. Item contains revised material.)*
From: Councilmembers Hahn, Wengraf, and Harrison
Recommendation: Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 36. Defining Objective Standards for Views** *(Continued from June 12, 2018. Item contains revised material.)*
From: Councilmembers Hahn and Wengraf
Recommendation: Refer to the Planning Commission and the City Manager the drafting of ordinance provisions defining objective standards for views in Berkeley, and for the protection of views from detrimental impacts.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

Action Calendar

37. Referral Response: City-wide Green Development Requirements

From: Community Environmental Advisory Commission

Recommendation: Refer to the Planning Commission development of City-wide Green Building and Transportation Demand Management measures, based on those currently required in the Commercial Downtown Mixed Use District (C-DMU), to apply throughout the City of Berkeley's commercial zoning districts, with the following amendments: 1. Change the Green Building and Transportation Demand measures to apply to all projects of 50 units or more, or 10,000 square feet of commercial area, instead of limiting it to projects of 75 units or more. 2. Require one bicycle parking space per two residential units, in addition to the bicycle parking space requirements of one per 2,000 square feet of commercial space. 3. Change the number of required vehicle sharing spaces to be based on the number of parking spaces constructed, rather than required, to avoid any potential confusion surrounding waived parking requirements (either through legislation or payment of an in-lieu fee). 4. Add in a requirement that all constructed parking areas be EV-ready, such that EV charging stations could be installed and be able to reach and charge any and all parking spaces if needed/desired. Actual EV charging stations should not be required at construction beyond City requirements. 5. Instead of LEED Gold, require projects to achieve LEED Silver, or equivalent as evaluated City staff. 6. Do not require the transportation benefits, with plans to re-consider requiring the transportation benefits after the City or an independent third party evaluates the impact of transit benefit requirements in Downtown.

Financial Implications: None

Contact: Viviana Garcia, Commission Secretary, 981-7460

Action Calendar (Continued from June 26, 2018)

38. Placing a Measure on the November 6, 2018 Ballot to Increase the Transfer Tax on Property Sales to Pay for General Municipal Services Including Funding Homeless Services *(Continued from June 26, 2018. Item contains revised materials.)*

From: City Manager

Recommendation:

1. Adopt a Resolution submitting a general tax ordinance measure on the November 6, 2018 general municipal ballot to increase the transfer tax from 1.5% to 2.5% on properties that sell for over \$1 million to pay for general municipal services, including homeless services, including shelters, rental subsidies, and supportive services, and staffing to implement these programs.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, 981-6900

Action Calendar (Continued from June 26, 2018)

- 39. City-Sponsored Emergency Preparedness Training and Emergency Preparedness Program** *(Continued from June 26, 2018.)*
From: Councilmembers Davila and Harrison
Recommendation:
1. Direct the City Manager to adopt an ordinance requiring that all City of Berkeley employees, Councilmembers, the Mayor and their respective staff complete the following City sponsored Emergency Preparedness training courses: Disaster Preparedness/Disaster Service Worker, Area Safety Monitor, Council and staff receive additional CPR/AED/First Aid Training. Courses will be offered by the City of Berkeley Fire Department in conjunction with Public Works and Human Resources.
2. Budget Referral for the Emergency Preparedness Program and the Emergency Planning Coordinator position to oversee program.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 40. Support Stop Tariffs On Printers and Publishers (STOPP) and S.2835 - PRINT Act. Also, send letters in support to Senator Susan Collins, Senator Dianne Feinstein, Senator Kamala Harris, and Congresswoman Barbara Lee** *(Continued from June 26, 2018. Item contains revised material.)*
From: Councilmember Worthington
Recommendation: Support Stop Tariffs On Printers and Publishers (STOPP) and S.2835 - PRINT Act and Send a letter in Support to Senator Susan Collins, Senator Dianne Feinstein, Senator Kamala Harris, and Congresswoman Barbara Lee.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Information Reports

- 41. Zero Waste Commission 2018 Work Plan**
From: Zero Waste Commission
Contact: Heidi Obermeit, Commission Secretary, 981-6300
- 42. Berkeley Public Library Circulation Policies Update**
From: Councilmember Hahn
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

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

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@cityofberkeley.info

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 28, 2018.***

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.*

### **Item 31: Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance—Berkeley Municipal Code Chapter 13.76**

1. Paola Laverde

#### **Property at 1701 62<sup>nd</sup> Street**

2. Calvin Justice

#### **Police Training and Participation in Urban Shield**

3. Sally McCoy
4. Kyliemax
5. Lawrence A. Gibbs
6. Fredda Cassidy
7. Julie Holcomb
8. Joel Kaufmann
9. Ellen Love
10. Katrin Wehrheim
11. E.J. Holowicki
12. David Peattie
13. Karen Gilligan
14. Mike Dove
15. Deborah Nicholas
16. David Z. Ritvo
17. Karen Bowen
18. Linda Schacht and John Gage
19. Clarick Brown
20. Abbey Kletz
21. Candace Khanna
22. Nova On the Go
23. Joe Kewekordes
24. Laura Hazlett
25. Anne Pardee (2)
26. Jennifer Fisher
27. Sheila Thorne
28. Lori Pottinger
29. Wren Pinto
30. Lindsay Mulcahy
31. Russbumper (3)
32. Caryn Graves
33. Quinn Leong
34. Bob Flasher



35. Dorothea Dorenz
36. Harriet A. Goldman
37. Joan Bardez
38. Miguel S. Valencia
39. Mark Lemkin
40. Kacey Carpenter
41. MJ Baumann
42. Chelsea Skorka
43. Ray Roushar
44. Vivian Zelaya
45. Shawn Connors
46. Martha Knobler
47. Elisa Mikiten
48. Megan Prier
49. Leah Redwood
50. Elana Auerbach
51. Carol Sanders
52. Tash Nguyen
53. Terry Roberts
54. Betsy Rose
55. Michael Ho
56. Steven Kanofsky and Deborah Rosen Kanofsky
57. Eric Friedman
58. Nicole Scherm
59. Tracy Rosenberg
60. Genevieve Wilson (2)
61. Diana Bohn

#### **Presidential Summit**

62. Steven Schuyler

#### **Oxygen Generators**

63. Keith Wright (3)

#### **Biography of Man Essay**

64. David Huttner

#### **Public Employees Relations Board**

65. Barbara Gilbert

#### **Single-Use Foodware**

66. Sally Hughes
67. Joanne Cohn
68. Laura Fujii
69. Melanie Lawrence

#### **Environmental Concerns**

70. Christopher Calder

#### **Appeal of 1499 University Ave**

71. Dolores A. Cortez

**Use of Nixle**

72. Mitchell Gass

**Refuse and Recycling Process**

73. Sheila Press

**Science and Technology Concerns**

74. Gary Novak

**Condition of City Streets**

75. Carole Valentino

76. Judith Perlin

**San Francisco School Board Decision**

77. Dorothea Dorenz

**Homelessness Concerns**

78. Russbumber (3)

79. Margot Smith

**Mental Health Issues and Conservatorship**

80. Jess McCarter

**Sugar-Sweetened Beverage Tax Revenues**

81. Sugar-Sweetened Beverage Products Panel of Experts Commission

**Sunday Summer Cinema**

82. John Caner

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.