

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, July 24, 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

### **Preliminary Matters**

**Roll Call:** 6:06 p.m.

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

**Absent:** Wengraf

Councilmember Wengraf present at 6:07 p.m.

### **Report from Closed Session:**

The City Council met in closed session on July 16, 2018 and gave direction to enter into settlement agreements in the following 3 cases:

- Chapler v. COB, Case No. RG17845898- settlement of \$50,000.
- Schneider v. COB, Case No. RG17850497- settlement of \$30,000.
- Moore-Jackson v. Chouteau, et. al., Case No. RG16843929 – settlement of \$2.15 million.

### **Ceremonial Matters:**

1. Recognition of Local Artist, Sue Li Jue
2. Recognition of Frank and Louise Brown, Local Activists

**City Manager Comments:** None

### **City Auditor Comments:**

The City Auditor highlighted two items on the agenda regarding audits: Item Number 80 Five-Year Street Rehabilitation Plan Update and Item 83 City Auditor Fiscal Plan.

**Public Comment on Non-Agenda Matters:** 10 speakers.

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

## Consent Calendar

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

**Vote:** All Ayes.

- 1. Extending the Timelines in the City's Agreement with BRIDGE Housing Corporation for the Berkeley Way Development**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,618-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,618-N.S.
- 2. Master Lease and Property Management Agreement for 2111 McKinley Avenue**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,619-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,619-N.S.
- 3. 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 second reading of Ordinance No. 7,620-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,620-N.S.

## Consent Calendar

- 4. Cooperative Agreement and Lease: Downtown Berkeley Bike Station**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,621-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,621-N.S.
- 5. Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Vacant Residential Buildings Meet a Condition of Unlawful Nuisance**  
**From: Councilmembers Harrison, Davila, Bartlett, and Mayor Arreguin**  
**Recommendation:** Adopt second reading of Ordinance No. 7,622-N.S. amending Berkeley Municipal Code Chapter 12.92 to specify the time period after which vacant residential buildings meet a condition of unlawful nuisance.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Adopted second reading of Ordinance No. 7,622-N.S.
- 6. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of June 7, 2018 (special closed), June 11, 2018 (special closed), June 12, 2018 (special and regular), June 15, 2018 (special closed), June 19, 2018 (special closed and special), June 25, 2018 (special closed), and June 26, 2018 (regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Approved minutes as submitted.
- 7. Emergency Standby Officers for the Mayor and Councilmembers**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 68,454-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Moved to Action Calendar. 9 speakers. M/S/C (Arreguin/Maio) to continue the item to September 25, 2018.  
Vote: Ayes – Miao, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.

## Consent Calendar

**8. Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code**

**From: City Manager**

**Recommendation:**

1. Adopt first reading of an Ordinance amending Section 20.16.090 of the Berkeley Municipal Code (the Sign Ordinance) to exempt wayfinding kiosks placed in the City pursuant to a contract between the City and Visit Berkeley (formerly the Convention & Visitors Bureau); and amending Section 16.18.040 of the Berkeley Municipal Code (the Encroachment Ordinance) to exempt wayfinding kiosks installed pursuant to a contract between Visit Berkeley and the City of Berkeley, provided they are installed and maintained in conformance with the requirements of the City Engineer.

2. Adopt a Resolution declaring the Council's intention pursuant to Berkeley Municipal Code Chapter 9.60 to consider at a public hearing, set for September 25, 2018, at 6:00 p.m., whether to grant a franchise to IKE Smart City, LLC ("IKE") to operate wayfinding kiosks in Berkeley.

**Financial Implications:** See report

Contact: Jordan Klein, Economic Development, 981-7530

**Action:** Recommendation #1 held over to September 25, 2018 to be heard with the public hearing. Adopted Resolution No. 68,518–N.S.

**9. As-Need Contract with ACRO Service Corporation for Temporary Staffing Services and Related Services and Solutions**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into an as-needed agreement with U.S. Communities Cooperative Purchasing contractor ACRO Service Corporation (ACRO) to provide temporary staffing services and related services and solutions for a period of one year commencing on or about August 1, 2018 and ending July 31, 2019, in an amount not to exceed \$200,000.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Adopted Resolution No. 68,519–N.S.

**10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 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 - \$8,765,500

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

## Consent Calendar

- 11. Contract No. 8595 Amendment: Minuteman Press for Citywide Printing and Copying Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a \$240,000 increase in the not to exceed amount of Contract No. 8595, from \$1,260,000 to \$1,500,000, for Citywide Printing and Copying Services to fund service delivery for the FY2019 period.  
**Financial Implications:** Various Funds - \$240,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,520–N.S.
- 12. Contract No. 9370 Amendment: Universal Building Services for Citywide Janitorial Services for Various Locations and Facilities**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the not to exceed value of Contract No. 9370 by \$800,000, from \$3,137,000 to \$3,937,000 to fund FY2019 citywide janitorial services currently provided by Universal Building Services (UBS) at approximately 27 City locations and facilities.  
**Financial Implications:** Various Funds - \$800,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,521–N.S.
- 13. Contract No. 8949D Amendment: Intermedix for Ambulance Billing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8949D with Intermedix, extending the contract from August 31, 2018 to January 31, 2019 and increasing the contract amount by \$111,250, for a total amended amount not to exceed \$1,500,250, to provide ambulance billing services.  
**Financial Implications:** General Fund - \$111,250  
Contact: David Brannigan, Fire, 981-3473  
**Action:** Adopted Resolution No. 68,522–N.S.

## Consent Calendar

### 14. Revenue Contracts: FY 2019 Aging Services Programs

**From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2019:

1. Congregate Meals in the amount of \$36,342;
2. Home Delivered Meals in the amount of \$42,867;
3. Family Caregiver Support Program in the amount of \$36,894;
4. Senior Center Activities in the amount of \$25,000; and
5. Information and Assistance Services in the amount of \$54,234.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,523–N.S. (Congregate Meals), Resolution No. 68,524–N.S. (Home Delivered), Resolution No. 68,525–N.S. (Family Caregiver), Resolution No. 68,526–N.S. (Senior Center), Resolution No. 68,527–N.S. (Information and Assistance).

### 15. Contract Agreement: BOSS to Operate the Secure Storage Program

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with BOSS for 12 months of operations and staffing expenses, as described below, for a storage pilot program for persons experiencing homelessness. The total contract shall not exceed \$50,000 and will provide funds for one storage site (in the downtown area). The contract will utilize funds for the downtown homeless storage pilot program, allocated by Council on December 5, 2017.

**Financial Implications:** General Fund - \$50,000

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

**Action:** Adopted Resolution No. 68,528–N.S.

### 16. Approving Berkeley Way Project Application for Alameda County A1 Funds

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to work with BRIDGE Housing Corporation to submit an application to Alameda County's Housing and Community Development Department for \$13,525,338 from Berkeley's set-aside of Measure A1 bond funds for the potential development at 2012 Berkeley Way and specifying the proposed match the City has already identified for the project.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,529–N.S.

## Consent Calendar

- 17. Mental Health Services Act (MHSA) Reversion Expenditure Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Mental Health Services Act (MHSA) Reversion Expenditure Plan which provides information on proposed uses of reverted and reallocated funds on mental health programming, and forward the MHSA Reversion Expenditure Plan to appropriate state officials.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,530–N.S.
- 18. Housing Trust Fund Request for Proposals for Housing Rehabilitation with the City's 2018 HOME Funds and HOME Program Income**  
**From: City Manager**  
**Recommendation:** Authorize the City Manager to release a Housing Trust Fund Request for Proposals (RFP) with a priority for housing rehabilitation by a nonprofit that qualifies as a federally-defined Community Housing Development Organization (CHDO) and satisfies requirements related to the City's 2018 allocation of federal HOME program funds and currently available HOME program income.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Approved recommendation.
- 19. Designating City's Labor Negotiator under Govt. Code Section 54957.6**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in closed sessions with the City Council to discuss labor negotiations with certain unions and rescinding Resolution No. 68,312-N.S.  
**Financial Implications:** None  
Contact: LaTanya Bellow, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,531–N.S.

## Consent Calendar

- 20. Memorandum Agreement: Service Employees International Union Local 1021 Maintenance and Clerical Chapters**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Approving a new two-year Memorandum Agreement (hereafter referred to as the “MA”) with the Service Employees International Union Local 1021 Maintenance and Clerical Chapters (hereafter referred to as the “Union”) with a term of June 17, 2018 through June 27, 2020, and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new labor agreement; and  
2. Approving a new salary resolution for Representation Units D, J, K-1, and K-2 that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 67,185-N.S.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,532–N.S. (MOU) and Resolution No. 68,533–N.S. (Salary).
- 21. Unrepresented Employees: Salary Adjustments and Update to Unrepresented Employee Manual**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Approving salary increases for the Unrepresented Employees in Units X-1; X-2; Z-1; Z-2; Z-3; Z-6; and Z-9, for the period July 29, 2018 through June 27, 2020 and rescinding Resolution No. 68,030-N.S. and Resolution No. 68,148-N.S. Classification and Salary Resolution; and  
2. Adopting as amended the Unrepresented Employee Manual, Resolution No. 68,166-N.S. to correct a typographical error, clarify several provisions including the disciplinary appeal timelines, codify practice of prorating administrative leave, implements cost-sharing of health premiums for Executive Managers effective July 1, 2019, and a one-time lump sum payment of \$2,000.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,534–N.S. (Salary) and Resolution No. 68,535 –N.S. (Employee Manual).
- 22. Contract: Moran Technology Consulting for Office 365 Exchange Migration and OneDrive Implementation (O365)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Moran Technology Consulting for the implementation of Office 365 Exchange and One-Drive implementation, for a total not-to-exceed (NTE) value of \$89,340 from July 25, 2018 to June 30, 2020.  
**Financial Implications:** General Fund - \$89,340  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,536–N.S.



## Consent Calendar

- 23. Contract No. 7167H Amendment: Superior, LLC for AS400 Software Maintenance and Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7167H with Superior, LLC for software maintenance and support of the City's FUNDS system on the AS400 platform, increasing the contract amount by \$199,251 for a total not-to-exceed amount of \$1,882,186 from July 1, 2006 through June 30, 2019.  
**Financial Implications:** Technology Service Fund - \$199,251  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,537–N.S.
- 24. Contract: Presidio Networked Solutions Group, LLC for the development of a Cyber Resilience Plan (CRP)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Presidio Networked Solutions Group ("Presidio") to develop a Cyber Resilience Plan (CRP), for a total not to exceed \$100,000 from July 25, 2018 to June 30, 2019.  
**Financial Implications:** General Fund - \$100,000  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,538–N.S.
- 25. Contract No. 9149A Amendment: Advantel Networks for Voice Over IP (VoIP) Telephone System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9149A with Advantel Networks for Voice Over IP (VoIP) telephone system licensing and maintenance, increasing the contract by \$100,000 for a total not to exceed amount of \$1,387,500, from November 2012 to June 30, 2019.  
**Financial Implications:** Various Funds - \$100,000  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,539–N.S.
- 26. Donation: Friends of Berkeley Tuolumne Camp for Berkeley Tuolumne Camp Reconstruction Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation from the Friends of Berkeley Tuolumne Camp in the amount of \$50,000 for the Berkeley Tuolumne Camp Reconstruction Project.  
**Financial Implications:** \$50,000 (donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,540–N.S.

## Consent Calendar

27. **Berkeley Echo Lake Camp Association Donation to Echo Lake Camp**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation of \$4,665 for Echo Lake Camp from the Berkeley Echo Lake Camp Association.  
**Financial Implications:** \$4,665 (donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,541–N.S.
28. **Donation: Memorial Bench at the South Cove in Memory of Wolffe Jay Nadoolman**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the South Cove at the Berkeley Marina in memory of Wolffe Jay Nadoolman.  
**Financial Implications:** \$3,400 (donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,542–N.S.
29. **Revenue Grant: California Office of Traffic Safety (OTS) for the 2019 “Selective Traffic Enforcement Program (STEP)” Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept the “Selective Traffic Enforcement Program (STEP)” grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian collisions. The approved OTS grant is for \$250,000 for the period of October 1, 2018 through September 30, 2019 which is Federal Fiscal Year 2019.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Adopted Resolution No. 68,543–N.S.
30. **Contract No. 8869 Amendment: Alameda County Auction “Auto World” for Vehicle Rental Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8869 and any future amendments with Alameda County Auction “Auto World” to rent unmarked vehicles for the Police Department, increasing the contract by \$25,000 for a total not to exceed amount of \$350,000.  
**Financial Implications:** Citizen’s Options for Public Safety Fund - \$25,000  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Adopted Resolution No. 68,544–N.S.

## Consent Calendar

- 31. Contract No. 8461 Amendment: Crime Scene Cleaners for Biological Hazard Removal**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8461 and any necessary future amendments with Crime Scene Cleaners, Incorporated for the Police Department, in an amount not to exceed a total of \$250,000 subject to the City's annual budget appropriation process. The contract term is from September 1, 2010 through September 30, 2019 and this amendment will add \$200,000 to the contract.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Adopted Resolution No. 68,545–N.S.
- 32. Contract No. 10261 Amendment: VBS Services for On-call Phlebotomy and Sexual Assault Exams**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10261 and any necessary future amendments with VBS Services for the Police Department, increasing the contract amount by \$100,000 for a total not to exceed amount of \$150,000 from March 1, 2016 through March 1, 2020.  
**Financial Implications:** Citizen's Options for Public Safety Fund - \$100,000  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Adopted Resolution No. 68,546–N.S.
- 33. Contract No. 10172 Amendment: Berkeley Touchless Carwash for Vehicle Washing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10172 with Berkeley Touchless Carwash to provide for vehicle washing services for City vehicles, increasing the contract amount by \$80,000 for an amended total not to exceed \$160,000, and extending the contract term to June 30, 2020.  
**Financial Implications:** Equipment Maintenance Fund - \$80,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,547–N.S.

## Consent Calendar

- 34. Contracts: On-Call Civil Engineering Services for the Sanitary Sewer Program**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions, or other change orders for on-call civil engineering services for the Sanitary Sewer Program, each for a period of August 1, 2018 to June 30, 2021:
1. West Yost Associates, for an amount not to exceed \$700,000;
  2. Nute Engineering, for an amount not to exceed \$400,000; and
  3. Coastland Civil Engineering, for an amount not to exceed \$400,000.
- Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,548–N.S. (West Yost), Resolution No. 68,549–N.S. (Nute), Resolution No. 68,550–N.S. (Coastland).
- 35. Contract: Parisi Transportation Consulting, Inc. for Planning and Preliminary Engineering for the Milvia Bikeway Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Parisi Transportation Consulting, Inc. for Planning and Preliminary Engineering for the Milvia Bikeway Project, for an amount not to exceed \$350,000 for the period September 1, 2018 through October 31, 2019.  
**Financial Implications:** Capital Project Grant Fund - Local - \$350,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,551–N.S.
- 36. Contract No. 10109 Amendment: KPM Consulting, LLC for On-Call Project and Construction Management Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the Contract No. 10109 with KPM Consulting, LLC., for on-call project and construction management services, increasing the contract amount by \$800,000, for an amount not-to-exceed \$2,400,000; extending the contract period for one year through December 31, 2019, and authorizing any extensions, amendments, or change orders.  
**Financial Implications:** Various Funds - \$800,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,552–N.S.

## Consent Calendar

**37. Contract 10712 Amendment: SCI Consulting Group for Clean Stormwater Rate Study and Proposition 218-Compliant Process**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10172 with SCI Consulting Group to add \$10,500 to its contract for a Clean Stormwater rate study and balloting process that was done in compliance with Proposition 218 to additionally prepare levy files for Alameda County on behalf of the City, resulting in a not-to-exceed amount of \$240,500 for the term ending August 10, 2019.

**Financial Implications:** Clean Storm Water Fund - \$10,500

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,553–N.S.

**38. Contract No. 10298 Amendment: C. Overaa & Co. for the Center Street Parking Garage**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10298 with C. Overaa & Co. for the Center Street Parking Garage Project, increasing the contract amount by \$1,500,000 for a total amount not to exceed \$38,470,483.

**Financial Implications:** Off Street Parking Fund - \$1,500,000

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Moved to Action Calendar. 2 speakers. M/S/C (Harrison/Maio) to adopt Resolution No. 68,554–N.S. authorizing the City Manager to amend Contract No. 10298 with C. Overaa & Co. for the Center Street Parking Garage Project, increasing the contract amount by \$1,500,000 for a total amount not to exceed \$38,470,483.

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

Councilmember Droste absent 8:11 p.m. – 8:21 p.m.

Councilmember Hahn absent 8:18 p.m. – 8:27 p.m.

Councilmember Maio absent 8:19 p.m. – 8:28 p.m.

**39. Contract: Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study, and any amendments, extensions, or change orders, in an amount not to exceed \$500,000, for the term August 1, 2018 to June 30, 2020.

**Financial Implications:** Zero Waste Fund - \$500,000

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,555–N.S.

## Consent Calendar

40. **Contract No. 9114E Amendment: Stockton Tri Industries, Inc. to Clean, Paint, and Repair Refuse and Recycling Debris Bins**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9114E with Stockton Tri Industries, Inc. to increase the contract amount by \$30,000 for a total contract amount not to exceed \$160,000 to clean, paint, and repair refuse and recycling debris bins through contract expiration of June 30, 2019.  
**Financial Implications:** Zero Waste Fund - \$30,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,556–N.S.
41. **Grant Application: Active Transportation Program Funding for the Milvia Bikeway Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the California Department of Transportation Active Transportation Program for the remaining unfunded phases of the Milvia Bikeway Project, for a total amount up to \$6,470,650, and, if awarded, to accept the grant and execute any resultant agreements and amendments.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,557–N.S.
42. **Contract: Bigbelly Solar, Inc. for Solar Compacting Trash and Recycling Receptacles Pilot Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Bigbelly Solar, Inc. for the Solar Compacting Trash and Recycling Receptacles Pilot Program and any amendments, extensions, or change orders, in an amount not to exceed \$71,300 for the term August 1, 2018 to June 30, 2023.  
**Financial Implications:** Zero Waste Fund - \$71,300  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,558–N.S.

## Consent Calendar

### 43. Interim Use Agreements for University Avenue Center

**From:** City Manager

**Recommendation:** Authorize the City Manager to negotiate lease terms and execute leases for occupancy of available space at University Avenue Center located at 1001 and 1011 University Avenue, Berkeley, CA 94710.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Moved to Action Calendar. 7 speakers. M/S/C (Arreguin/Maio) to approve the recommendation.

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

Recess 9:07 p.m. – 9:20 p.m.

### 44. Contracts: On-Call Civil Engineering and Construction Management Services: Bellecci & Associates; LCC Engineering & Surveying, Inc.; Parisi CSW Design Group; Pavement Engineering, Inc.; Harrison Engineering, Inc.; and Mark Thomas

**From:** City Manager

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

1. Bellecci & Associates for an amount not to exceed \$1,000,000;
2. LCC Engineering & Surveying, Inc., for an amount not to exceed \$500,000;
3. Parisi CSW Design Group for an amount not to exceed \$1,500,000;
4. Pavement Engineering, Inc., for an amount not to exceed \$1,500,000;
5. Harrison Engineering, Inc., for an amount not to exceed \$500,000; and
6. Mark Thomas for an amount not to exceed \$500,000.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,559–N.S. (Bellecci), Resolution No. 68,560–N.S. (LCC), Resolution No. 68,561–N.S. (Parisi), Resolution No. 68,562–N.S.

(Pavement), Resolution No. 68,563–N.S. (Harrison), Resolution No. 68,564–N.S.

(Mark Thomas).

## Consent Calendar

45. **Contract: Nelson\Nygaard for Parking Data Collection and Analysis Services for the goBerkeley Residential Shared Parking Pilot**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or change orders with Nelson/Nygaard Consulting Services for parking data collection and analysis services for the goBerkeley Residential Shared Parking Pilot for an amount not to exceed \$250,000 for the period September 1, 2018 through June 30, 2021.  
**Financial Implications:** Various Funds - \$250,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,565–N.S.
46. **Reject Bids – FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification No. 18-11183-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to reject bids and direct staff to re-advertise the work associated with the FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification No. 18-11183-C.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,566–N.S.
47. **Reject Bids – Panoramic Hill Rehabilitation Project, Specification No. 18-11180-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to reject bids and direct staff to re-advertise the work associated with the Panoramic Hill Rehabilitation Project, Specification No. 18-11180-C.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,567–N.S.
48. **City of Berkeley Arts and Culture Plan, 2018-2027**  
**From: Civic Arts Commission**  
**Recommendation:** Adopt a Resolution adopting the 2018-2027 Arts and Culture Plan for the City of Berkeley.  
**Financial Implications:** None  
Contact: Jordan Klein, Commission Secretary, 981-7530  
**Action:** Adopted Resolution No. 68,568–N.S.



## Consent Calendar

- 49. Referral Response: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless**  
**From: Housing Advisory Commission**  
**Recommendation:** Recommend that the City Council expand the referral to include the creation and/or legalization of below-market rate ADUs. Refer to the City Manager the questions listed in the report that may guide the City Council on the possibility of establishing this pilot program.  
**Financial Implications:** See report  
Contact: Amy Davidson, Commission Secretary, 981-5400  
**Action:** Approved recommendation.
- 50. Request for an Additional Meeting in 2018**  
**From: Homeless Commission**  
**Recommendation:** Adopt a Resolution for the Homeless Commission to hold one additional meeting in 2018 with a focus on housing issues.  
**Financial Implications:** See report  
Contact: Peter Radu, Commission Secretary, 981-5400  
**Action:** Item not approved per vote noted below.  
**Vote:** Ayes – Davila, Bartlett, Harrison, Worthington; Noes – Hahn, Wengraf, Arreguin; Abstain – Maio, Droste.
- 51. Proposing Time Requirements for Commission and Board Meeting Minutes**  
**From: Open Government Commission**  
**Recommendation:** Approve the recommendation and insert the language in the report into the Commissioners' Manual "Chapter III, Coordination with Council, Staff and Others" that draft minutes shall be completed and posted within two (2) weeks after the commission meets.  
**Financial Implications:** None  
Contact: Jessica Mar, Commission Secretary, 981-6950  
**Action:** Approved recommendation.

## Council Consent Items

**52. Placing a Measure on the November 6, 2018 Ballot Supporting the Development of Vision 2050: A Long-Range Sustainable Infrastructure Plan From: Mayor Arreguin, and Councilmembers Hahn and Harrison**

**Recommendation:**

1. Adopt a Resolution submitting an advisory measure on the November 6, 2018 general municipal ballot supporting the development of Vision 2050 for a Resilient City, a long-range sustainable infrastructure plan; and rescinding Resolution No. 68,477-N.S.

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(b).

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Councilmember Bartlett added as a co-sponsor. 1. Adopted Resolution No. 68,569–N.S. 2. Designated Mayor Arreguin and Councilmembers Harrison, Hahn, and Wengraf to file ballot arguments on behalf of the City Council.

**53. Support of the Chinese American World War II Veterans Congressional Gold Medal Act**

**From: Mayor Arreguin and Councilmember Hahn**

**Recommendation:** Adopt a Resolution supporting H.R. 2358/S. 1050 – The Chinese American World War II Veterans Congressional Gold Medal Act. Send a copy of the Resolution to Senators Dianne Feinstein and Kamala Harris and Congresswoman Barbara Lee.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Councilmembers Davila and Bartlett added as co-sponsors. Adopted Resolution No. 68,570–N.S.

**54. Budget Referral: RRFB Light at San Pablo Avenue & Addison Street**

**From: Councilmember Davila**

**Recommendation:** Refer to the budget process an allocation for Rectangular Rapid Flash Beacon (RRFB) at the crosswalk at San Pablo and Addison Street.

**Financial Implications:** See report

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

**Action:** Approved recommendation.

## Council Consent Items

**55. Request from Caracen for City of Berkeley contributions to relief in response to a series of eruptions of volcanos in Guatemala: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Davila**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmember Cheryl Davila, to the Central American Resource Center, CARECEN, for funds to be delivered directly to the affected peasant population of Guatemala suffering this tremendous natural disaster, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$250

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

**Action:** Adopted Resolution No. 68,571–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$250; Councilmember Maio - \$100.

**56. Plaque Honoring William Byron Rumford: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

**From: Councilmember Bartlett and Mayor Arreguin**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount to be determined by each Councilmember, including \$250 from Councilmember Bartlett, to the Together We Can Make It Happen Foundation with funds relinquished to the City's general fund for this purpose from the discretionary council office budget of Councilmember Bartlett, Mayor Arreguin, and any other council members who would like to contribute.

**Financial Implications:** Councilmembers' Discretionary Funds - \$250

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

**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,572–N.S. as published in Supplemental Reports Packet #1 and revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$250; Councilmember Hahn - \$250; Councilmember Maio - \$100; Councilmember Davila - \$250; Councilmember Wengraf - \$200; Councilmember Bartlett - \$250; Councilmember Worthington - \$25.

## Council Consent Items

**57. Resolution Supporting SB 54, AB 103, and AB 450 and Opposing US vs. California, the Lawsuit against those Laws by Attorney General Jeff Sessions From: Councilmembers Harrison, Hahn, Davila, and Mayor Arreguin**

**Recommendation:** That the Council adopt a Resolution supporting SB 54 (Sanctuary State), AB 103 (Detention Facility Review), and AB 450 (Anti Workplace Immigration Raids), opposing the United States vs. California, the lawsuit against those laws by Attorney General Jeff Sessions, and requesting that the City Attorney to join the amicus brief in favor the law.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 68,573–N.S. with the revised recommendation in Supplemental Reports Packet #1 and noted below.

*That the Council adopt a resolution:*

- *Reiterating its support of SB 54 (Sanctuary State), and supporting AB 103 (Detention Facility Review) and AB 450 (Anti Workplace Immigration Raids), the three laws that make up California’s Sanctuary Policy,*
- *Opposing the United States v. California, the lawsuit against those laws by Attorney General Jeff Sessions,*
- *Supporting Flores v. Sessions, Washington, et al., v. United States, and Ms. L, et al., v. ICE, et al., all lawsuits against the Trump Administration’s family separation policy,*
- *Supporting California v. Ross and New York, et al., v. US Dept. of Commerce, lawsuits against the inclusion of a citizenship question on the 2020 census,*
- *Directing the City Attorney to join the amicus briefs in favor or opposed to these the lawsuits as specified and to join them as parties where feasible.*

**58. Resolution in Support of AB-3118 and SB-1149**

**From: Councilmembers Wengraf, Droste, Maio, and Hahn**

**Recommendation:** Adopt a Resolution in support of AB-3118 (Chiu, Gonzalez Fletcher) Sexual assault: investigations and SB-1449 (Leyva) Rape kits: testing. Direct the City Clerk to send copies of the adopted resolution to the authors of the bills, Governor Jerry Brown, State Senator Nancy Skinner, and State Assembly Member Tony Thurmond.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

**Action:** Adopted Resolution No. 68,574–N.S. with the bill number correctly noted as SB 1449 and revised throughout.

## Council Consent Items

59. **Support S.3036 to enforce immigration policy using humane enforcement methods, and send letters to Congress asking to amend components of the bill**  
**From: Councilmember Worthington**

**Recommendation:** That the Berkeley City Council supports the Keep Families Together Act (S.3036), which prohibits the separation of a child who is under the age of 18 and has no permanent immigration status from their parent or guardian near the border or port of entry into the U.S. The Council also sends a letter to Congressional Sponsor Senator Dianne Feinstein and all Congressional cosponsors including Senator Kamala Harris, Senator Elizabeth Warren, Senator Bernie Sanders, and Senator Chuck Schumer asking for amendments to address the bill's insufficient focus on immigrants convicted of violent crimes.

**Financial Implications:** Minimal

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

**Action:** Councilmembers Davila and Bartlett added as co-sponsors. Approved recommendation as revised in Supplemental Reports Packet #1 to add *"And adopt the attached resolution establishing the Bay Area Working Group on Immigration Resistance."* Adopted Resolution No. 68,575-N.S.

## Action Calendar – Public Hearings

60. **ZAB Appeal: 1446 Fifth Street, Administrative Use Permit #ZP2016-0247**  
**From: City Manager**

**Recommendation:** Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2016-0247 to construct four detached, 3-story, approximately 1,800 square-foot, single-family dwellings, each with an average height of 33', on a vacant lot whose size will decrease from 6,250 to 5,744 square feet in the MU-R District, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 10 speakers. M/S/C (Wengraf/Worthington) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Harrison/Worthington) to adopt Resolution No. 68,576–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2016-0247 to construct four detached, 3-story, approximately 1,800 square-foot, single-family dwellings, each with an average height of 33', on a vacant lot whose size will decrease from 6,250 to 5,744 square feet in the MU-R District, and dismiss the appeal.

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

## Action Calendar – Old Business

**61a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley** *(Continued from September 12, 2017)*

**From: Housing Advisory Commission**

**Recommendation:** That the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley.

**Financial Implications:** See report

Contact: Amy Davidson, Commission Secretary, 981-5400

**61b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley** *(Continued from September 12, 2017)*

**From: City Manager**

**Recommendation:** Accept staff's recommendation to use \$4,730,815 of Measure U1 revenue over a 5 year period (\$946,163 annually) to repay the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, 981-7000

**Action:** Items 61a and 61b referred to the Agenda Committee for future scheduling.

**62. Density Bonus Ordinance Revisions - Repeal Existing BMC Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New BMC Chapter 23C.14 (Density Bonus)** *(Continued from June 26, 2018)*

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending the Zoning Ordinance to repeal obsolete Density Bonus regulations (Berkeley Municipal Code Section 23C.12.050: State of California Density Bonus Requirements) and adopt a new, standalone Density Bonus Chapter (Berkeley Municipal Code Chapter 23C.14) that complies with California State Government Code 65915–65918: Density Bonuses and Other Incentives.

**Financial Implications:** None

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

**Action:** Item held over to September 13, 2018.

## Action Calendar – Old Business

63. **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 July 10, 2018. Item contains revised and supplemental 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:** M/S/C (Arreguin/Maio) to hold over Items 63, 66, 69, 70, 71 to July 31, 2018 with the direction that ballot measures be agendaized first.

**Vote:** All Ayes.

## Action Calendar – Old Business

64. **Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance—Berkeley Municipal Code Chapter 13.76** *(Continued from July 10, 2018. Item contains supplemental materials.)*

**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

**Action:** M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m.

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

**Action:** M/S/Failed (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:00 a.m.

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

**Action:** M/S/Failed (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:50 p.m.

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

**Action:** M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 11:35 p.m.

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

**Action:** M/S/C (Arreguin/Harrison) to continue the item to July 31, 2018 (including supplemental materials).

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



## Action Calendar – Old Business

- 65. City-Sponsored Emergency Preparedness Training and Emergency Preparedness Program** *(Continued from July 10, 2018. Item contains supplemental material.)*  
**From: Councilmembers Davila and Harrison**  
**Recommendation:**  
1. Direct the City Manager to adopt an ordinance requiring that all City of Berkeley employees, Councilmembers, the Mayor and their respective staff complete the following City sponsored Emergency Preparedness training courses: Disaster Preparedness/Disaster Service Worker, Area Safety Monitor, Council and staff receive additional CPR/AED/First Aid Training. Courses will be offered by the City of Berkeley Fire Department in conjunction with Public Works and Human Resources.  
2. Budget Referral for the Emergency Preparedness Program and the Emergency Planning Coordinator position to oversee program.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Moved to Consent Calendar as amended in Supplemental Reports Packet #2 to adopt a goal to provide training to all employees.
- 66. Accessory Dwelling Unit Ordinance Updates** *(Continued from July 10, 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  
**Action:** Item held over to July 31, 2018 (including supplemental materials)
- 67. Ordinance Allowing Currently Permitted Non-Cannabis Nurseries in Specified Areas to Become Commercial Cannabis Retail Nurseries** *(Continued from July 10, 2018)*  
**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  
**Action:** Item held over to July 31, 2018 (including supplemental materials)

## Action Calendar – Old Business

68. **Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city's short-term rental ordinance** *(Continued from July 10, 2018.)*

**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

**Action:** Referred to the Agenda Committee for future scheduling.

## Action Calendar – New Business

69. **Lobbyists Registration and Regulation Ordinance; Amendments to existing Revolving Door Ordinance**

**From: Open Government Commission**

**Recommendation:** Adopt first reading of an ordinance requiring the registration of lobbyists and regulating lobbying activity in the City of Berkeley, and an amendment to the existing Revolving Door Ordinance.

**Financial Implications:** Will require staff time to registrar and enforce the ordinance. Registration fees and penalties may offset some costs.

Contact: Jessica Mar, Commission Secretary, 981-6950

**Action:** Item held over to July 31, 2018 (including supplemental materials)

## Action Calendar – New Business

70. **Placing a Charter Amendment relating to the Police Review Commission on the November 6, 2018 Ballot**

**From: Mayor Arreguin and Councilmember Davila**

**Recommendation:**

1. Adopt a Resolution submitting a measure on the November 6, 2018 general municipal ballot to amend the City Charter to add Article XVIII, relating to the Police Review Commission, to establish an Independent Police Auditor.
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: Jesse Arreguin, Mayor, 981-7100

**Action:** Item held over to July 31, 2018 (including supplemental materials)

## Council Action Items

- 71. Direction to the City Manager Regarding the Community Service In Lieu of Parking Penalties Program**  
**From: Councilmembers Bartlett, Davila, and Harrison**  
**Recommendation:** Direct the City Manager to amend the eligibility requirements of the Community Service In Lieu of Parking Penalties Program in order to allow all indigent individuals to be eligible to participate in the program (regardless of the registration status of a potential participant's vehicle).  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Councilmember Hahn added as a co-sponsor. Item held over to July 31, 2018 (including supplemental materials)
- 72. Resolution referring the Nextdoor App to the City Manager**  
**From: Councilmember Worthington**  
**Recommendation:** Adopting a Resolution referring the Nextdoor App to City Manager in order for the Berkeley Police Department to provide Berkeley residents with real time updates about their community.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 68,577–N.S. to refer the item as written in Supplemental Reports Packet #2 to the City Manager and Disaster and Fire Safety Commission.
- 73. Ordinance to amend BMC Chapter 3.80 allow City Staff serve as a Commissioner**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt revisions to Chapter 3.80 in Berkeley Municipal Code (BMC) concerning Membership On Boards And Commissions to allow City Staff to serve as a Commissioner by repealing section 3.80.030.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item held over to September 25, 2018 including revised materials.
- 74. Resolution creating a ballot measure which establishes a 50-cents per ride tax on Transportation Network Companies**  
**From: Councilmember Worthington**  
**Recommendation:** City Council submit to the voters of the City, at the November 6, 2018 election, the ordinance and ballot measure set forth in this item. This ordinance proposes to adopt a tax of up to 50 cents per ride on passengers of Transportation Network Company (TNCS) trips originating in the City of Berkeley, if a majority of all qualified voters voting on the ballot measure vote in favor thereof.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item held over to July 31, 2018 (including supplemental materials).

## Council Action Items

75. **Gender ID - City Records: Adopt definitions and ordinance to use the name, pronoun, and gender marker consistent with individual's gender identity on city documents and public records**  
**From: Councilmember Worthington**  
**Recommendation:** In Chapter 13.28.020, adopt definitions of Gender Identity and Gender Expression; and adopt ordinance 13.28.065 requiring City of Berkeley officials, staff, and personnel to record the name, pronoun, and gender marker in accordance with an individual's gender identity - male, female, or nonbinary - on all City of Berkeley documents and records, if distinct from name and sex listed on government identification forms.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar with the amendment that the item is a referral to the City Manager.
76. **Resolution Referring the expanded National Night Out to the City Manager**  
**From: Councilmember Worthington**  
**Recommendation:** Adopting a Resolution to refer the campus-city National Night Out event to the City Manager to help reduce crime in the campus area.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Approved recommendation as written in Supplemental Reports Packet #1 with the revision to remove the specific date for the event.
77. **Resolution referring the Wildfire App to the City Manager**  
**From: Councilmember Worthington**  
**Recommendation:** Adopting a Resolution referring the Wildfire App to City Manager in order for the Berkeley Police Department to provide Berkeley residents with real time updates on their community.  
**Financial Implications:** See report.  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 68,578–N.S. revised to refer the item to the City Manager and the Disaster and Fire Safety Commission.

## Information Reports

78. **City Council Short Term Referral Process – Monthly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Received and filed.

## Information Reports

- 79. FY 2019 Civic Arts Grant Awards**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Received and filed.
- 80. Five-Year Street Rehabilitation Plan Update**  
**From: City Manager and Public Works Commission**  
Contact: Phillip Harrington, Public Works, 981-6300; Nisha Patel, Commission Secretary, 981-6300  
**Action:** Received and filed.
- 81. FY2019 Public Art Plan and Budget**  
**From: Civic Arts Commission**  
Contact: Jordan Klein, Commission Secretary, 981-7530  
**Action:** Received and filed.
- 82. Welcome to Berkeley Signage**  
**From: Transportation Commission**  
Contact: Farid Javandel, Commission Secretary, 981-6300  
**Action:** Item held over to September 13, 2018.
- 83. City Auditor Fiscal Year 2019 Audit Plan**  
**From: City Auditor**  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Received and filed.
- 84. Suggested Process for North Berkeley BART Parking Lot**  
**From: Councilmember Maio and Mayor Arreguin**  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Received and filed.

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

## Adjournment

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

1. Nia Wilson, Victim of Violence
2. Cathy Orozco, Former City Commissioner

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

Adjourned at 11:30 p.m.

## **Communications**

### **Item #57: Resolution Supporting SB 54, AB 103, and AB 450 and Opposing US vs. California, the Lawsuit against those Laws by Attorney General Jeff Sessions**

1. Aly Mostel
2. Jordan Meyer

### **Item #62: Density Bonus Ordinance Revisions - Repeal Existing BMC Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New BMC Chapter 23C.14 (Density Bonus)**

3. Mark Rhoades

### **Urban Shield**

4. Rachel Lederman
5. Marc Mestrovich
6. Kristin Scott
7. Jeff Bruno
8. Veterans for Peace, East Bay Chapter 162

### **Premier Cru Shelter**

9. Joe Zitomer
10. Steve Kromer

### **Berkeley Marina RV's**

11. Chris Chase
12. David Lerman

### **Housing on People's Park**

13. Linda Franklin

### **Parking Impacts – 3000 Shattuck**

14. Russ Tillerman

### **SB 1227**

15. Van of Kidd HP

### **Mabel Howard BART Station**

16. Susan Anderson

### **Second Hand Smoke**

17. Carol Denney

## **Supplemental Communications and Reports 1**

### **Item #56: Plaque Honoring William Byron Rumford: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

18. Revised material, submitted by Councilmember Bartlett

**Item #57: Resolution Supporting SB 54, AB 103, and AB 450 and Opposing US vs. California, the Lawsuit against those Laws by Attorney General Jeff Sessions**

19. Revised material, submitted by Councilmember Harrison

**Item #59: Support S.3036 to enforce immigration policy using humane enforcement methods, and send letters to Congress asking to amend components of the bill**

20. Revised material, submitted by Councilmember Worthington

**Item #60: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit #ZP2016-0247**

21. Niels Traynor

**Item #64: Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance—Berkeley Municipal Code Chapter 13.76**

22. Jean Retzinger

23. Dan McDunn

24. Susan Payne

25. Gretchen Ross

26. ADU Task Force

**Item #66: Accessory Dwelling Unit Ordinance Updates**

27. Revised material, submitted by Councilmember Hahn

**Item #76: Resolution Referring the expanded National Night Out to the City Manager**

28. Revised material, submitted by Councilmember Worthington

**Item #80: Five-Year Street Rehabilitation Plan Update**

29. Gary Parsons

30. Sean Brient

## **Supplemental Communications and Reports 2**

**Item #7: Emergency Standby Officers for the Mayor and Councilmembers**

31. Eric Friedman

32. Philip Leider

33. Susanne DeWitt (2)

34. Jane Falk

35. Glady Leider

36. Rona Teitelman

37. Faith Meltzer

38. Rabbi Yonatan Cohen

39. Erwin Schubert

**Item #60: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit #ZP2016-0247**

40. Daro Quiring (2)

41. 1446 5th Street, LLC

42. William Yoon

**Item #63: 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**

- 43. Revised material, submitted by Councilmember Harrison
- 44. Supplemental material, submitted by Mayor Arreguin & Councilmembers Hahn & Harrison
- 45. Jessica Behrman

**Item #64: Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance—Berkeley Municipal Code Chapter 13.76**

- 46. Supplemental material, submitted by Councilmembers Hahn & Wengraf
- 47. Toni Mester and Greg San Martin
- 48. Jane Lenoir (2)
- 49. Christopher Hudson
- 50. Walter Wood
- 51. Susan Payne

**Item #65: City-Sponsored Emergency Preparedness Training and Emergency Preparedness Program**

- 52. Revised material, submitted by Councilmember Harrison
- 53. Bob Flasher

**Item #69: Lobbyists Registration and Regulation Ordinance; Amendments to existing Revolving Door Ordinance**

- 54. Revised materials, submitted by Councilmember Harrison

**Item #70: Placing a Charter Amendment relating to the Police Review Commission on the November 6, 2018 Ballot**

- 55. Supplemental materials, submitted by Councilmember Harrison & Mayor Arreguin

**Item #72: Resolution referring the Nextdoor App to the City Manager**

- 56. Revised materials, submitted by Councilmember Worthington

**Item #73: Ordinance to amend BMC Chapter 3.80 allow City Staff serve as a Commissioner**

- 57. Revised materials, submitted by Councilmember Worthington

**Item #74: Resolution creating a ballot measure which establishes a 50-cents per ride tax on Transportation Network Companies**

- 58. Revised materials, submitted by Councilmember Worthington

**Item #84: Suggested Process for North Berkeley BART Parking Lot**

- 59. Alan Tobey

**Item #69: Lobbyists Registration and Regulation Ordinance; Amendments to existing Revolving Door Ordinance**



60.64 Communications submitted via Berkeley Considers, includes summary information.

### **Supplemental Communications and Reports 3**

#### **Item #7: Emergency Standby Officers for the Mayor and Councilmembers**

- 61. Aliza Elias
- 62. Nimrod Elias
- 63. Lisa Gessow
- 64. Barbara Schick
- 65. Josh Cohen
- 66. Jerry Berkman
- 67. Daniel Lewis
- 68. Juliet Stamperdahl
- 69. Susan Jacobson
- 70. Dan Fendel
- 71. T. Rubinstein
- 72. Miriam Barrere
- 73. Birger Stamperdahl
- 74. Rabbi Chai Levy
- 75. Rom Rosenblum
- 76. Tobie Lurie
- 77. Zvi Rosen
- 78. Hillel Salomon
- 79. Dorothea Dorenz
- 80. Ori Kanefsky
- 81. Susan Sholin
- 82. Issy Kipnis
- 83. Stuart Bernstein
- 84. Wendy Kenin
- 85. Ian Zimmerman
- 86. Barry Gustin
- 87. Ronald Berman

#### **Item #8: Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code**

- 88. Blair Beekman
- 89. Denny Abrams

#### **Item #60: ZAB Appeal: 1446 Fifth Street, Administrative Use Permit #ZP2016-0247**

- 90. Presentation, submitted by Planning
- 91. Stuart Knowles

**Item #63: 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**

- 92. Sophia DeWitt
- 93. Rhiannon

**Item #64: Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance—Berkeley Municipal Code Chapter 13.76**

- 94. Joann Sullivan
- 95. Michael Sewell
- 96. Ilil Carmi
- 97. Bryce Nesbitt
- 98. Toni Mester
- 99. Zacks, Freedman & Patterson, PC
- 100. Barbara Gilbert

**Item #72: Resolution referring the Nextdoor App to the City Manager**

- 101. Rhiannon

**Item #82: Welcome to Berkeley Signage**

- 102. Blair Beekman