

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING**

**Thursday, September 13, 2018  
6:00 PM**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TELECONFERENCE LOCATION: KUVEYT CD. NO:6, REMZI OĞUZ ARIK  
MAHALLESİ, 06680 ÇANKAYA/ANKARA, TURKEY

TELECONFERENCE LOCATION: 431 E. BROADWAY, LONG BEACH, CA, 90802

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:** 6:12 p.m.

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

**Absent:** Worthington

Councilmember Worthington present at 6:29 p.m.

**Ceremonial Matters:**

1. Pledge of Allegiance to the Flag
2. Recitation from Berkeley Poet Rafael Jesus Gonzalez
3. Recognition of 50<sup>th</sup> Anniversary of The Freight and Salvage
4. Recognition of the 25<sup>th</sup> Anniversary of Monte Verde School

**City Manager Comments:** None

**City Auditor Comments:**

1. Noted Item 37, The Auditor's 2018 Report on Results – highlighting the Code Enforcement Audit and its broad impacts.
2. Noted Item 8 from the Fire Department and its relation to the Ambulance Billing Audit.
3. Noted Item 33 and the progress on the Ethics Audit.

**Public Comment on Non-Agenda Matters:** 11 speakers.

## Consent Calendar

**Public Comment on the Consent Calendar:** 14 speakers.

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

**Vote:** All Ayes.

## Recess Items

- 1. Agreement for Consulting Services with Telfords to Provide Implementation Support for Tyler Munis ERP System (locally referred to as ERMA)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an agreement with Telfords to provide implementation support for Tyler Munis ERP system for the period of July 16, 2018 through July 30, 2019, for the total not to exceed amount of \$200,000.  
**Financial Implications:** Fund\$ Replacement Fund - \$200,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Adopted Resolution No. 68,587–N.S.
- 2. Contract No. 10577B Amendment: Dorothy Day House – Winter Shelter Extension**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 10577B with Dorothy Day House to add \$17,000 to extend the operation of the Berkeley Emergency Storm Shelter (BESS) through August 31, 2018 for a total contract amount not to exceed \$439,648 through June 30, 2019.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,588–N.S.

## Consent Calendar

- 3. Establish 2019 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the City Council regular meeting schedule for 2019, with starting times of 6:00 p.m.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 68,589–N.S.

## Consent Calendar

**4. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of July 2, 2018 (special), July 10, 2018 (regular), July 16, 2018 (special closed), July 17, 2018 (special), July 20, 2018 (special closed), July 23, 2018 (special), July 24, 2018 (special closed and regular) and July 31, 2018 (special).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved minutes as submitted.

**5. Contract: Jennifer Kwan, DVM, to Provide Veterinary Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to establish a three-year contract with Jennifer Kwan, Doctor of Veterinary Medicine (DVM) for on-site veterinary services with Berkeley Animal Care Services (BACS).

**Financial Implications:** General Fund - \$180,000

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

**Action:** Adopted Resolution No. 68,590–N.S.

**6. Contract: Uptima Business Bootcamp for Business Support Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, for an amount not to exceed \$120,000, and any amendments thereto, with Uptima Business Bootcamp for business support services.

**Financial Implications:** General Fund - \$120,000

Contact: Jordan Klein, Economic Development, 981-7530

**Action:** Adopted Resolution No. 68,591–N.S.

**7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 13, 2018**

**From: City Manager**

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Various Funds - \$2,425,000

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

## Consent Calendar

- 8. Fire Administration Financial Management and Professional Standards Enhancements**  
**From: City Manager**  
**Recommendation:** Approve the positions necessary to enhance the Fire Department's ability to fund services, improve fire prevention programs, and align with the City's strategic plan by creating grant writing capacity, improved management of billing systems, fee collection processes, and contract management.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, 981-3473  
**Action:** Approved recommendation.
- 9. Authorizing Participation in the one-time Homeless Mentally Ill Outreach and Treatment Funding Opportunity Available as a Result of SB 840 (Chapter 29, Statutes of 2018)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a letter of interest to the California Department of Health Care Services (DHCS) for one-time funding provided for Homeless Mentally Ill Outreach and Treatment funding through Senate Bill 840 (SB 840, authorizing participation in the Homeless Mentally Ill Outreach and Treatment allocation in fiscal year 2019, accept the funding and execute any resultant revenue agreements and amendments to conduct activities specified in SB 840 in the projected amount of \$100,000 total in fiscal year 2019 and fiscal year 2020.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,592–N.S.
- 10. Expenditure Contract: Berkeley Free Clinic for Laboratory Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with the Berkeley Free Clinic (BFC) in an amount not to exceed \$150,000 for the period July 1, 2018 through June 30, 2021.  
**Financial Implications:** General Fund - \$150,000  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,593–N.S.
- 11. Classification and Salary: 1474 Resilient Buildings Program Manager**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 67,485-N.S. Classification and Salary Resolution for Public Employees Union Local One, to establish the classification of 1474 Resilient Buildings Program Manager with a monthly salary range of \$9,849.33 - \$12,092.40 effective September 13, 2018.  
**Financial Implications:** Various Funds - \$224,493.00  
Contact: LaTanya Bellow, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,594–N.S.

## Consent Calendar

- 12. Contract No. 7009 Amendment: 2M Associates for Segment Three of the Bay Trail Extension Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7009 with 2M Associates of Berkeley to obtain Bay Conservation and Development Commission (BCDC) permit, and finalize the construction documents for segment three of the Bay Trail Shoreline Access Staging Area Project in an amount not to exceed \$43,757 for a total contract amount not to exceed \$370,941, and extending the term through December 31, 2020.  
**Financial Implications:** Marina Operations/Maint Fund - \$43,757  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,595–N.S.
- 13. Purchase Order: AccuDock Inc for up to Fifteen Dock Sections and Hardware**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying City Charter Article XI Section 67.2 requirements, accepting the General Services Administration (GSA) bid procedures, and authorizing the City Manager to execute a purchase order for up to fifteen dock sections and associated hardware for an amount not to exceed \$160,000.  
**Financial Implications:** Marina Operations/Maint Fund - \$160,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,596–N.S.
- 14. Contract No. 10941 Amendment: W.A. Rose Construction, Inc. for Exterior Stucco Demolition Work at the Central Library**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10941 with W.A. Rose Construction, Inc. for exterior stucco demolition work at the Central Library, increasing the original contract amount of \$194,898 by \$125,258 for a total contract amount not to exceed \$320,156.  
**Financial Implications:** Library Fund - \$125,258  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,597–N.S.

## Consent Calendar

### 15. **Consideration of Accessibility in Accessory Dwelling Units**

#### **From: Commission on Disability**

**Recommendation:** The Commission on Disability is recommending that the Council, by resolution if needed, include input from the disability community, accessibility experts, and other related stakeholders, prior to finalization of the Accessory Dwelling Unit ordinance amendment process. We would like the Council to include special considerations for creating Accessory Dwelling Units that are visitable and accessible when possible, and consider incentives for accessibility. Changes in the Accessory Dwelling Unit ordinance represents an opportunity for increased accessible housing in Berkeley, with potential benefits to homeowners and future residents.

**Financial Implications:** Staff time

Contact: Ella Callow, Commission Secretary, 981-6300

**Action:** Item referred to the Planning Commission for consideration.

### 16. **Filling Vacancies Among the Elected Representatives of the Poor**

#### **From: Human Welfare and Community Action Commission**

**Recommendation:** Adopt a Resolution confirming the appointment of Ms. Saba Deyhim (District 2), as an elected representative of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC June 20, 2018 meeting, and that her term expires November 21, 2018.

**Financial Implications:** None

Contact: Wing Wong, Commission Secretary, 981-5400

**Action:** Adopted Resolution No. 68,598–N.S.

## Council Consent Items

### 17. **Rectify Discrepancy Regarding Inclusionary Units in Live/Work Housing**

#### **From: Councilmembers Harrison and Bartlett**

**Recommendation:** Refer amendments to the Berkeley Municipal code (Sections 23C.12 and 23E.20.080) to rectify discrepancies over how Live/Work Unit inclusionary requirements are governed, both for rental and owner occupied units, to the Planning Commission.

**Financial Implications:** See report

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

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

## Council Consent Items

18. **Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue**  
**From: Councilmember Harrison**  
**Recommendation:** Adopt a Resolution in support of City enforcement of measures to mitigate damages to the general welfare of the City and neighborhood resulting from the damage and subsequently-required removal of trees at 1698 University Avenue.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Councilmember Davila added as a co-sponsor. Amended to be a referral to the City Manager regarding enforcement of measures to mitigate damage to the general welfare of the City and neighborhood resulting from the damage and subsequently-required removal of trees at 1698 University Avenue.
19. **No Change to the Standards of Inverse Condemnation**  
**From: Councilmember Wengraf**  
**Recommendation:** Send a letter via fax, urging No Change to the Standards of Inverse Condemnation to the State Legislature’s Wildfire Preparedness and Response Conference Committee Co-Chairs, the Governor, the Assembly Speaker, the Senate President pro Tempore, Senator Nancy Skinner and Assembly Member Tony Thurmond.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Item removed from the agenda by Councilmember Wengraf.
20. **Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and “Mini-Dorm” Ordinance**  
**From: Councilmember Wengraf**  
**Recommendation:** Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and “Mini-Dorm” Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences.  
**Financial Implications:** Minimal  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Maio/Arreguin) to accept supplemental material from Councilmember Maio on Item 20.  
**Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – Droste.
- Action:** M/S/C (Maio/Arreguin) to adopt Item 20 as written, including the memo accepted as supplemental material.  
**Vote:** All Ayes.

## Action Calendar

21. **Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance** *(Continued from July 31, 2018. Item contains revised and supplemental material.)*  
**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:** See report  
Contact: Jessica Mar, Commission Secretary, 981-6950  
**Action:** M/S/C (Arreguin/Maio) to hold over Items 21, 26a/b, and 29 to September 25, 2018.  
**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Worthington.



## Action Calendar – Old Business

22. **Accessory Dwelling Unit Ordinance Updates** *(Continued from July 31, 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, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations.

**Financial Implications:** None

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

**Action:** 7 speakers. M/S/Failed (Droste/Bartlett) to adopt the item as written in Supplemental Reports Packet #1 and including the following changes.

- Remove the language regarding view protections.
- Add new #9 on hillside heights measurements where no previous structure exists.
- Add "and any other solutions" to #5 regarding parking.
- Include the referral from Item 15 with this referral.
- Allow condominiums and townhomes to construct ADUs.
- Allow second story ADUs on garage with Zoning Certificate.
- Allow height increase on ADUs by right.
- Allow ADUs on existing rear or side structure by right.

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

**Action:** M/S/Carried (Hahn/Wengraf) to adopt the item as written in Supplemental Reports Packet #1 and including the following changes.

- Remove the language regarding view protections.
- Add new #9 on hillside heights measurements where no previous structure exists.
- Add "and any other solutions" to #5 regarding parking.
- Include the referral from Item 15 with this referral.

**Vote:** All Ayes.

## Action Calendar – New Business

23. **Eliminating Public Parking from the Proposed Berkeley Way Project**

**From: City Manager**

**Recommendation:** Authorize the City Manager to continue working with BRIDGE Housing Corporation on the proposed development of the City-owned site at 2012 Berkeley Way with a revised proposal that includes no public parking.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

**Action:** 16 speakers. M/S/C (Hahn/Maio) to approve the recommendation amended to refer to the City Manager to evaluate all potential short term and long term solutions to increase parking availability in the project area.

**Vote:** All Ayes.

## Action Calendar – New Business

Recess 10:25 p.m. – 10:40 p.m.

- 24. Cannabis Ordinance Revisions Related to Distributors and Small Cultivators; Amending BMC Titles 12, 23C, 23E, and 23F**  
**From: City Manager**  
**Recommendation:** Adopt the following changes to the Berkeley Municipal Code (BMC) to allow cannabis Distributors and small cannabis Cultivators (defined as having up to 10,000 square feet in area) to locate in Berkeley, to allow cannabis businesses to operate in a for-profit manner, and to maintain City authority to permit and inspect manufacturers of edible cannabis products:  
1. Adopt first reading of an Ordinance amending BMC Sections 12.23.020, 12.25.050, 12.25.090, 12.25.100, 12.27.070 and 12.27.090, and creating BMC Chapter 12.22; and  
2. Adopt first reading of an Ordinance amending the Zoning Ordinance Chapters BMC 23E.16, 23E.36, 23E.64, 23E.68, 23E.72, 23.76, 23E.80, 23E.84 and 23F.04, and creating BMC Chapter 23C.25.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Moved to Consent Calendar.  
1. Adopted first reading of Ordinance No. 7,624–N.S. Second reading scheduled for September 25, 2018.  
2. Adopted first reading of Ordinance No. 7,625–N.S. Second reading scheduled for September 25, 2018.
- 25. Disposition of MOU Compendium Item 3.4, regarding Berkeley Police Department interaction with US Immigration and Customs Enforcement**  
**From: City Manager**  
**Recommendation:** Decline to approve MOU Compendium Item 3.4 as presented to Council on July 23, 2018 and continued to the Sept. 13 meeting agenda; and request the City Manager inform Council upon implementation of a new Berkeley Police Department General Order regarding interaction with US Immigration and Customs Enforcement officials, to include incorporation of applicable state law, and to include current Council policy as specified in Berkeley City Council Resolution 68,131 NS, as passed on July 25, 2017.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Moved to Consent Calendar. Approved recommendation.
- 26a. Proposed Vehicle Encampment**  
**From: Homeless Commission**  
**Recommendation:** Direct staff to identify a location for a vehicle encampment to house up to thirty vehicles.  
**Financial Implications:** See report  
Contact: Peter Radu, Commission Secretary, 981-5400

## Action Calendar – New Business

**26b. Companion Report: Homeless Commission’s Proposed Vehicle Encampment Report**

**From: City Manager**

**Recommendation:** Take no action on the Homeless Commission’s recommendation and instead allow the development of a vehicular campsite to proceed as discussed at the June 26, 2018 Council meeting.

**Financial Implications:** None

Contact: Kelly Wallace, Housing and Community Services, 981-5400

**Action:** Items 26a and 26b held over to September 25, 2018.

## Council Action Items

**27. Enforcement Policy for Downtown Berkeley BART Plaza**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution setting enforcement priorities for the Downtown Berkeley BART Station Plaza (“BART Plaza”) prohibiting lying and camping and directing the City Manager to enforce Penal Code Section 647(e) at BART Plaza, Berkeley Municipal Code Section 14.48.020 regarding unpermitted objects obstructing sidewalks, and Berkeley Municipal Code Chapter 13.36 relating to lying on public property, in addition to all other applicable laws.

**Financial Implications:** Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Item removed from the agenda by Mayor Arreguin.

## Council Action Items

### 28. Urban Forest and Wildlife Habitat Preservation

**From: Councilmembers Davila and Harrison**

**Recommendation:** Refer to the Transportation Commission to research a modification of Chapter 19.37, the Berkeley Green Code. Code 19.37.040 Chapter 3 Green Building code shall have a new subsection that shall require that: -Additions or alterations to single-family residences must have at least one tree on the parcel per each 2,500 square feet of lot size upon project completion. -Additions or alterations to a multi-family dwelling with two to four units must have two trees on the parcel per 4,500 square feet of lot size upon project completion. -Additions or alterations to a multi-family dwelling with five plus units must have four trees per each 5,000 square feet of lot size upon project completion. -Projects with thirteen or more units that fails to incorporate all of the trees required into the build, must plant the remainder of the required trees at a location within the City of Berkeley. An ideal location to be considered is the eastern side of the I-580 freeway along the Frontage Road. The developer will incur the cost of maintenance of the trees for a period of five years after planting. -Parking structures shall be required to have one tree per fifty parking spaces. The trees can be either on the footprint or the rooftop of the structure. Additionally, a requirement to incorporate a greywater system should be implemented to water the trees. -Trees planted must be California Natives species. Refer to the California Native Plant Society for a list of eligible trees.

<https://www.cnps.org/>

**Financial Implications:** Unknown

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

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

### 29. City of Berkeley Policy Limiting the Publishing of Photos (doxing) of people arrested by the Berkeley Police Department

**From: Councilmembers Davila and Harrison**

**Recommendation:** That the Council adopt a Resolution and adopt as a City of Berkeley Policy that:

The Berkeley Police Department (BPD) shall not publicly post on social media, through email or other forms of communication the mugshots or pictures of individuals arrested, unless they pose an immediate threat to the public safety of the Berkeley community (e.g. persons arrested for serial rape, persons wanted for homicide, or felony assault).

Under no circumstances shall BPD publish photos of individuals arrested in First Amendment activity.

Council affirms its opposition to racist and other hate speech and calls for racist violence and affirms its solidarity with communities most targeted by white supremacy.

**Financial Implications:** Unknown

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

**Action:** Item 29 held over to September 25, 2018.

## Council Action Items

### 30. Resolution Establishing Green Monday

**From: Councilmembers Harrison, Davila, and Hahn**

**Recommendation:** Adopt a Resolution establishing Green Monday in The City of Berkeley and referring to the City Manager to implement the program in coordination with Green Monday US, which would have two primary components; City owned and operated institutions serving plant-based foods on Mondays (or another day) and educating residents on the impacts of their food choices on climate change and the environment.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 68,599–N.S. as written in Supplemental Reports Packet #1.

### 31. Short-Term Referral to City Manager re: Emergency Standby Officers

#### Qualifications

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

**Recommendation:** Referral to the City Manager to consider the following suggestions for requirements and qualifications for Emergency Standby Officers and return to Council within 90 days with recommendations. Possible requirements may include: -Trainings in roles and responsibilities to serve as a standby officer possibly including: ethics and workplace harassment. -City government experience. -Council District residency. -Require standby officers to meet the same qualifications, including restrictions on conflict of interest, as required in the City Charter for City Councilmembers. -In addition, consider requiring Councilmembers to nominate three people in a single action.

**Financial Implications:** None

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

**Action:** M/S/Failed (Arreguin/Maio) to suspend the rules and extend the meeting to 11:10 p.m.

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

Councilmember Bartlett absent 10:40 p.m. – 11:00 p.m.

Councilmember Worthington absent 10:40 p.m. – 11:00 p.m.

**Action:** 5 speakers. M/S/C (Wengraf/Arreguin) to approve the recommendation, amended to include a moratorium on new appointments until the policy is established.

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

## Information Reports

- 32. Referral Response: Referral to City Manager to Consolidate All City Commission Work Plans in One Place for Easy Access for Staff, the Public and Elected Officials**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Received and filed.
- 33. Ethical Climate Audit Status Report**  
**From: City Manager**  
Contact: Dee Williams-Ridley, City Manager, 981-7000  
**Action:** Received and filed.
- 34. Berkeley Economic Dashboards**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Received and filed.
- 35. Berkeley Energy Commission Workplan for 2018-2019**  
**From: Energy Commission**  
Contact: Billi Romain, Commission Secretary, 981-7400  
**Action:** Received and filed.
- 36. Adoption of Homeless Commission's Fiscal Year 2019 Workplan**  
**From: Homeless Commission**  
Contact: Peter Radu, Commission Secretary, 981-5400  
**Action:** Received and filed.
- 37. City Auditor's Report on Results Fiscal Year 2018**  
**From: Auditor**  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda – 5 speakers.**

### Adjournment in memory of:

1. Tom Clark, Berkeley Poet
2. Judy Shattuck, Berkeley Activist
3. Recently Deceased Person at YEAH
4. David Spieler, Local Photographer and Activist

Adjourned at 11:00 p.m.

## Communications

### **Item #18: Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue**

1. Shelly Lein

### **Item #22: Accessory Dwelling Unit Ordinance Updates**

2. Toni Mester

### **Item #29: City of Berkeley Policy Limiting the Publishing of Photos (doxing) of people arrested by the Berkeley Police Department**

3. Joey H.
4. Jay Kim on behalf of National Lawyers Guild SF Bay Area (2)

### **Traffic Circles**

5. Parks and Waterfront Commission
6. Robin Grossinger
7. Robert Fraser and Djuna Odegard (2)
8. George Harter
9. Rob Wrenn
10. Charles Siegel
11. Elyce Klein
12. Jesse Cortes
13. David Hillis
14. Tree Fitzpatrick
15. Nancy Carleton
16. Karl Reeh
17. Susan Hunter
18. Diana Wood
19. Maxina Ventura
20. Lisa Stephens
21. Sara Antunovich (2)
22. No Name
23. Paul Degenkolb
24. Jude Bell
25. Erin Diehm
26. Cathleen Young
27. Namita Dodeja
28. Marilyn Williams
29. Linda Franklin
30. Sallie Hanna-Rhyne

### **Single-use Foodware**

31. Michael Ho
32. Melanie Lawrence

## **Communications**

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

- 33. East Bay Community Law Center
- 34. Unknown

### **Street Behavior**

- 35. Lauren Schiller
- 36. Andrew Hoffman

### **Urban Shield**

- 37. Jeannette McNeil
- 38. Fran Haselsteiner
- 39. Christine Schwartz
- 40. Tree Fitzpatrick

### **Harold Way**

- 41. Claire Cortner
- 42. Jeff Troutman
- 43. Cecile Pineda (2)
- 44. Biff Stockton (2)

### **Berkeley Honda**

- 45. George Killingsworth (2)
- 46. Bruce Powelson
- 47. Jane Kitchel

### **Adeline Corridor**

- 48. Matthew Taecker

### **City Council Behavior**

- 49. Justin Lee
- 50. Tree Fitzpatrick (2)

### **Loans of City Funds**

- 51. Genevieve Wilson
- 52. Boona Cheema

### **Protest of August 5<sup>th</sup>**

- 53. Cindy Shambam
- 54. Sigrid Allen
- 55. Sheila and Don Goldmacher (2)
- 56. Unknown (3)

### **Police Review Commission**

- 57. Cindy Shambam
- 58. Genevieve Wilson
- 59. Tom Luce



## **Communications**

- 60. Janice Schroeder
- 61. Phoebe Anne Sorgen
- 62. Berkeley Organizing Congregations for Action
- 63. Christopher Kroll
- 64. Tobey Wiebe

### **Permit Fees**

- 65. Bryce Nesbitt (3)

### **Measure GG Funds**

- 66. Disaster and Fire Safety Commission

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

- 67. Calvin Justice

### **Prioritizing Students**

- 68. Fatima Alleyne

### **BART**

- 69. Patricia Williams
- 70. Tree Fitzpatrick

### **Street Requiem Performance**

- 71. Barbara Szudy

### **Fires and Berkeley**

- 72. Kelly Hammargren

### **Repave Milvia Street**

- 73. Keith Yokem

### **Public Health and Trash**

- 74. David Lerman

### **Don't Like Poor People**

- 75. Genevieve Wilson

### **Lime Bike**

- 76. Lee Sun

### **BMC 12.70.120 Enforcement (Smoking Pollution Control)**

- 77. Steven Schuyler (2)

### **City Manager Performance Review**

- 78. Tree Fitzpatrick

## Communications

### **East Bay Times Request**

79. Marisa Kendall

### **Yard Sale Donations**

80. Mike Lee

### **Homeless Encampment University & 4<sup>th</sup>**

81. Evan McDonald

### **Shelter at 9<sup>th</sup> & University**

82. Dorothea Dorenz

83. Elizabeth Moses Strain

84. Renee Watkins

### **South Berkeley Mural Celebration**

85. Susan Duhan Felix

### **Vacant Unit Tax**

86. Fred Dodsworth

### **Bartlett Traffic Stop**

87. Eric Friedman

88. Jessica Behrman (3)

89. Maris Arnold

90. Anne Smith

91. Mark Lemkin

## Supplemental Communications and Reports 1

### **Item #18: Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue**

92. Supplemental materials, submitted by Councilmember Harrison

93. Robin Kibby

### **Item #21: Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance**

94. Supplemental materials, submitted by Mayor Arreguin

### **Item #22: Accessory Dwelling Unit Ordinance Updates**

95. Supplemental materials, submitted by Councilmember Harrison

### **Item #27: Enforcement Policy for Downtown Berkeley BART Plaza**

96. Revised materials, submitted by Mayor Arreguin

### **Item #29: City of Berkeley Policy Limiting the Publishing of Photos (doxing) of people arrested by the Berkeley Police Department**

## Communications

97. Revised materials, submitted by Councilmembers Davila and Harrison

### **Item #30: Resolution Establishing Green Monday**

98. Revised materials, Councilmember Harrison

## Supplemental Communications and Reports 2

### **Item #2: Contract No. 10577B Amendment: Dorothy Day House – Winter Shelter Extension**

99. Mary White

100. Ellen Trabilaz

### **Item #18: Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue**

101. Revised materials, submitted by Councilmember Harrison

102. Robin Kibby

### **Item #21: Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance**

103. Supplemental materials, submitted by Councilmember Harrison

### **Item #22: Accessory Dwelling Unit Ordinance Updates**

104. Debra Anderson, on behalf of the ADU Task Force

### **Item #23: Eliminating Public Parking from the Proposed Berkeley Way Project**

105. Peter Kemel, on behalf of Kemel Imports (2)

106. Todd Oliver

107. Martin Sarkis

108. George Fosselius

109. Rev. Molly Baskette (2)

110. Melody Lin

111. Amir Wright

112. Jacqueline Cooper

113. Sheila Goldmacher

114. Mayor Arreguin

115. Barbara Gilbert

### **Item #29: City of Berkeley Policy Limiting the Publishing of Photos (doxing) of people arrested by the Berkeley Police Department**

116. Supplemental materials, submitted by Councilmember Davila, Harrison and Mayor Arreguin

### **Item #30: Resolution Establishing Green Monday**

117. Alfred Twu

## Supplemental Communications and Reports 3

## Communications

### **Item #20: Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and “Mini-Dorm” Ordinance**

118. Linda Maio

## Action Calendar

### **Item #22: Accessory Dwelling Unit Ordinance Updates**

119. Sky Woodruff and Shane Carter

### **Item #23: Eliminating Public Parking from the Proposed Berkeley Way Project**

120. Presentation, submitted by HHCS

121. Sophia DeWitt, on behalf of the East Bay Housing Organizations

122. Genevieve Wilson

123. Shaheer Sandhu

124. Marie Claire de Martino

125. Johnny Nguyen

126. Leonard & Nancy Becker

127. David Mayeri, on behalf of the UC Theatre Taube Family Music Hall

128. Bill Ashley, on behalf of Copy Central

129. Luis Amezcua, on behalf of the Sierra Club

130. Nuha Khalfay

131. AJ Schrader

132. Michaela Warady

133. Nathan George, on behalf of NDG Real Estate (2)

134. Dante Gonzales

135. Igor Tregub

136. Anna Whitney

137. Tyler Lyson

## Council Action Items

### **Item #27: Enforcement Policy for Downtown Berkeley BART Plaza**

138. Diana Bohn

### **Item #29: City of Berkeley Policy Limiting the Publishing of Photos (doxing) of people arrested by the Berkeley Police Department**

139. Unknown

140. Diana Bohn

141. Fred Dodsworth

## Information Reports

### **Item #37: City Auditor's Report on Results Fiscal Year 2018**

142. Ann-Marie Hogan, City Auditor