To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION
Approve the minutes for the Council meetings of 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).

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments:
1. July 2, 2018–Special City Council Meeting
2. July 10, 2018–Regular City Council Meeting
3. July 16, 2018–Special Closed City Council Meeting
4. July 17, 2018–Special City Council Meeting
5. July 20, 2018–Special Closed Council Meeting
6. July 23, 2018–Special City Council Meeting
7. July 24, 2018–Special Closed City Council Meeting
8. July 24, 2018–Regular City Council Meeting
9. July 31, 2018–Special City Council Meeting
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL

MONDAY, JULY 2, 2018
9:30 A.M.
Council Chambers – 2134 Martin Luther King Jr. Way, Berkeley, CA

JESSE ARREGUIN, MAYOR
Councilmembers:
DISTRICT 1 – LINDA MAIO     DISTRICT 5 – SOPHIE HAHN
DISTRICT 2 – CHERYL DAVILA   DISTRICT 6 – SUSAN WENGRAF
DISTRICT 3 – BEN BARTLETT    DISTRICT 7 – KRIS WORTHINGTON
DISTRICT 4 – KATE HARRISON   DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 9:37 a.m.

Present: Bartlett, Davila, Hahn, Harrison, Maio, Arreguin

Absent: Droste, Hahn, Wengraf

Public Comment - Limited to items on this agenda only: 33 speakers.
Action Calendar

   From: Mayor Arreguin and Councilmembers Davila and Harrison
   Recommendation: 1) Consistent with Resolution No. 68,206-N.S. “Extension of Declaration of Homeless Shelter Crisis”, adopt as an official City of Berkeley policy that enforcement of Penal Code Section 647(e) “Lodging on Public Property” and B.M.C. Section 6.20.260 “Camping Prohibited” is suspended for up to 50 vehicles lodging/camping in the parking lot at Hs Lordships Restaurant, 199 Seawall Drive for a period of one month commencing July 2, 2018 and directing the City Manager to take action to implement this Council policy. Council may extend this policy by majority vote for another month following July 31, 2018; 2) Direct the City Manager to install portable restroom(s) and dumpster(s) in the Hs Lordships Parking Lot utilizing a portion of the $400,000 allocated by the City Council on June 26, 2018 for “Portable Restrooms/Garbage Service Near Encampments & Addressing Illegal Dumping”; 3) Direct the City Manager to negotiate with Lisa Bullwinkel/Another Bullwinkel Show, contractor for the 4th of July Festival and Berkeley Kite Festival, and upon mutual agreement of the parties, permit existing vehicles parked in Hs Lordships Parking Lot to remain parked on July 4, 2018 and July 28-29, 2018. All vehicles shall pay the required parking fee per vehicle.
   Financial Implications: Staff time and costs for portable restroom and dumpster service.
   Contact: Jesse Arreguin, Mayor, 981-7100

   Action: M/S/Failed (Arreguin/Davila) to approve the recommendation with the following amendments:
   - The number of permitted vehicles is limited to 33.
   - The permitted vehicles will pay the event fee of $20 for a car and $50 for a vehicle over 17 feet for the July 4th Event and the Kite Festival.
   - Permitted vehicles will be limited to a specified area.
   - Security for the Hs Lordships building will be provided by the City.
   - The process to obtain a permit will be on a first come-first served basis.
   - The City will provide more than one portable toilet, a handwashing station, and a dumpster.

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

   Action: M/S/Carried (Harrison/Arreguin) to suspend enforcement of state and city laws related to person lodging and dwelling in their vehicles at 199 Seawall Drive through July 8, 2018, and require that vehicles in the lot pay the event parking fee for July 4th.
   Vote: Ayes – Maio, Davila, Bartlett, Harrison, Arreguin; Noes – Worthington; Abstain – None; Absent – Hahn, Wengraf, Droste.
Adjournment

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

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

Adjourned at 11:16 a.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of July 2, 2018.

__________________________________
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

**Item 1: Council Policy: Suspend Enforcement for Vehicle Lodging/Camping at Hs Lordships Parking Lot, 199 Seawall Drive**

1. Barbara Gilbert (2)
2. Diana Bohn (2)
3. Carol Pierman
4. Sharon O’Dair
5. Kelly Hammargren
6. Gordon Meyer
7. Felicia Bellows
8. David Mather
9. Linda Tunner
10. Eric Friedman
11. Robert Glantz
12. Dan Mcdunn
13. Amber Whitson
MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 10, 2018
6:00 PM
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR
Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:13 p.m.

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

Absent: None

Ceremonial Matters:
1. Recognition of the City Staff that worked to complete the Pathways Project

City Manager Comments:
1. Recognition of Jovan Grogan, Deputy City Manager

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 9 speakers.

Public Comment on Consent Calendar and Information Items Only: 19 speakers.

Consent Calendar

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

1. **License Agreement: Berkeley Community Media for Storage at Maudelle Shirek Building**  
   **From:** City Manager  
   **Recommendation:** Adopt second reading of Ordinance No. 7,614-N.S. authorizing the City Manager to execute a license agreement with Berkeley Community Media to use City property at 2134 Martin Luther King, Jr. Way for one year and subject to future extensions by the City Manager.  
   **First Reading Vote:** All Ayes.  
   **Financial Implications:** See report  
   **Contact:** Mark Numainville, City Clerk, 981-6900  
   **Action:** Adopted second reading of Ordinance No. 7,614-N.S.

2. **Amending the Coast Live Oak Ordinance (BMC Section 6.52.010) to Allow the Removal of Trees that Substantially Interfere with Affordable Housing Projects**  
   **From:** Councilmembers Hahn and Harrison, and Mayor Arreguin  
   **Recommendation:** Adopt second reading of Ordinance No. 7,615-N.S. amending Berkeley Municipal Code Section 6.52.010 to allow for the removal of Coast Live Oak trees from locations where they would substantially interfere with development projects that include 50% or more of their units at Below Market Rate affordability, and requiring replacement Coast Live Oak trees to be planted.  
   **First Reading Vote:** All Ayes.  
   **Financial Implications:** See report  
   **Contact:** Sophie Hahn, Councilmember, District 5, 981-7150  
   **Action:** Adopted second reading of Ordinance No. 7,615-N.S.

3. **FY 2019 Annual Appropriations Ordinance**  
   **From:** City Manager  
   **Recommendation:** Adopt second reading of Ordinance No. 7,617-N.S. adopting the FY 2019 Annual Appropriations Ordinance (AAO) in the amount of $461,650,106 (gross appropriations) and $406,847,665 (net appropriations).  
   **First Reading Vote:** Ayes – Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.  
   **Financial Implications:** See report  
   **Contact:** Teresa Berkeley-Simmons, Budget Manager, 981-7000  
   **Action:** Adopted second reading of Ordinance No. 7,617-N.S.
4. **Extending the Timelines in the City’s Agreement with BRIDGE Housing Corporation for the Berkeley Way Development**  
   **From: City Manager**  
   **Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a first amendment to the City’s Disposition and Development Agreement (DDA) with BRIDGE Housing Corporation for the Berkeley Way development. The amended timeline will be consistent with Council’s March 13, 2018 direction to prioritize all City actions needed to allow BRIDGE the opportunity to apply for Affordable Housing and Sustainable Communities funding in 2019.  
   **Financial Implications:** See report  
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  

5. **Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**  
   **From: City Manager**  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions thereto with Bay Area Community Resources in an amount not to exceed $74,000 for the period July 1, 2018 through June 30, 2019 for the placement of AmeriCorps members.  
   **Financial Implications:** General Fund - $74,000  
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
   **Action:** Adopted Resolution No. 68,503–N.S.

6. **Master Lease and Property Management Agreement for 2111 McKinley Avenue**  
   **From: City Manager**  
   **Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a master lease and property management agreement and any amendments with Building Opportunities for Self-Sufficiency (BOSS) to use City Property at 2111 McKinley Avenue for a one-year lease term with an option to extend for one additional one-year term.  
   **Financial Implications:** See report  
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
Consent Calendar

7. Contract: Bay Construction Company for Strawberry Creek Park (South) Sport Court Renovations
   From: City Manager
   Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Strawberry Creek Park (South) Sport Court Renovations project, Specification No. 17-11123-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Bay Construction Company; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Bay Construction Company, for the Strawberry Creek Park (South) Sport Court Renovations project at 1260 West Street, Berkeley, CA 94702, in an amount not to exceed $546,000, which includes a contract amount of $455,000 and a 20% contingency in the amount of $91,000.
   Financial Implications: Various Funds - $546,000
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
   Action: Adopted Resolution No. 68,504–N.S.

8. Referral Response: Adopt a New Urban Agriculture Ordinance (Chapter 23C.26), Adopt New Urban Agriculture Definitions (amend Chapter 23F.04), and Modify Tables Listing Permitted Uses in Applicable Zoning Districts
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance amending the Zoning Ordinance to establish and allow a new Urban Agriculture land use classification that permits urban agriculture in all zoning districts, with the exception of Environmental Safety – Residential (ES-R). This requires enacting Berkeley Municipal Code (BMC) Chapter 23C.26, and amending BMC Titles 23D, 23E, and 23F.
   Financial Implications: None
   Contact: Timothy Burroughs, Planning and Development, 981-7400

9. Donation: Fusako Castro Estate to the Berkeley Police Department
   From: City Manager
   Recommendation: Adopt a Resolution accepting a donation in the amount of $62,154 from the Fusako Castro Estate to the Berkeley Police Department.
   Financial Implications: $62,154 (donation)
   Contact: Andrew Greenwood, Police, 981-5900
   Action: Adopted Resolution No. 68,505–N.S.
10. **Contract No. R8781D Amendment: Community Conservation Centers, Inc. for Recyclables Processing**  
From: City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract R8781D with Community Conservation Centers, Inc. for recyclables processing to increase the contract amount $699,815 for an amended total amount not to exceed $1,754,414 for the term ending December 31, 2018.  
**Financial Implications:** Zero Waste Fund - $699,815  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,506–N.S.

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

**Council Consent Items**

12. **Declaring a “No Hate Week” in Berkeley**  
From: Mayor Arreguin  
**Recommendation:** Adopt a Resolution declaring the week of November 11-17, 2018 as a “No Hate Week” in the City of Berkeley, in conjunction with other Bay Area cities.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmembers Wengraf, Droste, and Bartlett added as co-sponsors. Adopted Resolution No. 68,508–N.S.
13. **Building Opportunities for Self-Sufficiency (BOSS): Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

   **From: Councilmember Maio**

   **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $200 per council member, including $200 from Councilmember Maio, to Building Opportunities for Self-Sufficiency (BOSS), to help sponsor a documentary film about BOSS’s important work, with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.

   **Financial Implications:** Councilmember's Discretionary Funds - $200

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

   **Action:** Adopted Resolution No. 68,509–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison $100; Councilmember Wengraf - $100; Councilmember Hahn - $200; Councilmember Bartlett - $200; Councilmember Davila - $100; Councilmember Maio - $200.

14. **Women’s Daytime Drop-in Center: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**

   **From: Councilmember Maio**

   **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $1,000 per council member, including $1,000 from Councilmember Maio, to the Women’s Daytime Drop-in Center with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.

   **Financial Implications:** Councilmember's Discretionary Funds - $1,000

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

   **Action:** Adopted Resolution No. 68,510–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison $250; Councilmember Wengraf - $250; Councilmember Hahn - $200; Councilmember Bartlett - $200; Councilmember Maio - $1000.
15. **Short-term referral to the City Manager to develop the Access to the Arts Ordinance allowing street permits to include artists and musicians interested in leading art shows, art galleries, photography shoots, and related events in public spaces**

   From: Councilmembers Bartlett and Worthington

   **Recommendation:** Short-term referral to the City Manager to develop an ordinance allowing musicians and artists to access public spaces according to these conditions:
   1. Artists are eligible for this permit by agreeing to and following the current Berkeley Municipal Code (BMC).
   2. This permit will allow a spacing of seven foot by seven foot (forty-nine square feet) if a five foot by five foot space (twenty-five square feet) is left unrestricted for pedestrian use and wheelchair or disability accommodations.
   3. This permit will be available once a week for applicants.
   4. This permit is only applicable for artists and musicians planning a “single or small group impact event.”

   **Financial Implications:** Minimal

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

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

16. **Send a letter to the Board of Directors of BART Requesting That BART Rename the Ashby BART Station the Mable Howard BART Station**

   From: Councilmember Bartlett, Mayor Arreguin, and Councilmembers Hahn and Davila

   **Recommendation:** Send the letter attached to the report to the Board of Directors of BART requesting that BART rename the Ashby BART Station the Mable Howard BART Station.

   **Financial Implications:** None

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

   **Action:** Approved recommendation.

17. **Referral to City Manager to Consolidate all City Commission Workplans in One Place for Easy Access for Staff, the Public, and Elected Officials**

   From: Councilmembers Wengraf, Hahn, and Droste

   **Recommendation:** Make a referral to the City Manager to consolidate all City Commission Workplans in one place for easy (electronic) access for staff, the public, and elected officials.

   **Financial Implications:** Staff time

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

   **Action:** Approved recommendation.
18. **Community Firescaping and Fire Safety Meeting, July 12, 2018:**

   **Relinquishment of Council Office Budget Funds**

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

   **Recommendation:** Adopt a Resolution approving the expenditure of an amount up to $85 per Councilmember that wishes to contribute, not to exceed $250 total. Funds will pay for ReScape California, a nonprofit, to provide a presentation on firescaping to Berkeley residents on July 12, 2018 from 7-9:30pm at Northbrae Community Church.

   **Financial Implications:** Staff time

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

   **Action:** Adopted Resolution No. 68,511–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - $85; Councilmember Hahn - $85; Councilmember Droste - $85.

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

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

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

   **Financial Implications:** Minimal

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

   **Action:** Item held over to July 24, 2018 (including supplemental material from Councilmember Hahn)

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

   **From:** Councilmembers Worthington and Hahn

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

   **Financial Implications:** See report

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

   **Action:** Approved recommendation amended to also refer the item to the Transportation Commission.
21. **Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city’s short-term rental ordinance**  
*From: Councilmember Worthington*  
**Recommendation:** Refer the City Manager to look into adopting revisions to Ordinance No. 7,521--N.S by modeling after the Home-Sharing Ordinance of the City of Santa Monica and the Residential Unit Conversion Ordinance of the City of San Francisco in order to increase compliance with city regulations on short-term rentals of unlicensed properties.  
**Financial Implications:** Minimal  
*Contact: Kriss Worthington, Councilmember, District 7, 981-7170*  
**Action:** Item held over to July 24, 2018 (including supplemental material from Councilmember Hahn)

22. **Black Repertory Group Theater: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
*From: Councilmembers Worthington and Davila*  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $10,000 per council member, including $10,000 from Councilmember Worthington, to Black Repertory Group, with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Kriss Worthington and any other council members who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - $10,000  
*Contact: Kriss Worthington, Councilmember, District 7, 981-7170*  
**Action:** Adopted Resolution No. 68,512–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - $200; Councilmember Bartlett - $250; Councilmember Davila - $200.

23. **Relinquishment of Discretionary Account to the Berkeley Art Center for the Mayor’s Ambassador for the Arts**  
*From: Councilmembers Worthington and Hahn*  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $2,000 per councilmember, including $2,000 from Councilmember Worthington to the Berkeley Art Center in support of the outstanding efforts of the Mayor's Ambassador for the Arts, Susan Duhan Felix, with funds relinquished to the City’s general fund for this purpose from the discretionary account of Councilmember Kriss Worthington and any other councilmembers who would like to contribute. The Berkeley Art Center for the Mayor's Ambassador for the Arts needs a total of $6,000; thus, we invite other Councilmembers to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - $2,000  
*Contact: Kriss Worthington, Councilmember, District 7, 981-7170*  
**Action:** Adopted Resolution No. 68,513–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison $250; Councilmember Wengraf - $200; Councilmember Hahn - $300; Councilmember Bartlett - $250; Councilmember Droste - $100; Councilmember Maio - $150; Mayor Arreguin - $500.
From: Councilmembers Worthington, Davila, and Hahn  
**Recommendation:** That the Berkeley City Council supports disaster recovery bills (H.R.4557 & 5474 and S.2996 & 2880), and the coordination within federal agencies for entering into agreements with the Department of Housing and Urban Development (HUD) to set up a Disaster Housing Assistance Program to administer a disaster voucher program. And the Council sends a letter in support to Congressional Sponsors Representative Ann Wagner, Senator Elizabeth Warren, Senator Bill Nelson, Senator Dianne Feinstein, Senator Kamala Harris, and Representative Barbara Lee.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation.

25. **Establishing a Voluntary Security Camera Registration Program**  
From: Councilmembers Worthington, Wengraf, and Droste  
**Recommendation:** Adopt a Resolution establishing a Voluntary Security Camera Registration program whereby residents and business owners can voluntarily register their security camera systems with the Berkeley Police Department.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item removed from the agenda by Councilmember Worthington.
26. **Comprehensive Report on Homeless Services**  
*From: Councilmembers Droste and Wengraf, Mayor Arreguin, and Councilmember Bartlett*

**Recommendation:** Request that staff provides Council with an annual comprehensive homeless services report and worksession which updates and includes information on items outlined in the report.  

**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, 981-7180  

**Action:** Approved recommendation with the amendments in Supplemental Reports Packet #2 by Councilmember Hahn and modified by council action.

1. Provide a comprehensive and detailed report covering (1) the relative success, challenges, costs and benefits of both direct services (shelters, mental health services, housing subsidies, etc.) and indirect/impact-based services (ambulance, police, public works, etc.) associated with homelessness in Berkeley; (2) possible or recommended alternatives; and, (3) to the extent easily discoverable through published reports and helpful to compare the City of Berkeley to other jurisdictions, a selected overview of the relative successes, challenges, costs, and benefits of other jurisdictions (i.e., Alameda County, the State of California, and/or other Bay Area or other US cities) in addressing homelessness.

2. The Comprehensive Report be a Biannual requirement, with a yearly “Update” in between each Comprehensive Report.

3. All of the bullet points from both the “Recommendation” and “Opportunities” sections of the item be prefaced with the following:  
The Biannual Comprehensive Report on Homeless Services and Yearly Updates can include, but not be limited to the following and/or substantively similar information, and any and all other information and analyses the City Manager deems necessary for the stated purposes of such reports to be achieved:  
· All 25 + Bullet points  
· Other considerations discussed in the “Background” section of the item  
· An update on the Pathways Project and on other comprehensive plans, programs or services the Council or City may adopt or undertake to address homelessness in Berkeley.

4. The first Comprehensive Report on Homeless Services be delivered in Fall (September, October or November) of 2019, with Biannual Reports, and Yearly Updates, delivered in the same month of subsequent years.

5. Request that staff include policing costs in the reports.
27. ZAB Appeal: 840 Page Street, Use Permit #ZP2016-0064  
From: City Manager  
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2016-0064 to add a third story and increase the number of bedrooms on the parcel from five to seven, for an existing three-unit dwelling on a parcel that was legally developed but is now non-conforming to residential density limits (three units when only one is allowed), and dismiss the appeal.  
Financial Implications: None  
Contact: Timothy Burroughs, Planning and Development, 981-7400  

Public Testimony: The Mayor opened the public hearing. 3 speakers. M/S/C (Maio/Worthington) to close the public hearing.  
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.  

Councilmember Wengraf absent 8:07 p.m. – 8:15 p.m.  

Action: M/S/C (Maio/Harrison) to adopt Resolution No. 68,514–N.S. affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2016-0064 with the conditions added below, to add a third story and increase the number of bedrooms on the parcel from five to seven, for an existing three-unit dwelling on a parcel that was legally developed but is now non-conforming to residential density limits (three units when only one is allowed), and dismiss the appeal.  

- Existing roof to be removed and rebuilt with a permit.  
- Garage to be reconverted into a garage (not a living space).  
- Plumbing to the garage including water and sewer lines to be removed.  
- Laundry to be removed or permitted.  

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

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

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

   Financial Implications: See report

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

   **Action:** 3 speakers. M/S/C (Hahn/Arreguin) to adopt first reading of Ordinance No. 7,622–N.S. as written in Supplemental Reports Packet #2 and as amended below.

   Second reading scheduled for July 24, 2018.

   New paragraph is added to Section 12.92.030 to read:
   The City Manager may grant an extension of the 120 day period of vacancy to one year for properties inherited or under probate.

   New paragraph is added to Section 12.92.030 to read:
   The City may waive the time limit to remedy a blighted building in cases where an event such as such as fire, flood, or earthquake interferes with the owner’s ability to complete the corrective action within the specified time.

   **Vote:** All Ayes.

   Recess 8:48 p.m. – 9:08 p.m.

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

   From: Disaster and Fire Safety Commission

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

   **Financial Implications:** See Report

   Contact: Keith May, Commission Secretary, 981-3473

From: City Manager

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

Financial Implications: See Report
Contact: David Brannigan, Fire, 981-3473

Action: Moved to Consent Calendar. Adopted Item 29b with the direction that staff consider the commission recommendation and allow staff to come back and request funding as staff is able to meet the actual task.
30. **Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot**  
From: City Manager  
Recommendation:  
1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of $135 million to acquire, rehabilitate, preserve or construct affordable housing and submitting to the Berkeley electorate on the November 6, 2018 ballot a measure to authorize a general obligation bond in that amount.  
2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282(b).  

**Financial Implications:** See report  
Contact: Farimah Brown, City Attorney, 981-6950  

**Action:** M/S/C (Arreguin/Maio) to accept revised material from City staff on Item 30.  
**Vote:** Ayes – Maio, Davila, Bartlett, Harrision, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.  

Councilmember Worthington absent 9:08 p.m. – 9:11 p.m.  

**Action:** M/S/C (Worthington/Hahn) to suspend the rules and extend the meeting to 11:45 p.m.  
**Vote:** Ayes – Maio, Bartlett, Harrision, Hahn, Worthington, Droste, Arreguin; Noes – Davila; Abstain – Wengraf.  

**Action:** 14 speakers. M/S/C (Harrison/Arreguin) to:  

1. Adopt Resolution No. 68,515–N.S. and Resolution No. 68,516–N.S., as amended, determining public interest and necessity for issuing a general obligation bond in the amount of $135 million to acquire, rehabilitate, preserve or construct affordable housing and submitting to the Berkeley electorate on the November 6, 2018 ballot a measure to authorize a general obligation bond in that amount.  

2. Authorize the City Manager to incorporate the changes requested by the Council in the text of the measure and ballot question in each resolution; fix typographical errors as needed; incorporate wording such as “acting alone or with a tax-credit investor” throughout as appropriate; add section in the findings for the annual assessment for the mean assessed value home.  

3. Designate Mayor Arreguin and Councilmembers Maio, Harrison, and Hahn to submit the ballot measure arguments on behalf of the City Council.  

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

From: Rent Stabilization Board

**Recommendation:**
1. Select a timeframe between 12 and 15 years as the rolling period of exemption for newly constructed rental units. (Section 13.76.130.I)
2. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 6, 2018 General Municipal Election.
3. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Maio) to hold over Items 31, 35, and 39 to July 24, 2018 (including any supplemental materials).

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

Councilmember Hahn absent 11:21 p.m. – 11:24 p.m

Councilmember Worthington absent 11:22 p.m. – 11:24 p.m.

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

From: Police Review Commission

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

**Financial Implications:** See report

Contact: Katherine Lee, Commission Secretary, 981-4950
32b. **Direct the City Manager to analyze the Mayor’s proposed Police Commission Charter Amendment, and initiate meet-and-confer where required** *(Continued from June 12, 2018.)*

*From: Mayor Arreguin*

**Recommendation:** That the City Council direct the City Manager to initiate meet-and-confer, and review the combined PRC and Mayor’s proposed Police Commission Charter Amendment to ensure legal compliance and to enable the Council to place a measure on the November 2018 ballot. The City Manager is directed to expeditiously schedule meetings with affected bargaining units with the goal of completing the meet-and-confer process in time for the August 10, 2018 deadline for placing measures on the November 2018 ballot.

**Financial Implications:** Staff time

*Contact: Jesse Arreguin, Mayor, 981-7100*

**Action:** 2 speakers. M/S/Failed (Wengraf/Maio) to request that the City Manager continue with the meet and confer process to resolve all issues that do not require a Charter amendment.

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

**Action:** 2 speakers. M/S/Carried (Harrison/Arreguin) to direct the City Manager to move expeditiously in the meet and confer process with affected bargaining units, using the text of the proposed Charter amendment provided by Mayor Arreguin and Councilmember Harrison in Supplemental Reports Packet #2, and request that the City Manager and City Attorney review the proposal for compliance with all applicable laws.

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

33. *****Item Removed by City Manager***Amending Berkeley Municipal Code Chapter 6.20 to Update Parking Restrictions at the Berkeley Waterfront**

*From: City Manager*

*Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700*
34. **Auto Sales in Commercial South Area (C-SA) Zones** *(Continued from June 12, 2018.)*  
From: Mayor Arreguin and Councilmembers Bartlett and Hahn  
**Recommendation:** Refer to the Planning Commission and the Adeline Corridor Planning Process to develop an ordinance that would prohibit new auto uses and auto sales in C-SA zones.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Moved to Consent Calendar with the request that the Planning Commission consider grandfathering in the existing auto sales uses in case of rebuilding or repairing after catastrophic damage or disaster (that no new permit would be required), and allow the existing uses to update vehicles, equipment, and buildings with upgrades and that help the City achieve its Climate Action Plan goals.

35. **Accessory Dwelling Unit Ordinance Updates** *(Continued from June 12, 2018. Item contains revised material.)*  
From: Councilmembers Hahn, Wengraf, and Harrison  
**Recommendation:** Refer to the Planning Commission to consider additional elements for Berkeley’s Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis.  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Item held over to July 24, 2018 including revised materials.

36. **Defining Objective Standards for Views** *(Continued from June 12, 2018. Item contains revised material.)*  
From: Councilmembers Hahn and Wengraf  
**Recommendation:** Refer to the Planning Commission and the City Manager the drafting of ordinance provisions defining objective standards for views in Berkeley, and for the protection of views from detrimental impacts.  
**Financial Implications:** Staff time  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Item removed from the agenda Councilmember Hahn.
37. **Referral Response: City-wide Green Development Requirements**  
**From:** Community Environmental Advisory Commission  
**Recommendation:** Refer to the Planning Commission development of City-wide Green Building and Transportation Demand Management measures, based on those currently required in the Commercial Downtown Mixed Use District (C-DMU), to apply throughout the City of Berkeley’s commercial zoning districts, with the following amendments: 1. Change the Green Building and Transportation Demand measures to apply to all projects of 50 units or more, or 10,000 square feet of commercial area, instead of limiting it to projects of 75 units or more. 2. Require one bicycle parking space per two residential units, in addition to the bicycle parking space requirements of one per 2,000 square feet of commercial space. 3. Change the number of required vehicle sharing spaces to be based on the number of parking spaces constructed, rather than required, to avoid any potential confusion surrounding waived parking requirements (either through legislation or payment of an in-lieu fee). 4. Add in a requirement that all constructed parking areas be EV-ready, such that EV charging stations could be installed and be able to reach and charge any and all parking spaces if needed/desired. Actual EV charging stations should not be required at construction beyond City requirements. 5. Instead of LEED Gold, require projects to achieve LEED Silver, or equivalent as evaluated City staff. 6. Do not require the transportation benefits, with plans to re-consider requiring the transportation benefits after the City or an independent third party evaluates the impact of transit benefit requirements in Downtown.  
**Financial Implications:** None  
**Contact:** Viviana Garcia, Commission Secretary, 981-7460  
**Action:** Moved to Consent Calendar. Adopted the revised recommendation from Councilmember Hahn in Supplemental Reports Packet #2:

>Council to express its gratitude to CEAC for providing the Referral Response; take no action on the Item; and request that Staff transmit the CEAC report to the Planning Commission for consideration when the Planning Commission takes up the City-wide Green Development Requirements referral.
38. Placing a Measure on the November 6, 2018 Ballot to Increase the Transfer Tax on Property Sales to Pay for General Municipal Services Including Funding Homeless Services (Continued from June 26, 2018. Item contains revised materials.)

From: City Manager
Recommendation:
1. Adopt a Resolution submitting a general tax ordinance measure on the November 6, 2018 general municipal ballot to increase the transfer tax from 1.5% to 2.5% on properties that sell for over $1 million to pay for general municipal services, including homeless services, including shelters, rental subsidies, and supportive services, and staffing to implement these programs.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, 981-6900

Action: M/S/C (Arreguin/Maio) to hold over Item 38 (including Supplemental Material from Councilmember Harrison) to July 24, 2018.

Vote: All Ayes.


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.

Financial Implications: See report

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

Action: Item held over to July 24, 2018 including supplemental material from Councilmember Hahn.
40. Support Stop Tariffs On Printers and Publishers (STOPP) and S.2835 - PRINT Act. Also, send letters in support to Senator Susan Collins, Senator Dianne Feinstein, Senator Kamala Harris, and Congresswoman Barbara Lee (Continued from June 26, 2018. Item contains revised material.)  
From: Councilmember Worthington  
Financial Implications: Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
Action: Moved to Consent Calendar. Approved recommendation.  

Information Reports  
From: Zero Waste Commission  
Contact: Heidi Obermeit, Commission Secretary, 981-6300  
Action: Received and filed.  

42. Berkeley Public Library Circulation Policies Update  
From: Councilmember Hahn  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
Action: Received and filed.  

Public Comment – Items Not Listed on the Agenda - 6 speakers.  

Adjournment  
Action: M/S/C (Wengraf/Maio) to adjourn the meeting in memory of:  
1. John Murcko, Local Activist  
2. Clara Cady Victoria Butler Chuck, Berkeley Neighbor  
Vote: All Ayes.  
Adjourned at 11:37 p.m.  
This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of July 10, 2018.  

Mark Numainville, City Clerk
Communications

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

1. Paola Laverde

Property at 1701 62nd Street

2. Carvin Justice

Police Training and Participation in Urban Shield

3. Sally McCoy
4. Kyliemax
5. Lawrence A. Gibbs
6. Fredda Cassidy
7. Julie Holcomb
8. Joel Kaufmann
9. Ellen Love
10. Katrin Wehrheim
11. E.J. Holowicki
12. David Peattie
13. Karen Gilligan
14. Mike Dove
15. Deborah Nicholas
16. David Z. Ritvo
17. Karen Bowen
18. Linda Schacht and John Gage
19. Clarick Brown
20. Abbey Kletz
21. Candace Khanna
22. Nova On the Go
23. Joe Kewekordes
24. Laura Hazlett
25. Anne Pardee (2)
26. Jennifer Fisher
27. Sheila Thorne
28. Lori Pottinger
29. Wren Pinto
30. Lindsay Mulcahy
31. Russbumper (3)
32. Caryn Graves
33. Quinn Leong
34. Bob Flasher
35. Dorothea Dorenz
36. Harriett A. Goldman
37. Joan Bardez
38. Miguel S. Valencia
39. Mark Lemkin
40. Kacey Carpenter
41. MJ Baumann
42. Chelsea Skorka
43. Ray Roushar
44. Vivian Zelaya
45. Shawn Connors
46. Martha Knobler
47. Elisa Mikiten
48. Megan Prier
49. Leah Redwood
50. Elana Auerbach
51. Carol Sanders
52. Tash Nguyen
53. Terry Roberts
54. Betsy Rose
55. Michael Ho
56. Steven Kanofsky and Deborah Rosen Kanofsky
57. Eric Friedman
58. Nicole Scherm
59. Tracy Rosenberg
60. Genevieve Wilson (2)
61. Diana Bohn

Presidential Summit
62. Steven Schuyler

Oxygen Generators
63. Keith Wright (3)

Biography of Man Essay
64. David Huttner

Public Employees Relations Board
65. Barbara Gilbert

Single-Use Foodware
66. Sally Hughes
67. Joanne Cohn
68. Laura Fujii
69. Melanie Lawrence

Environmental Concerns
70. Christopher Calder

Appeal of 1499 University Ave
71. Dolores A. Cortez

Use of Nixle
72. Mitchell Gass

Refuse and Recycling Process
73. Sheila Press
Science and Technology Concerns
74. Gary Novak

Condition of City Streets
75. Carole Valentino
76. Judith Perlin

San Francisco School Board Decision
77. Dorothea Dorenz

Homelessness Concerns
78. Russbumper (3)
79. Margot Smith

Mental Health Issues and Conservatorship
80. Jess McCarter

Sugar-Sweetened Beverage Tax Revenues
81. Sugar-Sweetened Beverage Products Panel of Experts Commission

Sunday Summer Cinema
82. John Caner

Supplemental Communications and Reports 1

Item #15: Short-term referral to the City Manager to develop the Access to the Arts Ordinance allowing street permits to include artists and musicians interested in leading art shows, art galleries, photography shoots, and related events in public spaces
83. Susan Duhan Felix

Item #20: Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets
84. Abigail Drobnick
85. Noa Taieb
86. Kathy Nguyen
87. Preston Weber
88. Anita Richmond Schulman
89. Mina Nezam-Mafi
90. Jamie Michele Wayne
91. Serena Chan
92. Angela Wu
93. Saneea Fazal

Item # 28: Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Vacant Residential Buildings Meet a Condition of Unlawful Nuisance
94. Walter Wood

Item # 30: Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot
95. Revised materials, submitted by City Clerk Department.
Item # 31: Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance-Berkeley Municipal Code Chapter 13.76
96. Supplemental materials, submitted by City Clerk Department.
97. Supplemental materials, submitted by Councilmember Harrison
98. Debra Sanderson
99. Unknown
100. Norma Harrison

Item # 32a: Referral Response: Proposed Charter Amendment to Restructure the Police Oversight Body
101. Police Review Commission

Item # 32b: Direct the City Manager to analyze the Mayor’s proposed Police Commission Charter Amendment, and initiate meet-and-confer where required
102. Supplemental materials, submitted by Mayor Arreguin and Councilmember Harrison

Item # 35: Accessory Dwelling Unit Ordinance Updates
103. Debra Sanderson

Item 38: Placing a Measure on the November 6, 2018 Ballot to Increase the Transfer Tax on Property Sales to Pay for General Municipal Services Including Funding Homeless Services
104. Ignacio Dayrit

Item 39: City-Sponsored Emergency Preparedness Training and Emergency Preparedness Program
105. Bob Flasher

Supplemental Communications and Reports 2

Item #15: Short-term referral to the City Manager to develop the Access to the Arts Ordinance allowing street permits to include artists and musicians interested in leading art shows, art galleries, photography shoots, and related events in public spaces
106. Supplemental material, submitted by Councilmember Hahn

Item #19: Ordinance Allowing Currently Permitted Non-Cannabis Nurseries in Specified Areas to Become Commercial Cannabis Retail Nurseries
107. Supplemental material, submitted by Councilmember Hahn

Item #20: Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets
108. Caitlin Harvey
109. Grant Laut
110. Lianne Frick
111. Shankar Krishnan
112. Jeffrey Wei
113. Kimmy Le
114. Kenneth Ng
Item #21: Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city’s short-term rental ordinance
115. Supplemental material, submitted by Councilmember Hahn

Item #25: Establishing a Voluntary Security Camera Registration Program
116. Supplemental materials, submitted by Councilmember Hahn

Item #26: Comprehensive Report on Homeless Services
117. Supplemental material, submitted by Councilmember Hahn
118. Cecelia Mautner

Item #28: Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Vacant Residential Buildings Meet a Condition of Unlawful Nuisance
119. Revised material, submitted by Councilmember Harrison
120. Dick Roylet

Item #30: Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot
121. Ty Alper

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

Item #32a: Referral Response: Proposed Charter Amendment to Restructure the Police Oversight Body
123. Charles Clarke

Item #32b: Direct the City Manager to analyze the Mayor’s proposed Police Commission Charter Amendment, and initiate meet-and-confer where required
124. Supplemental materials, Councilmember Harrison and Mayor Arreguin

Item #33: ***Item Removed by City Manager*** Amending Berkeley Municipal Code Chapter 6.20 to Update Parking Restrictions at the Berkeley Waterfront
125. Diana Bohn

Item #35: Accessory Dwelling Unit Ordinance Updates
126. Anna Bellomo
127. Susan Marchionna
128. Toni Mester

Item #37: Referral Response: City-wide Green Development Requirements
129. Supplemental material, submitted by Councilmember Hahn

Item #38: Placing a Measure on the November 6, 2018 Ballot to Increase the Transfer Tax on Property Sales to Pay for General Municipal Services Including Funding Homeless Services
130. Revised material, submitted by Councilmember Harrison
131. John Brogan
Item #39: City-Sponsored Emergency Preparedness Training and Emergency Preparedness Program

132. Supplemental material, submitted by Councilmember Hahn

Item #40: Support Stop Tariffs On Printers and Publishers (STOPP) and S.2835 -PRINT Act. Also, send letters in support to Senator Susan Collins, Senator Dianne Feinstein, Senator Kamala Harris, and Congresswoman Barbara Lee

133. Supplemental materials, submitted by Councilmember Worthington

Item #28: Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Vacant Residential Buildings Meet a Condition of Unlawful Nuisance

134. 147 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item #4: Extending the Timelines in the City’s Agreement with BRIDGE Housing Corporation for the Berkeley Way Development

135. Christine Schwartz

Item #15: Short-term referral to the City Manager to develop the Access to the Arts Ordinance allowing street permits to include artists and musicians interested in leading art shows, art galleries, photography shoots, and related events in public spaces

136. Orin Rutchick

Item #16: Send a letter to the Board of Directors of BART Requesting That BART Rename the Ashby BART Station the Mable Howard BART Station

137. Sally Hindman
138. Carole Davis Kennerly

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

139. Andrew Savage
140. Olivia Everhard
141. Helen Lee
142. Allie Morehouse
143. Bryan Truitt
144. Sam Dreiman
145. Sasha Yousefi
146. Kunika Poulsen
147. Ben Rubin

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

148. Presentation, submitted by the Department of Planning
149. Sara (No last name)
Item #28: Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Vacant Residential Buildings Meet a Condition of Unlawful Nuisance
150. Katherine Pyle
151. Carlvin Justice

Item #30: Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot
152. Revised materials, submitted by the City Attorney
153. 32 Signatures
154. Eric Friedman
155. Kate Harrison

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

Item #32a: Referral Response: Proposed Charter Amendment to Restructure the Police Oversight Body
157. Adolfo Cabral

Item #33: ***Item Removed by City Manager***Amending Berkeley Municipal Code Chapter 6.20 to Update Parking Restrictions at the Berkeley Waterfront
158. Dan Robinson
159. Soula Culver
160. Deirdre Nurre
161. Chris Horgan

Item #34: Auto Sales in Commercial South Area (C-SA) Zones
162. Cox, Castle & Nicholson, LLP
163. Sconehege Bakery and Cafe

Item #35: Accessory Dwelling Unit Ordinance Updates
164. Jennifer Niles
165. Cameron Woo
166. Betsy Reeves
167. Denise Keller
168. Kathryn Stein

Item #38: Placing a Measure on the November 6, 2018 Ballot to Increase the Transfer Tax on Property Sales to Pay for General Municipal Services Including Funding Homeless Services
169. Barbara Gilbert

Single-Use Foodware
170. Rick Motamedi
Harold Way Project
171. Sally Nelson
172. John Lango
MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, JULY 16, 2018
4:00 P.M.
Redwood Room – 2180 Milvia Street, 6th Floor, Berkeley, CA
JESSE ARREGUIN, MAYOR
Councilmembers:
DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:05 p.m.
Present: Maio, Davila, Harrison, Hahn, Worthington, Droste, Arreguin
Absent: Bartlett, Wengraf

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

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

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):
   a. Chapler v. COB (ACSC Case No. RG1785898)
      Action: M/S/C (Worthington/Maio) to approve the terms of the settlement agreement in the amount of $50,000.
      Vote: Ayes – Maio, Davila, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Absent – None; Absent - Bartlett, Wengraf

   b. Schneider v. COB (ACSC Case No. RG17850497)
      Action: M/S/C (Worthington/Harrison) to approve the terms of the settlement agreement in the amount of $30,000.
      Vote: Ayes – Maio, Davila, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Absent – None; Absent - Bartlett, Wengraf

   c. Moore-Jackson v. Chouteau, et. al. (ACSC Case No. RG16843929)
      Action: M/S/C (Maio/Droste) to approve the terms of the settlement agreement in the amount of $2.15M.
      Vote: Ayes – Maio, Davila, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Absent - Bartlett, Wengraf
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):

   Significant exposure to litigation – one case

   **Action**: No reportable action.

3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

   **Employee Organizations**: Berkeley Police Association; Berkeley Fire Fighters Association, Local 1227; Berkeley Chief Fire Officers Association, Local 1227; Unrepresented Employees; SEIU Local 1021 Community Services and Part-Time Recreation Leaders Association; Public Employees’ Union, Local 1; the International Brotherhood of Electrical Workers, Local 1245.

   **Action**: No reportable action.

**OPEN SESSION:**

City Council 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.

**Adjournment**

   **Action**: M/S/C (Davila/Maio) to adjourn the meeting.

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

   Adjourned at 6:08 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of July 16, 2018.

_____________________________
April Richardson, Assistant City Clerk
MINUTES  
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL  
Tuesday, July 17, 2018  
6:00 P.M.  
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY  

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

Preliminary Matters  
Roll Call:  6:16 p.m.  
Present:  Davila, Droste, Hahn, Maio, Worthington, Arreguin  
Absent:  Bartlett, Harrison, Wengraf  

Worksession  
1. Berkeley Age Friendly Initiative  
   From: City Manager  
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
   Action: 0 speakers. Presentation made and discussion held.  

2. Berkeley Health Status Report 2018  
   From: City Manager  
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
   Action: 2 speakers. Presentation made and discussion held.  

   Recess from 7:56 p.m. – 8:12 p.m.  

3. Potential Modifications to the FY2020 Community Agency Request for Proposals  
   From: City Manager  
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
   Action: 2 speakers. Presentation made and discussion held.  

Public Comment - Items on this agenda only – None.  

Adjournment
**Action:** M/S/C (Maio/Hahn) to adjourn the meeting.

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

Adjourned at 9:16 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of July 17, 2018.

__________________________________
April Richardson, Assistant City Clerk

**Communications**

- None

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

- Item 3: Potential Modifications to the FY2020 Community Agency Request for Proposals
  1. Housing Advisory Commission

**Supplemental Communications and Reports 3**

- Item #1: Berkeley Age Friendly Initiative
  2. Presentation, submitted by Department of Health, Housing & Community Services

- Item #2: Berkeley Health Status Report 2018
  3. Presentation, submitted by Department of Health, Housing & Community Services

- Item #3: Potential Modifications to the FY2020 Community Agency Request for Proposals
  4. Presentation, submitted by Department of Health, Housing & Community Services
Preliminary Matters

Roll Call: 2:38 p.m.

Present: Davila, Hahn, Harrison, Wengraf, Arreguin

Absent: Bartlett, Droste, Maio, Worthington

Councilmember Maio present at 2:39 p.m.

Councilmember Worthington present at 3:10 p.m.

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

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

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(2)

   Significant exposure to litigation – one case

   Action: No reportable action.

OPEN SESSION:

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

No reportable action.

Adjournment

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

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

Adjourned at 3:57 p.m.
This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of July 20, 2018.

_____________________________
April Richardson, Assistant City Clerk
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL

Monday, July 23, 2018
4:00 P.M.
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR
Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:07 p.m.

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

Absent: Worthington

Councilmember Worthington present at 4:17 p.m.

Action Calendar – Public Hearings
1. **Agreements with Other Law Enforcement Agencies, Police Departments or Private Security Organizations; Approval of MOU Compendium**

   **From:** City Manager  
   **Recommendation:** Conduct a public hearing, and upon conclusion, adopt a Resolution approving agreements, understandings or policies existing or revised as of December 1, 2017 between the Berkeley Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations, as contained in the attached Memorandum of Understanding Compendium, in order to maintain the current level of police resources and emergency services. Review attached Suspicious Activity Report and Mutual Aid requests/responses provided annually per City Council request.

   **Financial Implications:** See report  
   **Contact:** Andrew Greenwood, Police, 981-5900

   **Public Testimony:** The Mayor opened the public hearing. 19 speakers.  
   **Vote:** All Ayes.

   **Action:** M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,517–N.S. with the following amendments:
   - Continue Compendium Item 3.4 (ICE) to September 13, 2018 to consider the item after the General Order is developed.
   - Adopt agreement 3.12 (NCRIC) with the recommendation from the Ad Hoc Committee to define the terms of participation.
   - Vehicle license and location data obtained through a NCRIC LPR database query will not be entered into the BPD Records Management System if it is not used in an investigation.

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

   Recess 5:50 p.m. – 6:02 p.m.
2a. **Ad-Hoc Subcommittee on NCRIC and Urban Shield Findings and Recommendations**

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

**Recommendation:** That the City Council adopts the following recommendations that were approved by the majority of the Ad-Hoc Subcommittee:

1. That the City of Berkeley continue its participation with the Northern California Regional Intelligence Center (NCRIC) conditional on the execution of a Memorandum of Understanding between the City of Berkeley and NCRIC using the outline as recommended (Attachment 5) and reflecting existing City of Berkeley policies.

2. Adopt the Disaster and Fire Safety Commission proposal “Recommendation for Fire and Health Departments to Participate in Urban Shield Exercises and UASI Grant Funded Trainings” striking the word “Police” from the recommendation.

3. Suspend Berkeley’s participation in the vendor show and the Berkeley Police Department’s participation in the tactical scenarios in 2018 pending timely reevaluation of the tactical-related offerings from the county in 2019. The suspension should not extend to the Yellow Command mass care and shelter and tabletop exercises, the CERT exercises (Green Command), the Community Preparedness Fair (Gray Command) or to public safety seminars at Urban Shield.

4. That the Berkeley City Council recommend to our members of Congress to expand Homeland Security Grants to fund disaster preparedness activities.

5. That the Berkeley City Council send a letter transmitting our recommendations (Attachment 4) to the Alameda County Board of Supervisors and Alameda County Sheriff, regarding the reconstitution of Urban Shield and providing tactical and emergency preparedness training for local law enforcement using the established principles and guidelines for Urban Shield and request an accountability mechanism for enforcing them.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

2b. **Urban Shield**

*From: Councilmember Wengraf*

**Recommendation:** Adopt a Resolution to follow the leadership of the Alameda County Supervisors and support participation of City of Berkeley Police and Fire Departments and Staff in all elements of Urban Shield and continue to work with the Public Protection Sub-Committee of the Alameda County Board of Supervisors to re-constitute the focus and content of Urban Shield in 2019.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** M/S/C (Arreguin/Maio) to accept supplemental material from Councilmember Hahn on Items 2a and 2b.

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

Councilmember Hahn absent 6:02 p.m. – 6:05 p.m.

Councilmember Worthington absent 6:02 p.m. – 6:05 p.m.
Action: M/S/Carried (Arreguin/Worthington) to adopt recommendations #4 and #5 from the Ad Hoc Committee item with a revised memo to Alameda County in Supplemental Communications Packet #2 and further revised in the 10th bullet point to read “…from foreign countries with documented…”

Vote: All Ayes.

Action: M/S/Failed (Wengraf/Droste) to approve the original recommendation from the Disaster and Fire Safety Commission.

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

Action: M/S/Carried (Harrison/Hahn) to take no action on the Disaster and Fire Safety Commission recommendation.


Action: 78 speakers. M/S/Failed (Harrison/Davila) that due to community concerns, concerns of the faith community and people of color, concerns about weapons present at the event, and the lack of local input and oversight, the City of Berkeley will suspend participation in the vendor show and tactical exercises by the Police Department, and allow participation in other elements of participation, and support the Berkeley Police Department in their efforts to reform Urban Shield.


Action: M/S/Carried (Wengraf/Maio) that the City of Berkeley acknowledges that important communities do not feel safe; that regardless of the reasons or origins for such feelings, the City of Berkeley commits to continuing and expanding efforts to build relationships and trust with all members of our community; that the City allows its Police, Fire, and other departments to participate in all Urban Shield exercises in 2018; and that the City will work with the Public Protection Committee of the Board of Supervisors to reshape Urban Shield for 2019, and appoint two members of the Council to attend the Public Protection Committee meetings.

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

Adjournment

Action: M/S/C (Hahn/Davila) to adjourn the meeting.

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

Councilmember Davila absent 9:44 p.m. – 9:45 p.m.

Adjourned at 9:45 p.m.
Communications

Item #1: Agreements with Other Law Enforcement Agencies, Police Departments or Private Security Organizations; Approval of MOU Compendium

1. Veteran’s for Peace

Item #2a: Ad-Hoc Subcommittee on NCRIC and Urban Shield Findings and Recommendations

2. Chelsea Skorka
3. Steven Kanofsky
4. Rachel Lederman
5. Marc Mestrovich
6. Kristin Scott
7. Jeff Bruno

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2a: Ad-Hoc Subcommittee on RCRIC and Urban Shield Finding and Recommendations

8. Supplemental material, submitted by Councilmember Harrison, Mayor Arreguin, and Councilmember Davila
9. Revised material, submitted by Mayor Arreguin

Item #2b: Urban Shield

10. Revised material, submitted by Councilmember Wengraf

Item #2a: Ad-Hoc Subcommittee on RCRIC and Urban Shield Finding and Recommendations

Item #2b: Urban Shield

11. Christine Schwartz
12. Pamela Zelnik
13. Jeannette McNeil
14. Susan Isaacs
15. Nicole Chabot
16. Cecile Pineda
17. Douglas Smith
18. Martin Nicolaus
19. Todd Jailer
20. Caryn Graves
21. Andrew Paul Gutierrez
22. Linda Della
23. Ginger Ogle
24. Fred Krieger
25. Anne Alcott
26. Michelle Bergtraun
27. Rod Gutierrez
28. Peter Ross
29. Dr. Jaime Beck
30. Eric Leven
31. Elizabeth Jordan
32. Jennifer Kawar
33. Karen Bowen
34. Dorothy Wonder
35. Martin Deporres Washington
36. Donna Jeker
37. Michaela Parks
38. Robert Lewis
39. Dawn Kensic
40. Eric Friedman
41. Dave Murai & Stephanie Lowe
42. Carol Curtis
43. Paul Chapman
44. Celia Karian
45. Wende Micco
46. Fredora Darmstadt
47. Juliet Leftwich
48. Anne Smith
49. Joanna and Don Rudy
50. Silvia Sorell
51. Kerrie Hein
52. Jan Taradash
53. Isobel Schneider
54. Elizabeth Horowitz
55. Jennifer Winch
56. Laura Truffaut
57. David, Phyllis and Alyse Ritvo
58. Jack Smith and Glyde Cooper
59. Candace Khanna
60. Josh Busell-Charkow
61. Terri Giamartino and Pamela Springer
62. Aran Kaufer
63. Joan Sarnat
64. Megan Clark
65. Tanya Drlık
66. David Eifler
67. Jesse Livezey
68. Dante Gonzales
69. Andrea Olivas
70. Isha Patel
71. Judy Grether
72. John Reykjalın
73. Marge Sussman
74. Katrin Wehrheim (2)
75. Cindy Shamban
76. Vassilisa Rubtsova
77. Elena Gardella
78. Steve Scholl
79. Joan Gorrell
80. Sarah Abdeshahiam
81. John Corn
82. Kylie Murdock
83. Kathy Nitsan & Nadya Tannous
84. Glen Hauer
85. Jenny Wenk
86. Laurel Tremaine
87. Moni Law (2)
88. Linda Schacht & John Cage
89. Guy Micco
90. Naomi Marks
91. Jeff Vincent
92. David Fisher
93. Steve Kromer
94. Michelle Green
95. Julie Holcomb
96. Mary Montali
97. Mia Klett
98. Kevin Yi
99. Lorraine Mahley (2)
100. Liz Kaplan
101. Cressy Simpson
102. Christopher Kroll
103. Laura Walker
104. Jill Dodd
105. Paul Deuter
106. Rob R.
107. Jane Hood
108. Paul Degenkolb
109. George Porter
110. Janice Schroeder
111. Doris Balabanian
112. Sophia Friesen
113. Pamela Doolan
114. Courtney Brousseau
115. Alicia Telford
116. Brie Fulton
117. Lynn Garnica
118. Lorenzo Avila
119. Pamela Doolan
120. Barbara Morita
121. Victoria Legg
122. Mar Ann Brewin
123. Marvin Snow
124. Fran Haselsteiner
125. Maya Luong
Supplemental Communications and Reports 3

Item #2a: Ad-Hoc Subcommittee on RCRIC and Urban Shield Finding and Recommendations

Item #2b: Urban Shield

150. Supplemental material, submitted by Councilmember Hahn
151. George Perezvelez
152. Carla-Jean Barker
153. Shelley McHugh
154. Robin Fink
155. Diana Maria Rossi
156. Ryan Keeley
157. Dennis Mulqueeney
158. John Lindsay-Poland
159. Unknown
MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, JULY 24, 2018
4:30 P.M.
Council Chambers – 2134 Martin Luther King, Jr. Way, Berkeley, CA
JESSE ARREGUIN, MAYOR
Councilmembers:
DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call:  4:40 p.m.
Present:  Droste, Hahn, Harrison, Maio, Arreguin
Absent:  Bartlett, Davila, Wengraf, Worthington

Councilmember Worthington present at 4:46 p.m.
Councilmember Davila present at 4:50 p.m.

Public Comment - Limited to items on this agenda only – No speakers

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

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

   Employee Organizations: Berkeley Police Association; Berkeley Fire Fighters Association,
   Local 1227; Berkeley Chief Fire Officers Association, Local 1227; Unrepresented Employees;
   Service Employees International Union, Local 1021 Community Services & Part-Time
   Recreation Leaders Association; Public Employees’ Union, Local 1; the International
   Brotherhood of Electrical Workers, Local 1245.

   Action: No reportable action.

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

No reportable action.
Adjournment

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

Adjourned at 4:58 p.m.

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

__________________________________________
April Richardson, Assistant City Clerk
MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, July 24, 2018
6:00 PM
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIUN, MAYOR
Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call:  6:06 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.
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.
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.
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.
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.
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).

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

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 - $89,340
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 68,536–N.S.
23. Contract No. 7167H Amendment: Superion, LLC for AS400 Software Maintenance and Professional Services  
   From: City Manager  
   Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7167H with Superion, LLC for software maintenance and support of the City’s FUND$ 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.
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.
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.
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

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.
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.


*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.
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
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.

   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.
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.
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*


**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.
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.
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


**Financial Implications:** None

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

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

Vote: All Ayes.
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.
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.

**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)
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.

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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)

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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).
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.
This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of July 24, 2018.

__________________________________
Mark Numainville, City Clerk

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
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
Tuesday, July 31, 2018
6:00 P.M.
COUNCIL CHAMBERS – 2134 MARTIN LUTHER KING JR. WAY, BERKELEY, CA
TELECONFERENCE LOCATION – 1000 SUNRISE HWY, ROCKVILLE CENTER, NY
JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: Harrison

Councilmember Harrison present at 6:42 p.m.

City Manager Comments:

1. Announcement regarding traffic circle maintenance, visibility, and safety.

Public Comment on Traffic Circles: 10 speakers.

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

Consent Calendar

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

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

Councilmember Harrison absent 6:05 p.m. – 6:42 p.m.
Consent Calendar

1. **Revision to the 2018 City Council Meeting Schedule**
   
   **From:** City Manager
   
   **Recommendation:** Adopt a Resolution revising the City Council regular meeting schedule for 2018, with starting times of 6:00 p.m.
   
   **Financial Implications:** None
   
   **Contact:** Mark Numainville, City Clerk, 981-6900
   
   **Action:** Adopted Resolution No. 68,579–N.S.

2. **Memorandum of Understanding: Berkeley Fire Fighters Association/I.A.F.F. Local 1227**
   
   **From:** City Manager
   
   **Recommendation:** Adopt two Resolutions: 1) approving a new three (3) year Memorandum of Understanding (hereafter referred to as “MOU”) with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 (hereafter referred to as the “Association”) with a term of June 18, 2017 through June 27, 2020 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU; and 2) approving a new salary resolution for Representation Unit B to implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 67,209-N.S.
   
   **Financial Implications:** See report
   
   **Contact:** LaTanya Bellow, Human Resources, 981-6800
   
   **Action:** Adopted Resolution No. 68,580–N.S. (MOU), and Resolution No. 68,581–N.S. (Salary).

3. **Memorandum of Understanding: Berkeley Police Association**
   
   **From:** City Manager
   
   **Recommendation:** Adopt two Resolutions: 1) approving a new three (3) year Memorandum of Understanding (hereafter referred to as “MOU”) with the Berkeley Police Association (hereafter referred to as the “Association”) with a term of July 1, 2017 through June 30, 2020 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU; and 2) approving a new salary resolution for Representation Units E and F that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 67,187-N.S. Also, authorize the City Manager to make non substantive edits to the format and language of the Memorandum of Understanding in alignment with Council Direction, the tentative agreement and conforming to legal requirements.
   
   **Financial Implications:** See report
   
   **Contact:** LaTanya Bellow, Human Resources, 981-6800
   
   **Action:** Adopted Resolution No. 68,582–N.S. (MOU), and Resolution No. 68,583–N.S. (Salary).
A. Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits

From: City Manager

Recommendation: Adopt an Urgency Ordinance adding a new Chapter 13.45 to the Berkeley Municipal Code Title 13 (Public Peace, Morals and Welfare) to authorize the City Manager to issue rules for unpermitted street events.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, 981-6950

Action: 15 speakers. M/S/C (Arreguin/Maio) to adopt Ordinance No. 7,623–N.S. with the following amendments:

- 13.45.020 amended to add “This authorization does not extend to facial coverings.” as the second to last sentence in that section.
- Add Section 13.45.110 to read “Notice of the restrictions shall be placed on the City’s website at least 24 hours prior to the effective date of the restrictions.”
- Re-number the sunset clause to 13.45.120.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.
4. Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot
From: City Manager
Recommendation:
1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of $135 million to acquire, rehabilitate, preserve or construct affordable housing, submitting to the Berkeley electorate on the November 6, 2018 ballot a measure to authorize a general obligation bond in that amount, and rescinding Resolutions Nos. 68,515-N.S. and 68,516-N.S.
2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282(b).
**Financial Implications:** See report
Contact: Farimah Brown, City Attorney, 981-6950

**Action:** M/S/C (Arreguin/Maio) to accept supplemental material from Mayor Arreguin on Item 4.

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

Councilmember Wengraf absent 7:23 p.m. – 7:28 p.m.

Councilmember Droste absent 7:24 p.m. – 7:28 p.m.

**Action:** 2 speakers. M/S/C (Arreguin/Maio) to:
1. Adopt Resolution No. 68,584–N.S. as revised below:
   a. Remove all references from the measure related to reimbursing the City for the purchase of property at 1001, 1007, 1011 University, and 1925 Ninth Street.
   b. Adding a new Whereas clause after the first Whereas clause to state, “Whereas, the City Council has adopted a goal of achieving at least 10% reserved affordable housing by 2030; and”
   c. In the first Whereas clause add “students” after “homeless”
   d. Adopting the revised ballot question stated here:

   **Shall the measure to issue $135 million in general obligation bonds to create and preserve affordable housing for low-income households, working families, and individuals including teachers, seniors, veterans, the homeless, and persons with disabilities; subject to citizen oversight and independent audits, be adopted?**

   **Financial Implications:** Annual cost over projected 36-year period bonds are outstanding is approximately $23 for every $100,000 or $97 for the average assessed home value of $425,000; raising approximately $7,500,000/year.

2. Designate Mayor Arreguin and Councilmembers Hahn, Harrison, and Maio to author ballot arguments on behalf of the City Council.

**Vote:** All Ayes.
5. 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 24, 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/Wengraf) to accept supplemental material from Councilmember Wengraf on Item 5.

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

Councilmember Worthington absent 7:59 p.m. – 8:07 p.m.
Councilmember Droste absent 8:00 p.m. – 8:08 p.m.

Recess 8:37 p.m. – 8:50 p.m.

Action: 22 speakers. M/S/Failed (Wengraf/Droste) to adopt a tiered tax rate and adopt the remainder of the measure as-is.

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

Action: M/S/Carried (Arreguin/Harrison) to:

1. Adopt Resolution No. 68,585–N.S. as written in Supplemental Reports Packet #2 with the amendments and revised ballot question below.
   a. Section L of the findings amended to read, in part, “…of Alameda County, State, and Federal resources…”
   b. Add a sentence to Section 7.52.040.B to read, “For purposes of this paragraph, the rebate available under Section 7.52.060.K shall be limited to the rebate that would be available based on the tax rate imposed pursuant to Paragraph A.”
   c. Authorize the City Manager to make any required technical modifications to the measure or the ballot question.
   d. Amend the ballot question to read as follows:

   Shall an ordinance raising funds for general municipal purposes such as navigation centers, mental health support, rehousing and other services for the homeless, including homeless seniors and youth; increasing the real property transfer tax for ten years from 1.5% to 2.5% for property sales and transfers over $1,500,000, adjusted annually to capture the top approximately 33% of transfers; generating an estimated $6,000,000 - $8,000,000 annually; and
Action Calendar

establishing the Homeless Services Panel of Experts to recommend homeless services, be adopted?

2. Designate Mayor Arreguin and Councilmembers Harrison, Hahn, and Maio to submit ballot arguments on behalf of the City Council.

**Vote:** All Ayes.
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/C (Maio/Arreguin) to suspend the rules and extend the meeting to 12:00 a.m.
Vote: Ayes – Maio, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – Davila; Abstain – Hahn.

Action: M/S/C (Hahn/Maio) to suspend the rules and extend the meeting to 12:30 a.m.
Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Davila; Abstain – None; Absent – Worthington.

Councilmember Worthington absent 11:15 p.m. – 11:54 p.m.

Action: M/S/C (Hahn/Maio) to suspend the rules and extend the meeting to 1:00 a.m.
Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – Davila; Abstain – None; Absent – Wengraf.

Action: M/S/Failed (Arreguin/Maio) on the severed portion to set the rolling exemption in the measure at 18 years.
Vote: Ayes – Hahn, Arreguin; Noes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste.
Action Calendar

**Action:** 29 speakers. M/S/C (Droste/Maio) to:
1. Adopt Resolution No. 68,586–N.S. placing the measure on the ballot as recommended by the Rent Board, and including revisions from the City Attorney, with the following amendments:
   a. Setting the rolling exemption to 20 years.

   N. A rental unit in a residential property containing a lawfully established and fully permitted Accessory Dwelling Unit where the landlord also occupies a unit in the same property as his/her principal residence. This subsection (13.76.050N) shall only apply to properties containing a single Accessory Dwelling Unit, shall only apply to units compliant with all applicable requirements of Chapter 23C.24 (“Accessory Dwelling Units”), and shall only apply to tenancies created after November 7, 2018.

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

**Action:** M/S/C (Arreguin/Maio) to designate Mayor Arreguin and Councilmember Maio to submit ballot arguments on behalf of the City Council.

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

7. **Placing a Charter Amendment relating to the Police Review Commission on the November 6, 2018 Ballot** *(Continued from July 24, 2018. Item contains supplemental material.)*

   **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:** No action taken. If a special meeting is called prior to August 10, 2018, this item will appear on that agenda. If no meeting is called, the item will be referred to the Agenda Committee.
8. Resolution creating a ballot measure which establishes a 50-cents per ride tax on Transportation Network Companies *(Continued from July 24, 2018. Item contains revised material.)*

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: No action taken. If a special meeting is called prior to August 10, 2018, this item will appear on that agenda. If no meeting is called, the item will be referred to the Agenda Committee.

9. Lobbyists Registration and Regulation Ordinance; Amendments to existing Revolving Door Ordinance *(Continued from July 24, 2018. Item contains revised 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: 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: M/S/C (Arreguin/Worthington) to hold over Item 9 and Item 11 to September 13, 2018 including supplemental and revised materials.

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

10. Direction to the City Manager Regarding the Community Service In Lieu of Parking Penalties Program *(Continued from July 24, 2018.)*

From: Councilmembers Bartlett, Davila, Harrison, and Hahn

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: Moved to Consent Calendar. Approved recommendation.
Action Calendar

11. **Accessory Dwelling Unit Ordinance Updates** *(Continued from July 24, 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:** Item held over to September 13, 2018 including revised materials.

12. **Ordinance Allowing Currently Permitted Non-Cannabis Nurseries in Specified Areas to Become Commercial Cannabis Retail Nurseries** *(Continued from July 24, 2018. Item contains supplemental material.)*

   **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:** Moved to Consent Calendar. Adopted revised recommendation to refer the item to the City Manager and City Attorney to evaluate if the policy needs to be considered by the Planning Commission, and if it does, to send the item to the Commission; if it does not need to be considered by the Planning Commission, bring the item back to Council in September or October 2018 as appropriate.

Adjournment

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

1. Ronald V. Dellums, Former Congressman

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

Councilmember Davila absent 12:28 a.m. – 12:29 a.m.

Councilmember Harrison absent 12:28 a.m. – 12:29 a.m.

Adjourned at 12:29 a.m.
This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of July 31, 2018.

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Mark Numainville, City Clerk

Communications

• None

Supplemental Communications and Reports 1

• None

Supplemental Communications and Reports 2

Item #A: Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits
  1. Tracy Rosenberg

Item #4: Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot
  2. Supplemental materials, submitted by Mayor Arreguin and Councilmember Hahn

Item #5: 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
  3. Supplemental materials, submitted by Mayor Arreguin and Councilmembers Hahn, Harrison and Maio

Item #6: Placing a Measure on the November 6, 2018 Ballot Amending the Rent Ordinance—Berkeley Municipal Code Chapter 13.76
  5. Julia Cato
  6. Carol Denney
  7. Cameron Woo
  8. Claudia Kawczynska
  9. Berkeley Tenants Union

Item #9: Lobbyists Registration and Regulation Ordinance; Amendments to existing Revolving Door Ordinance
  10. Supplemental materials, submitted by Councilmember Harrison

Supplemental Communications and Reports 3

Item #A: Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits
  11. National Lawyers Guild

Item #4: Placing a General Obligation Bond Measure for Affordable Housing on the November 6, 2018 Ballot
12. Laura Menard
13. Christine Schwartz
14. Robert Krumme
15. No name

**Item #5: 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**

16. Supplemental materials, submitted by Councilmember Wengraf
17. Barbara Gilbert

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

18. Rent Stabilization Board
19. Jesse Townley
20. Bryce Nesbitt
21. Shang-Mei Lee
22. Mary Canavan

**Misc. Communications**

**Traffic Circles**

23. Unknown