

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, October 30, 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:** 6:10 p.m.

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

**Absent:** Droste

Councilmember Droste present at 6:35 p.m.

**Report from Closed Session:**

At the closed session meeting on October 30, 2018, Council gave direction to staff to approve the settlement agreement as to claims under the Fair Labor Standards Act and applicable Memorandum of Agreements and compensation plans for an amount not to exceed \$473,938.51.

**Ceremonial Matters:**

- 1. Recognition of Anna L. Saylor, Suffragette and First Berkeley Woman Elected to State Office

**City Manager Comments:**

- 1. Public Comment on Transfer Station Design – Nov. 7, 1:30 p.m., Main Branch Library
- 2. Center Street Garage Opening Ceremony – Nov. 2, 1:00 p.m.

**City Auditor Comments:** None

**Public Comment on Non-Agenda Matters:** 6 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 27 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to add an urgency item titled “United Against Anti-Semitism” to the agenda under the provisions of Government Code Section 54954.2(b)(2).

**Vote:** All Ayes.

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

**Vote:** All Ayes.

Recess 8:05 p.m. – 8:21 p.m.

### **Urgency Item: United Against Anti-Semitism**

**Recommendation:** Adopt a Resolution condemning anti-Semitism and the terrorist attack at the Tree of Life Synagogue.

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

**Action:** Adopted Resolution No. 68,636-N.S. condemning anti-Semitism and the Tree of Life terrorist attack and send a copy of the resolution to the Pittsburgh Mayor and Council.

- 1. Adopt a revised Group Living Accommodations (GLA) Ordinance (No. 7445-NS) as recommended by the City/UC/Student Relations (4x6) Committee**  
**From: Councilmembers Worthington, Harrison, Wengraf, and Droste**  
**Recommendation:** Adopt second reading of Ordinance No. 7,631-N.S., which would respond to the housing crisis in Berkeley as well as promote fair and equal treatment of all residents. Specifically, we recommend amending BMC 13.42.040D, to delete language providing for the removal of bedrooms: revising BMC 13.42.020 to include a definition of property manager, and also amending BMC 13.42.036C to ensure consistency with the Community Noise Ordinance.  
**First Reading Vote:** All Ayes  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted second reading of Ordinance No. 7,631-N.S.

## Consent Calendar

**2. Adoption of Administrative Regulations Regarding Temporary Non-Commercial Objects on Sidewalks and Parklets, and Amending BMC Chapter 14.48**

**From: Mayor Arreguin and Councilmembers Hahn and Maio**

**Recommendation:** Adopt second reading of Ordinance No. 7,632-N.S. amending BMC Chapter 14.48, "Miscellaneous Use of Streets and Sidewalks."

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

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Adopted second reading of Ordinance No. 7,632-N.S.

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

**3. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of September 13, 2018 (regular), September 20, 2018 (special closed), September 20, 2018 (special), September 24, 2018 (special closed), September 25, 2018 (special), and September 25, 2018 (regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved recommendation.

**4. Contract No. 9712 Amendment: QuickCaption, Inc. for Real-Time Closed Captioning Stenography Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9712 with QuickCaption, Inc. for the provision of real-time closed captioning stenography services at all work sessions, regular and special meetings of the City Council and Successor Agency to the former Redevelopment Agency, increasing the contract by \$120,000 for a total not to exceed amount of \$201,900, and extending the contract to July 31, 2024.

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

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Adopted Resolution No. 68,637–N.S.

## Consent Calendar

- 5. Use Agreement: Berkeley Unified School District for Use of the Board Room at 1231 Addison Street and Associated Facilities for Official City Meetings**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the use agreement between the City of Berkeley and Berkeley Unified School District for use of the Board Room at 1231 Addison Street, and associated facilities, on Tuesdays and Thursdays for official city meetings including the City Council, the Zoning Adjustments Board, and Rent Stabilization Board.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 68,638–N.S.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 30, 2018**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids 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 - \$240,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 7. Mental Health Services Act (MHSA) Fiscal Year 2018-2019 (FY19) Annual Update**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year 2018-2019 (FY19) Annual Update, which provides information on current and proposed uses of funds on mental health programming, and forwarding the MHSA FY19 Annual Update to appropriate state officials.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,639–N.S.

## Consent Calendar

8. **Mental Health Services Act (MHSA) Innovations (INN) Trauma Informed Care (TIC) Plan Update**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to approve the Mental Health Services Act (MHSA) Innovations (INN) Trauma Informed Care (TIC) Plan Update which proposes to change the target population from BUSD to Head Start, increase the funding amount by \$266,134 for a total project amount not to exceed \$446,134 through June 30, 2021, and to send the MHSA INN TIC Plan Update to the Mental Health Services Oversight and Accountability Commission (MHSOAC) for final State approval.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,640–N.S.

## Consent Calendar

### 9. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI), and Community Services and Supports (CSS) increasing the contract amounts as outlined below, providing an advance payment, and extending the contracts through June 30, 2019:

1. Increasing PEI Contract No. 8573H with Albany Unified School District (AUSD) by \$64,192 for a total contract amount not to exceed \$502,316 for services to Asian Pacific Islander, Latino, and African American youth;
2. Increasing PEI Contract No. 8801G with Center for Independent Living (CIL) in the amount of \$32,046 for a total contract amount not to exceed \$224,538 for supports for senior citizens;
3. Increasing PEI Contract No. 8560H with G.O.A.L.S. For Women, Inc. in the amount of \$32,046 for a total amount not to exceed \$251,058 to serve African American women and their families;
4. Increasing PEI Contract No. 8516H with Pacific Center for Human Growth in the amount of \$32,046 for a total contract amount not to exceed \$251,058 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;
5. Increasing PEI Contract No. 8606H with Covenant House California-YEAH! Program, in the amount of \$32,046 for a total contract amount not to exceed \$251,058 for support groups for Transition Age Youth (TAY);
6. Increasing PEI Contract No. 8975F with Berkeley Unified School District (BUSD) in the amount of \$55,000 for a total contract amount not to exceed \$380,000 for elementary school youth; and
7. Increasing CSS Contract No. 9553D with Covenant House California-YEAH! Program by \$122,856 for a total contract amount not to exceed \$632,430 for services for transition age youth.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,641–N.S. (AUSD); Resolution No. 68,642–N.S. (CIL); Resolution No. 68,643–N.S. (G.O.A.L.S.); Resolution No. 68,644–N.S. (Pacific Center); Resolution No. 68,645–N.S. (Covenant – Support Groups); Resolution No. 68,646–N.S. (BUSD); and Resolution No. 68,647–N.S. (Covenant – Services).

## Consent Calendar

- 10. Revenue Grant: U.S. Food and Drug Administration for Local Retail Food Safety Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept revenue grant awards from the U.S. Food and Drug Administration (FDA), administered through the Association of Food and Drug Officials (AFDO) Managed Retail Program Standards Grant Program, for continued work on a local Retail Food Safety Program plan, and execute any resultant revenue agreements and amendments. Revenue is projected for a total amount of \$29,000 for Fiscal Year 2019.  
**Financial Implications:** \$29,000 (grant)  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,648–N.S.
- 11. Contract No. R10805 Amendment: Community Services Block Grant (CSBG) for January 2018 – May 2019**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Authorizing the City Manager or her designee to execute an amendment to Community Services Block Grant (CSBG) Contract Number R10805 (CSBG Agreement No.18F-5001) to increase the amount to \$304,935 and extend the period to May 31, 2019; 2. Utilize additional program funds of \$41,718 to provide rental assistance to formerly homeless clients participating in the City’s Shelter Plus Care program; and 3. Execute any resultant agreements and amendments to provide services for low-income people for the period January 1, 2018 to May 31, 2019.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,649–N.S.
- 12. Contract No. 7654A Amendment: Center for Organizational Effectiveness for Employee Training Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract 7654A with Center for Organizational Effectiveness in order to provide continued services for employee training programs by increasing expenditure authority in an amount not to exceed \$100,000, for a total contract amount of \$690,000 and extending the contract to December 31, 2019.  
**Financial Implications:** Training Fund - \$100,000  
Contact: LaTanya Bellow, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,650–N.S.

## Consent Calendar

- 13. Contracts: Rolling Orange, Inc. for Website Redesign, Web Content Management System (CMS) and Support and Acquia Inc. for Website Hosting, Maintenance, and Hosting Support**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Authorizing the City Manager to execute a contract and subsequent amendments with Rolling Orange for a website redesign and implementation, support, and related services of a web content management system (CMS) for the City website, for an amount not to exceed \$487,300 from November 1, 2018 through October 31, 2021.  
2. Authorizing the City Manager to execute a contract and subsequent amendments with Acquia Inc. for website hosting, maintenance, and support for an amount not to exceed \$144,000 from November 1, 2018 through October 31, 2021.  
**Financial Implications:** General Fund - \$631,300  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,651–N.S. (Rolling Orange) and Resolution No. 68,652–N.S. (Acquia Inc.).
- 14. Contract: B Bros Construction, Inc. for San Pablo Park Restroom Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the San Pablo Park Restroom Renovation project, Specification No. 18-11210-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, B Bros Construction, Inc.; 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 B Bros Construction, Inc., for the San Pablo Park Restroom Renovation project at 2800 Park Street, Berkeley, CA 94702, in an amount not to exceed \$461,295, which includes a contract amount of \$384,413 and a 20% contingency in the amount of \$76,882.  
**Financial Implications:** Parks Tax Fund - \$461,295  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,653–N.S.
- 15. Purchase Order: National Auto Fleet Group for Two Ford F-350 Stake Bed Trucks**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures, and authorizing the City Manager to execute a purchase order for two model year 2019 Ford F-350 Stake Bed trucks with National Auto Fleet Group in an amount not to exceed \$121,000.  
**Financial Implications:** Various Funds - \$121,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,654–N.S.



## Consent Calendar

- 16. Purchase Order: National Auto Fleet Group for Three Chevrolet Tahoes**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for three model year 2019 Chevrolet Tahoes with National Auto Fleet Group in an amount not to exceed \$181,000.  
**Financial Implications:** Equipment Replacement Fund - \$181,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,655–N.S.
- 17. Purchase Order: National Auto Fleet Group for Two Ford E-450 Passenger Buses**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for two model year Ford E-450 Passenger Buses with National Auto Fleet Group in an amount not to exceed \$179,800.  
**Financial Implications:** Equipment Replacement Fund - \$179,800  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,656–N.S.
- 18. Renewal of the Elmwood Avenue BID for Calendar Year 2019**  
**From: Elmwood Advisory Board**  
**Recommendation:** Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board’s (hereafter “Elmwood BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the Annual Report and preliminary budget for proposed improvements in the District for calendar year 2019; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2019 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 27, 2018.  
**Financial Implications:** See report  
Contact: Kieron Slaughter, Commission Secretary, 981-7530  
**Action:** Adopted Resolution No. 68,657–N.S.

## Consent Calendar

### 19. **Renewal of the Solano Avenue BID for Calendar Year 2019**

**From: Solano Avenue BID Advisory Board**

**Recommendation:** Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2018 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2019; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2019; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 27, 2018.

**Financial Implications:** See report

Contact: Eleanor Hollander, Commission Secretary, 981-7530

**Action:** Adopted Resolution No. 68,658–N.S.

## Council Consent Items

### 20. **Proposed Portland Loo Installations in Telegraph Commercial District**

**From: Mayor Arreguin and Councilmember Hahn**

**Recommendation:** Short-Term Referral to the City Manager to identify costs for the installation of a "Portland Loo" type of bathroom facility in Telegraph Commercial District. Costs should be comprehensive and include, but not be limited to: the facility, infrastructure, design, construction, oversight and any contingencies.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation and amended to remove the first sentence from the second paragraph of the Background section of the report.

### 21. **Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures**

**From: Mayor Arreguin, Councilmembers Hahn, Droste, and Harrison**

**Recommendation:** Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation.

## Council Consent Items

### 22. Clarifying Jurisdiction of Ohlone Greenway

**From: Councilmembers Maio and Hahn**

**Recommendation:** This item requests the City Council clarify that park policies extend to the Ohlone Greenway, and to communicate this to City staff for purposes of maintenance as well as rules and regulations.

**Financial Implications:** Staff time

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

**Action:** Moved to Action Calendar. Item, including revised materials, held over to November 13, 2018.

### 23. Budget Referral: Increasing Safety at San Pablo Park

**From: Councilmember Davila**

**Recommendation:** Refer to the FY19 (2018/2019) November 2018 AAO Budget Process for the following four items to improve safety at San Pablo Park in light of recent shootings and traffic incidents:

1. Conduct a traffic safety assessment of the streets surrounding San Pablo Park: Identify measures that can be taken to reduce risk to pedestrians, pets, and bikers, particularly in light of the number of daycare providers that bring dozens of infants, toddlers and young children to the park daily.
2. Extend the hours that the Frances Albrier Community Center is open: Open at 9:30am rather than 1pm to provide access to toilets, have a staff presence and provide a shelter option in case of an emergency situation.
3. Re-initiate classes for daycare providers who use San Pablo Park out of the Frances Albrier Community Center: Historically, the City provided a variety of classes on safety and recreation for daycare providers who use San Pablo Park. This referral includes re-establishing a series of courses that daycare providers find useful based on gathering their input. One such course requested was sheltering in place in the situation of an active shooter.
4. Develop, implement and coordinate drills for active shooter and other emergency protocol at San Pablo Park: Create protocol with input from community partners, then orient licensed daycare providers, coaches, trainers and program staff who operate out of the park, and conduct drills with City staff operating the Center and providers in order to prepare for emergencies and how to use the Center as a shelter during or following them.

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. Item held over to November 13, 2018.

## Council Consent Items

- 24. Resolution in Opposition to Local Pesticide Preemption**  
**From: Councilmembers Harrison, Wengraf, Hahn, and Davila**  
**Recommendation:** Adopt a Resolution opposing the local pesticide preemption clause in the upcoming federal Farm Bill and send it to Senators Feinstein and Harris.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 68,659–N.S.
- 25. Referring to City Manager to Draft an Ordinance Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Buildings Containing Vacant Commercial Units Meet a Condition of Unlawful Nuisance**  
**From: Councilmembers Harrison and Davila**  
**Recommendation:** Refer City Manager to draft an ordinance amending Berkeley Municipal Code Chapter 12.92 to specify the time period after which buildings containing vacant commercial units meet a condition of unlawful nuisance.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Councilmembers Bartlett and Droste added as co-sponsors. Approved recommendation.
- 26. Endorsement of the East Bay Regional Park District Measure FF on the November 2018 Ballot**  
**From: Councilmembers Worthington, Hahn, Wengraf, and Davila**  
**Recommendation:** That the Council endorse Measure FF to support the East Bay Regional Park District in the November 2018 Ballot.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmember Davila removed as a co-sponsor. Approved recommendation.  
**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Davila.

## Council Consent Items

27. **Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days**  
**From: Councilmembers Worthington and Harrison**  
**Recommendation:** Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Department Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
28. **Referral to the Civic Arts Commission to create interactive family-friendly art attractions**  
**From: Councilmember Worthington**  
**Recommendation:** Recommend that the Council refer to the Civic Arts Commission to create interactive family-friendly art attractions in the City of Berkeley.  
**Financial Implications:** Unknown  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

## Action Calendar

### 29. 2018 Mid-Year Crime Report

**From: City Manager**

**Recommendation:** Review and discuss the semi-annual report on crime statistics in Berkeley for January through June of 2018. This report provides Council with accurate crime data with the intent of informing the discussion on current efforts to reduce crime and victimization in the City of Berkeley.

**Financial Implications:** None

Contact: Andrew Greenwood, Police, 981-5900

**Action:** M/S/C (Arreguin/Maio) to extend debate for 20 minutes.

**Vote:** All Ayes.

**Action:** 14 speakers. Discussion held.

**Action:** M/S/C (Arreguin/Maio) to hold over Items 22 and 23 to November 13, 2018.

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

Councilmember Droste absent 9:44 p.m. – 9:53 p.m.

Councilmember Harrison absent 9:44 p.m. – 9:55 p.m.

## Action Calendar

### 30. **Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code** *(continued from October 2, 2018)*

**From: City Manager**

**Recommendation:**

1. Adopt second reading of Ordinance No. 7,626-N.S. granting a franchise agreement with IKE Smart City, LLC and the City of Berkeley to operate wayfinding kiosks in Berkeley.
2. Adopt second reading of Ordinance No. 7,627-N.S. 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.

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

**Financial Implications:** See report

Contact: Jordan Klein, Economic Development, 981-7530

**Action:** M/S/C (Arreguin/Wengraf) to accept revised materials from staff on Item 30 and accept supplemental materials from Councilmember Hahn on Item 30.

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

Councilmember Davila absent 9:53 p.m. – 9:56 p.m.

**Action:** M/S/C (Wengraf/Worthington) to suspend the rules and extend the meeting to 11:15 p.m. to hear Items 30 and 31; and to hold over Item 32 to November 13, 2018.

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

Councilmember Maio absent 10:39 p.m. – 10:46 p.m.

**Action:** 10 speakers. M/S/Failed (Harrison/Davila) to:

1. Adopt the second reading of Ordinance No. 7,626–N.S. granting a franchise agreement with IKE Smart City, LLC and the City of Berkeley to operate wayfinding kiosks in Berkeley.
2. Adopt a new first reading of Ordinance No. 7,627–N.S. as written in the revised material from staff accepted at the meeting to make the necessary changes to sign ordinance and the encroachment permit regulations. Second reading scheduled for November 13, 2018.
3. Provide suggested amendments to the agreement – Section 8.L 15 kiosks in Phase 1 and 16 kiosks in Phase 2; Ads for alcohol over 20% is banned, and ads for alcohol under 20% is limited to businesses eligible for the 50% advertising discount;

## Action Calendar

Section 8.B change “council districts” to “commercial districts”; 8.B changed to state that kiosk locations will be approved by Council through an item placed on the Council Consent Calendar; Section K amended to state that the people counter function will be turned off/removed.

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

**Action:** 10 speakers. M/S/C (Worthington/Arreguin) to:

1. Adopt the second reading of Ordinance No. 7,626–N.S. granting a franchise agreement with IKE Smart City, LLC and the City of Berkeley to operate wayfinding kiosks in Berkeley.

2. Adopt a new first reading of Ordinance No. 7,627–N.S. as written in the revised material from staff accepted at the meeting to make the necessary changes to sign ordinance and the encroachment permit regulations. Second reading scheduled for November 13, 2018.

3. Provide suggested amendments to the agreement – Section 8.L 15 kiosks in Phase 1 and 16 kiosks in Phase 2; Ads for alcohol over 20% is banned, and ads for alcohol under 20% is limited to businesses eligible for the 50% advertising discount; Section 8.B change “council districts” to “commercial districts”; 8.B changed to state that kiosk locations will be approved by Council through an item placed on the Council Consent Calendar.

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



## Action Calendar – Public Hearings

31. **One-Way Car Share Pilot Program – Fee Changes** *(continued from May 29, 2018)*  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving an updated fee structure for the One-way Car Share Two-and-a-Half-Year Pilot Program for Fiscal Year 2019 that will increase residential parking permit fees by 20 percent and decrease parking meter deposits by 14 percent and amending Resolution No. 67,696-N.S.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
- Action:** M/S/C (Arreguin/Worthington) to suspend the rules and extend the meeting to 11:25 p.m.  
**Vote:** Ayes – Maio, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila, Harrison; Abstain – None.
- Public Testimony:** The Mayor opened the public hearing. 1 speaker.  
M/S/C (Maio/Worthington) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Maio/Worthington) to adopt Resolution No. 68,660–N.S.  
**Vote:** All Ayes.
32. **One-Way Car Share – Mid-Pilot Program Report** *(continued from May 29, 2018)*  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Item held over to November 13, 2018.

## Council Action Items

33. **Referral to the Sugar-Sweetened Beverage Product Panel of Experts to draft ballot language to double the general tax and include diet beverages**  
**From: Councilmembers Worthington and Davila**  
**Recommendation:** Recommend that the Council refer to the Sugar-Sweetened Beverage Product Panel of Experts to look into drafting ballot language to double the general tax on the distribution of sugar-sweetened beverage products and also include artificially-sweetened beverage products under the general tax.  
**Financial Implications:** Unknown  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Approved recommendation as revised in Supplemental Reports #2.

*The City Council requests that the Sugar-Sweetened Beverage Product Panel of Experts creates a statement, with input from members of the community, about the proposed statewide initiative, its proposed revenue allocations, and approaches to incorporate community-based input that can be widely disseminated.*

## Council Action Items

**34. Referral to City Manager to look into establishing a Berkeley Fair Chance Ordinance, Banning the Box in Housing and Renting to Mitigate Discrimination Against Formerly Incarcerated People**

**From: Councilmembers Worthington and Davila**

**Recommendation:** Referral to the City Manager to look into banning the box for housing and rental units (I.) Preclude housing providers from taking adverse actions against tenants who were formerly incarcerated (II.) Allow a tenant to submit a complaint to the proper City agency if a tenant suspects that their landlord has violated this ordinance (III.) Impose appropriate and proportionate penalties on housing providers that violate the ordinance.

**Financial Implications:** Minimal

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

**Action:** Mayor Arreguin and Councilmember Bartlett added as co-sponsors. Moved to Consent Calendar. Approved recommendation as revised in Supplemental Reports Packet #2.

*Referral to the City Manager and 4x4 Committee to look into banning the box for housing and rental units*

*I. Preclude housing providers from taking adverse actions against tenants who were formerly incarcerated.*

*II. Allow a tenant to submit a complaint to the proper City agency if a tenant suspects that their landlord has violated this ordinance.*

*III. Impose appropriate and proportionate penalties on housing providers that violate the ordinance.*

## Referred Items

**35. City Manager referral: Initiate a franchise agreement with FlixBus (Referred from Agenda Committee due to Significant Lack of Background or Supporting Information)**

**From: Councilmember Worthington**

**Recommendation:** That the Council refer to the City Manager initiation of a franchise agreement with FlixBus, 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, and providing a procedure for the assessment and collection of administrative penalties for permit violations.

**Financial Implications:** See report

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

**Action:** Councilmember Harrison added as a co-sponsor. Moved to Consent Calendar. Approved recommendation as written in Supplemental Reports Packet #2.

*That the Council refer an initiation of a franchise agreement with FlixBus, 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.*

## Information Reports

36. **City Council Short Term Referral Process – Monthly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Received and filed.
37. **FY 2018-19 Commission on the Status of Women Work Plan**  
**From: Commission on the Status of Women**  
Contact: Shallon Allen, Commission Secretary, 981-7071  
**Action:** Received and filed.
38. **FY 2018-19 Peace and Justice Commission Work Plan**  
**From: Peace and Justice Commission**  
Contact: Shallon Allen, Commission Secretary, 981-7071  
**Action:** Received and filed.
39. **Police Review Commission Work Plan for 2018-2019**  
**From: Police Review Commission**  
Contact: Katherine Lee, Commission Secretary, 981-4950  
**Action:** Received and filed.
40. **League of California Cities 2018 Annual Conference Report**  
**From: Councilmember Hahn**  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 2 speakers.**

## Adjournment

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

1. Victims of the Tree of Life Synagogue Shooting in Pittsburgh, PA

Cecil Rosenthal, 59	Joyce Fienberg, 75
David Rosenthal, 54	Richard Gottfried, 65
Sylvan Simon, 86	Jerry Rabinowitz, 66
Bernice Simon, 84	Daniel Stein, 71
Rose Mallinger, 97	Melvin Wax, 86
	Irving Younger, 69
2. Victims of the Kentucky Kroger Shooting, Maurice Stallard and Vickie Jones
3. Ntozake Shange, Black Feminist and Playwright

**Vote:** All Ayes.

Adjourned at 11:19 p.m.

## **Communications**

### **Item #35: City Manager referral: Initiate a franchise agreement with FlixBus**

1. Taynara Costa, on behalf of FlixBus

### **Illegal Tent Encampment – 63<sup>rd</sup> and MLK**

2. Winifred Guthikonda

### **Camping on our Streets**

3. Patricia George

### **Implementation of AB 2544**

4. Brandon Greene, on behalf of the East Bay Community Law Center – Referred to the City Manager by Mayor Arreguin.

### **Gun Ordinance**

5. Jordan Meyer
6. Jeff Bercovici

### **Hearst and Milvia Playground – A Hostile Environment**

7. Erik Dreher – Referred to the City Manager by Mayor Arreguin.

### **Ban Plastic Bags**

8. Nancy Joachim

### **West Berkeley Ohlone Shellmound – For & Against**

9. Doug Norleen, on behalf of the Friends of the Earth U.S.
10. Liz Exter

### **Berkeley's Carbon Emissions from Electricity**

11. Tom Kelly

### **City Council Sound Check at Meetings**

12. Christine Schwartz

### **Fund Utility Undergrounding Manager**

13. Bill and Lori Pottinger
14. Ann Healy
15. Robin Candler
16. Marilyn Margulius
17. Ray Yep, on behalf of the Public Works Commission
18. Paul Degenkolb
19. Bob Flasher
20. Judith and Burton Calder
21. Diana Bohn

22. Harriet Cohen
23. Margaret Fouda
24. Janet Huseby
25. George Buffington
26. Michael and Kristen Frantz
27. Chris Lillevand Hendricks
28. Erica Roberts
29. Joshua Schnoll
30. Gene Meyers
31. Barbara Bibel
32. Kim Marder
33. Michael Lampton
34. Patricia Kelly
35. June Chatterjee

#### **The Homeless**

36. Richard James
37. Carol Denney

#### **Oppose 5G**

38. Phoebe Sorgen
39. Vivian Warkentin

#### **Cannabis**

40. Ramon Garcia

#### **RV Parking**

41. Carly Baker

#### **Smoke Free Multifamily Housing**

42. Mike Uberti, on behalf of Housing Advisory Commission

#### **Housing Quotas**

43. Thomas Lord

#### **Secondhand Smoke**

44. Carol Denney

### **Supplemental Communications and Reports 1**

#### **Item #23: Budget Referral – Increasing Safety at San Pablo Park**

45. Michael Long

#### **Item #29: 2018 Mid-Year Crime Report**

46. Supplemental materials, submitted by Councilmember Harrison

#### **Item #30: Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code**

47. Revised materials, submitted by the Office of Economic Development

## **Supplemental Communications and Reports 2**

### **Item #22: Clarifying Jurisdiction of Ohlone Greenway**

48. Revised materials, submitted by Councilmember Maio

49. AJ Gilbert, on behalf of the Berkeley Way Neighborhood Association.

50. Cara Kreit

### **Item #23: Budget Referral: Increasing Safety at San Pablo Park**

51. Minda Berbeco

### **Item #26: Endorsement of the East Bay Regional Park District Measure FF on the November 2018 Ballot**

52. Isis Feral

53. Soula Culver

54. Stephanie Thomas

55. Mary Sue Meads

56. Tanya Smith

57. Teri Smith

58. Bev Von Dohre

### **Item 30: Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code**

59. Supplemental materials, submitted by City Manager's Office

60. Supplemental materials, submitted by Councilmember Hahn, Mayor Arreguin, and Councilmembers Harrison and Wengraf

### **Item 33: Referral to the Sugar-Sweetened Beverage Product Panel of Experts to draft ballot language to double the general tax and include diet beverages**

61. Revised materials, submitted by Councilmember Worthington

### **Item 34: Referral to City Manager to look into establishing a Berkeley Fair Chance Ordinance, Banning the Box in Housing and Renting to Mitigate Discrimination Against Formerly Incarcerated People**

62. Revised materials, submitted by Councilmember Worthington

### **Item #35: City Manager referral: Initiate a franchise agreement with FlixBus**

63. Revised materials, submitted by Councilmember Worthington

64. David Sorrell

## **Supplemental Communications and Reports 3**

### **Item #1: Adopt a revised Group Living Accommodations (GLA) Ordinance (No. 7445-NS) as recommended by the City/UC/Student Relations (4x6) Committee**

65. Christine Schwartz

### **Item #26: Endorsement of the East Bay Regional Park District Measure FF on the November 2018 Ballot**

66. Pauline Bondonno, on behalf of the Community Health Education Institute (2)

67. Susan Werner

- 68. Madeline Hovland
- 69. David Lews, on behalf of the Save The Bay Action Fund
- 70. L. Darlene Pratt
- 71. Hayley Currier
- 72. Wanda Warketin
- 73. Shelana deSilva
- 74. Yulie Padmore, on behalf of East Bay Regional Park District (2)
- 75. Unknown (3)
- 76. Maxina Ventura
- 77. David Maloney

## **Action Calendar**

### **Item #29: 2018 Mid-Year Crime Report**

- 78. Presentation, submitted by Chief Greenwood

### **Item #30: Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code**

- 79. Revised material, submitted by the Office of Economic Development
- 80. Unknown

### **Item #34: Referral to City Manager to look into establishing a Berkeley Fair Chance Ordinance, Banning the Box in Housing and Renting to Mitigate Discrimination Against Formerly Incarcerated People**

- 81. Nuha Khalfay

## **Referred Items**

### **Item #35: City Manager referral: Initiate a franchise agreement with FlixBus**

- 82. Pierre Goudain, FlixBus Managing Director

## **Information Reports**

### **Item #39: Police Review Commission Work Plan for 2018-2019**

- 83. Aidan Hill

### **Urgency Item**

- 84. United Against Anti-Semitism, submitted by Mayor Arreguin and Councilmembers Hahn and Wengraf