



Office of the City Manager

CONSENT CALENDAR  
November 27, 2018

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 October 2, 2018 (regular), October 9, 2018 (special), October 15, 2018 (special closed), October 16, 2018 (special and regular), October 22, 2018 (special closed), and October 30, 2018 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. October 2, 2018—Regular City Council Meeting
2. October 9, 2018—Special City Council Meeting
3. October 15, 2018—Special Closed City Council Meeting
4. October 16, 2018—Special City Council Meeting
5. October 16, 2018—Regular City Council Meeting
6. October 22, 2018—Special Closed City Council Meeting
7. October 30, 2018—Special Closed City Council Meeting
8. October 30, 2018—Regular City Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, October 2, 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:** Bartlett, Davila, Droste, Harrison, Hahn, Maio, Wengraf, Worthington, Arreguin

**Absent:** None

**Ceremonial Matters:**

1. Recognition of Indigenous Peoples Day 2018
2. Recognition in Memoriam of Judith Scherr, Local Activist and Journalist
3. Presentation on Measure FF by the East Bay Regional Parks District

**City Manager Comments:** None

**City Auditor Comments:** None

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

**Public Comment on Consent Calendar and Information Items Only:** 13 speakers.

**Consent Calendar**

**Action:** M/S/C (Arreguin/Worthington) to accept a revised report from staff on Item 10b.

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

## Consent Calendar – Continued Business

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

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

Councilmember Hahn absent 7:38 p.m. – 7:40 p.m.

**A. Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code** (*Continued from September 25, 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:** Second reading of Ordinance No. 7,626-N.S. and Ordinance No. 7,627-N.S. held over to October 30, 2018.

## Consent Calendar

**1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 2, 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:** FUNDS\$ Replacement Fund - \$1,300,000

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

## Consent Calendar

- 2. Contract No. 10826A Amendment: Civic Makers, LLC for Enterprise Resource Planning (ERP) Change Management Support Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10826A with Civic Makers, LLC for extension of Enterprise Resource planning (ERP) related Change Management Support Services, increasing the amount by \$80,000, for a total not to exceed \$129,025 from December 1, 2017 to June 30, 2019.  
**Financial Implications:** ERP Replacement Fund - \$80,000  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,617–N.S.
- 3. 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. (CCC) for recyclables processing to extend the current contract term through November 30, 2018 and increase the contract amount by \$466,542 for an amended total amount not to exceed \$1,521,141.  
**Financial Implications:** Zero Waste Fund - \$466,542  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,618–N.S.
- 4. Contract: Nelson\Nygaard for Community Outreach and Engagement Services for the goBerkeley Residential Shared Parking Pilot Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Nelson\Nygaard for community outreach and engagement services for the goBerkeley Residential Shared Parking Pilot project for an amount not to exceed \$250,000 for the period October 15, 2018 through June 30, 2021.  
**Financial Implications:** Various Funds - \$250,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,619–N.S.

## Council Consent Items

**5. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

**Financial Implications:** Mayor's Discretionary Funds - \$500.

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,620–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Harrison - \$100; Councilmember Davila - \$100; Councilmember Maio - \$200; Councilmember Hahn - \$200.

**6. Adopt the Recycling Reaffirmation Resolution**

**From: Councilmember Worthington**

**Recommendation:** That the Council adopt the Recycling Reaffirmation Resolution, which states that single-stream recycling and outsourced material processing contradict Berkeley's Environmental Sustainability Goals and commitment to fair labor practices.

**Financial Implications:** Minimal

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

**Action:** Moved to Action Calendar. 2 speakers. M/S/C (Worthington/Maio) to adopt Resolution No. 68,621–N.S. with the amended clauses stated below.

*WHEREAS, voters passed a \$100 million bond issue that could be used to fund the rebuild of the transfer station; and*

*WHEREAS, single-stream systems degrade the quality of recovered paper in particular, making it hard to sell for higher prices, and casting off large quantities of unrecyclable residuals that Berkeley citizens would have recycled but would be wasted instead; and*

*BE IT FURTHER RESOLVED, that the City Council declares that the two options of outsourcing City jobs and so-called "upgrading to single-stream" collection and processing are inappropriate to Berkeley; and*

**Vote:** All Ayes.

## Council Consent Items

- 7. Refer the Police Review Commission to extend time period to impose discipline on Berkeley Police Department officers pursuant to Police Review Commission findings**  
**From: Councilmember Worthington**  
**Recommendation:** Recommend that the Council refer to the Police Review Commission to extend the time limit for Police Review Commission investigations and notification of discipline from the current limit to one calendar year.  
**Financial Implications:** Unknown  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmembers Davila and Harrison and Mayor Arreguin added as co-sponsors. Approved recommendation.
  
- 8. Refer the Police Review Commission to create training requirements for Police Review Commissioners**  
**From: Councilmember Worthington**  
**Recommendation:** Request that the Police Review Commission establishes mandatory training requirements for Police Review Commissioners, with input from the Police Review Commission Officer and Chief of Police.  
**Financial Implications:** Unknown  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmembers Davila and Harrison and Mayor Arreguin added as co-sponsors. Approved recommendation amended to request that the commission consult with the City Manager regarding the training.

## Action Calendar – Public Hearings

9. **Amend BMC Chapters 6.24 and 14.52 to Authorize Paid Parking on Shattuck Avenue between Carleton Street and Ward Street and add the Northside (Euclid/Hearst) Metered Parking Area to the goBerkeley Program; and Authorize Paid Parking at the City-Owned Adeline/Alcatraz Parking Lot**  
**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 6.24 to update regulations related to parking payment, and amending Chapter 14.52 to authorize new meters on Shattuck Avenue in South Berkeley and add the Northside (Euclid/Hearst) metered parking area to the goBerkeley parking program.
2. Adopt a Resolution authorizing paid visitor parking at the City-owned parking lot at the southeast corner of Adeline Street and Alcatraz Avenue.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

M/S/C (Wengraf/Harrison) to close the public hearing.

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

Councilmember Maio absent 7:59 p.m. – 8:05 p.m.

Councilmember Hahn absent 8:00 p.m. – 8:07 p.m.

**Action:** M/S/C (Wengraf/Harrison) to:

1. Adopt first reading of Ordinance No. 7,628–N.S. Second reading scheduled for October 16, 2018.
2. Request staff to perform an analysis of the parking in the Northside area during the academic year to be completed within six months.

**Vote:** All Ayes.

Recess 8:19 p.m. – 8:29 p.m.

## Action Calendar – Continued Business

**B. Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance** *(Continued from September 25, 2018. Item contains revised and supplemental materials.)*

**From: Open Government Commission**

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

**Financial Implications:** See report

Contact: Jessica Mar, Commission Secretary, 981-6950

**Action:** 1 speaker. M/S/C (Wengraf/Maio) to request an analysis from the City Manager before the November budget discussion on the administrative impacts and cost to implement the lobbyist ordinance.

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

Councilmember Droste absent 9:17 p.m. – 10:38 p.m.

**Action:** M/S/Failed (Worthington/Wengraf) to amend the main motion to remove lobbying on land use applications from the lobbyist ordinance.

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

**Action:** M/S/C (Hahn/Harrison) to adopt first reading of Section 3 of Ordinance No. 7,629–N.S. relating to Revolving Door Restrictions with Section 2.07.030.B amended to change “January 1, 2018” to “January 1, 2019.” Second reading scheduled for October 16, 2018.

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

**Action:** M/S/C (Hahn/Harrison) to:

1) Adopt first reading of Sections 1, 2, and 4 of Ordinance No. 7,629–N.S. with the amendments noted below. Second reading scheduled for October 16, 2018.

**2.09.050.L**

*L. “Influence” or “influencing” means contacting a City elected or appointed official or employee, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions.*

**2.09.090.G**

*G. To any individuals serving in their professional capacity, (e.g. attorneys, architects, or engineers), who are employed by a local government lobbyist, and whose attempts to influence governmental action are limited to: (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public to represent or testify on behalf of a proposed development; (2) Preparing or submitting documents or writings in connection with the proposed development for use at a public meeting, public hearing, or other official proceeding open to the public; and (3) Contacting city employees or agents working under the*



## Action Calendar – Continued Business

*direction of the City Manager directly relating to (1) and (2) above, or contacting elected or appointed City officials directly relating to (1) and (2) above.*

*2.09.090.H*

*H. Persons employed by or a member of a labor union.*

*2.09.140 (first paragraph)*

*For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she shall file a quarterly report with the City Clerk, unless the local governmental lobbyist is a sole proprietorship or works for a lobbying firm with four or fewer employees, in which case they shall file annually. The reports shall be due no later than thirty (30) days after the end of the reporting period. The report shall contain the following information:*

*2.09.320*

*The effective date of this Act shall be January 1, 2020. The Act may be effective at an earlier date if administratively feasible.*

2) Create an Ad Hoc Committee of the Council to revisit the fees in the ordinance after the cost analysis has been provided. Members of the committee are Mayor Arreguin, Councilmember Harrison, Councilmember Bartlett, and Councilmember Wengraf.

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

**C. Donation: Memorial Bench at the South Cove in memory of Judith Scherr**  
*(Continued from September 25, 2018.)*

**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 Judith Scherr.

**Financial Implications:** \$3,400 (Donation)

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

**Action:** Moved to Consent Calendar. Adopted Resolution No. 68,622–N.S.

**Da. Proposed Vehicle Encampment** *(Continued from September 25, 2018)*

**From:** Homeless Commission

**Recommendation:** Direct staff to identify a location for a vehicle encampment to house up to thirty vehicles.

**Financial Implications:** See report

Contact: Peter Radu, Commission Secretary, 981-5400

## Action Calendar – Continued Business

**Db. Companion Report: Homeless Commission's Proposed Vehicle Encampment Report** *(Continued from September 25, 2018)*

**From: City Manager**

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

**Financial Implications:** None

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

**Action:** Item Db moved to Consent Calendar with the amendment that the City Council thanks the Homeless Commission for its recommendation on a proposed vehicle encampment and reaffirms its commitment to work with neighboring cities, counties, city staff, and community stakeholders to identify a location for sanctioned vehicle dwelling with restrooms and other amenities. The Council will continue to work to identify locations and develop a proposal for future Council action.

**E. Welcome to Berkeley Signage** *(Continued from September 25, 2018)*

**From: Transportation Commission**

Contact: Farid Javandel, Commission Secretary, 981-6300

**Action:** Item held over to October 16, 2018.

**F. Adopt an Ordinance to amend BMC Chapter 3.80 allow Mayor and City Council employees serve as Commissioner** *(Continued from September 25, 2018. Item contains revised material.)*

**From: Councilmember Worthington**

**Recommendation:** Adopt revisions to Chapter 3.80 in Berkeley Municipal Code (BMC) concerning Membership On Boards And Commissions to allow Mayor and City Council employees to serve as a Commissioner by repealing section 3.80.030.

**Financial Implications:** Minimal

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

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

## Action Calendar – Continued Business

**Ga. Small Sites Loan Program Recommendations** (*Continued from September 25, 2018. Item contains supplemental material.*)

**From: Housing Advisory Commission**

**Recommendation:** To proceed immediately with a one-time small sites pilot program, not to exceed \$1 million, City Council should:

1. Waive certain sections of the Housing Trust Fund (HTF) Guidelines for a Notice of Funds Available (NOFA) for small site housing acquisition and rehabilitation projects;
2. Adopt certain eligibility and loan criteria to be used in conjunction with the NOFA; and
3. Adopt an amendment to the City's procurement policy to allow the City Manager to approve loans in excess of \$50,000 resulting from the NOFA (rather than requiring Council approval).
4. Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision.
5. Review the limitations of a one-time small sites pilot program as described within this memo.
6. Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission.
7. Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.

**Financial Implications:** See report

Contact: Amy Davidson, Commission Secretary, 981-5400

## Action Calendar – Continued Business

### Gb. Companion Report and Referral Response: Creation of a Small Sites Program (Continued from September 25, 2018.)

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution authorizing the creation of a small sites housing acquisition loan program (Small Sites Program) based on San Francisco's program by: A. Establishing certain eligibility and loan criteria to be used in conjunction with the Notice of Funding Availability (NOFA); and B. Waiving certain sections of the Housing Trust Fund (HTF) Guidelines for a Notice of Funds Available (NOFA) for small site housing acquisition and rehabilitation projects; and C. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this program.
2. Adopt first reading of an Ordinance amending the City's procurement policy in BMC Chapter 7.18 to allow the City Manager to approve loans in excess of \$50,000 resulting from the NOFA (rather than requiring Council approval); and
3. Direct the City Manager to issue a Notice of Funding Availability (NOFA) for the purpose of awarding funds under the Small Sites Program.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar.

1. Adopt Resolution No. 68,623–N.S. from Item Gb.
2. Adopt first reading of Ordinance No. 7,630–N.S. from Item Gb. Second reading scheduled for October 16, 2018.
3. Directed the City Manager to issue a Notice of Funding Availability (NOFA) for the purpose of awarding funds under the Small Sites Program.
4. Adopt recommendations #4, #6, and #7 from Item Ga.

## Action Calendar – New Business

### 10a. A Public Health Approach to the Proposed Cannabis Ordinance(s)

**From: Community Health Commission**

**Recommendation:** We recommend that the City Council delay the development timeline, approval, and implementation of the proposed cannabis ordinances for the City of Berkeley until the health protection and promotion measures outlined in this document have been fully integrated into the proposed ordinances, and take appropriate measures such as a moratorium to assure that the state does not issue licenses to businesses in Berkeley until such time as local policy is defined.

**Financial Implications:** See report

Contact: Roberto Terrones, Commission Secretary, 981-5400

## Action Calendar – New Business

**10b. Companion Report: A Public Health Approach to the Proposed Cannabis Ordinance(s)**

**From: City Manager**

**Recommendation:** Take no action on the Community Health Commission recommendation to delay the development timeline, approval, and implementation of the proposed cannabis ordinances.

**Financial Implications:** None

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

**Action:** Item 10b moved to Consent Calendar. Adopted revised recommendation as written below.

*Accept report from the Community Health Commission and refer it to the City Manager and the Health, Housing and Community Services Department to ensure that these important public health considerations be included in the appropriate future proposed cannabis ordinances , without imposing a delay on all proposed cannabis ordinances for the City of Berkeley.*

*Refer the issue to the Agenda Committee for future scheduling of a worksession.*

**11a. Path to End Homelessness**

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

**Recommendation:** Adopt a Resolution to address the immediate needs of our homeless and dislocated citizens in such a robust and urgent manner that the end of homelessness will soon be within sight. Our proposal is two-pronged: 1. Critical First Lines: Comprehensive delivery of critical and practical assistance to the current homeless population. 2. Permanent Housing.

**Financial Implications:** See report

Contact: Wing Wong, Commission Secretary, 981-5400

**11b. Companion Report to Human Welfare and Community Action Commission's Paths to End Homelessness Report**

**From: City Manager**

**Recommendation:** Take no action on the Human Welfare and Community Action Commission's recommendation and instead allow staff to finalize the 1000 Person Plan.

**Financial Implications:** None

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

**Action:** Item 11b moved to the Consent Calendar amended to thank the commission for its work and acknowledge that some of the Commission recommendations are currently being worked on by the City.

## Action Calendar – New Business

**12a. Resolution asking Peace and Justice Commission to Develop a Regional Sanctuary-Community Working Group**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution referring a request to the Peace and Justice Commission to develop a working group including representatives of Sanctuary communities throughout the Bay Area, including Sanctuary cities and counties. This working group would have the purpose of coordinating response to the activities of DHS units including ICE and Customs and Border Enforcement along with other federal agencies responsible for abusive treatment of immigrants.

**Financial Implications:** None

Contact: Shallon Allen, Commission Secretary, 981-7071

**12b. Companion Report to Peace and Justice Commission’s Resolution Asking Peace and Justice Commission to Develop a Regional Sanctuary-Community Working Group Report**

**From: City Manager**

**Recommendation:** Take no action on the Peace and Justice Commission’s resolution, consistent with Berkeley Municipal Code 3.68.070 which identifies the Commission as an advisory committee to the Council.

**Financial Implications:** None.

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

**Action:** Item 12b moved to the Consent Calendar.

## Council Action Items

13. **Adopt the attached ordinance that creates whistleblower protection regulations in the City of Berkeley and establish a clear policy that outlines the procedure to file a whistleblower complaint.**

**From: Councilmember Worthington**

**Recommendation:** The purpose of this proposal is to protect the whistleblowers from many forms of retaliation, including but not limited to discrimination, harassment, intimidation, alienation, and in some cases even termination. The following recommended actions can be considered to comply with the aforementioned purpose:

1. Adopt the attached ordinance that provides legal safeguards which protect whistleblowers from retaliation.
- 2.a. Assign the responsibilities to a current city department to accept and investigate such reports/complaints from whistleblowers within the existing resources.

Or

- b. Create a separate unit within the department or establish a contract with an independent contractor to be managed by the city department to accept and investigate such reports/complaints from current employees and the public.

Or

- c. Establish a contract with an independent contractor to provide a “hotline” that would then turn the complaint over to the city unit for further investigation.

**Financial Implications:** See report

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

**Action:** Amended to be a referral to the City Manager to review the ordinance. Moved to the Consent Calendar.

## Information Reports

14. **LPO NOD: Structural Alteration Permit for 8 Greenwood Common (#LMSAP 2017-0010)**

**From: City Manager**

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

**Action:** Received and filed.

15. **LPO NOD: 48 Shattuck Square/#LMSAP2018-0002 for the Shattuck Square Complex**

**From: City Manager**

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

**Action:** Received and filed.

16. **goBerkeley Parking Management Program - Parking Rate and Time Limit Adjustments for New Northside Area for November 1, 2018**

**From: City Manager**

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## **Adjournment**

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

1. John Iversen, Local Activist
2. Victims of the Tsunami in Indonesia
3. Victims of Violence in Palestine

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

Councilmember Davila absent 10:36 p.m. – 10:38 p.m.

Adjourned at 10:38 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of October 2, 2018 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## **Communications**

### **Councilmember Bartlett**

1. Eric Friedman
2. Jessica Behrman (3)

### **West Campus Pool**

3. Dorothy Miao (2)

### **Bay Area City Blocks 5G Development**

4. Vivian Warkentin (2)

### **Stop Mass Surveillance Dagnet on BART**

5. Vivian Warkentin

### **Urban Shield**

6. Christine Schwartz
7. Moni T. Law

### **Limit Release of Arrest Information to the Public**

8. Eric Friedman



**Downtown Fliers**

9. Carol Denny

**Mayoral Conduct**

10. Thomas Lord

**Green Monday**

11. John Gordon

**Berkeley Way Project**

12. Mimi Abers

**Police Mugshots (Doxing)**

13. Jack Kurzweil

**Dept. of Public Health**

14. David Lerman

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

**Item #6: Adopt the Recycling Reaffirmation Resolution**

15. Jeffrey Belchamber, on behalf of Community Conservation Centers

**Item #F: Adopt an Ordinance to amend BMC Chapter 3.80 allow Mayor and City Council employees serve as Commissioner**

16. Supplemental materials, submitted by Councilmember Worthington

17. Supplemental materials, submitted by Councilmember Wengraf

**Item #10b: Companion Report: A Public Health Approach to the Proposed Cannabis Ordinance(s)**

18. Carol Denney

19. Karen Hughes, on behalf of Cal and Health Worker Program

**Items 13: Adopt the attached ordinance that creates whistleblower protection regulations in the City of Berkeley and establish a clear policy that outlines the procedure to file a whistleblower complaint.**

20. Revised materials, submitted by Councilmember Worthington

**Supplemental Communications and Reports 3**

**Item #6: Adopt the Recycling Reaffirmation Resolution**

21. Daniel Knapp, President of Urban Ore (2)

**Item #7: Refer the Police Review Commission to extend time period to impose discipline on Berkeley Police Department officers pursuant to Police Review Commission findings**

22. Christine Schwartz

**Item #9: Amend BMC Chapters 6.24 and 14.52 to Authorize Paid Parking on Shattuck Avenue between Carleton Street and Ward Street and add the Northside (Euclid/Hearst) Metered Parking Area to the goBerkeley Program; and Authorize Paid Parking at the City-Owned Adeline/Alcatraz Parking Lot**

23. Presentation, submitted by Public Works Department

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

- 24. Carol Strand
- 25. Rod Gutierrez
- 26. Jim & Kathy Lee
- 27. Steven Berger
- 28. Judy Hunt
- 29. Wende Micco
- 30. Anne Whyte
- 31. Bruce Feingold
- 32. Jenny Wenk
- 33. Don Melandry
- 34. Kate Harrison
- 35. Marti Grub
- 36. April Gilbert
- 37. Sharon Rudnick
- 38. Evan McDonald
- 39. Pamela
- 40. Karen Gilligan
- 41. Richard Behrs
- 42. Susan Whitman
- 43. Eric Friedman
- 44. Jessica Behrman
- 45. Mark Stuhr

**Item #10a: A Public Health Approach to the Proposed Cannabis Ordinance(s)**

- 46. Shoshana Gizzi
- 47. Barbara Gilbert

**Item #10b: Companion Report: A Public Health Approach to the Proposed Cannabis Ordinance(s)**

- 48. Revised material, submitted by HHCS

**Launch Event: Cultivate Empathy for All**

- 49. Unknown

**Measure FF Presentation**

- 50. Unknown

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, October 9, 2018**

**6:00 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 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 6:04 p.m.

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

**Absent:** Bartlett

**Worksession**

**1. An Evaluation of the Pathways Project's First Six Weeks of Operations**

**From: City Manager**

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

**Action:** 2 speakers. Presentation made and discussion held.

**2. Planning Department Service Improvements**

**From: City Manager**

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

**Action:** 3 speakers. Presentation made and discussion held.

Recess 8:08 p.m. – 8:24 p.m.

**3. Options for Cannabis Regulations and Cannabis Business Selection Process**

**From: City Manager**

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

**Action:** 18 speakers. Presentation made and discussion held.

**Action:** M/S/C (Harrison/Arreguin) to extend discussion on Item 3 for an additional 20 minutes.

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

**Action:** M/S/C (Arreguin/Hahn) to extend discussion on Item 3 for an additional 20 minutes.

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

**Action:** M/S/C (Arreguin/Hahn) to extend discussion on Item 3 for an additional 10 minutes.

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

Councilmember Droste absent 10:39 p.m. – 11:02 p.m.

Councilmember Davila absent 10:52 p.m. – 10:55 p.m.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:05 p.m.

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

Councilmember Harrison absent 10:54 p.m. – 11:02 p.m.

**Adjournment**

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

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

Councilmember Davila absent 10:59 p.m. – 11:02 p.m.

Adjourned at 11:02 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of October 9, 2018 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

### **Item #3: Options for Cannabis Regulations and Cannabis business Selection Process**

1. Elizabeth Greene, on behalf of the Cannabis Commission
2. Sabrina Fendrick, on behalf of the Berkeley Patients Group
3. Robert Abiad
4. Holly Scheider
5. Matthew Witemyre

## **Supplemental Communications and Reports 3**

### **Item #1: An Evaluation of the Pathways Project's First Six Weeks of Operations**

6. Presentation, submitted by HHCS

### **Item #2: Planning Department Service Improvements**

7. Supplemental materials, submitted by the Planning Department
8. Presentation, submitted by the Planning Department
9. Moni Law

### **Item #3: Options for Cannabis Regulations and Cannabis business Selection Process**

10. Presentation, submitted by the Planning Department
11. Shannon McCune
12. Noah Farb

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
MONDAY, OCTOBER 15, 2018  
4:00 P.M.**

**Redwood Room – 2180 Milvia Street, 6<sup>th</sup> 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:** 4:07 p.m.

**Present:** Councilmembers Bartlett, Davila, Hahn, Maio, Wengraf, Worthington, and Mayor Arreguin

**Absent:** Councilmembers Droste and Harrison

**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 LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

**Negotiators:** Dee Williams-Ridley, City Manager, Paul Buddenhagen, Interim Deputy City Manager, Eddie Kreisberg, Chief Labor Negotiator, Dania Torres-Wong, Chief Labor Negotiator, LaTanya Bellow, Director of Human Resources, David Brannigan, Fire Chief.

**Employee Organizations:** Berkeley Chief Fire Officers Association, Local 1227; SEIU 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 taken.

**OPEN SESSION:**

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

No reportable action taken.

**Adjournment**

**Action:** M/S/C (Wengraf/Worthington) to adjourn the meeting.

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

Adjourned at 5:01 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of October 15, 2018 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, October 16, 2018**

**4:30 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 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 4:38 p.m.

**Present:** Maio, Hahn, Wengraf, Droste, Arreguin

**Absent:** Davila, Bartlett, Harrison, Worthington

Councilmember Harrison present at 4:39 p.m.

Councilmember Davila present at 4:40 p.m.

Councilmember Bartlett present at 4:45 p.m.

**Public Comment - Limited to items on this agenda only – 7 speakers.**



## Action Calendar

### 1. Proposed Draft Structure for City Council Standing Policy Committees

**From: City Manager**

**Recommendation:** Review the initial proposal for standing policy committees of the City Council and provide direction to staff on the proposed structure, committee authority, and changes to the legislative process to be codified in amendments to the Rules of Procedure.

**Financial Implications:** No direct fiscal impacts

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

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental materials on the Proposed Draft Structure for City Council Standing Policy Committees.

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

**Action:** M/S/C (Arreguin/Wengraf) to Direct the City Manager to bring back, no later than November 27, 2018, amendments to the City Council Rules of Procedure to implement a system of policy committees, based on the concepts outlined in the City Manager/City Clerk's recommendation and as further detailed in the supplemental materials accepted at the meeting from Mayor Arreguin and Councilmembers Maio and Hahn.

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

## Adjournment

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

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

Adjourned at 6:18 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of October 16, 2018 as approved by the Berkeley City Council.

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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: Proposed Draft Structure for City Council Standing Policy Committees**

1. Supplemental material, submitted by Mayor Arreguin and Councilmembers Maio and Hahn
2. Presentation, submitted by the City Manager's Office.

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, October 16, 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:** 6:34 p.m.

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

**Absent:** Hahn, Harrison

Councilmember Harrison present at 6:38 p.m.

Councilmember Hahn present at 6:41 p.m.

**Ceremonial Matters:**

1. Recognition of Natan Kuchar, Local Musician
2. Recognition of Berkeley Disaster Preparedness Neighborhood Network Event on October 20

**City Manager Comments:**

1. Public Works Community Meeting on Traffic Circles – October 23, 6-7:30pm, Frances Albrier
2. Storage Lockers at 1931 Center Street are open for use
3. The Annual Report has been mailed to residents

**City Auditor Comments:** None

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

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 24 speakers.

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

**Vote:** All Ayes.

- 1. Amend BMC Chapters 6.24 and 14.52 to Authorize Paid Parking on Shattuck Avenue between Carleton Street and Ward Street and add the Northside (Euclid/Hearst) Metered Parking Area to the goBerkeley Program**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,628-N.S. amending Berkeley Municipal Code (BMC) Chapter 6.24 to update regulations related to parking payment, and amending Chapter 14.52 to authorize new meters on Shattuck Avenue in South Berkeley and add the Northside (Euclid/Hearst) metered parking area to the goBerkeley parking program.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,628-N.S.
- 2. Lobbyists Registration and Regulation Ordinance, BMC Chapter 2.09; Amendments to Existing Revolving Door Ordinance, BMC Chapter 2.07**  
**From: Open Government Commission**  
**Recommendation:** Adopt second reading of Ordinance No. 7,629-N.S. adding Berkeley Municipal Code (BMC) Chapter 2.09 requiring the registration of lobbyists and regulating lobbying activity in the City of Berkeley, and amending BMC Chapter 2.07 amending the existing Revolving Door Ordinance.  
**First Reading Vote** (Ordinance Sections 1 & 2 – Lobbyist Registration): Ayes – Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – Maio, Worthington; Abstain – Wengraf; Absent – Droste.  
**First Reading Vote** (Ordinance Section 3 – Revolving Door): Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Droste.  
**Financial Implications:** See report  
Contact: Jessica Mar, Commission Secretary, 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,629-N.S.

## Consent Calendar

- 3. Companion Report and Referral Response: Creation of a Small Sites Program; Amending BMC Chapter 7.18**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,630-N.S. amending the City's procurement policy in Berkeley Municipal Code Chapter 7.18 to allow the City Manager to approve loans in excess of \$50,000 resulting from the NOFA (rather than requiring Council approval).  
**First Reading Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,630-N.S.
- 4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 16, 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 - \$16,487,630  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 5. Approving Small Sites Program Capacity Building Funds for Bay Area Community Land Trust**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving \$50,000 in Measure U1 revenues for Bay Area Community Land Trust (BACLT) to support capacity building related to the Small Sites Program; and 2. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,624–N.S.

## Consent Calendar

**6. Revenue Grant Application: Alameda County Public Health Department for Funding Support to Conduct HIV Prevention Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the Alameda County Public Health Department, and if awarded, accept the grant, execute any resulting agreements and amendments, and implement the projects and appropriation of funding for related expenses to conduct HIV prevention, protection, and health promotion services for the Alameda County Public Health Department. Revenue is projected for the amount of \$120,000 for period January 1, 2019 to December 31, 2019.

**Financial Implications:** See report

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

**Action:** Item removed from the agenda by the City Manager.

**7. Memorandum Agreement: Service Employees International Union Local 1021 Community Service and Part-Time Recreation Leaders Association**

**From: City Manager**

**Recommendation:** Adopt two Resolutions: 1. approving a new Memorandum Agreement (hereafter referred to as the "MA") with the Service Employees International Union Local 1021 Community Service and Part-Time Recreation Leaders Association (hereafter referred to as the "Union") with a term of October 21, 2018 through June 27, 2020 (twenty months), 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 G-1, G-3, I-A, I-B, I-D, L, R-1 and R-2 that implement the new salary negotiated in the new labor agreement and rescinding Resolution No. 67,483-N.S. Also, authorize the City Manager to make non substantive edits to the format and language of the Memorandum Agreement 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. 68,625–N.S. (Memorandum Agreement), and Resolution No. 68,626–N.S. (Salary).

## Consent Calendar

- 8. Memorandum of Understanding: Berkeley Fire Fighters Association, I.A.F.F. Local 1227 / Berkeley Chief Fire Officers Association**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions: 1. approving a Memorandum of Understanding (“MOU”) with the Berkeley Fire Fighters Association, I.A.F.F. Local 1227 / Berkeley Chief Fire Officers Association (“Association”) with a term of June 17, 2018 through June 29, 2020 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in a new MOU; and 2. approving a new salary resolution that implements the salary levels negotiations in the MOU and rescinding Resolution No. 67,906-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. 68,627–N.S. (Memorandum of Understanding), and Resolution No. 68,628–N.S. (Salary).
- 9. Contract: Freitas Landscaping and Maintenance for Hazardous Vegetation Reduction Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Freitas Landscaping and Maintenance for removal of hazardous vegetation accumulations in high-risk areas of City-owned parks, pathways, and landscaped areas over a period of three years, with an option to extend the contract for two additional one-year terms, for a total amount not to exceed \$825,000.  
**Financial Implications:** Various Funds - \$825,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,629–N.S.
- 10. Donation: Memorial Bench at Cesar Chavez Park in memory of Andrew Martinez**  
**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 Cesar Chavez Park at the Berkeley Marina in memory of Andrew Martinez.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,630–N.S.

## Consent Calendar

- 11. Contract No. 10754 Amendment: Team Ghilotti Inc. for South Cove Parking Lot and Restroom Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10754 with Team Ghilotti Inc. for the South Cove Parking Lot and Restroom Project, increasing the amount by \$25,116 for an amended total amount not to exceed \$1,840,072.  
**Financial Implications:** Marina Fund - \$25,116  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,631–N.S.
- 12. Mills Act Contract – 2901 Benvenue Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Shmuel Weissman for the City Landmark property at 2901 Benvenue Avenue.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 68,632–N.S.
- 13. Contract: Passport Labs Incorporated for a Parking Management System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Passport Labs Inc. to provide a Parking Management System for a 3 year contract with an option to extend the contract for a two-year period for a maximum length of five years, for a total not to exceed \$2.87 million.  
**Financial Implications:** General Fund - \$2,870,000  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Adopted Resolution No. 68,633–N.S.



## Consent Calendar

- 14. Contract: Ghilotti Construction Company for Shattuck Reconfiguration and Pedestrian Safety Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: a. Approving plans and specifications for the Shattuck Reconfiguration and Pedestrian Safety Project (“Shattuck Reconfiguration Project”, or “Project”), Specification No. 17-11090-C; b. Waiving inconsequential defect and accepting the bid of Ghilotti Construction Company as the lowest responsive and responsible bidder on the Project, and authorizing the City Manager to execute a contract with Ghilotti Construction Company and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications in an amount not to exceed \$7,986,960, which includes a contingency of 20 percent; and c. Accepting the Addendum to the 2009 Downtown Area Plan Environmental Impact Report (DAP EIR), which was prepared in response to California Environmental Quality Act (CEQA) requirements. This addendum, which is attached herein, describes changes in the project scope as a result of developing the project from the conceptual stage to the detailed design stage. The detailed design of the Project does not increase the level of impact anticipated in the conceptual design.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,634–N.S.
- 15. Authorization for Additional Public Works Commission Meeting in 2018**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Public Works Commission Meeting in 2018.  
**Financial Implications:** None  
Contact: Nisha Patel, Commission Secretary, 981-6300  
**Action:** Adopted Resolution No. 68,635–N.S.

## Council Consent Items

- 16. Funding Commitment for Oxford Street Apartments, 1601-1603 Oxford St.**  
**From: Mayor Arreguin and Councilmembers Harrison, Hahn, and Maio**  
**Recommendation:** Approve a forward funding commitment of \$6,000,000 to Satellite Affordable Housing Associates (SAHA) for the Oxford Street Apartments at 1601-1603 Oxford Street, which will create 35 affordable rental units for seniors. Potential funding sources for forward commitment include Housing Trust Fund, Measure U1 revenues, and proceeds from the proposed General Obligation Bond for Affordable Housing.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Approved recommendation.

## Council Consent Items

### 17. **Approving Installation of Cameras at San Pablo Park and Environmental Safety Assessment**

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

**Recommendation:** Adopt the following recommendations to address violent crime in and around San Pablo Park:

1. Pursuant to Berkeley Municipal Code Section 2.99.020(5) declare that “Exigent Circumstances” exist given the recent gun violence in and around San Pablo Park. Recent violence includes a shooting incident on August 18, 2018 in San Pablo Park resulting in injuries, and a shooting incident in front of 2947 Sacramento Street on September 21, 2018 resulting in a victim in serious condition. The recent gun violence is an emergency which presents an imminent and potential danger of injury or death to persons in and around San Pablo Park.

Therefore, the City Council finds that these conditions meet the definition of “Exigent Circumstances” and approves the installation and use park cameras in San Pablo Park, and requests that the City Manager install cameras as expediently as possible. Long-term use of cameras requires City Council approval within 90 days after commencement of the surveillance technology as required by Berkeley Municipal Code Section 2.99.040.

2. Refer to the City Manager to perform an environmental safety assessment of San Pablo Park with a focus on crime prevention specifically around the areas of recent shooting incidents.

Both recommendations shall be considered Short-Term Referrals.

**Financial Implications:** Unknown

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation amended to remove any references to “exigent circumstances” since cameras on city property are exempted by the surveillance ordinance, and requesting that the City Manager post a community survey on the cameras to Berkeley Considers.

### 18. **Amend April 26, 2018 Referral Regarding Sidewalks Policies**

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

**Recommendation:** In light of the 9th Circuit Court of Appeal’s September 4, 2018 ruling in Martin v. City of Boise, refer to the City Manager further analysis of Council’s April 26, 2018 proposed “Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets” and analysis of Berkeley’s existing regulations and practices, including but not limited to ordinances, administrative regulations, training protocols and other policies and practices, related to use and limits to use of sidewalks parklets, streets, parks and other City property. Refer to the City Manager to collaborate with the offices of the Mayor and Councilmember Hahn to amend existing and, as necessary, draft new policies and procedures compliant with the above analysis, and report back to Council with recommendations for compliant policies.

**Financial Implications:** Staff time

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

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

## Council Consent Items

- 19. Non-Criminal Options for Enforcement of Sidewalk Regulations**  
**From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Maio and Wengraf**  
**Recommendation:** Refer to the City Manager the development of non-criminal options for the enforcement of Berkeley laws and regulations related to use of public space that: Reduce, delay or, if possible, eliminate criminal penalties; Offer positive alternatives; and Ensure that the City has effective tools for enforcement of laws and regulations. While ensuring effective enforcement, options should delay or avoid pursuing infractions and misdemeanors and provide options to cure violations through positive actions such as mandated and verified community service, education, or participation in social service programs.  
**Financial Implications:** Staff time  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Approved recommendation.
- 20. Endorsement of Peralta Colleges Ballot Measures E and G on the November 2018 ballot**  
**From: Councilmembers Worthington and Harrison**  
**Recommendation:** That the City Council endorse the Measure E and G ballot measures supporting Peralta Colleges for the November 2018 ballot.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.  
**Vote:** Ayes – Maio, Davila, Bartlett, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn, Wengraf.
- 21. Adopt the Sanctuary Contracting Ordinance proposed by the Peace and Justice Commission**  
**From: Councilmembers Worthington and Davila**  
**Recommendation:** That the City Council adopt the attached Sanctuary Contracting Ordinance proposed by the Peace and Justice Commission. This ordinance prohibits the award of city contracts to vendors acting as ICE data brokers, or those providing extreme vetting services.  
**Financial Implications:** Minimal.  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmember Bartlett added as a co-sponsor. Item, with revised materials, held over to November 13, 2018.

## Council Consent Items

- 22. Referral to the City Manager to consider the videotaping of Planning Commission meetings**  
**From: Councilmembers Worthington and Davila**  
**Recommendation:** That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
- 23. 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:** That the Berkeley City Council adopt a revised GLA Ordinance, 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.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted first reading of Ordinance No. 7,631–N.S. Second reading scheduled for October 30, 2018.
- 24. Address the disabled and senior communities about IHSS paycheck delays by sending letters to IHSS and send copies to Senator Nancy Skinner and Assemblymember Tony Thurmond**  
**From: Councilmembers Worthington, Davila, and Harrison**  
**Recommendation:** Send the attached letters to the State Department of Social Services: IHSS, Health Care Services: IHSS, and send copies to Senator Nancy Skinner and Assemblymember Tony Thurmond to encourage the swifter release of paychecks for new hires.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item 24 held over to November 13, 2018.

## Action Calendar – Old Business

**25. Welcome to Berkeley Signage** *(Continued from October 2, 2018)*

**From: Transportation Commission**

Contact: Farid Javandel, Commission Secretary, 981-6300

**Action:** 5 speakers. M/S/C (Hahn/Arreguin) to refer to the City Manager on a short term basis to replace all the Welcome to Berkeley signs with the Option B design per the Transportation Commission recommendation, including “Ohlone Territory” but not a second motto. Also, leave space on the sign to add a policy message and consult with Ohlone leaders on the use of the word “territory.”

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

Recess 8:48 p.m. – 9:03 p.m.

**26a. Home Share Pilot Program Recommendation** *(Continued from May 29, 2018)*

**From: Housing Advisory Commission**

**Recommendation:** Direct the City Manager to issue a Request for Qualifications (RFQ) to establish a two-year Home Share Pilot Program that could be expanded into a permanent housing program in the City of Berkeley.

**Financial Implications:** See report

Contact: Amy Davidson, Commission Secretary, 981-5400

**26b. Companion Report: Home Share Pilot Program Recommendation** *(Continued from May 29, 2018)*

**From: City Manager**

**Recommendation:** Refer agencies interested in establishing a home share pilot program to the City’s Request for Proposals process for community agency funding.

**Financial Implications:** See report

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

**Action:** Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.

## Action Calendar – Old Business

### 27. Including a Public Purchase Option in a Small Sites Housing Program

*(Continued from May 29, 2018)*

**From: Housing Advisory Commission**

**Recommendation:** Direct the City Manager as follows concerning the implementation of a Small Sites Program in Berkeley: 1. Ensure that the City of Berkeley has the legal option to directly purchase properties under the Small Sites Program. 2. Ensure that any corporation designated by the City and in which the City maintains a majority (controlling) ownership may directly purchase properties under the Small Sites Program, even if that corporation is for-profit (e.g. a California B corporation). In implementing recommendation (2), do not weaken the qualification requirements for non-profit corporations which are not majority-owned or majority-controlled by the City. Additionally, purchases made by the City itself or a corporation controlled by the City should not be constrained with respect to future rental prices.

**Financial Implications:** Staff time

Contact: Amy Davidson, Commission Secretary, 981-5400

**Action:** Moved to Consent Calendar and take no action on the recommendation since programs are already underway.

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

## Council Action Items

**28. 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:**

1. Adopt a first reading of an Ordinance amending BMC Chapter 14.48, "Miscellaneous Use of Streets and Sidewalks"
2. Adopt the proposed Administrative Regulation (AR) Regulating Temporary Non-Commercial Objects in Sidewalks and in Parklets, Pursuant to BMC Section 14.48.120.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** M/S/C (Arreguin/Maio) to accept revised materials from Mayor Arreguin and Councilmember Hahn on Item 28.

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

Councilmember Harrison absent 9:03 p.m. – 9:06 p.m.

Councilmember Worthington absent 9:03 p.m. – 11:03 p.m.

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

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

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

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

**Action:** M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 11:15 p.m.

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

Councilmember Bartlett absent 10:55 p.m. – 10:58 p.m.

**Action:** 33 speakers. M/S/C (Arreguin/Droste) to:

1. Adopt first reading of Ordinance No. 7,632–N.S. Second reading scheduled for October 30, 2018.
2. Adopt the proposed Administrative Regulation (AR) Regulating Temporary Non-Commercial Objects on Sidewalks and in Parklets, pursuant to BMC Section 14.48.120 as amended below.

- Section C.2.a – changed 1 hour to 2 hours
- Section D, first paragraph – now reads, "To the extent possible, given resources, the initial outreach may be made by homeless outreach staff; and management

## Council Action Items

and/or enforcement of TNC Objects may be initiated by Code Enforcement and/or Public Works staff.

- Section D.2 – added a bullet point under exceptions to read, “Within 600 feet of a K-12 public or private school with 25 or more students located in a residential district.”
- Section D.2 – added a bullet under Enforcement to read, “Issue an administrative citation or infraction.”
- Section D.3 – revised the last sentence to read, “Removal of TNC Objects is a low priority between 10:00 p.m. – 7:00 a.m.”

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

## Information Reports

### 29. Berkeley Energy Assurance Transformation (BEAT) Microgrid Project

**From:** City Manager

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda** - 4 speakers.

## Adjournment

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

1. Deborah Chernin, Former City Employee
2. Michelle, Recently Passed Away on Berkeley Streets
3. Persons that Died in Gaza
4. Jamal Khashoggi, Murdered Journalist

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

Adjourned at 11:03 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of October 16, 2018 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk



## Communications

### Bridge Housing Project

1. Sarah Mosley

### Cellphone – Right to Know – 5G

2. Carol Kuzdenyi
3. Phoebe Sorgen
4. Vivian Warkentin
5. Ellie Marks

### Palestine - False Accusations

6. Zoha Khalili, on behalf of Palestine Legal
7. Thomas Lord

### Mental Health Services

8. David Lerman

### Berkeley Measure P

9. Jessica Behrman

### Berkeley Measure R

10. Kelly Hammargren (2)

### University Avenue Encampment

11. Christine

### Pesticide Use in Federal Farm Bill

12. Charlene Woodcock

### International Walk and Roll to School Day on 10/10

13. Jeannette Cooper

### RV Permits

14. Nicole Courand
15. Don Reasoner
16. Jessica Behrman

### Freight and Salvage Day

17. Sharon Dolan

### Davila and Aides – Unacceptable

18. Jessica Behrman

### Shattuck Square – Health Hazard

19. James Wood

**Streaming Council Meeting Failure**

20. Becky O'Malley

**Limit Arrest Photos**

21. Ty Alper (2)

**Housing and BART**

22. Brennan Cox

**Fund Utility Undergrounding Manage**

23. Ellen Meltzer

24. Scott Wren

25. William Hurley

26. Joshua Ismin

27. Teresa Renaker

**Berkeley Way – Include a Parking Area**

28. Senta Pugh Chamberlain

**Smokefree Map**

29. Carol Denney

**2211 Harold Way/Shattuck Cinemas**

30. Charlene Woodcock

31. Tree Fitzpatrick

**Zoning & SB 827**

32. Zelda Bronstein

**Human Feces at Building of Intersection of Milvia and Center**

33. Summi Kaipa

**Supplemental Communications and Reports 1**

**Item #2: Lobbyists Registration and Regulation Ordinance, BMC Chapter 2.09; Amendments to Existing Revolving Door Ordinance, BMC Chapter 2.07**

34. Barbara Gilbert

**Item #11: Contract No. 10754 Amendment: Team Ghilotti Inc. for South Cove Parking Lot and Restroom Project**

35. Martin Nicolaus

**Item #18: Amend April 26, 2018 Referral Regarding Sidewalks Policies**

36. Erika Shore

**Supplemental Communications and Reports 2**

**Item #14: Contract: Ghilotti Construction Company for Shattuck Reconfiguration and Pedestrian Safety Project**

- 37. Tree Fitzpartick
- 38. Kelly Hammargren

**Item #17: Approving Installation of Cameras at San Pablo Park and Environmental Safety Assessment**

- 39. Fredrik Alkdal
- 40. Kelly Zito
- 41. Jen Russell
- 42. Eric Westervelt and Lisa Woo family
- 43. Charlene Washington
- 44. Becca Todd
- 45. Jennifer Wilks
- 46. Minda Berbeco
- 47. Will Fertman
- 48. Liz Schultz
- 49. Andrew Murray
- 50. Chelsea Toller and Gunthar Hartwig
- 51. Amber Menzies
- 52. Claudia Eyzaguirre

**Item #18: Amend April 26, 2018 Referral Regarding Sidewalks Policies**

- 53. Revised material, submitted by Councilmember Hahn
- 54. Mary Canales, owner of Ici Ice Cream (2)
- 55. Megan Wachspress

**Item #21: Adopt the Sanctuary Contracting Ordinance proposed by the Peace and Justice Commission**

- 56. Revised material, submitted by Councilmember Worthington

**Item #23: Adopt a revised Group Living Accommodations (GLA) Ordinance (No. 7445-NS) as recommended by the City/UC/Student Relations (4x6) Committee**

- 57. Supplemental materials submitted by Councilmember Worthington

**Item #28: Adoption of Administrative Regulations Regarding Temporary Non-Commercial Objects on Sidewalks and Parklets, and Amending BMC Chapter 14.48**

- 58. Revised material, submitted by Councilmember Hahn
- 59. Tina Yuen

**Item #28: Adoption of Administrative Regulations Regarding Temporary Non-Commercial Objects on Sidewalks and Parklets, and Amending BMC Chapter 14.48**

- 60. 194 Communications submitted by Berkeley Considers, includes summary information.

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

#### **Item #11: Contract No. 10754 Amendment: Team Ghilotti Inc. for South Cove Parking Lot and Restroom Project**

61. Cindy Shamban

#### **Item #14: Contract: Ghilotti Construction Company for Shattuck Reconfiguration and Pedestrian Safety Project**

62. Councilmember Harrison

63. Phillip Harrington

64. Ben Gerhardstein

65. Donald Goldmacher

66. James McFadden

67. Adolfo Cabral

68. Margy Wilkinson

69. Tree Fitzpatrick (2)

70. Rod Lamkey

#### **Item #17: Approving Installation of Cameras at San Pablo Park and Environmental Safety Assessment**

71. Pamela Geisler

72. Daniel Sherwood

73. Bruno Marchon

74. Hannah Neff

75. Erik Nelson

76. Kirk Athanasiou

77. Jenny Strauss

78. Unknown

#### **Item #28: Adoption of Administrative Regulations Regarding Temporary Non-Commercial Objects on Sidewalks and Parklets, and Amending BMC Chapter 14.48**

79. Sarah Garrett

80. Elizabeth Gand

81. Ron Adler

82. Jason Rabin

83. Osha Neumann, on behalf of the East Bay Community Law Center

84. Aladdin Dino Sammakieth, on behalf of McDonald's Restaurant (Berkeley)

85. Lee Einboden, on behalf of Half Price Books

86. Unknown

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
MONDAY, OCTOBER 22, 2018  
4:00 P.M.**

**Redwood Room – 2180 Milvia Street, 6<sup>st</sup> 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:** 4:04 p.m.

**Present:** Davila, Hahn, Wengraf, Worthington, Arreguin

**Absent:** Bartlett, Droste, Harrison, Maio

Councilmember Harrison present at 4:05 p.m.

**Public Comment - Limited to items on this agenda only – 10 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, Paul Buddenhagen, Interim Deputy City Manager, LaTanya Bellow, Director of Human Resources.

**Employee Organizations:** 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 (Wengraf/Hahn) to adjourn the meeting.

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

Councilmember Worthington absent at 5:32 p.m.

Adjourned at 5:37 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of October 22, 2018 as approved by the Berkeley City Council.

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April Richardson, Assistant City Clerk

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
TUESDAY, OCTOBER 30, 2018  
5:00 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:** 5:10 p.m.

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

**Absent:** Bartlett, Harrison, Droste

Councilmember Bartlett present at 5:19 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 LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

**Negotiators:** Dee Williams-Ridley, City Manager, Paul Buddenhagen, Interim Deputy City Manager, LaTanya Bellow, Director of Human Resources.

**Employee Organizations:** Public Employees’ Union, Local 1; the International Brotherhood of Electrical Workers, Local 1245.

**Action:** No action taken.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):**

Significant exposure to litigation

**Action:** M/S/C (Hahn/Bartlett) to give 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.

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

## OPEN SESSION:

Report: Council give 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.

## Adjournment

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

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

Adjourned at 5:56 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of October 30, 2018 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk



**MINUTES  
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

**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

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

- 82. Pierre Goudain, FlixBus Managing Director

**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

