

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 5, 2017**  
**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:** 6:06 p.m.

**Present:** Councilmembers Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Mayor Arreguin.

**Absent:** Councilmember Bartlett.

Councilmember Bartlett present at 6:08 p.m.

**Ceremonial Matters:** None

#### **City Auditor Comments:**

The City Auditor discussed the importance of ethics policies and values related to the budget items on the agenda and the adequate funding of the reserves. Also, the Auditor mentioned the referral from the Council on the referral list and the proper method for requesting audits.

#### **City Manager Comments:**

1. Planning Department Open House – 12/6 from 3:00 p.m. - 6:00 p.m. at 1947 Center Street
2. Winter on the Waterfront – 12/9 at 1:00 p.m. – 6:30 p.m. at the Berkeley Yacht Club
3. Highlights of the interim report on Council referrals and staff progress to date

**Public Comment on Non-Agenda Matters:** 9 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 6 speakers.

### **Consent Calendar**

**Action:** M/S/C (Arreguin/Worthington) to accept supplemental materials from Mayor Arreguin on Item B2.

**Vote:** All Ayes.

## Consent Calendar

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

**Vote:** All Ayes.

- 1. Contract: Access Information Management for Citywide Records Storage Services**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Access Information Management for storage of citywide records for a five-year period beginning June 1, 2018, through May 31, 2023, for a total contract amount not to exceed \$300,000.  
**Financial Implications:** General Fund - \$300,000  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 68,239–N.S.
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 5, 2017**  
**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 - \$3,291,877  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 3. 2018 Delta Dental Plan Rates Renewal**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution approving rates for the Delta Dental Plan that provide a 0.0% increase in dental premiums for calendar year 2018 at a cost of \$2,272,000 for all coverage groups effective January 1, 2018 through December 31, 2018; and rescinding Resolution No. 67,305-N.S.  
**Financial Implications:** See report  
Contact: Margarita Zamora, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,240–N.S.

## Consent Calendar

### 4. 2018 Health Plan Rates Renewal

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: a. 10.66% increase for Kaiser S1 Group #60 (Active Group); b. 10.66% increase for the HSA-Qualified Deductible HMO Plan (Active Group); c. 4.75% increase for Pre-Medicare Eligible Retirees (Retiree Group); and d. 2.83% increase for Post-65 Senior Advantage (Retiree Group); and
2. Approving rates for the Sutter Health Plus health plans as follows: a. 5.04% increase for HMO Group (Active Group); and b. 9.13% increase for Pre-Medicare HMO Group (Retiree Group).

The health plan premium rates will be effective for the period of January 1, 2018 through December 31, 2018.

**Financial Implications:** See report

Contact: Margarita Zamora, Human Resources, 981-6800

**Action:** Adopted Resolution No. 68,241–N.S. (Kaiser) and Resolution No. 68,242–N.S. (Sutter).

### 5. Contract No. 7911C: The Lipman Company, Inc. for Retiree Health Premium Assistance Plan Administration

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7911C with The Lipman Company, Inc. for administration of the Retiree Health Premium Assistance Plan for eligible retirees, for the period covering January 1, 2018 through December 31, 2019, increasing the amount of the contract by \$172,000 for a revised total contract amount not to exceed \$1,114,000.

**Financial Implications:** Various Retiree Medical Trust Funds - \$1,114,000

Contact: Margarita Zamora, Human Resources, 981-6800

**Action:** Adopted Resolution No. 68,243–N.S.

### 6. Contract No. 9971 Amendment: Hartford Life and Accident Insurance Company for SRIP II Long-Term Disability Insurance and Basic Life and AD&D Insurance

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9971 with Hartford Life and Accident Insurance Company (hereinafter "Hartford") to provide Long-Term Disability (LTD) insurance, Basic Life insurance, Supplemental Life insurance, and Accidental Death and Dismemberment (AD&D) insurance for eligible employees for the period covering January 1, 2018 through December 31, 2020, increasing the contract amount by \$502,500, for a revised total contract amount not to exceed \$1,088,700.

**Financial Implications:** Payroll Deduction Trust Fund - \$1,088,700

Contact: Margarita Zamora, Human Resources, 981-6800

**Action:** Adopted Resolution No. 68,244–N.S.

## Consent Calendar

7. **Fee Assessment – State of California Self-Insurance Fund (Workers' Compensation Program)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2018 for administering the Workers' Compensation Program, in an amount not to exceed \$172,000.  
**Financial Implications:** Workers' Compensation Fund - \$172,000  
Contact: Margarita Zamora, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,245–N.S. amended to increase the payment amount to \$182,176.60.
8. **Side Letter Agreements**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute and implement a Side Letter Agreement with:  
1. Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association (SEIU Local 1021CSU); and  
2. Public Employees Union Local 1 (PEU Local 1); and  
3. International Brotherhood of Electrical Workers, Local 1245 – A.F.L. – C.I.O. (IBEW Local 1245) related to the impact of requiring employees to share in the cost for retirement benefits.  
**Financial Implications:** See report  
Contact: Margarita Zamora, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,246–N.S. (1021), Resolution No. 68,247–N.S. (PEU), and Resolution No. 68,248–N.S. (IBEW).
9. **Side Letter Agreements – AB 119**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager to execute and implement a Side Letter Agreement with:  
1. Service Employees International Union Local 1021 Maintenance and Clerical Chapters (SEIU1021MC); and  
2. Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association (SEIU Local 1021CSU/PTRLA); and  
3. Public Employees Union, Local 1 (PEU Local 1); and  
4. International Brotherhood of Electrical Workers, Local 1245 – A.F.L. – C.I.O. (IBEW Local 1245) implementing the provisions of Assembly Bill 119 related to new employee orientation access to union representatives.  
**Financial Implications:** None  
Contact: Margarita Zamora, Human Resources, 981-6800  
Adopted Resolution No. 68,249–N.S. (MC), Resolution No. 68,250–N.S. (PTRLA), Resolution No. 68,251–N.S. (PEU), and Resolution No. 68,252–N.S. (IBEW).

## Consent Calendar

### 10. Supplemental Retirement Plan and Berkeley Police Supplemental Retirement Plan Amendments

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. a. Adopting certain amendments to and restatement of the City of Berkeley Supplemental Retirement Plan (SRP) intended to bring the SRP into compliance with technical changes to the Internal Revenue Code and other Federal laws, rules and regulations; b. Adopting a restatement of the SRP that codifies all SRP amendments; and c. Authorizing the City Manager to execute and implement the amendments and restatements; and
2. a. Adopting certain amendments to and restatements of the Berkeley Police Supplemental Retirement Plan (Police SRP) intended to bring the Police SRP into compliance with the Public Employees' Pension Reform Act under California law (PEPRA) and with technical changes to the Internal Revenue Code and other Federal laws, rules and regulations; b. Adopting a restatement of the Police SRP that codifies all Police SRP amendments; and c. Authorizing the City Manager to execute and implement the amendments and restatements.

**Financial Implications:** None

Contact: Margarita Zamora, Human Resources, 981-6800

Adopted Resolution No. 68,253–N.S. (COB) and Resolution No. 68,254–N.S. (Police)

### 11. Supplementary Retirement and Income Plan I, II, and III; Amending BMC Chapters 4.36, 4.38, and 4.39

**From: City Manager**

**Recommendation:** Adopt first reading of three Ordinances:

1. Amending Berkeley Municipal Code Chapter 4.36, Supplementary Retirement and Income Plan I (SRIP I) by repealing and reenacting Sections 4.36.103 (Compensation), 4.36.402(A).C (Adjustments on Account of Excessive Credits), 4.36.402(A).D (Code Section 415 Compensation Definition), and 4.36.602 (Time of Distribution); and
2. Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II (SRIP II) by repealing and reenacting Sections 4.38.103 (Compensation), 4.38.402(A).C (Adjustments on Account of Excessive Credits), 4.38.402(A).D (Code Section 415 Compensation Definition), and 4.38.602 (Time of Distribution); and
3. Amending Berkeley Municipal Code Chapter 4.39, Supplementary Retirement and Income Plan III (SRIP III) by repealing and reenacting Sections 4.39.403(B) (Adjustments on Account of Excessive Credits), 4.39.403(C) (Code Section 415 Compensation Definition), and 4.39.603 (Distribution of Death Benefits).

**Financial Implications:** None

Contact: Margarita Zamora, Human Resources, 981-6800

Adopted first reading of Ordinance No. 7,583–N.S. (SRIP I), Ordinance No. 7,584–N.S. (SRIP II), and Ordinance No. 7,585–N.S. (SRIP III). Second readings scheduled for December 19, 2017.

## Consent Calendar

- 12. Contract No. 10036B Amendment: TruePoint Solutions, LLC for Accela Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10036B with TruePoint Solutions, LLC for professional services, increasing the amount by \$200,000, for a total not-to-exceed amount of \$341,200, and for the term beginning June 1, 2015 to June 30, 2019.  
**Financial Implications:** Permit Service Center Fund - \$200,000  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,255–N.S.

## Council Consent Items

- 13. Budget Referral: Funding a Pedestrian-Activated Crosswalk Across University at Grant**  
**From: Councilmembers Maio and Harrison**  
**Recommendation:** Refer to the budget process the funding of pedestrian-activated crosswalk across University Avenue at Grant Street.  
**Financial Implications:** \$100,000  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Approved recommendation.
- 14. Budget Referral: Indigenous Peoples Day Pow Wow Budget Augmentation**  
**From: Councilmember Maio, Mayor Arreguin, and Councilmember Davila**  
**Recommendation:** Budget referral to increase the Indigenous Peoples Day Pow Wow CY 18 stipend from \$4,050 to \$6,050.  
**Financial Implications:** \$2,000  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Approved recommendation revised to include that the Council will revisit all allocations and examine the process and criteria for allocations.
- 15. Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless**  
**From: Councilmember Bartlett**  
**Recommendation:** Refer to the City Manager's office to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation as amended in Supplemental Reports Packet #2 to remove reference to the budget referral and to also refer the item to the Housing Advisory Commission.

## Council Consent Items

16. **Budget Priorities for Expenditure of Short-Term Rental Taxes**  
**From: Councilmember Harrison, Mayor Arreguin, and Councilmember Bartlett**  
**Recommendation:** Adopt a Resolution allocating the revenue collected from short-term rental taxes to programs supporting affordable housing and the arts.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Moved to Action Calendar. 7 speakers. M/S/C (Worthington/Wengraf) to hold the item over (including supplemental materials) to December 19, 2017.  
**Vote:** Ayes – Maio, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Harrison; Absent – Davila, Bartlett.
- Councilmember Davila absent 7:12 p.m. – 7:15 p.m.
- Councilmember Bartlett absent 7:13 p.m. – 7:15 p.m.
17. **City Manager Referral: Consider CPUC Interconnection Applications**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager consideration of applying for CPUC interconnection applications.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
18. **City Manager Referral: Prioritizing New Business Before Old Business at City Council Meetings**  
**From: Councilmembers Worthington and Bartlett**  
**Recommendation:** Prioritize new business before old business at City Council Meetings by: 1. Altering the Council rules of procedure as adopted May 24, 2016 so that new business comes before old business. The reformatted section will read “The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, New Business, Old Business); Information Reports; and Communication from the Public”; and 2. Granting explicit authorization to Agenda Committee to move new business backwards or forwards at their discretion by amending section III E of the Rules of Procedure.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Action Calendar. 3 speakers. M/S/C (Maio/Harrison) refer to the City Manager to return to Council with a resolution to amend the Rules of Procedure to authorize the Agenda Committee to re-order the agenda as needed.  
**Vote:** All Ayes.

## Council Consent Items

- 19. Authorizing that the City Manager Negotiate and Possibly Extend the Terms of the Existing Settlement Agreement Relating to 2501 Haste Street (Berkeley Inn Site) to Prospective Purchasers of the Parcels, Including West Builders**  
**From: Councilmember Worthington**  
**Recommendation:** Authorize the City Manager to pursue possible extension of an existing settlement agreement relating to 2501 Haste street, (Berkeley Inn site) to apply to prospective purchasers, including West Builders, in order to spur possible development at a vacant and underutilized site.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
- 20. Budget Referral: RFFB Light at Eton Avenue and Claremont Boulevard**  
**From: Councilmember Droste**  
**Recommendation:** Refer to the budget process a one-time allocation for a Rectangular Rapid Flash Beacon (RFFB) light at Claremont Boulevard and Eton Avenue.  
**Financial Implications:** \$50,000  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** Approved recommendation.
- 21. Budget Referral: Temporary Staff Position to Support Undergrounding of Utilities**  
**From: Councilmembers Droste and Wengraf**  
**Recommendation:** Refer to the 2017-18 budget process \$200,000 for a temporary staff position to carry out recommendations from, and work with, the Utility Undergrounding Subcommittee of the Public Works Commission.  
**Financial Implications:** \$200,000  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** Moved to Action Calendar. 8 speakers. M/S/C (Worthington/Maio) to approve the recommendation as amended to refer the item to the June 2018 budget process.  
**Vote:** All Ayes.

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

### **22. Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon its conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Title 14 Vehicles and Traffic, to authorize metered parking on Telegraph Avenue between Bancroft Way and Dwight Way, and adopt a Resolution supporting the proposed Telegraph Avenue Loading Zone and Customer Parking Pilot Project.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. 7 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Worthington/Droste) to adopt Ordinance No. 7,586-N.S. as amended in Supplemental Reports Packet #2 to modify the pilot project proposal to designate the former bus stops as additional metered loading zones, which would have lower frequency of vehicles entering and exiting, and consequently less potential impact on bus operations. Second reading scheduled for December 19, 2017. Resolution No. 68,256–N.S. adopted as revised in Supplemental Reports Packet #2 to designate former bus stops as additional metered loading zones.

Recess 8:38 p.m. – 8:58 p.m.

## Action Calendar – Continued Business

- A. Amendment: FY 2018 Annual Appropriations Ordinance** *(Continued from November 28, 2017)*  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the FY 2018 Annual Appropriations Ordinance No. 7,563–N.S. for fiscal year 2018 based upon recommended re-appropriation of committed FY 2017 funding and other adjustments authorized since July 1, 2017, in the amount of \$89,531,404 (gross) and \$73,807,317 (net).  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** 0 speakers. M/S/C (Harrison/Hahn) to adopt Ordinance No. 7,587-N.S. as amended in Supplemental Reports Packet #2 to remove any references to 1011 University Avenue and modify the gross (\$94,031,404) and net (\$78,307,317) amounts to reflect the changes from the Mayor's budget in Item B2. Second reading scheduled for December 19, 2017.  
**Vote:** All Ayes.
- B1. FY 2017 Year-End Results and FY 2018 First Quarter Budget Update** *(Continued from November 28, 2017)*  
**From: City Manager**  
**Recommendation:** 1. Adopt a Resolution allocating the General Fund excess equity as follows: \$1,930,415 to the General Fund Stability Reserve, \$1,579,430 to the General Fund Catastrophic Reserve and incorporate additional allocations as amended by subsequent Council action. 2. Discuss and determine funding allocations based on the Mayor's June 27, 2017, revised amendments to the FY 2018 & FY 2019 Biennial Budget and as amended by subsequent Council action.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** 16 speakers. M/S/C (Arreguin/Worthington) to adopt Resolution No. 68,257 –N.S. as revised in Supplemental Reports Packet #2 from the City Manager to reflect the Council's budget allocations.  
**Vote:** All Ayes.

## Action Calendar – Continued Business

### B2. Mayor's Recommendations for Allocation of Unassigned General Fund Excess Equity *(Continued from November 28, 2017)*

**From: Mayor Arreguin**

**Recommendation:** 1. Approve the proposed allocations in Attachment A of \$3,500,000 in Fiscal Year 2017 Unassigned Excess Equity, \$1,000,000 in Measure U1 revenues for the Small Sites Program, and \$173,531 in funding re-appropriated from the new 1011 University Avenue Council Chambers project. 2. Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 010577 with Dorothy Day House to add \$110,000 to expand the existing Berkeley Emergency Storm Shelter (BESS) and operate a nightly winter shelter for up to 140 nights through April 15, 2018 for a total contract amount not to exceed \$181,324. 3. Direct the City Manager to bring back to Council a proposal to establish an Irrevocable Supplemental Pension Trust and other options as proposed by staff.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** 16 speakers. M/S/C (Arreguin/Wengraf) to adopt recommendations #1 and #3 in Item B2 with the following amendments:

- \$150,000 allocation to the reserves reduced to \$71,000
- \$30,000 allocation approved for the UC Theater
- \$49,000 allocation approved for Berkeley Youth Alternatives
- \$1,900,000 for Pathways Project
- \$60,000 for portable toilets and hand-washing stations
- Allocation for illegal dumping to include measures to discourage illegal dumping
- \$200,000 for undergrounding process referred to June 2018 budget process
- Ombudsman for Planning Department referred to June 2018 budget process

**Vote:** All Ayes.

## Action Calendar – Continued Business

- C. Ministerial Approval of Zoning-Compliant Affordable Housing** *(Continued from November 28, 2017. Item contains revised and supplemental materials.)*  
**From: Councilmembers Droste and Bartlett, Mayor Arreguin, and Councilmember Worthington**  
**Recommendation:** Refer to the Planning Commission and City Manager to amend the zoning ordinance by July of 2018 to allow ministerial zoning approval of: Housing projects that receive Housing Trust Fund monies; and/or Housing projects that have more than 50% below market rate (BMR) units with 20% of the BMR units designated for those earning up to 50% AMI (extremely low and very low income earners). Design review will be conducted by staff for the aforementioned projects.  
**Financial Implications:** See report  
Contact: Lori Droste, Councilmember, District 8, 981-7180
- Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend to 11:15 p.m. to hear Item C and Item 24. Item 26 held over to December 19, 2017.  
**Vote:** Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio.
- Councilmember Maio absent 10:39 p.m. – 10:47 p.m.
- Action:** M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 11:25 p.m.  
**Vote:** All Ayes.
- Action:** 20 speakers. M/S/C (Bartlett/Worthington) to approve the recommendation amended to include direction to explore the potential appeal processes, if any, under a ministerial approval process, and to require the applicant to hold a community meeting prior to submitting an application.  
**Vote:** All Ayes.

## Action Calendar – New Business

- 23a. Proposed Ordinance: Surveillance Technology Use and Community Safety**  
**From: Police Review Commission**  
**Recommendation:** Adopt first reading of an Ordinance governing the approval, acquisition, and use of surveillance technology by the City of Berkeley.  
**Financial Implications:** Staff time  
Contact: Katherine Lee, Commission Secretary, 981-4950

## Action Calendar – New Business

- 23b. Companion Report: Proposed Ordinance: Surveillance Technology and Community Safety**  
**From: City Manager**  
**Recommendation:** Refer this item to the City Council Agenda Committee for scheduling to return to the City Council no later than January 30, 2018 to allow additional time for City staff to resolve differences with the Police Review Commission's recommendations or develop alternative recommendations for the City Council to consider.  
**Financial Implications:** Staff time  
Contact: Andrew Greenwood, Police, 981-5900 and David Brannigan, Fire, 981-3473
- Action:** 4 speakers. M/S/C (Worthington/Arreguin) to hold items 23a and 23b over to January 23, 2018.  
**Vote:** All Ayes.

## Council Action Items

- 24. Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503**  
**From: Councilmembers Bartlett, Harrison, and Davila**  
**Recommendation:** Adopt first reading of an Ordinance amending the Berkeley Municipal Code to establish ability to pay provisions regarding parking fines and fees in accordance with guidelines established in Assembly Bill 503.  
**Financial Implications:** Staff time  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- Action:** M/S/C (Hahn/Davila) to suspend the rules and extend the meeting to 11:30 p.m.  
**Vote:** All Ayes.
- Action:** 3 speakers. M/S/C (Bartlett/Maio) to refer the item as written in Supplemental Reports Packet #2 to the City Manager to conduct an analysis of the item, including a review of current indigency procedures and coordination with similar efforts in the City of Oakland, and report back to the Council in 90 days.  
**Vote:** All Ayes.
- 25. Strengthening Provisions of Significant Community Benefits in the Downtown**  
**From: Councilmembers Harrison**  
**Recommendation:** Adopt a Resolution establishing a more specific process and more precise standards for evaluating "Significant Community Benefit" packages for buildings exceeding 75 feet in the Downtown area, and rescinding Resolution No. 67,172-N.S.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Item (including supplemental materials) held over to January 23, 2018.

## Information Reports

26. **City Council Referral Process – 2018 Interim Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Moved to Action Calendar. Item held over to December 19, 2017.
27. **Issuance of \$35,000,000 in General Obligation Bonds for the Measure T1 – Infrastructure and Facilities Improvements (Post Sale Report)**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Report received and filed.

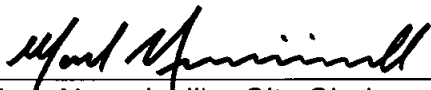
**Public Comment – Items Not Listed on the Agenda – 1 speaker.**

### Adjournment in memory of:

1. Monica Selter, Community Activist

Adjourned at 11:30 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of December 5, 2017 as approved by the Berkeley City Council.



Mark Numainville, City Clerk

## Communications

### Item 23a: Proposed Ordinance: Surveillance Technology Use and Community Safety

1. Tracy Rosenberg
2. Gene Bernardi
3. Police Review Commission

### Winter Shelter Plans

4. Homeless Commission

### Marathon Traffic

5. Keith Pageau

### Housing Article

6. Donald Goldmacher

### Ford GoBikes

7. Steven Saylor

### Short-Term Rental Tax Revenues

8. Thomas Lord

## **Supplemental Communications and Reports 1**

### **Item 23a: Proposed Ordinance: Surveillance Technology Use and Community Safety**

9. JP Massar

### **Item 25: Strengthening Provisions of Significant Community Benefits in the Downtown**

10. Revised materials, submitted by Councilmember Harrison

11. Pamela Webster

12. Raj & Rita Sahai

13. Janis Ching

14. Nancy Van Zwalenburg

15. Elsa Johnson

16. Bruce Bagnell

17. Cindy Shamban

18. Patrick Oh

19. Donald Goldmacher

20. Cherilyn Parsons

21. Zipporah Collins

22. Paola Laverde

23. Tree Fitzpatrick

24. Sheila Jordan

25. David Ushijima

26. Kelly Hammargren

27. Chris Schildt

28. Linda Franklin

29. Margot Smith

30. Fred Dodsworth

31. Sally Nelson

32. Mary Elieisar

33. Jane Kitchel

34. Gary & Jane Facente

35. Ryan Steinberg

36. Hewot Shankute, on behalf of East Bay Community Law Center

## **Supplemental Communications and Reports 2**

### **Item 7: Fee Assessment – State of California Self-Insurance Fund (Workers' Compensation Program)**

37. Revised materials, submitted by Human Resources

### **Item 8: Side Letter Agreements**

38. Jeff Apkarian, on behalf of Public Employees Union Local 1

### **Item 14: Budget Referral: Indigenous Peoples Day Pow Wow Budget Augmentation**

39. Christine Schwartz

### **Item 15: Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless**

40. Revised materials, submitted by Councilmember Bartlett

## **Supplemental Communications and Reports 2**

### **Item 16: Budget Priorities for Expenditure of Short-Term Rental Taxes**

41. Revised materials, submitted by Councilmember Harrison

### **Item 22: Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14**

42. Revised materials, submitted by Public Works

43. Robert del Rosario, on behalf of AC Transit

### **Item A: Amendment: FY 2018 Annual Appropriations Ordinance**

44. Revised materials, submitted by City Manager's Office

45. Homeless Commission

### **Item B1: FY 2017 Year-End Results and FY 2018 First Quarter Budget Update**

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

### **Item B2: Mayor's Recommendations for Allocation of Unassigned General Fund Excess Equity**

47. Boona Cheema

### **Item C: Ministerial Approval of Zoning-Compliant Affordable Housing**

48. Supplemental materials, submitted by Councilmembers Harrison and Hahn

49. Brendan Adams

50. Zach Franklin

51. Elisa Batista

52. Thomas Lord (2)

53. Sophia DeWitt, on behalf of East Bay Housing Organizations

54. Dan Sawislak, on behalf of Resources for Community Development

### **Item 23a: Proposed Ordinance: Surveillance Technology Use and Community Safety**

55. McGee-Spaulding Neighbors in Action

### **Item 24: Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503**

56. Revised materials, submitted by Councilmember Bartlett

### **Item 25: Strengthening Provisions of Significant Community Benefits in the Downtown**

57. Revised materials, submitted by Councilmember Harrison

58. Bruce Coughran

59. Tobey Wiebe

60. Erica Etelson

61. Watson Ladd

62. Dorothy Walker

63. Thomas Lord

## **Supplemental Communications and Reports 3**

**Item 22: Referral Response: Conversion of Loading Zones on Telegraph Avenue between Bancroft Way and Dwight Way into Regular Metered Parking with Morning Commercial Loading Hours; Amending BMC Title 14**

64. Presentation, submitted by Public Works

**Item B2: Mayor's Recommendations for Allocation of Unassigned General Fund Excess Equity**

65. Supplemental materials, submitted by Mayor Arreguin

**Item C: Ministerial Approval of Zoning-Compliant Affordable Housing**

66. Luis Amezcua, on behalf of the Sierra Club

67. Scott Wiener