

MINUTES
BERKELEY CITY COUNCIL MEETING

Tuesday, March 28, 2017

7:00 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: 7:12 p.m.

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

Absent: None.

Ceremonial Matters:

1. Swearing in of Kathryn Harrison, newly elected District 4 Councilmember.
2. Recognition of Koichi and Hiroko Tamano, Local Artists
3. American Red Cross Month – March 2017
4. Recognition of 924 Gilman – 30th Year in Operation
5. Recognition of Katherine Harr, Former Rent Stabilization Board Chair

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 10 speakers.

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

Consent Calendar

Action: M/S/C (Bartlett/Harrison) to accept supplemental material from councilmember Bartlett on Item 20.

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

Consent Calendar

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

Vote: All Ayes.

- 1. Amending BMC Chapter 12.96: Regulating Changes to Health Care Facilities From: Mayor Arreguin, and Councilmembers Droste, Hahn, and Worthington**
Recommendation: Adopt second reading of Ordinance No. 7,535-N.S. amending Berkeley Municipal Code Chapter 12.96 to ensure appropriate notice is delivered and posted and public hearings are conducted prior to the closing of a hospital, clinic or out-patient facility that serves the City of Berkeley.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted second reading of Ordinance No. 7,535-N.S.
- 2. Modifications to the Accessory Dwelling Unit (ADU) Ordinance and Related, for Compliance with State Law; Amending BMC Chapters 23D.10 and 23F.04 From: City Manager**
Recommendation: Adopt second reading of Ordinance No. 7,536-N.S. amending Berkeley Municipal Code (BMC) Chapters 23D.10 (Berkeley's ADU Ordinance) and 23F.04 (Definitions) in order to maintain compliance with California Code Section 65852.2 (State ADU law).
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Carol Johnson, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,536-N.S.
- 3. Tenant Protection Ordinance, Amending BMC Chapter 13.79 From: Mayor Arreguin, and Councilmembers Worthington, Bartlett, and Davila**
Recommendation: Adopt second reading of Ordinance No. 7,537-N.S. amending Berkeley Municipal Code Chapter 13.79 to prohibit tenant harassment.
First Reading Vote: All Ayes.
Financial Implications: Unknown
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Adopted second reading of Ordinance No. 7,537-N.S.
- 4. Confirming the Results of the March 7, 2017 Special Municipal Election From: City Manager**
Recommendation: Adopt a Resolution confirming the results of the March 7, 2017 Special Municipal Election for City Council District 4.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 67,873-N.S.

Consent Calendar

- 5. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of February 7, 2017 (special), February 14, 2017 (special closed and regular), February 27, 2017 (special closed), and February 28, 2017 (special closed, special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 28, 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 - \$1,435,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 7. Write-Off Uncollectible Accounts Receivable for Ambulance Billings**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to write off uncollectible outstanding accounts receivable in the amount of \$18,569,309 relating to ambulance billings in the Fire Department dating back to 2000.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Moved to Action Calendar. 4 speakers. M/S/C (Harrison/Maio) to adopt Resolution No. 67,874–N.S. authorizing the City Manager to write off uncollectible outstanding accounts receivable in the amount of \$18,569,309 relating to ambulance billings in the Fire Department dating back to 2000.
Vote: Ayes – Maio, Davila; Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Councilmember Worthington absent 8:11 p.m. – 8:19 p.m.
- 8. Contract No. 10450 Amendment: Berkeley Free Clinic for Clinical Laboratory Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10450 with Berkeley Free Clinic (BFC) for the provision of laboratory services increasing the not to exceed amount by \$15,000 for a total Not-to-Exceed amount of \$65,000 through June 30, 2017.
Financial Implications: General Fund - \$15,000
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,875–N.S.

Consent Calendar

- 9. Contract: Optimas Services, Inc. for Consultant Services for MediCal Administrative Activities and Targeted Case Management Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for consultant services to the Health, Housing & Community Service Department for MediCal Administrative Activities and Targeted Case Management programs for a period not to exceed one year for an amount not to exceed \$60,000.
Financial Implications: Target Case Management/Linkages Fund - \$60,000
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400.
Action: Adopted Resolution No. 67,876–N.S.
- 10. Revenue Grant Agreement: MediCal Administrative Activities Funding from the State of California to Conduct Public Health Promotion Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion for Medi-Cal Administrative Activities (MAA) Program in the projected amount of \$175,000 per year for three years, Fiscal Years 2017 through 2019.
Financial Implications: Target Case Management/Linkages Fund - \$525,000
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,877–N.S.
- 11. Revenue Grant Agreement: Funding Support from the State of California to Conduct HIV/AIDS Surveillance in Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant agreement to the State of California in the projected amount of \$29,088 per year for three years for a total of \$87,264 for Fiscal Years 2017, 2018 and 2019 to be utilized to conduct HIV/AIDS Surveillance services; to accept the grant; and to execute any resultant revenue agreements, amendments, and extensions.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,878–N.S.

Consent Calendar

- 12. Contract No. 5224E Amendment: Application Associates for Citywide Computer Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 5224E with Application Associates for citywide computer training, increasing the amount by \$90,000 for a total not to exceed \$360,000, from April 1, 2001 to June 30, 2019.
Financial Implications: Employee Training Fund - \$90,000
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 67,879–N.S.
- 13. Contract No. 8865E Amendment: Accela, Inc. for Software Maintenance & Support, Professional Services and Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8865E with Accela, Inc., for gold software maintenance and support, professional services and training, increasing the amount by \$59,907 for a total not to exceed \$1,424,795, from December 12, 2011 to June 30, 2019.
Financial Implications: Various Funds - \$59,907
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 67,880–N.S.
- 14. Contract: Tyler Technologies for Enterprise Resource Planning (ERP) System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Tyler Technologies, Inc. for software licensing, implementation, maintenance, and related services for the Enterprise Resource Planning (ERP) System for the City, for an amount not to exceed \$3,313,635 from April 1, 2017 through June 30, 2023.
Financial Implications: \$3,313,635
Contact: Savita Chaudhary, Information Technology, 981-6500
Action: Adopted Resolution No. 67,881–N.S.
- 15. Contract: Ray's Electric for Ashby/Claremont and Ashby/Hillegass Intersections Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Ashby/Claremont and Ashby/Hillegass Intersections Improvements Project, Specification No. 17-11095-C; accepting the bid of Ray's Electric Company as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$687,978.
Financial Implications: Various Funds - \$687,978
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,882–N.S.

Consent Calendar

16. **Berkeley Fire Department Ambulance Billing Follow-Up Audit**
From: Auditor
Recommendation: Request that the City Manager report back by September 26, 2017, and every six months thereafter, regarding the status of recommendations until reported fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Moved to Action Calendar. 0 speakers. M/S/C (Maio/Wengraf) to approve the recommendation.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Council Consent Items

17. **Issue an RFP to Develop a Specific Housing Project with Units and Facilities Appropriate for Formerly Homeless and Other Very Low Income Residents**
From: Ad Hoc Committee on Homelessness (Mayor Arreguin and Councilmembers Maio, Davila, and Hahn)
Recommendation: Issue an RFP for the small City-owned lot in the 1200 block of University Avenue (aka 1920 West Street) to create small residential units, with appropriate on-site common spaces and services, affordable to very, very low income persons, with incomes below 30% of AMI.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Approved recommendation.
18. **Support for the Investigation to Impeach President Donald Trump**
From: Mayor Arreguin and Councilmember Hahn
Recommendation: Adopt a Resolution supporting an investigation into the impeachment of President Donald Trump and sending a copy of the Resolution to Congresswoman Barbara Lee.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmembers Davila and Bartlett added as a co-sponsor. Adopted Resolution No. 67,883–N.S.

Council Consent Items

19. **Berkeley Public Schools Fund Spring Luncheon, May 12, 2017: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds From: Councilmembers Maio, Hahn, and Wengraf**
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$200 per councilmember, including \$200 from Councilmember Maio, to the Berkeley Public Schools Fund, on the occasion of their annual Spring Luncheon, to be held on Friday, May 12, 2017, from 11am-1:30pm at Hs Lordships Restaurant on the Berkeley Marina, (more information is available at berkeleypublicschoolsfund.org/spring-luncheon-2017), with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$200
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 67,884–N.S. revised to include contributions from the following councilmembers up to the amounts listed: Councilmember Wengraf - \$200; Councilmember Maio - \$200; Councilmember Davila - \$50; Mayor Arreguin - \$200.
20. **Anti-Displacement Public Advocate**
From: Councilmembers Bartlett, Davila, and Mayor Arreguin
Recommendation: Secure funding for an Office of the Anti-Displacement Public Advocate (APA), to be located in a community agency, which will be tasked with preventing the displacement of Berkeley residents, community, faith and cultural institutions, and small businesses. The APA will be an entity external to the City. The APA will engage in advocacy; provide legal representation; coordinate housing counselling and financial literacy training; conduct stakeholder meetings; provide outreach to community members at-risk of displacement; and publish quarterly public reports on outcomes and impact in reducing displacement.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Councilmember Harrison added as a co-sponsor. Item, including supplemental material accepted by the City Council, referred to the budget process for consideration.

Council Consent Items

21. Signage Ordinance, Amending BMC Chapter 20.20.020

From: Councilmembers Hahn, Bartlett, and Davila

Recommendation:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 20.20.020 to allow new signage at the Tarea Hall Pittman South Branch Library to be installed.
2. Send a letter to the Board of Library Trustees (BOLT) requesting that BOLT help expedite fabrication and installation of the MLK Jr. Way sign as quickly as possible, and maintain existing Tarea Hall Pittman signage on Russell St.
3. Request that BOLT Trustee/Councilmember Hahn report once a month to Council on progress of MLK Jr. Way sign installation.

Financial Implications: Minimal

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

Action: Councilmember Harrison added as a co-sponsor. 1. Adopted first reading of Ordinance No. 7,538–N.S. as revised in Supplemental Reports Packet #2 to amend Section 20.16.090 instead of 20.20.020. Second reading scheduled for April 4, 2017. 2. Approved recommendation with revised letter in Supplemental Packet #2. 3. Approved recommendation.

22. Security Camera Database

From: Councilmembers Wengraf, Droste, and Worthington

Recommendation: Request that the City Manager return to Council with an update on the referral to create a voluntary database of security cameras in Berkeley. With an increase in crime, residents are anxious to help the Berkeley Police Department solve cases and arrest the perpetrators.

Financial Implications: Minimal

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

Action: Moved to Action Calendar. 9 speakers. M/S/C (Worthington/Wengraf) to approve the recommendation amended to include direction that the guidelines have provisions to protect privacy and avoid misuse of camera footage.

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

23. Support AB 1316 (Quirk and Weber) Childhood Lead Poisoning Prevention

From: Councilmembers Wengraf and Davila

Recommendation: Send a letter to President pro Tempore Kevin de Leon, State Senator Nancy Skinner, and Assemblymembers Tony Thurmond, Bill Quirk and Shirley Weber in support of AB 1316 (Quirk and Weber), to require that all children in California be tested for lead exposure.

Financial Implications: Minimal

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

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

Council Consent Items

24. Ordinance to Ban the Sale of Fur in Berkeley

From: Councilmember Worthington

Recommendation: Adopt an Ordinance to eliminate the sale of fur apparel products in order to promote community awareness of animal welfare.

Financial Implications: None

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

Action: Moved to Action Calendar. 7 speakers. M/S/C (Hahn/Davila) to adopt first reading of Ordinance No. 7,539–N.S. amended as follows:

- Remove cowhide with hair and sheep or lambskin with fleece from the definition of fur.
- Remove the exemption for non-profit organizations.
- Remove Section 2.
- Remove the reference to an effective date.
- Add a posting section.
- Direct staff to assign the chapter number and make the needed changes for proper formatting.

Second reading scheduled for April 4, 2017.

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

Action: M/S/C (Wengraf/Maio) to suspend the rules and extend the meeting to 11:40 p.m.

Vote: All Ayes.

25. Proclamation Declaring the April 24, 2017 Armenian Genocide Commemoration Day in Berkeley

From: Councilmember Worthington

Recommendation: Adopt a proclamation declaring the April 24, 2017 Armenian Genocide Commemoration Day in Berkeley.

Financial Implications: None

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

Action: Councilmembers Davila and Harrison added as co-sponsors. Adopted proclamation.

Council Consent Items

26. **Telegraph Ave Summer of Love Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Droste and Worthington
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 each from Councilmembers Droste and Worthington, to the Telegraph Ave Summer of Love 50th Anniversary (organized by the Telegraph Ave Business Improvement District), with funds relinquished to the City's general fund for this purpose from the discretionary council office budgets of Councilmembers Droste and Worthington, and any other councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$250
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: Adopted Resolution No. 67,885–N.S.

Action Calendar – Public Hearings

27. **ZAB Appeal: 2597 Telegraph Avenue** (*Continued from January 24, 2017*)
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution approving Use Permit No. 2015-0018 to construct a four-story, approximately 25,200-sq. ft., 10-unit townhouse development on the vacant portion of a parcel that contains a three-story, mixed-use Landmark building (the Gorman Building) with four existing dwelling units; and to legalize the existing operation of a commercial parking lot for carsharing.
Financial Implications: None
Contact: Carol Johnson, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 16 speakers.
M/S/C (Worthington/Maio) to close the public hearing.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn (Recused – Voted on project as member of Zoning Adjustments Board).

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 67,886–N.S. approving Use Permit No. 2015-0018 to construct a four-story, approximately 25,200-sq. ft., 10-unit townhouse development on the vacant portion of a parcel that contains a three-story, mixed-use Landmark building (the Gorman Building) with four existing dwelling units; and to legalize the existing operation of a commercial parking lot for carsharing, and dismissing the appeal.

Vote: Ayes – Maio, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Davila; Absent – Hahn (Recused – Voted on project as member of Zoning Adjustments Board).

Councilmember Hahn recused 8:50 p.m. – 9:51 p.m.

Recess 9:51 p.m. – 10:07 p.m.

Action Calendar – Old Business

28. **Referral Response: Standards for Testing and Certification of DAS Antennas, Amending BMC Chapter 16.10** *(Continued from February 14, 2017 – Item contains revised material)*
From: City Manager
Recommendation: Adopt first reading of an Ordinance adding Berkeley Municipal Code subdivision 16.10.100.G requiring regular testing of wireless telecommunications facilities in the public right of way to verify compliance with FCC standards.
Financial Implications: None
Contact: Zach Cowan, City Attorney, 981-6950
Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,540–N.S. as written in Supplemental Reports Packet #1. Second reading scheduled for April 4, 2017.
29. **Housing Accountability Act** *(Continued from February 28, 2017)*
From: City Manager
Contact: Zach Cowan, City Attorney, 981-6950
Action: Item held over to April 25, 2017.

Action Calendar – Old Business

30. **Progress Report for the Development of a Comprehensive Plan for the Funding of Undergrounding Utility Wires in Berkeley** (*Continued from February 28, 2017*)
From: Public Works Commission; Disaster and Fire Safety Commission; Transportation Commission

Recommendation:

1. Approve the following work item: a. An updated work plan to develop a comprehensive plan (the "Undergrounding Plan") for the funding of undergrounding utility wires in Berkeley.
2. Accept the following informational items: a. A baseline study for the development of an undergrounding program, prepared by Harris and Associates, dated July 22, 2016. b. An application to U.C. Berkeley's Goldman School of Public Policy to conduct Phase 2 studies for the development of an undergrounding program. c. Hold a workshop with service providers, such as PG&E, AT&T, Comcast, in early 2017 to get their input on the development of an undergrounding program.

Financial Implications: None

Contact: Tracy Clay, Commission Secretary, 981-6300; David Brannigan, Commission Secretary, 981-3473; Farid Javandel, Commission Secretary, 981-6300

Action: M/S/C (Wengraf/Maio) to suspend the rules and extend the meeting to 11:20 p.m.

Vote: All Ayes.

Action: 0 speakers. M/S/C (Harrison/Maio) to approve the commission recommendation amended to place the program on hold after the completion of Phase II.

Vote: All Ayes.

31. **Readopt "Lease Agreement: Friends of DxE for Telegraph of Channing Mall, 2425 Channing Way Suite C" with Minor Amendments** (*Continued from February 28, 2017 – Item contains revised material*)

From: Councilmember Worthington

Recommendation: That the Council, readopt lease agreement for the Friends of DxE International at 2425 Channing Suite C at the premises for the purposes of operating an office with supporting retail activities to include revised amendments.

Financial Implications: Minimal

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

Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,541–N.S. as written in Supplemental Reports Packet #1. Second reading scheduled for April 4, 2017.

Action Calendar – New Business

32. Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street

From: City Manager

Recommendation:

1. Adopt an urgency ordinance authorizing the acquisition of 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street for \$6,650,000; and
2. Adopt first reading of an ordinance authorizing the acquisition of 1001, 1007, and 1011 University Avenue and 1925 Ninth Street for \$6,650,000.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: 3 speakers. M/S/C (Hahn/Davila) to adopt urgency Ordinance No. 7,542-N.S. as amended in Section 4 as below, and to adopt the first reading of Ordinance No. 7,543–N.S. Second reading of Ordinance No. 7,543-N.S. scheduled for April 4, 2017.

Section 4. Acquisition of Property. The City Manager is hereby authorized to acquire on behalf of the City of Berkeley, the real property located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, (APNs 057-208901401, 057-208901201, and 057-208901500), for the price of \$6,650,000, and to execute all contracts and other documents necessary to complete the acquisition. Payment will be made from the Workers' Compensations Fund. Repayment to the Workers' Compensation Fund for the portion of the property to be used as Council Chambers will be paid from excess property transfer tax, and the remainder will be paid from an appropriate source after the use of the building is determined and the repayment plan is reviewed by the Housing Advisory Commission if required.

Action Calendar – New Business

33a. Referral Response: Cigarette Butt Pollution Prevention

From: Community Environmental Advisory Commission

Recommendation: Direct the City Manager to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location. This pilot program would: a) Place a total of four receptacles for cigarette butt disposal in front of three adult schools and a bus stop where smoking behavior continues despite its prohibition. The receptacles are to be placed in front of: i. Berkeley City College, 2050 Center Street; ii. Language Studies International on 2015 Center Street; iii. Kaplan International, Berkeley, 150 Berkeley Square; and iv. a selected major bus stop in the vicinity of an entrance to the Downtown Berkeley BART station; and b) Exhibit graphics on the receptacles to remind and inform the public that tobacco litter is hazardous to the health of the Bay; and c) Enter into a partnering agreement with the Downtown Berkeley Association (DBA) for upkeep of the receptacles for the duration of the one-year pilot program, including sending collected butts to the company for recycling; and d) TerraCycle® will track the weight of butts received, and share the data with the City of Berkeley and CEAC commissioners to help track and assess the success of the pilot program; and e) Identify funding sources to expand the pilot program if successful at the end of the one year trial.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7400

33b. Companion Report: Cigarette Butt Pollution Prevention

From: City Manager

Recommendation: Refer to the City Manager further consideration of the proposal from the Community Environmental Advisory Commission (CEAC) to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location.

Financial Implications: See report

Contact: Carol Johnson, Planning and Development, 981-7400

Action: 3 speaker. M/S/C (Maio/Harrison) to adopt Item 33.a. amended to change "Direct" to "Refer" in the first sentence.

Vote: All Ayes.

Action: M/S/C (Worthington/Hahn) to suspend the rules and extend the meeting to 11:30 p.m.

Vote: All Ayes.

Information Reports

34. **Measure T1 Funds for Reconstruction of the Berkeley Rose Garden Pergola**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, 981-7400
Action: Received and filed.
35. **Referral Response: Recreational Cannabis Recommendations**
From: Medical Cannabis Commission
Contact: Elizabeth Greene, Commission Secretary, 981-7400
Action: Received and filed.
36. **City Auditor Fiscal Year 2017 Audit Plan**
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Received and filed.

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

Adjournment

Adjourned at 11:40 p.m. in memory of:

1. Leslie Gordon, Local Disability Rights Advocate

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of March 28, 2017 as approved by the Berkeley City Council.



Mark Numainville, City Clerk

Communications

Item 18: Support for the Investigation to Impeach President Donald Trump

1. Spencer Naar

Item 24: Ordinance to Ban the Sale of Fur in Berkeley

2. Voluminous correspondence available for viewing in the City Clerk's Office

Item 27: ZAB Appeal: 2597 Telegraph Avenue

3. Berkeley Architectural Heritage Association
4. Livable Berkeley

Violence in Berkeley

5. Olivia Liou
6. Robert Epstein
7. Sharon Smith
8. Stacy Taylor
9. Norm
10. Unknown

Communications

1900 Fourth Street

- 11. Stephanie Manning
- 12. Kathleen McLean
- 13. Andrew Galvan

Meeting at Starry Plough

- 14. Janice Greenberg

Proposed Resolution

- 15. Judy Nakadegawa

Comments on Zoning

- 16. Berkeley Design Advocates
- 17. Steve Marinot

Gas-Powered Leaf Blowers

- 18. Bob Martin

Realm School

- 19. Yarery Estrada

1610-1648 University Avenue

- 20. Maulin Chokshi

Cesar Chavez Park Upgrades

- 21. Martin Nicolaus

Zero Net Energy Policy

- 22. Charlene Woodcock

Board of Library Trustees

- 23. Steve Douglas
- 24. Jeffrey Kaplan

Smart Parking Proposal

- 25. Manny Krakaris

Berkeley Municipal Code Clarification

- 26. Robert Lauriston

3D Printed Homes

- 27. Harvey Sherback

Live Oak Park

- 28. Margot Smith

Easy Does It

- 29. Yvette Hoffer

PG&E / Anchor Poles

- 30. Fred Dodsworth

Additional Administrative Powers to Zoning Officer

- 31. Rent Stabilization Board

Communications

Berkeley Bike Plan

- 32. Stuart Cohen, on behalf of TransForm
- 33. Tom Holub

Supplemental Communications and Reports 1

Item 24: Ordinance to Ban the Sale of Fur in Berkeley

- 34. Sara Fox-Uvalle
- 35. Dan Fingleton
- 36. Lynn Kennedy

Item 27: ZAB Appeal: 2597 Telegraph Avenue

- 37. Stuart Baker
- 38. Matt Podolsky
- 39. Randy Fish

Supplemental Communications and Reports 2

Item 18: Support for the Investigation to Impeach President Donald Trump

- 40. Rose Meadows

Item 20: Anti-Displacement Public Advocate

- 41. Revised materials, submitted by Councilmember Bartlett

Item 21: Signage Ordinance, Amending BMC Chapter 20.20.020

- 42. Revised materials, submitted by Councilmember Hahn

Item 24: Ordinance to Ban the Sale of Fur in Berkeley

- 43. Voluminous correspondence available for viewing in the City Clerk's Office

Item 27: ZAB Appeal: 2597 Telegraph Avenue

- 44. Helen Yuan
- 45. Sarah Bishop
- 46. Randy Fish
- 47. Shirley Dean
- 48. Paul Vojta

Item 30: Progress Report for the Development of a Comprehensive Plan for the Funding of Undergrounding Utility Wires in Berkeley

- 49. Supplemental materials, submitted by Councilmember Hahn

Item 32: Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street

- 50. Supplemental materials, submitted by City Manager's Office
- 51. Supplemental materials, submitted by Councilmember Harrison
- 52. Rob Wrenn
- 53. Marian Wolfe
- 54. Linda Franklin

Item 34: Measure T1 Funds for Reconstruction of the Berkeley Rose Garden Pergola

- 55. Pil Orbison

Supplemental Communications and Reports 3

Item 18: Support for the Investigation to Impeach President Donald Trump

56. Soula Culver

57. Kathleen Sikora

Item 20: Anti-Displacement Public Advocate

58. Revised materials submitted by Councilmember Bartlett

Item 24: Ordinance to Ban the Sale of Fur in Berkeley

59. Todd Maudlin

60. Sascha Mason

61. Sharon Budde

62. Georgina Guardado

Item 27: ZAB Appeal: 2597 Telegraph Avenue

63. Unknown

64. Moni Law

Item 32: Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street

65. Presentation, submitted by City Manager's Office

66. Moni Law