

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, September 25, 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: 6:36 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Coille Hooven, Local Artist
2. Recognition of Berkeley Startup Grind

City Auditor Comments:

The City Auditor noted the four Audit-related items on the agenda, including the Animal Shelter Audit which is fully implemented, and the status of the Public Works and Zero Waste audits.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 9 speakers.

Public Comment on Consent Calendar and Information Items Only: 11 speakers.

Consent Calendar

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

Vote: All Ayes.

Consent Calendar – Continued Business

A. Cannabis Ordinance Revisions Related to Distributors and Small Cultivators; Amending BMC Titles 12, 23C, 23E, and 23F *(Continued from September 13, 2018)*

From: City Manager

Recommendation: Adopt the following changes to the Berkeley Municipal Code (BMC) to allow cannabis Distributors and small cannabis Cultivators (defined as having up to 10,000 square feet in area) to locate in Berkeley, to allow cannabis businesses to operate in a for-profit manner, and to maintain City authority to permit and inspect manufacturers of edible cannabis products:

1. Adopt second reading of Ordinance No. 7,624-N.S. amending BMC Sections 12.23.020, 12.25.050, 12.25.090, 12.25.100, 12.27.070 and 12.27.090, and creating BMC Chapter 12.22; and
2. Adopt second reading of Ordinance No. 7,625-N.S. amending the Zoning Ordinance Chapters BMC 23E.16, 23E.36, 23E.64, 23E.68, 23E.72, 23.76, 23E.80, 23E.84 and 23F.04, and creating BMC Chapter 23C.25.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,624-N.S. and Ordinance No. 7,625-N.S.

Consent Calendar

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 25, 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: Parks Tax - \$145,000

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Approved recommendation.

2. Fourth Amendment to the Emergency Medical Services First Responder Advanced Life Support Services Agreement with the County of Alameda

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a fourth amendment to the Emergency Medical Services First Responder Advanced life Support Services Agreement with the County of Alameda estimated to be in the amount of \$76,000.

Financial Implications: See report

Contact: David Brannigan, Fire, 981-5508

Action: Adopted Resolution No. 68,602–N.S.

Consent Calendar

- 3. Grant: Alameda County Transportation Commission for Measures B and BB Paratransit Revenue**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments with the Alameda County Transportation Commission (Alameda CTC) for the renewal of Measure B and Measure BB annual pass-through funds estimated to be in the amount of \$600,667 for use during FY 2019, and execute resulting contracts for services with Easy Does It and Friendly Transportation. These funds are critical in supporting our Aging Services programs by meeting the transportation needs of seniors and people with disabilities in the Berkeley community.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,603–N.S.
- 4. Disposition of City-Owned, Former Redevelopment Agency Properties at 1631 Fifth Street and 1654 Fifth Street**
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance authorizing the sale of two City-owned, former Redevelopment Agency properties at 1631 Fifth Street and 1654 Fifth Street at market rate and deposit the proceeds in the City's Housing Trust Fund (HTF).
2. Direct the City Manager to issue a Request for Proposals to select a real estate broker to manage the sale.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Item referred to the Agenda Committee for future scheduling.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Worthington.
- 5. Contract No. 10577B Amendment: Dorothy Day House – FY19 Winter Shelter**
From: City Manager
Recommendation: Adopt a Resolution to add \$200,000 to extend the operation of the Berkeley Emergency Storm Shelter (BESS) for a total Dorothy Day House contract amount not to exceed \$639,648 through June 30, 2019.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,604–N.S.

Consent Calendar

- 6. Contract No. 9649 Amendment: Sloan Sakai Yeung & Wong LLP for Chief Labor Negotiations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9649 in the amount of \$70,000 with Sloan Sakai Yeung & Wong LLP for Chief Labor Negotiator services, for a total not to exceed \$215,000.
Financial Implications: General Fund - \$70,000
Contact: LaTanya Bellow, Director of Human Resources, 981-6806
Action: Adopted Resolution No. 68,605–N.S.
- 7. Donation: Memorial Bench at the South Cove in memory of Eileen Liching Tang**
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 Eileen Liching Tang.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,606–N.S.
- 8. Donation: Memorial Bench at the South Cove in memory of Judith Scherr**
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: Item held over to October 2, 2018.
- 9. Contract No. 10397 Amendment: Nichols Consulting Engineers for On-Call Civil Engineering Services**
From: City Manager
Recommendation: Adopt Resolution authorizing the City Manager to execute an amendment to Contract No. 10397 with Nichols Consulting Engineers for additional on-call civil engineering services by increasing the contract amount by \$800,000 for a total not-to-exceed amount of \$2,000,000, and extending the term through December 31, 2021.
Financial Implications: Measure T1 - Infra & Facilities Fund - \$800,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,607–N.S.

Consent Calendar

- 10. Contract: Cadmus for Development of a Berkeley EV Roadmap**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or change orders with The Cadmus Group LLC (Cadmus) to develop a Berkeley Electric Vehicle (EV) Roadmap for an amount not to exceed \$65,000 for the period October 1, 2018 through October 31, 2019.
Financial Implications: Various Funds - \$65,000
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted Resolution No. 68,608–N.S.
- 11. Contract No. 9786B Amendment: Karste Consulting, Inc. for Emergency Preparedness Services and Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9786B with Karste Consulting, Inc. for emergency preparedness services and training by increasing the amount by \$100,000 for a total amount not to exceed \$250,000 and to extending the term through June 30, 2021.
Financial Implications: Various Funds - \$100,000
Contact: Phillip L. Harrington, Director, Department of Public Works, 981-6303
Action: Adopted Resolution No. 68,609–N.S.
- 12. Contract No. 9674B Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$132,750 to Contract No. 9674B with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$282,750, and extending the contract term through December 31, 2020.
Financial Implications: Various Funds - \$132,750
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,610–N.S.
- 13. Final Map of Tract 9787: 2001 Fourth Street**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 9787, a hundred-fifty-four unit condominium project consisting of a hundred-fifty-two residential units and two commercial units, located at 2001 Fourth Street.
Financial Implications: None
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,611–N.S.

Consent Calendar

- 14. Final Map of Tract 8401: 1035-1043 Pardee Street**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8401, a five-unit condominium project consisting of four residential units and one commercial unit, located at 1035-1043 Pardee Street.
Financial Implications: None
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,612–N.S.
- 15. Approval of Berkeley Strategic Transportation Plan Addendum**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the Berkeley Strategic Transportation Plan Addendum. 2. Authorizing the City Manager to submit the remaining unfunded and partially funded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Addendum to the Alameda County Transportation Commission for inclusion and funding in the County’s Fiscal Year (FY) 2020 – FY 2024 Comprehensive Investment Plan. 3. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,613–N.S. amended to adopt Sections I and II only and to include the Shattuck-Adeline Greenway in the list of projects.
- 16. Zero Emission Vehicle Requirements for City Fleet**
From: Community Environmental Advisory Commission
Recommendation: Refer to the City Manager the finalization of a policy which would require all new purchases of light-duty passenger vehicles to be electric vehicles or plug-in hybrids, and require the City-owned light-duty passenger vehicle fleet to be 100% electric vehicles or plug-in hybrids by the mid-2020s. This policy would be based on the City & County of San Francisco’s zero-emission light-duty passenger vehicle policy, and the report to Council should identify any additional costs associated with electric vehicles or plug-in hybrids, potentially accelerated fleet turnover, and necessary charging infrastructure on City lots.
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, 981-7460
Action: Moved to Action Calendar. 2 speakers. M/S/C (Worthington/Maio) to approve the recommendation amended to state that the policy includes the goal of moving the balance of the fleet to electric and plug-in hybrid vehicles.
Vote: Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 7:56 p.m. – 8:04 p.m.

Council Consent Items

17. **Farmers' Markets Investments**

From: Councilmembers Maio, Harrison, Hahn, and Mayor Arreguin

Recommendation: Refer to the City Manager to initiate improvements and changes to support the Berkeley Farmers' Markets that would address growing public safety and access concerns while enhancing the shopping experience and benefit the markets.

Financial Implications: See report

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

Action: Approved recommendation amended to explore adding a farmers market at the Berkeley Flea Market after consulting with Flea Market representatives.

18. **Proclamation in support of 50th Anniversary of Indigenous Occupation of Alcatraz Canoe Journey**

From: Councilmembers Davila, Harrison, and Bartlett

Recommendation: Adopt a Proclamation in support of the Alcatraz Canoe Journey scheduled for summer 2019 to mark the 50th Anniversary of the 1969 Indigenous Occupation of Alcatraz, requiring the City of Berkeley to undertake planning with the Alcatraz Canoe Journey committee in the year leading up to the canoe journey.

Financial Implications: None

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

Action: Adopted proclamation.

19. **Community-Based Disaster Preparedness Fair: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

From: Councilmembers Davila, Harrison, and Bartlett

Recommendation: Adopt a resolution to approve the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmembers Cheryl Davila, Kate Harrison and Ben Bartlett to the Berkeley Disaster Preparedness Neighborhood Network for their Community-based Disaster Preparedness Fair on October 20, 2018, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.

Financial Implications: Councilmembers' Discretionary Funds - \$250

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

Action: Adopted Resolution No. 68,614–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Hahn - \$100.

20. **Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities**

From: Councilmembers Bartlett and Davila

Recommendation: Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.

Financial Implications: Unknown

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

Action: Approved recommendation.

Council Consent Items

- 21. Resolution in Support of State Propositions 1 and 2**
From: Councilmembers Harrison, Hahn, and Bartlett
Recommendation: Adopt a Resolution Supporting State Proposition 1, the Veterans and Affordable Housing Bond Act, and Proposition 2, the No Place Like Home Act.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,615–N.S.
- 22. Safe Storage of Firearms Ordinance**
From: Councilmembers Wengraf and Hahn
Recommendation: Refer to the City Manager to review draft Safe Storage of Firearms ordinance, identify and resolve issues, and return to Council within 90 days.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmember Maio and Droste added as co-sponsors. Approved recommendation as revised in Supplemental Reports Packet #2.
- 23. Support for AB-2342, Breast and Ovarian Cancer Susceptibility Screening**
From: Councilmembers Wengraf, Hahn, Harrison, and Bartlett
Recommendation: Send a letter in support of AB-2342 (Burke and Waldron), which requires health care service plans, health insurers, and the Department of Health Care Services (DHCS) to provide coverage for breast and ovarian cancer susceptibility screening as recommended by the United States Preventative Services Task Force.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation amended to also send the letter to Governor Brown.
- 24. Letter Opposing Telecommunications Act Forbearance**
From: Councilmember Worthington
Recommendation: That the City Council send a letter to the Federal Communications Commission opposing the US Telecom Association forbearance petition.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation with an amendment in the last line of the second paragraph to state, "The Berkeley City Council opposes the petition in order to support fair competition within Berkeley."

Council Consent Items

25. Traffic Circle Vegetation Maintenance Policy

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

Recommendation: Refer to Parks and Waterfront Commission and the Transportation Commission to establish a city/community task force to: a) Evaluate the City's current traffic circle vegetation policy and b) Conduct a community led process to update that policy to ensure pedestrian/bicycle/vehicle safety and preserve community efforts to beautify traffic circles.

Financial Implications: Staff time

Contact: Lori Droste, Councilmember, District 8, 981-7180

Action: Approved recommendation.

26. Refer to the City Manager UC Berkeley Game Day Parking Restrictions and Fines in RPP Surrounding Campus

From: Councilmembers Droste, Wengraf, and Mayor Arreguin

Recommendation: Refer to the City Manager to adopt a Resolution: 1) Modifying RPP zones A, B, and D on posted University of California football game days to prohibit parking without a valid Residential Preferential Parking permit; 2) Modifying RPP zones F, G (which do not have RPP on Saturdays) to include RPP enforcement and prohibit parking without a valid RPP permit on posted University of California football game days. (No RPP on Saturdays except game days) 3) Establishing a new Parking Fine Schedule including increased parking fines of \$300 per violation of BMC 14.40.090 in Residential Preferential Parking zones A, B, D, F G on posted University of California football game days; 4) Replacing existing RPP signs in zones A, B, D, F, and G with new signs clearly indicating the University of California football game day parking prohibitions and listing the dates on the sign of University of California football game days; and 5) Assessing the modified University of California Football Game Day Parking Fine program within three years of implementation and recommend to Council whether to continue or modify the program; and rescinding Resolution 63,800- N.S.

Financial Implications: Staff time and signage. Increased revenue from parking tickets on game days.

Contact: Lori Droste, Councilmember, District 8, 981-7180

Action: Approved recommendation revised to state, "Refer to the City Manager to develop a Resolution:"

Action Calendar – Public Hearings

27. Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code

From: City Manager

Recommendation:

1. Pursuant to Berkeley Municipal Code Chapter 9.60, conduct a public hearing and upon conclusion, adopt a first reading of an Ordinance granting a franchise agreement with IKE Smart City, LLC and the City of Berkeley to operate wayfinding kiosks in Berkeley.
2. Adopt a first reading of an Ordinance amending Section 20.16.090 of the Berkeley Municipal Code (the Sign Ordinance) to exempt wayfinding kiosks placed in the City pursuant to a contract between the City and Visit Berkeley (formerly the Convention & Visitors Bureau); and amending Section 16.18.040 of the Berkeley Municipal Code (the Encroachment Ordinance) to exempt wayfinding kiosks installed pursuant to a contract between Visit Berkeley and the City of Berkeley, provided they are installed and maintained in conformance with the requirements of the City Engineer.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

Action: M/S/C (Worthington/Hahn) to accept revised material from the City Manager on Item 27.

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

Councilmember Droste absent 8:01 p.m. – 8:09 p.m.

Councilmember Hahn absent 8:02 p.m. – 8:08 p.m.

Public Testimony: The Mayor opened the public hearing. 6 speakers.

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

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

Councilmember Worthington absent 8:15 p.m. – 8:41 p.m.

Action: M/S/C (Hahn/Arreguin) to:

1. Adopt first reading of Ordinance No. 7,626–N.S. as amended in the revised material accepted from staff. Second reading scheduled for October 2, 2018.
2. Adopt first reading of Ordinance No. 7,627–N.S. Second reading scheduled for October 2, 2018.

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

Recess 9:16 p.m. – 9:30 p.m.

Action Calendar – Continued Business

- B. Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance** (*Continued from September 13, 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: M/S/C (Arreguin/Davila) to hold over Items B, Ca, and Cb to October 2, 2018 with the Lobbying Ordinance to appear first on Continued Business.

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

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

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

- Ca. Proposed Vehicle Encampment** (*Continued from September 13, 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

- Cb. Companion Report: Homeless Commission's Proposed Vehicle Encampment Report** (*Continued from September 13, 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: Items Ca and Cb held over to October 2, 2018.

Action Calendar – Continued Business

D. City of Berkeley Policy Limiting the Publishing of Arrest Photos (doxing) of people arrested by the Berkeley Police Department (*Continued from September 13, 2018. Item contains revised materials.*)

From: Councilmembers Davila, Harrison, and Mayor Arreguin

Recommendation: That the Council direct the City Manager to develop an ordinance that:

The Berkeley Police Department (BPD) shall not publicly post on social media, including but not limited to FaceBook, Instagram, Twitter, etc., the arrest photos of individuals arrested, unless they pose an immediate threat to the public safety of the Berkeley community (e.g. persons wanted for serial rape, homicide, or felony assault).

Furthermore, it is recommended that the City of Berkeley resist PRA requests for arrest photos and identifying information on individuals that have been arrested when doing so poses a risk to their safety as a result of threats against them and when doing so provide no public safety value.

Financial Implications: Unknown

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

Action: M/S/C (Maio/Hahn) to suspend the rules and extend the meeting to 11:45 p.m.

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

Action: M/S/C (Arreguin/Maio) to end debate and call the question.

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

Action: 21 speakers. Councilmember Bartlett added as a co-sponsor. M/S/C (Hahn/Arreguin) to adopt the following policy:

Except as required by State and Federal law, no employee of the Berkeley Police Department or any other City of Berkeley employee shall actively broadcast through Twitter, Facebook, Nixle, or other social media, the addresses, legal names, booking photos or other identifying information of people arrested for non-violent offenses by the Berkeley Police Department or other departments acting in mutual aid at First Amendment Events, as defined in Berkeley General Order C-64. The Berkeley Police Department and other City employees may broadcast the fact of arrests having been made, and details of the reasons and circumstances of such arrests, so long as personal identifying information is not included.

Restrictions on broadcasting identifying information about individuals arrested for non-violent violations in conjunction with First Amendment Events shall not limit or diminish the City's obligation to release arrestee information as required by State law, subject to personal safety-based and other limitations.

Action Calendar – Continued Business

The Berkeley City Council unequivocally opposes the actions of anyone bringing weapons of any kind into our streets, sidewalks, and parks to commit violence, and we support our Police Department's efforts to stop violence.

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

E. Density Bonus Ordinance Revisions - Repeal Existing BMC Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New BMC Chapter 23C.14 (Density Bonus) (Continued from July 24, 2018)

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the Zoning Ordinance to repeal obsolete Density Bonus regulations (Berkeley Municipal Code Section 23C.12.050: State of California Density Bonus Requirements) and adopt a new, standalone Density Bonus Chapter (Berkeley Municipal Code Chapter 23C.14) that complies with California State Government Code 65915–65918: Density Bonuses and Other Incentives.

Financial Implications: None

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

Action: Referred to the Agenda Committee for future scheduling.

F. Welcome to Berkeley Signage (Continued from July 24, 2018)

From: Transportation Commission

Contact: Farid Javandel, Commission Secretary, 981-6300

Action: M/S/C (Arreguin/Droste) to hold over Items F, G, 33a, and 33b to October 2, 2018.

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

Councilmember Hahn absent 9:30 p.m. – 9:32 p.m.

G. Adopt an Ordinance to amend BMC Chapter 3.80 allow Mayor and City Council employees serve as Commissioner (Continued from July 24, 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 held over to October 2, 2018.

Action Calendar – Old Business

28. **Emergency Standby Officers for the Mayor and Councilmembers** (*Continued from July 24, 2018*)
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 68,454-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Item removed from the agenda by the City Manager.

Action Calendar – New Business

29. **Recycling Markets Update**
From: City Manager
Recommendation: Review the impacts of global market conditions on Berkeley's recycling program and consider possible program changes to ensure the continued economic viability of recycling in Berkeley. Possible actions could include the adoption of new waste reduction policies or programs, modifications to the City's curbside recycling program accepted materials, and adjustments to collection rates.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: 3 speakers. Discussion held.
30. **Managing RV Parking Via Permit Process**
From: Councilmembers Maio, Hahn, and Mayor Arreguin
Recommendation: Refer to the City Manager to look into how other cities use permitting to manage RV parking and suggest a permit process that Council can consider to enable RV parking but place some sensible limits.
Financial Implications: Staff time for education and enforcement
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: 20 speakers. M/S/C (Arreguin/Maio) to approve the recommendation.
Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Davila; Abstain – None; Absent – Worthington.

Councilmember Worthington absent 9:53 p.m. – 11:45 p.m.

Action Calendar – New Business

31a. Ban on Receipts Made with Bisphenol A (BPA), Bisphenol S (BPS) Bisphenol F (BPF) and Other Phenols

From: Community Health Commission

Recommendation: Adopt a Resolution and pass the first reading of an Ordinance adding Berkeley Municipal Code Chapter 11.74 to ban the manufacture, distribution, sale, or use of receipt paper that contains Bisphenol A (BPA) or other phenols within the City of Berkeley by January 1, 2020.

Financial Implications: Staff time

Contact: Roberto Terrones, Commission Secretary, 981-5400

31b. Companion Report: Ban on Receipts Made with Bisphenol A (BPA) and Other Phenols

From: City Manager

Recommendation: Take no action on the Community Health Commission recommendation to adopt an ordinance to ban the use of thermal paper by 2020 and instead implement a community education effort about methods for reducing exposure to BPA-treated thermal paper.

Financial Implications: See report

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

Action: Item 31b moved to the Consent Calendar. Approved the recommendation with the amendment requesting that staff conduct a survey to determine how many businesses are using receipts with BPA.

32a. Affordable Housing and Temporary Housing Proposals for City-owned 1281 University Avenue Parcel

From: Housing Advisory Commission

Recommendation:

1. Select Resources for Community Development's proposal to develop 1281 University Avenue, with reservations regarding the proposal's financial feasibility (especially in regards to its reliance on project-based Section 8), reliance on tax credits leveraged in combination with other RCD projects, RCD's past performance, the level of homeless provided services on site, detail available about the service plan, and proposed reduction of open-space.

2. Direct the City Manager to provide the site as a temporary use for short term housing while a viable long term project is determined.

Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, 981-5400

Action Calendar – New Business

32b. Companion Report: Affordable Housing and Temporary Housing Proposals for City-owned 1281 University Avenue Parcel

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and enter into a Memorandum of Understanding (MOU) with Resources for Community Development (RCD) regarding the proposed development of the City-owned parcel at 1281 University Avenue as affordable housing for the homeless.

Financial Implications: See report

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

Action: Item 32b moved to Consent Calendar. Adopted Resolution No. 68,616-N.S. authorizing the City Manager to negotiate and enter into a Memorandum of Understanding (MOU) with Resources for Community Development (RCD) regarding the proposed development of the City-owned parcel at 1281 University Avenue as affordable housing for the homeless.

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

33a. Small Sites Loan Program Recommendations

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 – New Business

33b. Companion Report and Referral Response: Creation of a Small Sites Program

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: Items 33a and 33b held over to October 2, 2018.

Information Reports

34. City Council Short Term Referral Process – Monthly Update

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Action: Received and filed.

35. Audit Status Report Response: Written Guidance and Improved Monitoring Can Help Prevent Unnecessary Overtime at the Animal Shelter and Help Manage Citywide Comp Time at the Animal Shelter from January 1, 2018 – August 31, 2018

From: City Manager

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

Action: Received and filed.

36. Referral Response: Move Out Initiatives in Partnership with UC Berkeley

From: City Manager

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

Action: Received and filed.

37. Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity

From: City Manager

Contact: Phillip Harrington, Public Works, 981-6300

Action: Received and filed.

Information Reports

38. Audit Status Report -- Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal

From: City Manager

Contact: Phillip Harrington, Public Works, 981-6300

Action: Received and filed.

39. Commission on Labor 2018-2019 Work Plan

From: Commission on Labor

Contact: Delfina Geiken, Commission Secretary, 981-5400

Action: Received and filed.

40. Annual Report - Open Government Commission

From: Open Government Commission

Contact: Jessica Mar, Commission Secretary, 981-6950

Action: Received and filed.

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

Adjournment

Adjourned the meeting in memory of:

1. Two recently deceased homeless persons

Adjourned at 11:45 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of September 25, 2018 as approved by the Berkeley City Council.



Mark Numainville, City Clerk

Communications

Protest of August 5th

1. Paul Janosik

Communications

Permanent shelter for 90 homeless in Veterans' Building

2. Julie Guifoy and Patrick Morrow
3. Robin McDonnell
4. Susan Church
5. Josh Maddox & Kathi Pugh
6. Ian Fraser
7. Suzzane Fraser
8. Erica Etelson
9. Ben Buettner and Carly Strouse
10. Jack and Lorraine Scanlin
11. Frances Wilson

Bartlett Traffic Stop

12. Jessica Behrman
13. Eric Friedman (2)
14. Dan McDunn
15. Dr. Stephen LaMond
16. Joseph Kellner
17. Shirley Kirsten
18. Robert Gable
19. Carly Baker
20. Jefferson Douglas
21. Roger Hallsten

West Berkeley Shellmound/1900 Fourth Street

22. Corrina Gould, on behalf of Indian People Organizing for Change
23. Diana Bohn
24. Kelly Hammargren

Removal of Flyers in the Downtown

25. Carol Denny

Cell Phone Right to Know Ordinance

26. Phoebe Sorgen
27. Kelly Hammargren
28. Soula and Roy Culver
29. Benita Smith

Single-use Foodware

30. Heidi Obermeit
31. Susan Schwartz, on behalf of Friends of Five Creeks
32. Kelly Hammargren

Here/There Encampments

33. Colleen McCann
34. Eric McCann

1524 University

35. William B. Caldeira (2)

Communications

2701 Shattuck at ZAB

36. Diego Aguilar-Canabal

Utility Undergrounding

37. Marvin Snow, on behalf of Berkeley Citizens for Utility Undergrounding

Homeless Encampment at Old City Hall

38. Carol Denney

Improving Scheduling of Trash Pickup and Street Cleaning

39. Veronika Fukson

Redwood Gardens Steam-pipe effluent

40. Peter Bruce DuMont, on behalf of StarAlliance

Supplemental Communications and Reports 1

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

41. Revised materials, submitted by Councilmember Harrison

Item #D: City of Berkeley Policy Limiting the Publishing of Photos (doxing) of people arrested by the Berkeley Police Department

42. Revised materials, submitted by Councilmember Davila

Item #31a: Companion Report: Ban on Receipts Made with Bisphenol A (BPA) and Other Phenols

43. Revised materials, submitted by Councilmember Harrison

Item #33a & 33b: Small Sites Loan Program Recommendations

44. Supplemental materials, submitted by Health, Housing & Community Services

45. East Bay Community Law Center (2)

Supplemental Communications and Reports 2

Item #4: Disposition of City-Owned, Former Redevelopment Agency Properties at 1631 Fifth Street and 1654 Fifth Street

46. Terry Terteling (2)

Item #22: Safe Storage of Firearms Ordinance

47. Revised materials, submitted by Councilmember Wengraf

Item #24: Letter Opposing Telecommunications Act Forbearance

48. Bryce Nesbit

Item #27: Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code

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

50. Denny Abrams

Communications

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

- 51. Revised materials, submitted by Councilmember Harrison
- 52. Margo Smith
- 53. Barbara Brust

Item D: City of Berkeley Policy Limiting the Publishing of Photos (doxing) of people arrested by the Berkeley Police Department

- 54. Supplemental materials, submitted by Mayor Arreguin
- 55. James McFadden, on behalf of McGee-Spaulding Neighbors in Action
- 56. Nicole McIntyre

Item #30: Managing RV Parking Via Permit Process

- 57. Christopher Dworin
- 58. Aliza Cohen
- 59. Patricia Hosmer
- 60. Prasad Vaidya
- 61. Marie Monrad
- 62. Michele Gasparini
- 63. Roxanne Clement
- 64. JoAnn Coffino
- 65. Amelia and William Mack
- 66. Alice
- 67. Sander Caldwell
- 68. Lynn Eve Komaromi
- 69. Elisa Kingsbury
- 70. Shirley Stuart
- 71. Jessica Getz
- 72. Sarah Lefton
- 73. Julia Stenzel
- 74. Larry Colvin
- 75. Robert Pyburn
- 76. Joseph Pugliese
- 77. Carol Pierman
- 78. Chris Chase
- 79. Jenny Michelfelder
- 80. Robin Petrie
- 81. Anita Liboff
- 82. Sharon O'Dair
- 83. Simone Lang
- 84. Brian Wood, Starter Bakery

Item #33a: Small Sites Loan Program Recommendations

- 85. Seema Rupani, on behalf of East Bay Community Law Center

Item #30: Managing RV Parking Via Permit Process

- 86. 299 Communications, submitted via Berkeley Considers

Communications

Supplemental Communications and Reports 3

Item #4: Disposition of City-Owned, Former Redevelopment Agency Properties at 1631 Fifth Street and 1654 Fifth Street

87. Rhiannon

Item #27: Facilitation of the Installation of IKE Smart City Kiosks; Amending Chapters 20.16 and 16.18 of the Berkeley Municipal Code

88. Revised materials, submitted by the Office of the City Manager

89. Presentation, submitted by the Office of Economic Development

90. Allen Cain, on behalf of The Solano Avenue Association

91. John Caner, on behalf of Downtown Berkeley Association

92. Stuart Baker, on behalf of the Telegraph Business Improvement District

93. Heather Hensley, on behalf of the North Shattuck Association

94. Kirsten MacDonald, on behalf of the Berkeley Chamber of Commerce

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

95. Elisa Mikiten

Item #D: City of Berkeley Policy Limiting the Publishing of Arrest Photos (doxing) of people arrested by the Berkeley Police Department

96. Rivka Polanick

97. Sophia DeWitt

98. Marc Staton

99. Bryce Nesbitt

100. James McFadden

101. David Lerman

102. Unknown (2)

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

103. Meryl Siegal

104. Barbara Gilbert

Item #28: Emergency Standby Officers for the Mayor and Councilmembers

105. Unknown (2)

Item #29: Recycling Markets Update

106. 94. Presentation, submitted by the department of Public Works

Item #30: Managing RV Via Permit Process

107. Chantel Dolay (2)

108. Scott Huffman

109. Gabe Brueningsen

110. Morgan Read

111. Jeff Dolphin (2)

112. Ann Nguyen

113. Rod Howard

114. Theo Fornaciari

115. Eryn Leavens

Communications

116. George Marquardt
117. Aaron Young
118. Robert Gillette
119. Lupe Roberts
120. Mike Chaput
121. Unknown
122. Floy Andrews
123. James Whiting
124. Anne Pardee
125. Jen Monaco
126. Dave Ruegg
127. Kirsten MacDonald
128. Fred Fassett
129. Yolanda Allen-Hill
130. Karlita
131. Kathy Snowden
132. Carol Requadt
133. Nancy Rakela
134. Jane Ann Fontenot and Buddy Hensley
135. Bruce Nidetz (2)
136. Ibrahim Dabo
137. Amanda Stannard
138. Clive Nisse
139. Dawn Williams
140. Arika
141. Nicole Courand
142. Alicia Kallander
143. Colby Sandler
144. Marrah Galvin
145. Bryan Timm
146. Nicola Spence and Hans Reinhardt
147. Brian Cullinane
148. Amber Whitson
149. Joel Jacobs
150. Matt Isola
151. Ryan Duldulao
152. Emerson Garcia
153. Joey Suico
154. Samuel Hatton
155. Michael Promes
156. Brian Tirado

Item #35: Audit Status Report Response: Written Guidance and Improved Monitoring Can Help Prevent Unnecessary Overtime at the Animal Shelter and Help Manage Citywide Comp Time at the Animal Shelter from January 1, 2018 – August 31, 2018

157. Ann-Marie Hogan, on behalf of the City Auditor's Office