

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, December 13, 2016  
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 – VACANT

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

### **Preliminary Matters**

**Roll Call:** 7:14 p.m.

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

**Absent:** Wengraf

Councilmember Wengraf present at 7:15 p.m.

### **Ceremonial Matters:**

1. Adjourn in Memory of the Victims of the Ghost Ship Fire in Oakland
2. Adjourn in Memory of Susan Cerny, Local Author
3. Memorial for Judith Scherr at Chapel of the Chimes on December 17 at 11:00am

### **City Manager Comments:**

1. Help needed to assemble meals for seniors at Fire Station 2 on 12/17 from 9am – 11am
2. Berkeley Police Dept. Toy Drive on 12/17 at the Public Safety Building – 2100 MLK Jr. Way

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

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

### **Consent Calendar**

**Action:** M/S/C (Hahn/Worthington) to accept revised materials on Item 34 from Councilmember Hahn.

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

Councilmember Droste absent 7:45 p.m. – 7:50 p.m.

## Consent Calendar

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

**Vote:** All Ayes.

- 1. Amendment: FY 2017 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,519-N.S. amending the FY 2017 Annual Appropriations Ordinance No. 7,493–N.S. for fiscal year 2017 based upon recommended re-appropriation of committed FY 2016 funding and other adjustments authorized since July 1, 2016, in the amount of \$98,064,312 (gross) and \$81,921,524 (net).  
**First Reading Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,519-N.S.
- 2. Referral Response: Amending Berkeley Municipal Code Chapter 3.76 Enabling Community Health Commission**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,520-N.S. amending Berkeley Municipal Code (BMC) Chapter 3.76, which enables the Community Health Commission (CHC) to include health equity under its purview and to maintain the size of CHC at 18 members, with two appointees per Council member.  
**First Reading Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.  
**Financial Implications:** Minimal  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,520-N.S.
- 3. Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending BMC Titles 23D and 23E**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,521-N.S. regarding Short-Term Rental Regulations, adding Berkeley Municipal Code Chapter 23C.22 and amending Berkeley Municipal Code Titles 23D and 23E to make related changes.  
**First Reading Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Moved to Action Calendar. Item held over to January 24, 2017.

## Consent Calendar

- 4. Modify the Zoning Ordinance, Amending Accessory Buildings and Structures, BMC Chapter 23D.08, and Adding a Definition of Kitchen to Definitions, BMC Section 23F.04.010**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,522-N.S. amending Zoning Ordinance Accessory Buildings and Structures, Berkeley Municipal Code Section 23D.08, and adding a definition of Kitchen to Definitions, Berkeley Municipal Code Section 23F.04.010.  
**First Reading Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Moved to Action Calendar. Item held over to January 24, 2017.
- 5. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of October 18, 2016 (special and regular) and October 25, 2016 (special closed and specials).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Approved minutes as submitted.  
**Vote:** Ayes – Maio, Davila, Bartlett, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn.
- 6. Annual Commission Attendance and Meeting Frequency Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a revised commission meeting frequency schedule, and accept the annual attendance report.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 67,771–N.S.

## Consent Calendar

**7. Referral Response: Revisions to the Public Art in Private Development Program Including Amendments to BMC 23C.23.050**

**From: City Manager**

**Recommendation:**

1. Adopt first reading of an Ordinance revising Berkeley Municipal Code Section 23C.23.050, the One-Percent for Public Art on Private Projects Ordinance, to allow developers the option of satisfying the Percent for Art requirements with a combination of on-site art and in-lieu payment; and
2. Adopt a Resolution revising the Guidelines and Procedures: Public Art in Private Development document to provide the Civic Arts Commission guidance and more flexibility in the use of the Private Percent Art Fund, to require that developers pay 5% of the 1% obligation to support administration of the program, and provide additional clarification regarding the definition of construction costs; and rescinding Resolution No. 67,650–N.S.

**Financial Implications:** See report

Contact: Michael Caplan, Economic Development, 981-7530

**Action:** 1. Adopted first reading of Ordinance No. 7,526–N.S. Second reading scheduled for January 24, 2017. 2. Adopted Resolution No. 67,772–N.S.

**8. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 13, 2016**

**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 - \$18,872,848

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

**9. Designate the Line of Succession for the Director of Emergency Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster and rescinding Resolution No. 66,959-N.S.

**Financial Implications:** None

Contact: Gil Dong, Fire, 981-3473

**Action:** Adopted Resolution No. 67,773–N.S.

## Consent Calendar

**10. Grayson Street Apartments: Extension of Housing Trust Fund Reservation  
From: City Manager**

**Recommendation:** Adopt a Resolution extending Council's January 26, 2016 funding reservation of \$1.4 million from the Housing Trust Fund for Grayson Street Apartments, contingent upon Satellite Affordable Housing Associates (SAHA) securing its remaining financing commitments by June 1, 2017.

**Financial Implications:** See report

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

**Action:** Adopted Resolution No. 67,774–N.S.

**11. 2017 Health Plan Changes**

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: a. 14.15% increase for Kaiser S1 Group #60 (Active Group); b. 16.8% increase for the HSA-Qualified Deductible HMO Plan (Active Group); c. 11.57% increase for Pre-Medicare Eligible Retirees (Retiree Group); and d. 2.38% increase for Post-65 Senior Advantage (Retiree Group).

2. Approving rates for the Sutter Health Plus health plans as follows: a) 3.83% increase for HMO Group (Active Group); b. 3.91% increase for Pre-Medicare HMO Group (Retiree Group);

The health plan premium rates will be effective for the period of January 1, 2017 through December 31, 2017.

**Financial Implications:** See report

Contact: Sarah Reynoso, Human Resources, 981-6800

**Action:** Adopted Resolution No. 67,775–N.S. (Kaiser), and Resolution No. 67,776–N.S. (Sutter).

**12. 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 2017 for administering the Workers' Compensation Program, in an amount not to exceed \$192,197.

**Financial Implications:** Workers' Compensation Fund - \$192,197

Contact: Sarah Reynoso, Human Resources, 981-6800

**Action:** Adopted Resolution No. 67,777–N.S.

## Consent Calendar

- 13. Classification and Salary: Retired Annuitant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 67,709-N.S. Classification and Salary Resolution for Unrepresented Employees, to establish the classification of Retired Annuitant with a monthly salary range of \$2,167 - \$22,304 effective December 13, 2016.  
**Financial Implications:** None  
Contact: Sarah Reynoso, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 67,778–N.S.
- 14. Contract No. 8958 Amendment: Bartel Associates, LLC for Actuarial Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the existing Contract No. 8958 with Bartel Associates, LLC (hereinafter “Bartel”) by increasing expenditure authority in an amount not to exceed \$30,001, for a total contract amount of \$80,000 through June 30, 2018 for actuarial services pertaining to the unfunded liabilities projection of the City’s CalPERS pension plans.  
**Financial Implications:** General Fund - \$30,001  
Contact: Sarah Reynoso, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 67,779–N.S.
- 15. Contract No. 10088 Amendment: Executive Diversity Services, Inc. for Professional Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10088 with Executive Diversity Services, Inc. to provide diversity and inclusion training services to City employees by increasing the expenditure authorization by \$285,000 for a total not to exceed \$483,000.  
**Financial Implications:** Employee Training Fund - \$285,000  
Contact: Sarah Reynoso, Human Resources, 981-6800  
**Action:** Item held over to January 24, 2017.
- 16. Dell Computers, Inc.: Using Western States Contracting Alliance Pricing for Computer Hardware and Software Purchases**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers Inc., for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts from the Western States Contracting Alliance (WSCA) for the period of December 13, 2016 through June 30, 2018 for an amount not to exceed \$1,915,634 for Fiscal Year 2017 and \$1,200,000 for Fiscal Year 2018.  
**Financial Implications:** Various Funds - \$1,915,634  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 67,780–N.S.

## Consent Calendar

- 17. Reimbursement: Parks Infrastructure Project Pre-Development Expenditures**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution declaring the intent of the City of Berkeley to reimburse certain expenditures made prior to the issuance of general obligation bonds to improve the City's parks infrastructure, in accordance with the requirements of Treasury Regulation Section 1.150-2.  
**Financial Implications:** None  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,781–N.S.
- 18. Authorize Acceptance of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept a Hazard Mitigation Grant from the Federal Emergency Management Agency (FEMA) for \$3 million or more, if available, to provide retrofit grants for seismically vulnerable buildings, and to execute any resultant revenue agreements and amendments, including any additional funding allocations from the FEMA Hazard Mitigation Grant Program.  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 67,782–N.S. as revised in Supplemental Reports Packet #1 to conform to the grant execution requirements, which require the designation of the applicant's agent(s).
- 19. Contract: Ben Noble City and Regional Planning for Professional Planning Services for the Targeted Zoning Ordinance Update**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Ben Noble City and Regional Planning, to perform professional planning services for the Targeted Zoning Ordinance Update, in an amount not to exceed \$300,000 for the period of January 1, 2017 to December 31, 2019.  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 67,783–N.S.
- 20. Mills Act Contract: 48 Shattuck Square**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract for the City Landmark property at 48 Shattuck Square.  
**Financial Implications:** See report  
Contact: Carol Johnson, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 67,784–N.S.

## Consent Calendar

**21. Revenue Grant: Urban Areas Security Initiative (UASI) Grant Program to Fund Acquisition of Specially Equipped Panel Van**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to accept the “Urban Area Security Initiative (UASI)” grant, and enter into the resultant grant agreement and any amendments, from the Department of Homeland Security, Bay Area UASI Grant Program in the amount of \$125,373, to fund the purchase of a Panel Van equipped with internal ballistic-grade panels and ballistic-grade windows. The City will contribute \$80,000 to the project for a total program cost not to exceed \$205,373.

**Financial Implications:** See report

Contact: Andrew Greenwood, Police, 981-5900

**Action:** Moved to Action Calendar. 28 speakers. M/S/C (Wengraf/Worthington) to:

1) adopt Resolution No. 67,785–N.S. authorizing the City Manager to accept the “Urban Area Security Initiative (UASI)” grant, and enter into the resultant grant agreement and any amendments, from the Department of Homeland Security, Bay Area UASI Grant Program in the amount of \$125,373, to fund the purchase of a Panel Van equipped with internal ballistic-grade panels and ballistic-grade windows. The City will contribute \$80,000 to the project for a total program cost not to exceed \$205,373;

2) Request the City Manager to provide the City Council with a report on Civil Asset Forfeiture; and

3) Provide additional information on UASI funding requirements.

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

**22. Contract No. 10364 Amendment: Regional Government Services for Additional Services for Bike Share Program Development**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10364 with Regional Government Services to provide temporary staff support for Bike Share program development, in an amount not to exceed \$150,000 for a total contract amount not to exceed \$235,000, and extending the term through December 31, 2017.

**Financial Implications:** Parking Meter Fund - \$150,000

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 67,786–N.S.



## Consent Calendar

- 23. Contract No. 9499 Amendment: San Francisco Bay Area Rapid Transit (BART) District for Implementation of the Downtown Berkeley BART Plaza and Transit Area Improvement Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Contract No. 9499, and authorizing additional expenditure of \$387,000 on the Downtown Berkeley BART Plaza and Transit Area Improvement Project to fund renovation of the BART street entrance on the east side of Shattuck between Center and Allston, and authorizing the City Manager to amend the Cooperative Agreement with the San Francisco BART District for grant administration and project implementation. This amendment increases the not-to-exceed amount of the City's direct funding contribution to the BART plaza project to \$944,000. All other provisions of this Agreement will remain unchanged.  
**Financial Implications:** Parking In-Lieu Fee Fund - \$387,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,787–N.S.
- 24. Contract: Rodan Builders, Inc. for South Berkeley Senior Center Facility Improvements**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the South Berkeley Senior Center Facility Improvements project, Specification No. 17-11089-C; accepting the bid of Rodan Builders, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract, any amendments, extensions or other change orders until completion of the project in accordance with approved plans and specifications with Rodan Builders, Inc. for the South Berkeley Senior Center Facility Improvements for an amount not to exceed \$692,555.  
**Financial Implications:** Various Funds - \$692,555  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,788–N.S.
- 25. Contract No. 10294A Amendment: R3 Consulting Group, Inc. for Independent Audit Services of the Community Conservation Center, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10294A with R3 Consulting Group, Inc. for additional technical support and assistance provided during the financial and operational audit ended November 2016; increasing the contract by \$12,000 for a total amount not to exceed \$82,000; and extending the contract's December 31, 2016 expiration date to June 30, 2016.  
**Financial Implications:** Zero Waste Fund - \$12,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,789–N.S.

## Consent Calendar

- 26. Purchase Order: Owen Equipment Sales for One Broom Badger Street Sweeper**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in National Joint Powers Alliance contract bid procedures, and authorizing the City Manager to execute a purchase order for one Broom Badger Street Sweeper with Owen Equipment Sales in an amount not to exceed \$225,600.  
**Financial Implications:** Zero Waste Fund - \$225,600  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,790–N.S.
- 27. Renaming Bret Harte Path Coolbrith Path to Honor Poet Ina Donna Coolbrith**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution renaming Bret Harte Path in North Berkeley as the Coolbrith Path.  
**Financial Implications:** See report  
Contact: Tracy Clay, Commission Secretary, 981-6300  
**Action:** Adopted Resolution No. 67,791–N.S. amended to change “Bret Harte Path” to “Bret Harte Lane” and change “Coolbrith Path” to “Ina Coolbrith Path” in the title and text of the resolution.

## Council Consent Items

- 28. Retroactive City Sponsorship of the Sunrise Gathering**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution retroactively approving city sponsorship of the Sunrise Gathering which took place on November 18, 2016, and waiving all permit fees associated with the event.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 67,792–N.S.
- 29. Ordinance for Standards for Testing and Certification of DAS Antennas**  
**From: Councilmember Wengraf**  
**Recommendation:** Request that the City Manager draft ordinance language to amend Section 16.10.100 of the Berkeley Municipal Code to include Standards for Testing and Certification of DAS Antennas and return to the City Council within 60 days.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Councilmember Droste added as a co-sponsor. Approved recommendation.

## Council Consent Items

30. **City Manager Referral: To Find Tiny Home Display Locations**  
**From: Councilmember Worthington and Mayor Arreguin**  
**Recommendation:** City Manager Referral: to explore supportive housing for homeless, disabled, and veteran residents by allowing for tiny home display locations to be established for one week to a maximum of one month.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.

## Action Calendar – Public Hearings

31. **\*\*\*Item Removed from Agenda by City Manager\*\*\* Referral Response: Private Parking Lot Regulations**  
**From: City Manager**  
Contact: Zach Cowan, City Attorney, 981-6950
32. **Submission of a Substantial Amendment No. 2 to the PY2016 Annual Action Plan to Add an Allocation of Additional Community Development Block Grant (CDBG) Funds for Public Facility Improvements**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing on a second substantial amendment to the federal Program Year (PY) 2016 Annual Action Plan (AAP) which includes the projected use of Community Development Block Grant (CDBG) funding, and upon conclusion, adopt a Resolution: 1. Approving a proposed allocation of \$210,000 in CDBG funding for a public facility improvement project at the Mental Health Clinic; and 2. Authorizing the execution of resultant agreements and amendments for the above-mentioned funds; and 3. Authorizing the City Manager to submit the Substantial Amendment #2 to the PY 2016 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

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

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

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

Councilmember Worthington absent 9:07 p.m. – 9:10 p.m.

**Action:** M/S/C (Maio/Wengraf) to adopt Resolution No. 67,793–N.S.

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

Recess 9:10 p.m. – 9:23 p.m.

## Action Calendar – Public Hearings

### 33. Housing Demolition Mitigation Fee

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution setting the mitigation fee for each demolished unit of rent-stabilized housing (the Housing Demolition Mitigation Fee) at \$105,202 pursuant to Berkeley Municipal Code Section 23C.08.020.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar and referred to the Agenda Committee for scheduling of a worksession on this topic in 2017.

## Action Calendar – Old Business

### 34. General Fund Reserve Policy *(Continued from November 29, 2016)*

**From: City Manager**

**Recommendation:** Adopt a Resolution amending the General Fund Reserve Policy. The purpose of the policy is to establish a minimal general fund reserve level, designate specific portions of the reserve for stabilization and catastrophic purposes, and define the use, funding and replenishment guidelines of the funds.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** Item held over to January 24, 2017.

### 35. Amend the General Fund Reserve Policy Utilizing a Gradual Step-Based Pathway to Increase the General Fund Reserve Policy *(Continued from November 29, 2016)*

**From: Councilmember Worthington**

**Recommendation:** That the Council amend the General Fund Reserve Policy by utilizing a gradual step-based pathway to increase it incrementally, as well as providing a substantial increase in the short-term.

**Financial Implications:** See report

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

**Action:** Item held over to January 24, 2017.

## Action Calendar – Old Business

- 36. Expanding Berkeley's Hate Free Zone, and Showing Support for Multiple Communities Feeling Vulnerable and Under Attack** *(Continued from November 29, 2016. Item contains revised material.)*  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a Resolution Expanding Berkeley's Hate Free Zone, and showing support for multiple communities feeling vulnerable and under attack, including but not limited to those who are Immigrants, Mexican, Arabic, Jewish, Muslim, Latino, Asian-American, African-American, Women, Disabled, and/or part of the LGTBQQIA communities.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Councilmembers Davila, Wengraf, Droste added as co-sponsors. Moved to Consent Calendar. Adopted amended Resolution No. 67,794–N.S. with edits to Whereas clauses 2, 6, 7, 10, and 12, and adding a Whereas clause referencing harassing events aimed at Asian Americans.

## Action Calendar – New Business

- 37a. Locker Storage Program Location**  
**From: City Manager**  
**Recommendation:** Locate a new one-year locker storage pilot program at Old City Hall, 2134 Martin Luther King Jr. Way.  
**Financial Implications:** See report  
Contact: Jim Hynes, City Manager's Office, 981-7000  
**Action:** Item removed from the agenda by the City Manager.
- 37b. Contract: Options Recovery Services to Provide Homeless Storage Locker Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract with Options Recovery Services in an amount not to exceed \$185,000 to operate a storage locker program for homeless people for the period October 1, 2016 through September 30, 2017.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Item removed from the agenda by the City Manager.

## Action Calendar – New Business

**38. Referral Response: Planning Commission Response to Council Referral to Allow Medical Office Use in the Mixed Use-Light Industrial District**

**From: City Manager**

**Recommendation:**

1. Affirm the Planning Commission's recommendation to not allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI) by taking no action;

**--OR--**

2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapters 23E.80 and 23F.04 to allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI).

**Financial Implications:** Unknown

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

**Action:** Item held over to January 24, 2017.

## Council Action Items

### 39. Emergency Measures to Address Homeless Crisis

**From: Mayor Arreguin**

**Recommendation:** Take the following actions to implement emergency measures to address our growing homeless population:

1. Direct the City Manager to provide an update on staff and Council actions discussed on November 1, 2016 to respond to the homeless shelter crisis.
2. Direct the City Manager and Chief of Police to permit camping on designated public property, unless conditions arise posing an imminent threat to health and safety.
3. Establish an ad-hoc subcommittee to work with the City Manager to explore emergency solutions, including short-term Navigation Centers.
4. Refer to the City Manager and City Attorney to develop a formal city policy modeled after the proposed amendment to San Francisco's Police Code regarding the removal of encampments (see attached).
5. Adopt an Ordinance repealing Ordinance No. 7,449-N.S., which restricts the placement of objects on sidewalks to a 2 square-foot area.
6. Make the following allocations for homeless services from funding previously designated for the Homeless Locker Program: Restore \$5,722 for Berkeley Drop-In Center and \$50,000 for the Youth Spirit Artwork's BUSD Homeless Student Program. Allocate up to \$25,000 for three different Tiny Homes Pilot Projects, funding up \$10,000 each to proposals by Youth Spirit Artworks, and First They Came for the Homeless, and to up to \$5,000 to Vehicles for Change, based on staff evaluation of project feasibility and readiness.

**Financial Implications:** Unknown

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m. and to hold over items 34, 35, and 38 to January 24, 2017.

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Maio) to suspend the rules and extend the meeting to 12:15 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Bartlett/Wengraf) to direct the City Manager to utilize the Emergency Operations Center to expand shelters and warming centers including consideration of the items in #2 on the proposal submitted by Councilmember Worthington (below), and coordinate with the Alameda County Mobile Health Unit.

*#2 - To address the immediate crisis on our streets, and while long term solutions are developed and funded, request the City Manager explore emergency solutions including top priority consideration:*

- *Increasing capacity per night of Emergency Storm Shelter locations*
- *Increasing number of nights of Emergency Storm Shelter*
- *Identifying potential Warming Centers*
- *Explore potential Navigation Center(s)*
- *Consider accessing additional detox beds*

**Vote:** All Ayes.

## Council Action Items

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:30 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 12:35 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Worthington/Davila) to suspend the rules and extend the meeting to 12:40 a.m.

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

**Action:** 68 speakers. M/S/C (Hahn/Davila) to:

1. Create an *ad hoc* subcommittee, comprised of Mayor Arreguin and Councilmembers Maio, Davila, and Hahn, to work with the City Manager to explore emergency solutions/interim measures to address the homeless crisis.
2. Refer items 1, 2, 3, and 4 from Councilmember Worthington's proposal and items 1, 2, 3, and 4 from Mayor Arreguin's proposal to the *ad hoc* subcommittee.

### Worthington Proposal

1. *Request the City Manager to provide an update to respond to the homeless shelter crisis.*
2. *To address the immediate crisis on our streets, and while long term solutions are developed and funded, request the City Manager explore emergency solutions including top priority consideration:*
  - *Increasing capacity per night of Emergency Storm Shelter locations*
  - *Increasing number of nights of Emergency Storm Shelter*
  - *Identifying potential Warming Centers*
  - *Explore potential Navigation Center(s)*
  - *Consider accessing additional detox beds*
3. *Refer to City Manager to develop a formal city policy regarding responding to encampments.*
4. *Evaluate property confiscation procedures in consultation with the Homeless Commission and groups that have lost property.*

### Arreguin Proposal

1. *Direct the City Manager to provide an update on staff and Council actions discussed on November 1, 2016 to respond to the homeless shelter crisis.*
2. *To address the immediate crisis on our streets, and while long-term solutions are developed and funded, establish an ad-hoc subcommittee to work with the City Manager to explore emergency solutions/interim measures, including short-term Navigation Centers.*

*By January 24, 2017 the Ad Hoc Subcommittee on Emergency/Interim Measures will also investigate and report to Council on addressing unregulated camping throughout Berkeley. The Ad-Hoc subcommittee should explore options that have been implemented in other*



## Council Action Items

*communities throughout the nation. Options to be explored include, but are not limited to: designating **one** location on public or private property, in a location that does not impact schools or residential neighbors, for camping, with sanitary and waste facilities on-site. In addition to sanitation, a regulated encampment should also include homeless outreach, services and case management, with the goal of getting people housed.*

*Such short term camping, if allowed, could be modeled on regular/normal/typical camping procedures, including but not limited to applications for permission to camp, rules and regulations regarding conduct, limits on length of stay, with the goal of:*

- *Providing some stability of location and physical security to allow homeless individuals to rest, access sanitary facilities and connect with outreach workers, housing and services.*
- *Temporary, while the City works to establish Navigation Centers based on SF's successful model.*

*3. Refer to the City Manager and City Attorney to develop a formal city policy regarding the removal of encampments, modeled after the proposed amendment to San Francisco's Police Code (see attached).*

*4. Direct the City Manager to follow these interim regulations with respect to enforcement of Penal Code Section 647(e) and/or other rules regarding lodging on public property.*

*Except to address a health or safety emergency, the City shall prior to enforcement of illegal encampments provide:*

- *48 hours' notice to campers before removal*
- *Enforcement actions to take place between 8 am and sunset*
- *Only cause for enforcement action shall be illegal lodging on public property, or public health or safety*
- *Any suspected violations or criminal activity should be investigated using the same policing standards and techniques applicable to all persons:*
  - *Police investigative work*
  - *Upholding reasonable suspicion standard for searches of homeless campers*
  - *Probable cause for arrest*
  - *Presumption of innocence until proven guilty*
  - *Fines or punishments imposed only by law against the person committing the unlawful act: no collective punishments ever*
- *Comply to the letter with Berkeley's policies regarding removal and storage of Unattended Property*
- *Make special efforts to coordinate with people for immediate retrieval of confiscated items*

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Davila) to adopt first reading of Ordinance No. 7,527–N.S. amending Berkeley Municipal Code Section 14.48.170; and direct the City Manager to explore creation of a storage program with multiple sites, using existing service locations/providers to achieve more accessible storage at a lower cost. Second reading scheduled for January 24, 2017.

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

## Council Action Items

**Action:** M/S/Failed (Droste/Maio) to allocate \$30,722 from the storage locker program to highest and best need to address the homeless crisis.

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

**Action:** M/S/C (Hahn/Davila) to make the following allocations for homeless services from funding previously designated for the Homeless Locker Program: Restore \$5,722 for Berkeley Drop-In Center and \$25,000 for the Youth Spirit Artwork's BUSD Homeless Student Program.

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

### 40. **Establishment of a Joint Subcommittee for the T1 Infrastructure Bond**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution establishing a Joint Subcommittee that will create a public process and advise council on how to spend funds from the Measure T1 infrastructure bond, which was passed by the voters of Berkeley in November 2016.

**Financial Implications:** Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Item removed from the agenda by Mayor Arreguin.

### 41. **City Manager Referral: Support Berkeley Non-Profit Service Providers to Assist Planning for Capital Renovation, Rehabilitation and/or Relocation**

**From: Councilmember Worthington**

**Recommendation:** Refer to the City Manager to support Berkeley non-profit service providers by examining methods to assist planning for capital renovation, rehabilitation and/or relocation.

**Financial Implications:** Minimal

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

**Action:** Item amended to be a referral to the City Manager for assistance for the organizations named in the report. Moved to Consent Calendar.

## Information Reports

### 42. **Referral Response: "Increasing Transparency in City Public Records Act Responses"**

**From: City Manager**

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** Received and filed.

## Council Action Items

43. **Referral Response: Establishment of Affordable Housing Small Sites Program**  
**From: City Manager**  
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400  
**Action:** Moved to Action Calendar and held over to January 24, 2017.
44. **Expanding the Supply of Housing Affordable to Moderate-Income Households**  
**From: Housing Advisory Commission**  
Contact: Amy Davidson, Commission Secretary, 981-5400  
**Action:** Received and filed.
45. **Annual Report: Open Government Commission**  
**From: Open Government Commission**  
Contact: Savith Iyengar, Commission Secretary, 981-6950  
**Action:** Received and filed.

## Public Comment – Items Not Listed on the Agenda – 7 speakers.

**Action:** Adjourned in memory of:

1. Judith Scherr, Local Journalist
2. Victims of the Ghost Ship Fire in Oakland
3. Susan Cerny, Local Author

Adjourned at 12:40 a.m.

## Communications

### **Item 33: Emergency Measures to Address Homeless Crisis**

1. Diana Bohn (2)
2. Margy Wilkinson
3. Rich Walkling

### **Item 36: Referral Response: Establishment of Affordable Housing Small Sites Program**

4. Loni Gray

### **Berkeley Half Marathon**

5. Linda Hawkins

## Supplemental Communications and Reports 1

### **Item 3: Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending BMC Titles 23D and 23E**

6. Greg San Martin
7. Unknown

**Item 18: Authorize Acceptance of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant**

8. Revised materials, submitted by Planning & Development

**Item 30: City Manager Referral: To Find Tiny Home Display Locations**

9. Carol Denney

**Item 34: General Fund Reserve Policy**

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

11. Susan Grand

**Item 35: Amend the General Fund Reserve Policy Utilizing a Gradual Step-Based Pathway to Increase the General Fund Reserve Policy**

12. Revised materials, submitted by Councilmember Worthington

**Item 36: Expanding Berkeley's Hate Free Zone, and Showing Support for Multiple Communities Feeling Vulnerable and Under Attack**

13. Revised materials, submitted by Councilmember Worthington

**Item 39: Emergency Measures to Address Homeless Crisis**

14. Diana Bohn

15. Connie Tyler

16. Daniel Jurnove

17. Daniel McMullan

**Item 40: Establishment of a Joint Subcommittee for the T1 Infrastructure Bond**

18. Revised materials, submitted by Mayor Arreguin

**Supplemental Communications and Reports 2**

**Item 21: Revenue Grant: Urban Areas Security Initiative (UASI) Grant Program to Fund Acquisition of Specially Equipped Panel Van**

19. Jack Kurzweil

20. Gene Bernardi

21. Margy Wilkinson

22. Zipporah Collins

23. Nancy Armstrong-Temple

24. Thomas Lord

25. Kelly Hammargren

**Item 34: General Fund Reserve Policy**

26. Revised materials, submitted by Councilmember Hahn and Mayor Arreguin

**Item 37a: Locker Storage Program Location**

27. Will Starr/Jesse Arreguin

28. Ian Fraser

29. Andrew O'Shea

**Item 38: Referral Response: Planning Commission Response to Council Referral to Allow Medical Office Use in the Mixed Use-Light Industrial District**

30. Rhiannon

**Item 39: Emergency Measures to Address Homeless Crisis**

31. Revised materials, submitted by Mayor Arreguin
32. Eric Friedman (2)
33. Margy Wilkinson
34. AK Ludwig
35. Vivian & David Auslander
36. Laurie Brown
37. Maria Wright
38. Maggie Knutson
39. Sheila
40. Thomas Meyer
41. Rachel Resnikoff
42. Oliver McCrum
43. Oliva deBree
44. Gay & Alan Auerbach
45. Victoria Bookstein
46. Robert Abiad
47. Bob Martin
48. Janice Greenberg
49. Robert Breuer
50. John Slater
51. AnnMarie Mitchell
52. Kristie Bennett/Toby Parks
53. John Caner, on behalf of the Downtown Berkeley Association
54. Anne Robert
55. Jo Ann Driscoll
56. Mike Lee
57. Diane Resek
58. Anna Bellomo
59. Shaun Barraca
60. David L.
61. Rosemary Hardy
62. Nancy Castille
63. Terrence Regan
64. Ian Moore
65. Phyllis Fox
66. Vicki Alexander

**Supplemental Communications and Reports 3**

**Item 21: Revenue Grant: Urban Areas Security Initiative (UASI) Grant Program to Fund Acquisition of Specially Equipped Panel Van**

67. Barbara Gilbert

**Item 27: Renaming Bret Harte Path Coolbrith Path to Honor Poet Ina Donna Coolbrith**

68. Unknown

**Item 33: Housing Demolition Mitigation Fee**

69. Cliff Orloff

**Item 39: Emergency Measures to Address Homeless Crisis**

70. Elizabeth Scarboro

71. Aran Kaufer

72. Teal Major

73. Kevin Williams

74. David MacFadden-Elliott

75. Anne Pardee

76. Youth Spirit Artwork (Folder of materials available for viewing in City Clerk Department)

**Community in Resistance**

77. Peace & Justice Commission

**Event for South Berkeley Community**

78. Friends of Adeline