

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, March 14, 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 – VACANT

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 8 – LORI DROSTE

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Councilmember may move any information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 14, 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 - \$1,675,773

Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

- 2. Classification and Salary: Waterfront Supervisor and Side Letter of Agreement, Public Employees Union – Local One**
From: City Manager
Recommendation: Adopt two Resolutions: 1. Amending Resolution No. 67,484-N.S., Classification and Salary Resolution for Public Employees Union – Local One, to establish the classification of Waterfront Supervisor with a monthly salary range of \$7,507 - \$9,218 effective March 14, 2017; and 2. Authorizing the City Manager to execute and implement a Side Letter of Agreement with Public Employees Union – Local One to modify Section 20.1 of the Memorandum of Understanding regarding classifications eligible for an annual salary shoe allowance of \$200 by adding Waterfront Supervisor.
Financial Implications: See report
Contact: Sarah Reynoso, Human Resources, 981-6800
- 3. Contract: Tyler Technologies for New World Computer Aided Dispatch (CAD) and Fire Records Management System (RMS)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new contract and any amendments with Tyler Technologies for New World's CAD and RMS modules for three years from March 15, 2017 to June 30, 2020 in an amount not-to-exceed \$1,164,210.
Financial Implications: Various Funds - \$1,164,210
Contact: Savita Chaudhary, Information Technology, 981-6500
- 4. Contract: GHD, Inc. for Berkeley Municipal Pier Structural Condition Assessment & Ferry Transportation Feasibility Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with GHD, Inc. in an amount not to exceed \$236,000 for professional consultant services.
Financial Implications: Marina Operations/Maint Fund - \$236,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 5. Contract: Western Tree Removal Specialists for Emergency Work at Berkeley Cazadero Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Western Tree Removal Specialists for emergency tree removal services at Berkeley Cazadero Camp in an amount not to exceed \$109,341.
Financial Implications: General Fund - \$109,341
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

- 6. Amending Contract No. 10217 with TranSystems, Inc. for Design Revisions and Construction Support Services for the South Cove Parking Lot and Restroom Project and the Accessible Gangway Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract amendment for Contract No. 10217 with TranSystems, Inc. adding \$63,000 for design revisions and construction support services for the South Cove Parking Lot and Restroom Project and the Accessible Gangway Project for a total contract amount not to exceed \$350,596.
Financial Implications: One-Time Grant: No Capital Expenditures - \$63,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 7. Contract: Redgwick Construction for Tunnel Road Access Improvements and Ashby/Telegraph Intersection Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Tunnel Road Access Improvements and Ashby/Telegraph Intersection Improvements Project; accepting the bid of Redgwick Construction 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 \$951,649.
Financial Implications: CalTrans Fund - \$951,649
Contact: Phillip Harrington, Public Works, 981-6300
- 8. Purchase Order: National Auto Fleet Group for Seven 25-Yard Heavy Duty Rear Loading Refuse Trucks**
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 seven 25-yard heavy-duty rear loading refuse trucks with National Auto Fleet Group in an amount not to exceed \$2,195,600.
Financial Implications: Equipment Replacement Fund - \$2,195,600
Contact: Phillip Harrington, Public Works, 981-6300
- 9. Filling Vacancies Among the Elected Representatives for the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointment of Mr. Daniel McMullan (District 2), as an elected representative for the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 18, 2017 meeting, and that his term expires November 21, 2018.
Financial Implications: None
Contact: Wing Wong, Commission Secretary, 981-5400

Consent Calendar

10. **Audit Report: Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better**
From: Auditor
Recommendation: Request the City Manager report back by September 12, 2017, and every six months thereafter, regarding actions to strengthen Berkeley's ethical climate until recommendations are fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750

Council Consent Items

11. **Amending BMC Chapter 12.96: Regulating Changes to Health Care Facilities**
From: Mayor Arreguin, and Councilmembers Droste, Hahn, and Worthington
Recommendation: Adopt a first reading of an Ordinance 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.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, 981-7100
12. **Approving City Co-sponsorship of the Persian New Year Festival**
From: Mayor Arreguin and Councilmember Hahn
Recommendation: Adopt a Resolution approving city co-sponsorship of the Persian New Year Festival which will take place on Tuesday, March 14, 2017.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
13. **Support SB 3, the Affordable Housing Bond Act of 2018**
From: Mayor Arreguin and Councilmember Hahn
Recommendation: Adopt a Resolution in support of SB 3, the Affordable Housing Bond Act of 2018, introduced by State Senator Jim Beall. Send a copy of the resolution to Assemblymember Tony Thurmond, State Senators Nancy Skinner and Jim Beall, and Governor Jerry Brown.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

Council Consent Items

- 14. Support of SB 687 – Attorney General Authority on Hospital Closures**
From: Mayor Arreguin and Councilmember Hahn
Recommendation: Adopt a Resolution in support of SB 687, authored by State Senator Nancy Skinner, which will give the Attorney General of California the authority to oversee and consent to the sale/closure of non-profit hospitals. Send a copy of the Resolution to Assemblymember Tony Thurmond, State Senator Nancy Skinner, and Governor Jerry Brown.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 15. Support of SB 300 (Monning): The Health Warning Label on Sugar-Sweetened Beverages Act**
From: Councilmember Maio, Mayor Arreguin, and Councilmember Hahn
Recommendation: Adopt a Resolution expressing the City of Berkeley's support of SB 300 (Monning): The Health Warning Label on Sugar-Sweetened Beverages Act.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 16. Denouncing Presidential Executive Order to Build a Border Wall and Urging the City of Berkeley to Divest from Companies Supporting or Participating in the Construction of a Border Wall**
From: Councilmember Bartlett and Mayor Arreguin
Recommendation: Adopt a Resolution denouncing the presidential executive order to build a wall along the U.S.-Mexico border and recommend that the City of Berkeley divest from any companies involved in the construction of a border wall.
Financial Implications: Minimal
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 17. Supporting Senate Constitutional Amendment 3 - Establishing 55% Vote Threshold for Local Library Bond Construction Projects**
From: Councilmember Hahn
Recommendation: Support Senate Constitutional Amendment 3 (SCA 3), which lowers the vote threshold for the passage of local library construction bond projects from the current two-thirds local vote requirement to 55%, and send a letter of support to Senator Bill Dodd and each of the members of the State Senate Governance and Finance Committee before March 20, 2017.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
- 18. Support for SB-31 (Lara) California Religious Freedom Nondisclosure Act**
From: Councilmembers Wengraf and Hahn
Recommendation: Adopt a Resolution and send a letter in favor of SB 31 (Lara) urging our representatives to support this bill. Letter should be sent to State Senator Lara, State Senator Nancy Skinner, Assemblyman Tony Thurmond and Governor Brown.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Council Consent Items

19. Support Assembly Bill 674

From: Councilmembers Worthington and Hahn

Recommendation: Support Assembly Bill 674 which makes Election Day a holiday on the first Tuesday after the first Monday in November of each year in which a statewide or national election is held, send letters of support to both State Senator Nancy Skinner and Assemblymember Tony Thurmond.

Financial Implications: Minimal

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

20. Support Californians for A Healthy California Act (SB-562)

From: Councilmembers Worthington and Hahn

Recommendation: Adopt a Resolution supporting SB-562 and write a letter to State Senator Nancy Skinner and Assembly Member Tony Thurmond urging them to vote Yes on this bill.

Financial Implications: Minimal

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

21. Non-Citizen Voting in Berkeley Elections Refer to Peace and Justice Commission

From: Councilmember Worthington

Recommendation: Refer to the Peace and Justice Commission to consider preparation of an amendment to the Berkeley City Charter to be presented to the voters in Berkeley that would allow a non-citizen resident the right to vote in Berkeley city elections.

Financial Implications: Minimal

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

22. Support Climate Reality Project Within the UC System

From: Councilmember Worthington

Recommendation: Adopt a Resolution in which the Berkeley City Council encourages the UC Regents to support the Climate Reality Project within the UC System.

Financial Implications: Minimal.

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

Council Consent Items

- 23. Potential Recreational Opportunities at Willard Park and Pool**
From: Councilmember Droste, Mayor Arreguin, and Councilmembers Worthington and Bartlett
Recommendation: Refer the issue of recreational opportunities in the vicinity of Willard Park to the City Manager, Parks and Waterfront Commission and the 2X2 Committee of the City Council and the Board of Education to determine the best course of action for increased recreational equity in South Berkeley, including but not limited to the re-opening of Willard Pool. Authorize staff to develop cost estimates for a minimal level of repairs to get Willard Pool operational.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180
- 24. Referral to Consider Caregiver Parking in Residential Shared Parking Pilot**
From: Councilmembers Droste, Maio, Wengraf
Recommendation: Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.
Financial Implications: Staff time
Contact: Lori Droste, Councilmember, District 8, 981-7180

Action Calendar

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

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

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

25. **ZAB Appeal: 1441 Grizzly Peak Blvd**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving Use Permit No. ZP2015-0089 to construct a three-story, approximately 3,200-sq. ft., single-family residence with an average height of 25 ft. - 7 in. on a vacant, Hillside parcel at 1441 Grizzly Peak Boulevard, and to reduce the required front yard setback from a minimum of 20 ft. to 14 ft. - 1 in. due to steep topographic conditions at this property.
Financial Implications: None
Contact: Carol Johnson, Planning and Development, 981-7400
26. **Agreements, with Other Law Enforcement Agencies, Police Departments or Private Security Organizations**
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution approving agreements, understandings or policies existing or revised as of August 4, 2016 between the Berkeley Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations in order to maintain the current level of police resources and emergency services. Review attached Suspicious Activity Report and Mutual Aid requests/responses provided annually per City Council request.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900

Action Calendar – Old Business

27. **Referral Response: Steamworks** *(Continued from January 24, 2017)*
From: City Manager
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
28. **Traffic Engineer Regulations for Objects on Sidewalks** *(Continued from February 14, 2017)*
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
29. **Establish a 90 Day Deadline to Either Collect Over \$641,000 Owed in Lien or to Bring Owner in Compliance with Agreement** *(Continued from February 14, 2017)*
From: Councilmember Worthington
Recommendation: Establish a 90 day deadline to require the owner of the lot on the corner of Haste Street and Telegraph to pay over \$641,000 owed to the City in lien or to bring the owner in compliance with the agreement to use the lot to provide affordable housing for the community, as well as a public restroom.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar – Old Business

30. **goBerkeley Parking Management Program - Recommended Adjustments for March 1, 2017 (Expansion Areas)** *(Continued from February 28, 2017)*
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
- 31a. **Support for Oregon Park Senior Apartments** *(Continued from February 28, 2017)*
From: Housing Advisory Commission
Recommendation: Direct staff to work with Oregon Park Senior Apartments to undertake a physical needs assessment and to consider assistance with financing to address any issues identified in the physical needs assessment, and to hold the fines in abeyance in the interim.
Financial Implications: None
Contact: Amy Davidson, Commission Secretary, 981-5400
- 31b. **Companion Report: Support for Oregon Park Senior Apartments** *(Continued from February 28, 2017)*
From: City Manager
Recommendation: Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action Calendar – New Business

32. **Public Meeting on Re-Establishment of the Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Conduct a public meeting on City Council's intention to renew the Berkeley Tourism Business Improvement District (BTBID) for 10 years starting July 1, 2017.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530
33. **Debt Management and Disclosure Policy**
From: City Manager
Recommendation: Adopt a Resolution approving the Debt Management and Disclosure Policy.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, 981-7300

Action Calendar – New Business

34. 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 first reading of an Ordinance 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).

Financial Implications: None

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

35a. Recommendations to Promote Sidewalk Safety for People with Disabilities in Berkeley

From: Commission on Disability

Recommendation:

1. Increase the public signage in Berkeley instructing bicyclists that a) riding on sidewalks; b) using curb cuts to access sidewalks; and c) riding in crosswalks is illegal (per BMC section 14.68.130). Recommend that new signs include reference to a fine that will be enacted should they break that rule. (We would like to recommend that optional attendance at a bike safety class conducted by a local bike agency could waive the monetary fine.) These signs should be posted on blocks with high pedestrian traffic, including blocks with commercial business and also specifically at the site of any new city bike-share “stations”. “No bikes” stencils should be considered for all curb cuts to educate cyclists not to use those to access sidewalks.
2. Add signage to existing stop signs at certain dangerous intersections instructing bicyclists that “all bikes must stop.”
3. Work with stakeholders such as bicycle merchants, UC Berkeley, and any bicycle rental or bike-share programs to develop: a) posters about sidewalk safety that can be hung in their establishments; b) FAQs or instructional brochures given to all new bike owners outlining rights and illegal behavior; and c) forms for bike renters to sign indicating that they have read the City of Berkeley rules, understand what is legal and illegal in terms of bicycle behavior, and agree to comply.
4. Review current legislation to investigate whether new legislation should be enacted to further protect pedestrians.
5. Work with Berkeley law enforcement to ensure that pedestrian safety laws (such as BMC section 14.68.130) are enforced and that ticketing of individuals who endanger pedestrian safety are prioritized.

Financial Implications: See report

Contact: Kenneth Emeziem, Commission Secretary, 981-6300

Action Calendar – New Business

35b. **Companion Report: Recommendations to Promote Sidewalk Safety for People with Disabilities in Berkeley**

From: City Manager

Recommendation: The City Manager concurs with the intent of the Commission on Disability report entitled “Recommendations to Promote Sidewalk Safety for People with Disabilities in Berkeley,” that the City should continue to improve sidewalk safety and accessibility. The City Manager, however, advises a gradual approach to implement the process in three phases. Phase I would ask the Transportation Commission to analyze the scope of work and budgetary implications recommended in the Commission report. Further, this phase would require staff support to assess the recommendation’s consistency with the Berkeley Municipal Code (BMC) and State of California traffic regulations.

Following this evaluation, in partnership with the Berkeley Police Department (BPD) and other agencies and organizations (including local business associations), Phase II would seek to educate the public about the dangers of bicycle riding on sidewalks, and prioritize enforcement of existing BMC Sections related to bicycle riding, specifically BMC Section 14.68.130. Concurrent with this education and enforcement effort, the City should “opt-in” to the bicycle traffic ticket diversion program established by “Bicycle Traffic School Bill,” State Assembly Bill 902 (2015).

The City Manager suggests other recommendations be addressed in a third, ongoing phase wherein the City would install and maintain additional signs and markings to support expanded education and prioritized enforcement.

Financial Implications: Unknown

Contact: Phillip Harrington, Public Works, 981-6300

Council Action Items

36. **Non-Voting UC Berkeley Student Representative to the Berkeley City Council** **From: Mayor Arreguin and Councilmembers Wengraf and Droste**

Recommendation: Adopt a Resolution to establish a non-voting UC Berkeley Student Representative to the Berkeley City Council, on a pilot basis for the period of March 28, 2017 to May 12, 2017. The Council shall evaluate whether to establish a permanent Student Representative at the conclusion of the pilot period. The Student Representative shall be filled by the Associated Students of the University of California (ASUC) External Affairs Vice President or their designee.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100

37. **Tenant Protection Ordinance, Amending BMC Chapter 13.79**

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

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.79 to prohibit tenant harassment.

Financial Implications: Unknown

Contact: Jesse Arreguin, Mayor, 981-7100

Council Action Items

38. **Opposing Religious and Ethnic Registries, Participation in the Federal Executive Order of an Immigration Ban and Restricting the Use of City Resources to Support such Registries and Bans**
From: Councilmember Davila, Mayor Arreguin, and Councilmember Hahn
Recommendation: Adopt a Resolution disallowing the use of City of Berkeley resources to create or maintain registries or databases or in support of an immigration ban of individuals on the basis of religious affiliation, kinship, belief, or practice; national origin; or ethnicity.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Information Reports

39. **Banking Services with Wells Fargo Bank**
From: City Manager
Contact: Henry Oyekanmi, Finance, 981-7300
40. **Status Report – Leases Audit: Conflicting Directives Hinder Contract Oversight**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300

Public Comment – Items Not Listed on the Agenda –

Adjournments in memory of:

1. Bette Kroening, Local Restaurateur
2. Nicole Milner, Local Musician

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and [KPF B Radio 89.3](http://www.cityofberkeley.info/citycouncil). Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
West Branch – 1125 University
North Branch – 1170 The Alameda
South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 2, 2017.***



Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.*

**Item 23: Potential Recreational Opportunities at Willard Park and Pool**

1. David Lerman

**Item 25: ZAB Appeal: 1441 Grizzly Peak Blvd**

2. Pamela Sihvola
3. Tetsu Tokunaga and Jiamin Wan

**Item 39: Banking Services with Wells Fargo Bank**

4. Jack Kurzweil
5. Morpheus Ravenna

**Library Concerns**

6. Dorothea Dorenz

**Free Speech**

7. Robert & Jeanie Minor

**Age Discrimination in Housing**

8. Elisa Cooper

**Cragmont Avenue Mudslide**

9. Phoebe Sorgen

**Sanctuary City**

10. Diana Bohn

**Street Paving**

11. Dorothea Dorenz

**Encampment Concerns**

12. Rodolfo Olortegui
13. Adam Bredenberg

**Support for Impeachment**

14. Pamela Christian

**1900 Fourth Street**

15. Charlene Woodcock

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day of the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

