

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, February 4, 2020

4:00 P.M.

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 4:14 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Droste

Councilmember Droste present at 4:16 p.m.

Action Calendar – Public Hearing

1. Amendments to the Berkeley Election Reform Act; Amending BMC Chapter 2.12

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Elections Reform Act, BMC Chapter 2.12, regarding the public financing program.

Financial Implications: None

Contact: Samuel Harvey, Commission Secretary, (510) 981-6950

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Droste) to adopt first reading of Ordinance No. 7,691–N.S. Second reading scheduled for February 25, 2020.

Vote: All Ayes.

Action Calendar – Public Hearings

2. Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

Financial Implications: None

Contact: Samuel Harvey, Commission Secretary, (510) 981-6950

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Droste/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Wengraf) to refer a discussion of Officeholder Accounts and Council District (D-13) accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

Action Calendar – Old Business

3. City Council Rules of Procedure and Order Revisions *(Reviewed by the Agenda & Rules Committee) (Continued from January 21, 2020. Item contains revised and supplemental material.)*

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to integrate the previously adopted regulations for policy committees and make associated changes to other sections; update outdated references and practices; conform to the Open Government Ordinance; make other technical corrections; and rescinding any preceding amendatory resolutions.

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

Action: 1 speaker. M/S/C (Harrison/Hahn) to adopt Resolution No. 69,283–N.S. as amended in the supplemental material from Councilmember Hahn originally submitted on 12/3/19, retain original proposed language on commission membership, and to direct the City Manager to make any changes necessary to allow the Agenda & Rules Committee to refer items from Boards and Commissions to a policy committee.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

Action Calendar – New Business

4. Change to the Council Rules and Procedures: Public access to changing status of a Consent Calendar Item

From: Open Government Commission

Recommendation: Adopt a Resolution changing and updating the “Council Rules and Procedures” to give the public a procedure for moving items on the consent calendar to the Action Calendar.

Financial Implications: None

Contact: Samuel Harvey, Commission Secretary, (510) 981-6950

Action: 2 speakers. M/S/Failed (Harrison/Bartlett) to adopt the commission recommendation amended to increase 5 persons to 10 persons.

Vote: Ayes – Davila, Bartlett, Harrison; Noes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin.

Action: M/S/Carried (Arreguin/Robinson) to take no action on the commission recommendation.

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

5. Change to the Council Rules and Procedures: Public Comment on Council Agenda Action Items

From: Open Government Commission

Recommendation: Adopt a Resolution changing and updating the “Council Rules and Procedures” to change the public comment section that would allow a more comprehensible discussion between the Council and the public.

Financial Implications: None

Contact: Samuel Harvey, Commission Secretary, (510) 981-6950

Action: 3 speakers. M/S/C (Hahn/Kesarwani) to take no action and acknowledge the Mayor’s option to implement the practice as needed.

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

6. Utilize Substantial Portion of Cannabis Tax Proceeds to Fund Subsidies under 1000 Person Plan

From: Homeless Commission

Recommendation: Utilize Substantial Portion of Cannabis Tax Proceeds to Fund Subsidies under 1000 Person Plan

Financial Implications: See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

Action: 0 speakers. M/S/C (Arreguin/Kesarwani) to take no action on the commission recommendation and refer the issue of using cannabis tax revenue for homeless services to the Budget and Finance Committee.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.

Adjournment

Action: M/S/C (Robinson/Wengraf) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 6:41 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts: Amending BMC Chapter 2.12

1. Supplemental material, submitted by the Attorney's Office
2. Supplemental material, submitted by Councilmember Hahn

Supplemental Communications and Reports 3

Item #3: City Council Rules of Procedure and Order Revisions

3. Presentation, submitted by the City Clerk

Item #4: Utilize Substantial Portion of Cannabis Tax Proceeds to Fund Subsidies under 1000 Person Plan

4. Carole Marasovic, on behalf of the Homeless Commission