

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, November 27, 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

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.*

1. Recognition of outgoing City Councilmembers and City Auditor

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.*

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".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

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. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

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.

- 1. Safe Storage of Firearms; Adding Berkeley Municipal Code Chapter 13.69**
From: City Manager
Recommendation: Adopt first reading of an Ordinance adding Berkeley Municipal Code Chapter 13.69 regarding safe storage of firearms.
Financial Implications: Minimal
Contact: Farimah Brown, City Attorney, 981-6950

- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 2, 2018 (regular), October 9, 2018 (special), October 15, 2018 (special closed), October 16, 2018 (special and regular), October 22, 2018 (special closed), and October 30, 2018 (special closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 27, 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: Various Funds - \$4,113,150
Contact: Henry Oyekanmi, Finance, 981-7300

Consent Calendar

4. Revenue Grant Application: Funding Support to Conduct HIV Prevention Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the California Department of Public Health, Office of AIDS, and if awarded, accept the grant, execute any resulting agreements and amendments, and implement the projects and appropriation of funding for related expenses to conduct HIV prevention, protection, and health promotion services for the California Department of Public Health, Office of AIDS. Revenue is projected for the amount of \$25,000 for period July 1, 2018 to June 30, 2019.

Financial Implications: See report

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

5. Authorizing Acceptance of Mental Health Oversight and Accountability Commission Mental Health Triage Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a grant agreement with the Mental Health Oversight and Accountability Commission (MHOAC) and any amendments in the amount of \$614,834 and authorize the use of Medi-Cal matching funds of \$180,184 to create and staff a mental health crisis triage phone line for the period December 1, 2018 through November 30, 2021.

Financial Implications: See report

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

6. Contract: Youth Spirit Artworks for Transition Age Youth (TAY) Case Management and Linkage Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments up to Not To Exceed (NTE) \$100,000 through June 30, 2019 with vendor Youth Spirit Artworks for Transition Age Youth Case Management and Linkage Services, and authorizing the City Manager to provide an advance payment in the amount of \$10,000 (10% of the total contract NTE amount) to cover expenses associated with project initiation.

Financial Implications: Mental Health Service Act Fund - \$100,000

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

Consent Calendar

7. Memorandum of Understanding: International Brotherhood of Electrical Workers Local 1245 – A.F.L. – C.I.O.

From: City Manager

Recommendation: Adopt two Resolutions: 1) approving a new twenty (20) month Memorandum Agreement (hereafter referred to as “MOU”) with the International Brotherhood of Electrical Workers Local 1245 (hereafter referred to as the “Union”) with a term of October 21, 2018 through June 27, 2020 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU; and 2) approving a new salary resolution for Representation Unit C that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 68,348-N.S. Also, authorize the City Manager to make non substantive edits to the format and language of the Memorandum Agreement in alignment with Council Direction, the tentative agreement and conforming to legal requirements.

Financial Implications: See report

Contact: LaTanya Bellow, Human Resources, 981-6800

8. Dell Computers, Inc.: Using National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Purchasing Agreement 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, amendments, and extensions from the National Association of State Procurement Officials (NASPO) ValuePoint for the period beginning November 28, 2018 through June 30, 2020 for an amount not-to-exceed (NTE) \$1,235,400, with \$667,700 in Fiscal Year 2019 and \$567,700 in Fiscal Year 2020.

Financial Implications: See report

Contact: Savita Chaudhary, Information Technology, 981-6500

9. Contract No. 10976 Amendment: Bay Construction Company for Strawberry Creek Park (South) Sport Court Renovations

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10976 with Bay Construction Company for the Strawberry Creek Park (South) Sport Court Renovations project, increasing the amount by \$45,000 for an amended total amount not to exceed \$591,000.

Financial Implications: Parks Tax Fund - \$45,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Consent Calendar

- 10. Contract No. 10217 Amendment: TranSystems, Inc. for Construction Support Services for the South Cove Accessible Ramp Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 10217 with TranSystems, Inc. adding \$23,241 for construction support services for the South Cove Accessible Ramp Project for a total contract amount not to exceed \$216,512.
Financial Implications: Marina Fund - \$23,241
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 11. Contract: Opticos Design, Inc. for Density Standards Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Opticos Design, Inc. to prepare a Density Standards Study for an amount not to exceed \$75,000 for the period of December 1, 2018 through December 1, 2019.
Financial Implications: Land Use Planning Fund - \$75,000
Contact: Timothy Burroughs, Planning and Development, 981-7400
- 12. Grant Application: CalRecycle for Illegal Disposal Site Abatement Grant Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application to the Department of Resources Recycling and Recovery (CalRecycle) for the Illegal Disposal Site Abatement Grant Program; to accept funds and execute all necessary applications, payment requests, agreements and any amendments; and to appropriate funding for related expenditures, subject to securing the program funds.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 13. Contracts: On-Call Construction and Project Management Services: KPM Consulting LLC, O'Connor Construction Management, Inc., and Townsend Management, Inc.**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services for capital improvement projects, each for a period of January 1, 2019 through June 30, 2021:
1. KPM Consulting LLC (KPM), for an amount not to exceed \$680,000.
2. O'Connor Construction Management, Inc. (O'Connor), for an amount not to exceed \$660,000.
3. Townsend Management Inc. (Townsend), for an amount not to exceed \$660,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300

Consent Calendar

- 14. Contract No. 9735 Amendment for R&S Erection of Richmond, Inc. for Rolling Gate and Roll-Up Door Service and Repairs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9735 with R&S Erection of Richmond, Inc. increasing the current contract by \$150,000 for a total not to exceed amount of \$300,000.
Financial Implications: Building Maintenance Fund - \$150,000
Contact: Phillip Harrington, Public Works, 981-6300
- 15. Contract: Community Conservation Centers, Inc. for Sorting and Marketing Services of Curbside Collected Recyclables**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Community Conservation Centers, Inc. for recyclables processing from December 1, 2018 through June 30, 2020 for a total amount not to exceed \$4,000,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
- 16. Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Clay Street, San Pablo Avenue, Garfield Avenue, Kains Avenue, Portland Avenue, Santa Fe Avenue, Thousand Oaks Boulevard, Curtis Street and Backline, Visalia Avenue, Arlington Backline, San Luis Road, Second Street, Hearst Avenue, and University Avenue; accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc. (Andes); 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 \$6,374,743.
Financial Implications: Sanitary Sewer Fund - \$6,374,743
Contact: Phillip Harrington, Public Works, 981-6300
- 17. North Berkeley BART Site Recommendations**
From: Housing Advisory Commission
Recommendation: Adopt guidelines for the development of the North Berkeley BART site to develop as many housing units as possible and include as many affordable units as financially feasible, with an emphasis on addressing the City's underserved Regional Housing Need Allocation (RHNA) targets.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400

Council Consent Items

- 18. Appoint Darryl Moore to the Berkeley Housing Authority Board**
From: Mayor Arreguin
Recommendation: Adopt a Resolution appointing Darryl Moore to serve a four-year term on the Berkeley Housing Authority Board of Commissioners.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100
- 19. Options Recovery Services: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmembers Maio and Davila
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per council member, including \$500 from Councilmember Maio, to the Options Recovery Services with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$500
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 20. Encouraging Long-Term Tenant Stability**
From: Councilmembers Maio, Droste, Harrison, and Hahn
Recommendation: Refer to the City Manager to amend BMC 21.28.080 as pertains to the Affordable Housing Mitigation fee as follows: If a property contains three or more units, the affordable housing mitigation fee for a unit that is occupied by an owner as his or her principal place of residence for at least 5 consecutive years immediately prior to the date of sale, including as a tenant in that unit immediately prior to ownership, shall be reduced by 50 percent, but only if the owner owned and resided in the unit as of June 30, 2010 or has resided as a tenant and has achieved ownership during the previous 5 years.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
- 21. Resolution and letter of request to PG&E to offer rebates and other incentives for residential customers to encourage a transition from gas to electrical appliances and heating systems, as well as, subsidies for electrical upgrades required**
From: Councilmembers Davila and Harrison
Recommendation: Approve a resolution to send the attached letter to PG&E requesting that they offer rebates and other incentives for residential customers to encourage a transition from gas to electrical appliances and heating systems as well as subsidies for electrical upgrades required.
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, 981-7120

Council Consent Items

- 22. Budget Referral: Gun Buyback and Art of Peace Program**
From: Councilmembers Davila
Recommendation: AAO Budget Referral to the FY19 (2018/2019) November 2018 AAO Budget Process to set aside \$60,000 to frontload funds to bring the Robby Poblete Foundation Gun Buyback, Art of Peace and Work in Progress programs to Berkeley.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 23. Request from Bay Area Migrant Welcome Committee for City of Berkeley welcome and contributions to accompany these migrant asylum seekers to the US and specifically to the Bay Area**
From: Councilmembers Davila
Recommendation: Approve a resolution to approve the expenditure of an amount not to exceed \$150 per Councilmember, including \$150 from Councilmember Cheryl Davila, to the Bay Area Migrant Welcome Committee for funds to be delivered directly to those traveling as part of the caravan 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. The funds will support with food, shelter and basic necessities they are detained at ports of entry and those permitted travel to cities for immigration hearings, including the Bay Area.
Financial Implications: Councilmember's Discretionary Budget - \$150
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 24. Short-Term Referral to City Manager and Office of Energy and Sustainable Development to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits**
From: Councilmembers Harrison and Davila
Recommendation: Short-term referral to the City Manager and the Office of Energy and Sustainable Development to draft an ordinance amending Berkeley Municipal Code (BMC) Chapter 7.52, reducing tax imposed for qualifying electrification, energy efficiency, and water conservation retrofits.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 25. Comprehensive Investment Policy based on ESG Principles**
From: Councilmembers Wengraf, Worthington, Droste, and Mayor Arreguin
Recommendation: Refer to the City Manager to consider the integration of ESG (environmental, social and governance) principles into the current City of Berkeley Investment Policy framework and return to Council with a recommendation.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Council Consent Items

26. **Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption**
From: Councilmember Worthington
Recommendation: Short term referral to the City Manager and the Planning Department to promptly move forward with components of the More Student Housing Now Resolution that do not require additional CEQA review, amend existing City ordinances and policies that prevent the implementation of SB 1227, and provide a budget referral to the annual appropriation ordinance adoption that would allocate the necessary resources as determined by the Planning Staff.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
27. **Pledge to Actively Support Diversity Recruitment for the City's Boards and Commissions**
From: Councilmembers Worthington and Davila
Recommendation: That the Council pledges to actively support diversity recruitment by creating their own plan-of-action to increase diversity in the City's Boards and Commissions. This pledge aims to transform the Boards and Commissions to achieve full representation of Asian, Latino, Black, and indigenous individuals relative to the Berkeley population.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
28. **Refer the City Manager to Improve the Current Tree Ordinance and Seek Funding Opportunities to Plant More Trees in the City**
From: Councilmembers Worthington, Harrison, and Davila
Recommendation: That the Council refer the City Manager to improve the current tree ordinance to protect more trees, develop policy on street tree/hardscape conflicts, encourage more community initiative and participation in the maintenance and care of our street trees and seek potential funding opportunities to plant more trees in Berkeley.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
29. **Write a letter to the Alameda County Registrar Allowing voters to rank above three ranked choice ratings**
From: Councilmember Worthington
Recommendation: That the City Council write a letter to the Alameda County Registrar of Voters indicating that Berkeley is interested in allowing voters to rank above three ranked choice ratings.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

- 30. Refer the Transportation Commission to consider incentives for the public to use sustainable modes of transportation similar to Bologna, Italy**
From: Councilmember Worthington
Recommendation: That the Council refer to the Transportation Commission to create incentives for members of the public to cycle, walk and take public transport as opposed to driving.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 31. City Manager short-term Referral; Preliminary steps towards the expansion of the GoBerkeley Transportation Program to Increase Parking Efficiency**
From: Councilmembers Worthington and Harrison
Recommendation: City Manager short-term Referral; Amendment to the City of Berkeley municipal code regulating off-street parking lots in order to facilitate the expansion of the GoBerkeley Transportation Program to allow private parking vendors to charge adjustable rates for parking spaces.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 32. Refer to the City Manager to consider boycotting Amazon for its role in tracking immigrants in cooperation with ICE**
From: Councilmembers Worthington and Davila
Recommendation: Refer to the City Manager to consider the City of Berkeley boycotting Amazon and refrain from using its services to purchase goods for city use.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 33. Referral to the Transportation Commission: Explore Possibilities for Initiating Equitable Exchange with Transportation Network Companies (TNCs)**
From: Councilmember Worthington, Mayor Arreguin, and Councilmember Hahn
Recommendation: The City Council requests that the Transportation Commission initiate research into an effective means of equitable exchange with TNCs. In order to compensate the City of Berkeley for traffic congestion, air pollution, and infrastructure damage, the Council recommends that TNCs participate in the payment of taxes and the exchange of data.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

- 34. Refer to the City Manager to add a condition to Zoning Board Approved permits to bring attention to the Pay Transparency policy to project applicants, and consider these Pay Transparency Ordinance amendments**
From: Councilmember Worthington and Mayor Arreguin
Recommendation: That the Council refer to the City Manager to add a condition to Zoning Board Approved permits in order to bring attention to the Pay Transparency policy to project applicants, and consideration of amendments to the Pay Transparency Ordinance.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 35. Referral for City Manager to Take a Fresh Look at Repurposing the Old City Hall Building**
From: Councilmembers Worthington and Davila
Recommendation: Short-term referral to the City Manager to consider further utilizing the currently mostly unused Old City Hall for nonprofits including Berkeley Community Media for classes, and potentially a temporary emergency winter shelter.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 36. Support League of California Cities' Efforts to "Stop Wandering Weed"**
From: Councilmember Worthington
Recommendation: That the Council supports the League of California Cities' efforts to urge the Bureau of Cannabis Control to "Stop Wandering Weed" and amend proposed regulations that are negligent to consumer public safety and health protections. The Council should also send a letter requesting our State Assemblymember and State Senator to introduce or support legislation that allows local control on cannabis delivery.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 37. That the Council approve a letter of support to stop the deportation of the Benavides-Pineda family**
From: Councilmembers Worthington and Davila
Recommendation: That the Council approve a letter of support to stop the deportation of the Benavides-Pineda family, who are an integral part of the Berkeley community.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Action Calendar

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.

38. ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2015-0229 (Continued from November 13, 2018.)

From: City Manager

Recommendation: Continue the public hearing and, upon conclusion, uphold the appeal and adopt a Resolution approving the project based on the Findings and Conditions presented by staff to the Zoning Adjustments Board (ZAB) on June 28, 2018, for Use Permit #ZP2015-0229, to demolish a gas station structure and construct a five-story, 40,557 square foot mixed-use building with ground-floor retail uses and 23 dwelling units.

Financial Implications: None

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

39. Renewal of the Elmwood Avenue BID for Calendar Year 2019

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2018-19 and, if no majority protest exists, levy annual assessments in the District for calendar year 2019 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

Action Calendar – Public Hearings

40. Renewal of the Solano Avenue BID for Calendar Year 2019

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2018-19 and, if no majority protest exists, levy annual assessments in the District for calendar year 2019 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Jordan Klein, Economic Development, 981-7530

41. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses

From: City Manager

Recommendation: Conduct a public hearing and adopt the first reading of an Ordinance amending the Berkeley Municipal Code to streamline and clarify the permitting process for small businesses in commercial districts by:

1. Reducing the amount of parking required for businesses moving into existing commercial spaces;
2. Simplifying food service categories by reducing them from three to one;
3. Reducing permitting time and costs for small businesses that request a change of use in existing commercial spaces;
4. Clarifying the permit process for new business types that may not be specifically defined in the City’s zoning rules;
5. Making ‘commercial recreation’ uses (such as bowling alleys, miniature golf courses or ping pong clubs) easier to permit in commercial districts; and
6. Streamlining the permit process and providing clear performance standards for restaurants that wish to serve beer and wine.

The ordinance would amend Berkeley Municipal Code Chapters 23E.16, 23E.36, 23E.40, 23E.44, 23E.48, 23E.52, 23E.56, 23E.60, 23E.64, 23E.68, and 23E.98.

Financial Implications: See report

Contact: Timothy Burroughs, Planning and Development, 981-7400; Jordan Klein, Economic Development, 981-7530

Action Calendar – Old Business

42. **Proposed Amendment to Berkeley’s Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99** *(Continued from November 13, 2018. Item contains revised material.)*
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, freezing the rate at the current rate of \$13.25 and allowing the programs to adhere to the state of California Minimum Wage schedule thereafter.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
43. **Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program** *(Continued from November 13, 2018.)*
From: Councilmembers Bartlett, Worthington, and Davila
Recommendation: That the Council provides requested direction to the Planning Department on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report. Recommending allowing 4 equity applicants and 2 non-equity applicants to apply and be processed by the City within 2 years.
Financial Implications: Minimal
Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action Calendar – New Business

44. **FY 2018 Year-End Results and FY 2019 First Quarter Budget Update**
From: City Manager
Recommendation: Discuss and determine funding allocations based on the FY 2018 General Fund Excess Equity for: 1. the General Fund Reserves and 2. the Mayor’s June 26, 2018, Supplemental Budget Recommendations and the Council’s Budget Referrals that were deferred to November 2018.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
45. **Amendment: FY 2019 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2019 Annual Appropriations Ordinance No. 7,617–N.S. for fiscal year 2019 based upon recommended re-appropriation of committed FY 2018 funding and other adjustments authorized since July 1, 2018, in the amount of \$124,106,105 (gross) and \$112,090,748 (net).
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action Calendar – New Business

46. Structure for City Council Standing Policy Committees

From: City Manager

Recommendation: Adopt a Resolution approving the framework and procedures for standing policy committees of the City Council as part of the City's legislative process.

Financial Implications: See report

Contact: Dee Williams-Ridley, City Manager, 981-7000

Council Action Items

47. Short-Term Referral to the Planning Commission and Design Review Committee to Research and Draft an Urban Forestry Ordinance Requiring Tree Planting Upon Completion of New Residential Construction and Certain Alterations

From: Councilmembers Davila and Harrison

Recommendation: Short-term Referral to the Planning Commission and Design Review Committee (DRC) to research and draft an Urban Forestry Ordinance requiring tree planting upon completion of new residential construction and certain alterations. The Planning Commission and DRC should consider the following:

-Establishing appropriate tree planting requirements, e.g. a ratio of trees required per square foot, for new single-family and multi-family construction, as well as qualifying alterations to existing residential buildings. -Establishing appropriate tree planting requirements for larger projects, including options to plant trees at alternative locations identified by the City and within the City limits. The developer should incur the cost of maintenance of the trees for a defined period of years after planting. -Establishing appropriate California Natives species requirements. Refer to the California Native Plant Society for a list of eligible trees. <https://www.cnps.org/>

Financial Implications: Unknown

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

Information Reports

48. City Council Short Term Referral Process – Monthly Update

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

49. Condominium Conversion Program – Annual Report

From: City Manager

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

50. LPC NOD: 2355 Telegraph Avenue / #LMSAP2018-0001 for the Cambridge Apartments Building

From: City Manager

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

Information Reports

51. **LPC NOD: 2580 Bancroft Way / LMSAP#2017-0007**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
52. **LPC Annual Report to City Council for the period May 2017 to May 2018**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, 981-7400
53. **City Auditor's Snapshot: Quarterly Summary Report on Audit Recommendations**
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750
54. **Update on Berkeley Library Whistleblowers**
From: Councilmember Worthington
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Public Comment – Items Not Listed on the Agenda

Adjournment

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.*

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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 981-6418 (V) or 981-6347 (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 November 15, 2018.*

A handwritten signature in black ink, appearing to read "Mark Numainville".

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 44: FY 2018 Year-End Results and FY 2019 First Quarter Budget Update**

1. "Fund Underground Study Phase 3" form letters: 148 emails

#### **Undergrounding Supervisor**

2. Kristina Grondahl
3. Frances Kandl
4. Nico Pemantle
5. Linnea Christiani

6. Rachel Sing
7. Charles and Gail Drulis
8. Pamela Blair
9. Marilyn and Harry Margulius
10. Robert Mathews
11. Russell and Kathleen Lopes
12. Barbara Lewis
13. Walter and Milly Alvarez
14. Fred Dodsworth
15. George Buffington
16. Kim Marder
17. Terry
18. Cynthia Larson

#### **Support for Scooter Share Pilot Program**

19. Commission on Aging

#### **Marina Fund Request – One-Time Funding**

20. Parks and Waterfront Commission

#### **Cameras in San Pablo Park**

21. David Freeling

#### **Stop Pesticides, Save the Trees**

22. Isis Feral

#### **Illegal Creation of Additional Lanes of Traffic**

23. Val Cipollone

#### **FlixBus Franchise Agreement**

24. Tay Costa, on behalf of FlixBus

#### **Homeless Encampments**

25. Pedro Alvarez, Jr.
26. Richard James

#### **Free Speech for Humans**

27. Phoebe Anne Sorgen

#### **Trash Pickup at Harriet Tubman Terrace (HTT)**

28. Darinxoso Oyamasela
29. Chris Slama, Community Manager of HTT
30. Environmental Health Department

#### **ADA Issues of New Parking Structure**

31. Barbara Brust

**Renew Item 25 of the October 30, 2018 Agenda and Rescind**

32. Calvin Justice

**People's Park**

33. Unknown

**Substance Abuse Resources**

34. Cassidy Webb

**Sidewalk Ordinance**

35. Sarah Garrett

**RV's on 8<sup>th</sup> and Gilman**

36. Ann Nguyen

**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 before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

