

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 11, 2018**  
**6:00 PM**

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:** 6:07 p.m.

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

**Absent:** None

### **Ceremonial Matters:**

1. Swearing in of newly elected and re-elected officials.
2. Recognition of Judith Montell, Berkeley Filmmaker
3. Recognition of Berkeley High African American Studies Program

**City Manager Comments:** None

### **City Auditor Comments:**

The City Auditor provided general introductory remarks about audit priorities and highlighted items #13 and #15 on the agenda regarding street paving and future steps on these audits.

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

## **Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 28 speakers.

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

**Vote:** All Ayes.

Recess 8:12 p.m. – 8:32 p.m.

## Consent Calendar – Continued Business

### A. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses *(Continued from December 4, 2018)*

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,635-N.S. 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.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**Action:** Moved to the Action Calendar. 1 speaker. M/S/C (Droste/Wengraf) to adopt a new first reading of the ordinance amended to remove the noticing requirements for AUP projects. Second reading of Ordinance No. 7,635-N.S. scheduled for January 22, 2019.

**Action:** On the severed portion to remove the additional noticing requirement for AUP projects.

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

**Action:** On the severed portion to adopt the new first reading of the ordinance.

**Vote:** All Ayes.

## Consent Calendar

### 1. **Confirming the Results of the November 6, 2018, General Municipal Election**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution: a) Confirming the results of the November 6, 2018, General Municipal Election; and b) Declaring the passage of Measure O – General Obligation Bond for Affordable Housing, Measure P – Transfer Tax Measure, Measure Q – Amendments to the Berkeley Rent Stabilization and Eviction for Good Cause Ordinance, and Measure R – Advisory Measure - Vision 2050.
2. Adopt two Ordinances amending the Berkeley Municipal Code to incorporate the passage of Measure P – Transfer Tax Measure, and Measure Q - Amendments to the Berkeley Rent Stabilization and Eviction for Good Cause Ordinance.
3. Adopt two Resolutions codifying the text of Measure O – General Obligation Bond for Affordable Housing, and Measure R – Advisory Measure - Vision 2050.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 1. Adopted Resolution No. 68,702–N.S. (Confirming Results) as revised in Supplemental Reports Packet #2 to include the final certified precinct-by-precinct results and the certifications by the Registrar of Voters and the City Clerk ; 2. Adopted Ordinance No. 7,636–N.S. (Measure P) and Ordinance No. 7,637–N.S. (Measure Q); 3. Adopted Resolution No. 68,703–N.S. (Measure O) and Resolution No. 68,704–N.S. (Measure R).

### 2. **Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meeting of November 13, 2018 (regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved minutes as submitted.

### 3. **Annual Commission Attendance and Meeting Frequency Report**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving a revised commission meeting frequency schedule, changing the reporting period for the annual attendance report, and accepting the annual attendance report.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Adopted Resolution No. 68,705–N.S.

## Consent Calendar

- 4. Contract: UC Berkeley Economic and Fiscal Impact Study**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, for an amount not to exceed \$150,000, and any amendments thereto, with a vendor to be determined, to study the economic and fiscal impacts of the University of California, Berkeley on the City of Berkeley.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Adopted Resolution No. 68,706–N.S.
- 5. Contract: Wittman for Fire Inspection and Emergency Response Billing and Related Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Wittman Enterprises LLC (Contractor) to provide the following services for the Berkeley Fire Department (Department) from January 1, 2019 to December 31, 2023, in an amount of \$3,655,677, with an option to extend for ten additional years in two five-year increments in the amount of \$2,055,233 for the first option term, and \$2,157,995 for the second optional term, for a total contract amount not to exceed \$7,868,905: -Emergency response billing, and -Fire inspection billing, and -Related hardware, software, and program oversight.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, 981-3473  
**Action:** Adopted Resolution No. 68,707–N.S.
- 6. Contract No. 9111E Amendment: City Data Services to add a Housing Trust Fund Monitoring and Inspection Module**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9111E with City Data Services (CDS) for an online data management system through June 30, 2020 to add \$35,860 for ongoing monitoring and a new monitoring module, bringing the total contract amount to \$198,630, and execute any amendments with CDS for ongoing maintenance of the community agency online applications and reporting.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,708–N.S.

## Consent Calendar

### 7. **Memorandum of Understanding: Public Employees Union PEU Local 1**

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Approving a new twenty (20) month Memorandum of Understanding (hereafter referred to as "MOU") with Public Employees Local One (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 Units M, P1, and P2 that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 67,485-N.S. Also, authorize the City Manager to make non substantive edits to the format and language of the Memorandum of Understanding in alignment with Council Direction, the tentative agreements and conforming to legal requirements.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, 981-6800

**Action:** Adopted Resolution No. 68,709–N.S. (MOU) and Resolution No. 68,710–N.S. (Salary).

### 8. **Contract: Hyphae Design Laboratory for Citywide Restroom Assessment**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract, and any amendments or extensions with Hyphae Design Laboratory ("Hyphae") to perform professional consulting services for the Citywide Restroom Assessment Project in an amount not to exceed \$148,215 for the period January 1, 2019 to July 31, 2020.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,711–N.S.

### 9. **Contract No. 10874A Amendment: Street Level Advisors for Development Fee Feasibility Analysis**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10874A with Street Level Advisors, to analyze the impact of fees and other variables on development project feasibility and to gather additional stakeholder input, increasing the contract amount by \$30,000 to a new total not-to-exceed contract amount of \$75,400, and extending the contract period to December 31, 2019.

**Financial Implications:** See report

Timothy Burroughs, Planning and Development, 981-7400

**Action:** Adopted Resolution No. 68,712–N.S.

## Consent Calendar

- 10. Contract: Disability Access Consultants for ADA Self Evaluation and Transition Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract for with Disability Access Consultants to provide an updated and comprehensive Title II Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for one year starting February 1, 2018, in an amount not to exceed \$406,600.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,713–N.S.
- 11. Contract No. 10552A Amendment: Revel Environmental Manufacturing, Inc. for on-call Storm Water Maintenance Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10552A with Revel Environmental Manufacturing, Inc. for on-call storm water maintenance services, increasing the current contract by \$225,000 for a total contract amount not to exceed \$500,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,714–N.S.
- 12. Contract No. 9893B Amendment: ABM Industries for Continuing Electric Vehicle Charging Station Operations and Extended Maintenance Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a five-year contract amendment with AMB Industries to purchase Electric Vehicle (EV) charging stations, provide EV network operations and maintenance, plus extended warranty services, in an amount of \$366,962 for a total Contract not to exceed \$413,940 through June 30, 2023.  
**Financial Implications:** Various Funds - \$366,962  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,715–N.S.

## Consent Calendar

13. **Contract: Gallagher & Burk, Inc. for FY 2018 Measure M Street Rehabilitation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the FY 2018 Measure M Street Rehabilitation Project, Specification No. 18-11179-C (Re-Issued); accepting the bid of Gallagher & Burk, Inc. 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 \$3,863,909.  
**Financial Implications:** Street Capital Improvement Program Fund - \$3,863,909  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,716–N.S.
14. **Letter of Support on Behalf of SB 3342 - Housing, Opportunity, Mobility, and Equity Act of 2018**  
**From: Housing Advisory Commission**  
**Recommendation:** Direct the City Manager to send a letter of support on behalf of proposed SB 3342, referred to as the HOME Act.  
**Financial Implications:** None  
Contact: Amy Davidson, Commission Secretary, 981-5400  
**Action:** Approved recommendation.
15. **Public Works Commission Recommendation for the Five-Year Street Rehabilitation Plan**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution that recommends approval of the Five-Year Street Rehabilitation Plan for FY2019 to FY2023 as proposed by Staff.  
**Financial Implications:** See report  
Contact: Nisha Patel, Commission Secretary, 981-6300  
**Action:** Moved to Action Calendar. 8 speakers. M/S/C (Harrison/Droste) to adopt Resolution No. 68,717–N.S. that recommends approval of the Five-Year Street Rehabilitation Plan for FY2019 to FY2023 as proposed by Staff amended to include Milvia Street from Blake Street to Russell Street in FY2019. Provide direction to staff and request additional information from staff as follows:
- Review the Plan after two years
  - Consult the Transportation Commission on the Plan
  - Provide the Lifecycle analysis and the Bike Plan overlay analysis
  - Consider a two-year bid process
  - Annual report to Council on Measure M projects
  - Report to Council on the funding sources for scheduled and completed paving projects
- Vote:** All Ayes.

## Council Consent Items

**16a. Referral Response: Berkeley Single Use Foodware and Litter Reduction Ordinance**

**From: Zero Waste Commission**

**Recommendation:** Review the results of the Zero Waste Commission's community outreach and analysis provided in response to Council's referral and consider incorporating the Zero Waste Commission recommendations for improvements into the referred draft proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.

**Financial Implications:** See report

Contact: Heidi Obermeit, Commission Secretary, 981-6300

**16b. Companion Report: Referral Response: Proposed Single Use Foodware and Litter Reduction Ordinance**

**From: City Manager**

**Recommendation:** Staff appreciates the Zero Waste Commission's diligent and thoughtful work and requests that Council refer their recommendations for the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance to the City Manager to review, to quantify the potential impacts, and to report back to Council with an analysis.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Moved to Action Calendar. M/S/C (Arreguin/Wengraf) to hold over Items 16a and 16b, Item D, and Item 27 to January 22, 2019.

**Vote:** All Ayes.

## Council Consent Items

**17. Seating Arrangement for Councilmembers during City Council Meetings**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution changing the seating placement of City Councilmembers as follows on the dais (From left to right, facing the dais): Kesarwani, Harrison, Bartlett, Hahn, Arreguin, Wengraf, Droste, Davila, Robinson.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Adopted Resolution No. 68,718–N.S.



## Council Consent Items

- 18. Eighth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Mayor Arreguin, and Councilmembers Davila and Bartlett**  
**Recommendation:**
1. Adopt a Resolution co-sponsoring the 8th Annual Martin Luther King Jr. Celebration Breakfast on January 21, 2019.
  2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin, to the Rotary Endowment, the fiscal sponsor of the 8th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
- Financial Implications:** Mayor's Discretionary Funds - \$500  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,719–N.S. (Co-sponsor) and Resolution No. 68,720–N.S. (Expenditure) amended to include contributions from the following Councilmembers up to amounts listed: Councilmember Wengraf - \$500; Councilmember Droste - \$500; Councilmember Davila - \$200; Councilmember Harrison - \$250; Councilmember Robinson - \$150; Councilmember Hahn - \$200.
- 19. Funding for United Against Hate Week Event**  
**From: Mayor Arreguin and Councilmember Bartlett**  
**Recommendation:** Adopt a Resolution retroactively sponsoring the November 11, 2018 United Against Hate Week Kick-Off, waiving city fees and costs associated with the event and authorizing reimbursement of \$7,725 for the cost of stage and production for the event.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 68,721–N.S.

## Council Consent Items

### 20. Establishment of Traffic Circle Policy Task Force

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

**Recommendation:** Establish a Traffic Circle Policy Task Force comprised of representatives of the Parks and Waterfront Commission, Transportation Commission, community representatives from the neighborhoods where traffic circles are located, and city staff in the Parks and Public Works Departments as follows: City Staff, 1 representative from the Transportation Department and 1 representative from the Parks Department; Commissions, 1 representative from the Parks and Waterfront Commission and 1 representative from the Transportation Commission; Community, Several representatives from the neighborhoods currently maintaining traffic circles, chosen from geographically diverse parts of the city and 1 representative from Berkeley Partners for Parks.

The charge of this Task Force is to: a) Evaluate the City's current traffic circle vegetation policy; and b) Conduct a community led process to update that policy to ensure pedestrian/bicycle/ vehicle safety and preserve community efforts to beautify traffic circles.

Task Force activities may include, but are not limited to: -Determine appropriate characteristics and parameters for allowed plantings; -Develop policy that ensures lines of sight and other important safety considerations; -Conducting a survey of current traffic circles and their vegetation; -Conducting a survey of neighborhood associations, neighborhood captains, community and community groups such as Berkeley Partners for Parks to determine which traffic circles are being maintained by community members; Examining the City of Oakland's 'Adopt a Spot' initiative to encourage community involvement in the maintenance of public spaces by loaning tools, supplies, and technical assistance to committed members of the community; - Hosting a presentation from City staff to better understand concerns with the current traffic circle policy and any safety concerns that should be taken into consideration; - Developing a clear set of guidelines/criteria to allow for community maintenance of traffic Circles; -Outlining the appropriate community outreach strategy and process to share the updated policy for managing vegetation in traffic circles; -Developing a replanting strategy, with emphasis on drought-resistant plants.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2.

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

## Council Consent Items

**21. Send a Letter to Sutter Health Requesting a Plan to Retrofit/Rebuild Alta Bates Hospital or sell to another operator**

**From: Mayor Arreguin and Councilmembers Hahn, Harrison, and Droste**

**Recommendation:** Direct the City Manager to send a letter to, and follow-up with, Sutter Health requesting a plan to retrofit and rebuild Alta Bates to state regulations by 2030 or agree to sell Alta Bates hospital to an operator who will maintain a full-service, acute care hospital in Berkeley. The City of Berkeley expresses its strong desire to work in collaboration with Sutter Health to develop a plan to keep a full-service, acute care hospital in Berkeley. The letter shall reference the findings from the Health Impact Assessment completed by the University of California, Department of Public Health, dated September 2018 and state that the closure of Alta Bates would: -Create a harmful cascade effect on remaining hospitals and emergency services, exacerbating already overcrowded ERs; -Lengthen wait times for hospital beds; -Reduce the ability of first responders and emergency service vehicles to respond due to increased transport times through the East Bay's congested roadways; -Disproportionally affect marginalized communities; -Impact acute care services in this region that need to be expanded, not consolidated.

**Financial Implications:** Staff time

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 and at the meeting to revise the text of the letter.

**22. African American Tobacco Control Leadership Council (AATCL) work on reducing youth tobacco use in Berkeley: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Davila**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to African American Tobacco Leadership Council for their great work reducing youth tobacco use, particularly among African American youth, in Berkeley, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$150

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

**Action:** Adopted Resolution No. 68,722-N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Harrison - \$100; Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Councilmember Hahn - \$200.

## Council Consent Items

- 23. Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**  
**From: Councilmember Davila**  
**Recommendation:** Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. according to the changes made in the attached amended ordinance to prohibit the sale of flavored tobacco products and require a minimum package size for cigars and little cigars across the City of Berkeley. The primary purpose of the amendment to the ordinance is to do more to prevent youth and young adult tobacco use.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Councilmembers Hahn and Harrison added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #1 to make the referral to the City Manager and further amended to include consideration of minimum package size and/or price.
- 24. Referral to City Manager to establish Recreational Vehicle Waste Discharge Facility on City Property and Referral to FY 2020/21 Budget Process**  
**From: Councilmembers Harrison and Davila**  
**Recommendation:**  
1. Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, and  
2. Refer costs associated with the facility to the FY 2020/21 Budget Process.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Approved recommendation amended to include consideration of 1) method of pump out; 2) cost; 3) locations; and 4) capacity.

## Council Consent Items

**25. The Berkeley Public Library Foundation 17th Annual Authors Dinner: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**

**From: Councilmembers Hahn, Wengraf, and Droste**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmembers Wengraf and Droste to the Berkeley Public Library Foundation's 17th Annual Authors Dinner with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmembers Wengraf, Droste, and any other Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance the facilities, programs and services of the Berkeley Public Library. The proceeds from this event will subsidize library programs and would fulfill the municipal public purpose.

**Financial Implications:** Councilmembers' Discretionary Funds - \$500

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

**Action:** Adopted Resolution No. 68,723–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$500; Councilmember Droste - \$500; Councilmember Davila - \$100; Councilmember Harrison - \$250; Councilmember Bartlett - \$250; Councilmember Robinson - \$150; Mayor Arreguin - \$500.

## Action Calendar – Public Hearings

### B. Referral Response: Reclassifying the Zoning and the General Plan and West Berkeley Plan designations at 1050 Parker Street / 2621 Tenth Street, with associated Environmental Review (Continued from December 4, 2018.)

**From: City Manager**

**Recommendation:** Continue the public hearing and upon conclusion:

1. Adopt a Resolution amending the General Plan land use designations for a portion of 1050 Parker Street / 2621 Tenth Street from a Manufacturing designation to Avenue Commercial, and amending the West Berkeley Plan land use designation from Mixed Use / Light Industrial to General Commercial (Amendments affect Assessor Parcel Numbers (APNs): 054-1763-001-03, 054-1763-010-00); and
2. Adopt first reading of an Ordinance:
  - a. Rezoning a portion of the project site from Mixed Use – Light Industrial (MU-LI) to West Berkeley Commercial (C-W) (Amendments affect APNs 054-1763-001-03 and 054-1763-010-00); and
  - b. Amending the C-W District development standards to allow for a 4-story / 50-foot tall building on the subject property (Amendments affect APNs 054-1763-001-03, 054-1763-010-00, and 054-1763-003-03); and
3. Adopt a Resolution adopting findings under the California Environmental Quality Act (CEQA) that determine how potential impacts are to be mitigated, to adopt an Initial Study / Mitigated Negative Declaration that concludes that all impacts of the rezone and re-designations can be reduced to a less-than-significant level under CEQA, and to adopt a Mitigation Monitoring and Reporting Program that ensures the measures will be implemented.

**Financial Implications:** See report

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

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

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

**Action:** M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:40 p.m.

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

**Action:** M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:50 p.m.

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

**Public Testimony:** 4 speakers.

**Action:** M/S/C (Wengraf/Arreguin) to call the question on the pending motion.

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

## Action Calendar – Public Hearings

**Action:** M/S/Failed (Harrison/Davila) to refer to the Planning Commission to develop a medical overlay for the property.

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

**Action:** M/S/C (Wengraf/Robinson) to:

1. Adopt Resolution No. 68,724–N.S. (General Plan)
2. Adopt first reading of Ordinance No. 7,638–N.S. (Zoning). Second reading scheduled for January 22, 2019.
3. Adopt Resolution No. 68,725–N.S. (CEQA)

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

## Action Calendar – Continued Business

### C. **Structure for City Council Standing Policy Committees** *(Continued from December 4, 2018. Item contains revised material.)*

**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

**Action:** M/S/C (Arreguin/Wengraf) to accept revised material from Mayor Arreguin on Item C.

**Vote:** All Ayes.

**Action:** 2 speakers. M/S/Failed (Kesarwani/Wengraf) to adopt the policy as submitted at the meeting with the original policy committee groupings as proposed by the Agenda Committee.

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

**Action:** M/S/Carried (Hahn/Harrison) to adopt Resolution No. 68,726–N.S. with the Attachment 1, Exhibit A in the revised materials submitted by Mayor Arreguin at the meeting further amended to clarify the 120 day limit and adjust the policy committee groupings from the agenda committee as revised to move Climate Action Plan, Sustainability, and Energy and Water Conservation to the Facilities Committee.

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

## Action Calendar – Continued Business

**D. 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 December 4, 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:** Item D held over to January 22, 2019.

**E. 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** *(Continued from December 4, 2018.)*

**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

**Action:** Moved to Consent Calendar. Approved recommendation as revised in Supplemental Communications Packet #2 and written below.

*Six-month referral to the Planning Commission to research and draft an Urban Forestry Ordinance requiring tree planting upon completion of new construction, excluding single-family homes and ADUs, as well as construction in High Hazard Fire Zones. The Planning Commission should consider the following:*

- *Appropriate tree planting requirements for new construction, with the goal of increasing the tree canopy in Berkeley.*
- *Appropriate species requirements.*
- *Establishing a Tree Planting Fund to support increased tree planting throughout Berkeley.*



## Action Calendar – Continued Business

- Fa. Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties** *(Continued from December 4, 2018)*

**From: Community Environmental Advisory Commission**

**Recommendation:** Since the drought-storm-flooding cycle is predicted to get worse, refer to the City Manager to develop and implement measures to help reduce runoff from private property when rain exceeds two inches in a 24-hour period. The City Manager and staff should consider the following: - Comply beyond the State and Alameda County current requirements; -Encourage the treating and detaining of runoff up to approximately the 85th per-centile of water deposited in a 24-hour period; -Establish site design measures that include minimizing impervious surfaces; -Require homeowners to include flooding offsets in preparing properties for sale; - Offer option(s) for property owners to fund in-lieu centralized off-site storm-water retention facilities that would hold an equivalent volume of runoff; -Require abatements for newly paved areas over a specific size; -Make exceptions for properties that offer significantly below-market rent or sale prices; -Authorize a fee for all new construction or for title transfer to cover the cost of required compliance inspections. -Incorporate these measures for private property with similar measures for Public Works, while coordinating with EBMUD, BUSD, UCB and LBNL.

**Financial Implications:** See report

Contact: Viviana Garcia, Commission Secretary, 981-7460

- Fb. Companion Report to Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties** *(Continued from December 4, 2018)*

**From: City Manager**

**Recommendation:** Express appreciation for the intent of the Community Environmental Advisory Commission (CEAC) recommendation to develop and implement measures to help reduce runoff from private property when rain exceeds two inches in a 24-hour period, and allow staff to continue existing efforts to implement Municipal Regional Stormwater Permit regulations in coordination with the 14 other local governments and agencies that participate in the Alameda Countywide Clean Water Program.

**Financial Implications:** See report

Contact: Timothy Burroughs, Planning and Development, 981-7400; Phillip Harrington, Public Works, 981-6300

**Action:** Items Fa and Fb held over to January 22, 2019.

## Council Action Items

**26. Referral to the City Manager to Update the Housing Pipeline Report to Address Timeline between Planning Entitlements and Submission of Building Permit Applications and Consider Reasons for Delay**

**From: Councilmember Harrison**

**Recommendation:** Referral to the City Manager to include in the Housing Pipeline Report an analysis of the time between planning entitlements and building permit requests for all projects of five units or greater over the past five years. On an ongoing basis, refer to the City Manager and Commission to propose changes to current Planning approval process to address the causes of delays between entitlements and building permits for construction or substantial rehabilitation of five or more dwelling units.

**Financial Implications:** Staff time

Contact: Kate Harrison, Councilmember, District 4, 981-7140

**Action:** Moved to Consent Calendar. Adopted recommendation as revised in Supplemental Communications Packet #2 to also refer the item to the Planning Commission.

**27. Single Use Disposable Foodware and Litter Reduction Ordinance**

**From: Councilmember Hahn and Mayor Arreguin**

**Recommendation:**

1. Adopt a first reading of the Single Use Foodware and Litter Reduction Ordinance.
2. Refer to the City Manager to:
  - a. Establish a mini-grant program administered and funded either directly by the City or by community partners to help Prepared Food Vendors with one-time costs associated with conversion to Reusable Foodware for eating on the premises (“eating-in”), to be launched by January 1, 2020 (six months before the date Reusable Foodware requirements become effective).
  - b. Establish a program administered and funded either directly by the City or by community partners to provide technical assistance to Prepared Food Vendors implementing the Single Use Foodware Ordinance, on a free or sliding-scale fee basis, to be launched by July 1, 2019.
  - c. Create a Reusable Takeout Foodware program for launch July 1, 2021, in collaboration with community partners such as the Ecology Center, Rethink Disposables and StopWaste.
  - d. Draft for approval amendments to the Single Use Foodware and Litter Reduction Ordinance to implement the Reusable Takeout Foodware program as an alternative to Compostable Takeout Foodware, and impose a charge, similar to or the same as the Disposable Cup charge, on other Disposable Foodware containers.
  - e. Create a program to expand and support composting, to ensure Single Use Disposable Foodware is actually composted.
3. Refer to the City Manager to determine funding and staffing needs and sources of funds for each program/phase, and submit funding allocations or requests to the budget process.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

**Action:** Item 27 held over to January 22, 2019.

## Information Reports

**28. Referral Response: Study Possible Scenarios of the Loss of Federal Funds  
From: City Manager**

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

**Action:** Received and filed.

**29. Measure U1 Reporting**

**From: Housing Advisory Commission**

Contact: Amy Davidson, Commission Secretary, 981-5400

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 1 speaker.**

## Adjournment

**Action:** M/S/C (Wengraf/Arreguin) to adjourn the meeting in memory of:

1. Julia Vinograd, Berkeley Poet

**Vote:** All Ayes.

Adjourned at 11:48 p.m.

## Communications

**Another Location for Apothecarium Dispensary**

1. Lauren Kerr
2. Paul Lundahl
3. Anthony Bonet

**East Bay Community Energy**

4. From the CEO's desk of EBCE

**Homeless Encampments to Vacate**

5. Diana Bohn

**UASI Committee Problem**

6. Bob Flasher

**Smart Kiosks**

7. Kathryn Stein
8. Carol Denney

## Supplemental Communications and Reports 1

**Item #23: Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of**

**flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**

9. Supplemental material, submitted by Councilmember Davila

**Item #27: Single Use Disposable Foodware and Litter Reduction Ordinance**

10. Revised material, submitted by Councilmember Hahn

## **Supplemental Communications and Reports 2**

**Item #1: Confirming the Results of the November 6, 2018, General Municipal Election**

11. Supplemental material, submitted by the City Clerk

**Item #20: Establishment of Traffic Circle Policy Task Force**

12. Supplemental material, submitted by Mayor Arreguin

13. Karl Reeh

**Item #21: Send a Letter to Sutter Health Requesting a Plan to Retrofit/Rebuild Alta Bates Hospital or sell to another operator**

14. Supplemental item, submitted by Mayor Arreguin

**Item #23: Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**

15. Liz Williams

**Item #B: Referral Response: Reclassifying the Zoning and the General Plan and West Berkeley Plan designations at 1050 Parker Street / 2621 Tenth Street, with associated Environmental Review**

16. Patrick Sheahan, on behalf of the Zoning Adjustment Board

**Item #C: Structure for City Council Standing Policy Committees**

17. Supplemental material, submitted by Mayor Arreguin

**Item #D: Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program**

18. Brian Auerbach

19. Susan Raeburn

**Item E: 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**

20. Supplemental material, submitted by Councilmember Davila

**Item #Fa: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties**

21. Supplemental material, submitted by Mayor Arreguin

**Item #26: Referral to the City Manager to Update the Housing Pipeline Report to Address Timeline between Planning Entitlements and Submission of Building Permit Applications and Consider Reasons for Delay**

22. Revised material, submitted by Councilmember Harrison

**Item #27: Single Use Disposable Foodware and Litter Reduction Ordinance**

23. Revised material, submitted by Councilmember Hahn

24. Alison Piccoli, on behalf of the California Restaurant Association

25. Allen King, President of Excellent Packaging

26. Miriam Gordon

27. Sandra Curtis

28. Paula White

29. Monica Wilson

30. Mary Ann Brewin

31. Jon Corn

32. Mimi Mougovan

33. Katherine Pope

34. Anna Whitney

35. 16 similarly-worded letters, submitted by Jeff Shaddock, Natasha Ham, Vivienne Lam, Leah Redwood, Marilyn and Victor Ichioka, Caryn Graves, Diana Bohn, Natalie Nava, Serena Patel, Julia Sherman, Leslie Yin, Liam Will, Kylie Murdock, Claire Rausser, Den Paul Cortez, Sarah Abdeshahian

36. 11 another similarly-worded letters, submitted by Betsy Bigelow-Teller, Tom Miller, Mary Ann Fredson, Ellen Hahn, Michael Wallman, Danny Wedding, Sandra Ludlow, Jacque Ensign, Jon Stewart, Sheila Jordan, Becky Grether

**Item #27: Single Use Disposable Foodware and Litter Reduction Ordinance**

37. 143 Communications submitted via Berkeley Considers, includes summary information.

### **Supplemental Communications and Reports 3**

**Item #6: Contract No. 9111E Amendment: City Data Services to add a Housing Trust Fund Monitoring and Inspection Module**

38. Barbara Gilbert

**Item #20: Establishment of Traffic Circle Policy Task Force**

39. Nancy Carleton

40. John Steere, on behalf of Berkley Partners for Parks

**Item #21: Send a Letter to Sutter Health Requesting a Plan to Retrofit/Rebuild Alta Bates Hospital or sell to another operator**

41. Sharon Singer

42. Nancy Lemon

43. Andrew Johnson, on behalf of the Bateman Neighborhood Association

44. Andy Katz

**Item #23: Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use**

45. Cassie Ray, on behalf of the American Cancer Society

46. Holly Schneider

**Item #B: Referral Response: Reclassifying the Zoning and the General Plan and West Berkeley Plan designations at 1050 Parker Street / 2621 Tenth Street, with associated Environmental Review**

47. Patrick Sheahan, on behalf of the Zoning Adjustment Board

48. Chris Barlow, on behalf of Wareham Development

**Item #C: Structure for City Council Standing Policy Committees**

49. Supplemental Material, submitted by Mayor Arreguin

**Item #D: Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program**

50. Charles Pappas

51. Lynn Silver

52. Amanda Naprawa

**Item #27: Single Use Disposable Foodware and Litter Reduction Ordinance**

53. Juliet Lamont and Phil Price

54. Bonnie Borucki

55. Shirley Dean

56. Amir Wright

57. Melissa Romero

58. Angie Chen

59. John Paluska (2)

60. Ashely Coneff, on behalf of Dunkin Donuts

61. Aladdin Dino Sammakieh, McDonald's Owner/Operator

62. Liv Johansson

63. Monica Wilson, on behalf of GAIA

64. Eight similarly-worded letters, submitted by Claire Perrin, Ayako Nagano, Mark Green, Sarah Bancroft, Dante Gonzales, Nuha Khalfay, Kelia Hai Liang, Roxana Horowitz

65. Six similarly-worded letters, submitted by Diana Bohn, Nuha Khalfay, Ayako Nagano, Bonnie Borucki, Greenpeace, Sandra Curtis

**Leonard Powell's Home**

66. Friends of Adeline (2)

**Memories of the 60's, by Julia Vinograd**

67. Unknown