

**REVISED AGENDA
(ADDED CONTINUED ITEMS FROM DECEMBER 4, 2018)**



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

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. Swearing in of newly elected officials.
2. Recognition of Judith Montell
3. Recognition of Berkeley High African American Studies

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.

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

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

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

Consent Calendar

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

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

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

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

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

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

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

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
- 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
- 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
- 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

Consent Calendar

- 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
- 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
- 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

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

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

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

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

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

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

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
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
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 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.

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

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

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 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 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
- 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 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

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

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

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

Information Reports

29. Measure U1 Reporting

From: Housing Advisory Commission

Contact: Amy Davidson, Commission Secretary, 981-5400

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.*

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

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 December 6, 2018.*



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.*

### **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**

*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.

