



Office of the City Manager

CONSENT CALENDAR  
January 22, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of November 26, 2018 (special closed), November 27, 2018 (regular), December 4, 2018 (regular), December 6, 2018 (special), and December 11, 2018 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. November 26, 2018–Special Closed City Council Meeting
2. November 27, 2018–Regular City Council Meeting
3. December 4, 2018–Regular City Council Meeting
4. December 6, 2018–Special City Council Meeting
5. December 11, 2018–Regular City Council Meeting

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
MONDAY, NOVEMBER 26, 2018  
4:00 P.M.**

**Redwood Room – 2180 Milvia Street, 6<sup>th</sup> Floor, Berkeley, CA**

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

**Preliminary Matters**

**Roll Call:** 4:07 p.m.

**Present:** Droste, Hahn, Harrison, Maio, Worthington, Arreguin

**Absent:** Bartlett, Davila, Wengraf

**Public Comment - Limited to items on this agenda only – 1 speaker**

**CLOSED SESSION:**

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

**Negotiators:** Dee Williams-Ridley, City Manager, Paul Buddenhagen, Interim Deputy City Manager, LaTanya Bellow, Director of Human Resources.

**Employee Organizations:** Public Employees’ Union, Local 1.

**Action:** No reportable action.

Councilmember Davila present at 4:14 p.m.

**2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

a. Rudie v. City of Berkeley, ACSC Case No. RG17870389.

**Action:** No reportable action.

b. Robertson v. John Fitzgerald Smith, City of Berkley, et al., ACSC Case No. RG17851346.

**Action:** No reportable action.

- c. Dalton v. City of Berkeley, US District Court, Northern District of California, Case No. 17-cv-07178 JCS.

**Action:** M/S/C (Worthington/Hahn) to authorize the City Attorney to enter into a settlement agreement consistent with the terms outlined in the proposed settlement agreement for an amount not to exceed \$40,000.

**Vote:** Ayes – Davila, Droste, Hahn, Harrison, Maio, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

- d. Ryder Vanderheyden v. Subadra Jayram; Thathachar Jayram; City of Berkeley; State of California, ACSC Case No. RG16 841708

**Action:** M/S/C (Harrison/Maio) to authorize the City Attorney to settle the case for \$27,500, contingent on the court granting the City's motion that the settlement is in good faith. This motion is necessary because although this will settle the case between the City and Plaintiff, there are other defendants who will remain in the case.

**Vote:** Ayes – Davila, Droste, Hahn, Harrison, Maio, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

## OPEN SESSION:

City Council met in Closed Session and gave direction as follows:

- a. Dalton v. City of Berkeley, US District Court, Northern District of California, Case No. 17-cv-07178 JCS: Authorized the City Attorney to enter into a settlement agreement consistent with the terms outlined in the proposed settlement agreement for an amount not to exceed \$40,000.
- b. Ryder Vanderheyden v. Subadra Jayram; Thathachar Jayram; City of Berkeley; State of California, ACSC Case No. RG16 841708: Authorized the City Attorney to settle the case for \$27,500, contingent on the court granting the City's motion that the settlement is in good faith. This motion is necessary because although this will settle the case between the City and Plaintiff, there are other defendants who will remain in the case.

## Adjournment

**Action:** M/S/C (Maio/Worthington) to adjourn the meeting.

**Vote:** Ayes – Davila, Droste, Hahn, Harrison, Maio, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

Adjourned at 4:50 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of November 26, 2018 as approved by the Berkeley City Council.

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April Richardson, Assistant City Clerk

**MINUTES**  
**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

**Preliminary Matters**

**Roll Call:** 6:09 p.m.

**Present:** Maio, Davila, Hahn, Wengraf, Worthington, Droste, Arreguin

**Absent:** Bartlett, Harrison

Councilmember Harrison present at 6:58 p.m.

**Report from Closed Session:**

1. Dalton v. City of Berkeley: The Council met in closed session and authorized the City Attorney to enter into a settlement agreement consistent with the terms outlined in the proposed settlement agreement for an amount not to exceed \$40,000.
2. Vanderheyden v. City of Berkeley: The Council met in closed session and authorized the City Attorney to settle the case for \$27,500, contingent on the court granting the City's motion that the settlement is in good faith. His motion is necessary because although this will settle the case between the City and Plaintiff, there are other defendants who will remain in the case.

**City Auditor Comments:**

The City Auditor recognized the efforts of the Council to fund the reserve funds and the City's unfunded liabilities in the excess equity proposal. Also, the City Auditor expressed her support for the policy committee proposal to improve the legislative process and staff capacity concerns highlighted in previous audits.

**City Manager Comments:**

1. Open House for the Pedestrian Master Plan, Dec. 1 at the Frances Albrier Recreation Center
2. Listening Session for the new Transfer Station, Nov. 28 at South Berkeley Senior Center and Dec. 1 at the Live Oak Recreation Center
3. Hearst Avenue Repaving Project Meeting, December 3 at North Berkeley Senior Center

**Public Comment on Non-Agenda Matters:** 8 speakers.

## Consent Calendar

### Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 19 speakers.

**Action:** M/S/C (Arreguin/Worthington) to accept revised materials from Councilmember Davila on Item 23.

**Vote:** Ayes – Maio, Davila, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Harrison.

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

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

- 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  
**Action:** Adopted first reading of Ordinance No. 7,633–N.S. Second reading scheduled for December 4, 2018.
- 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  
**Action:** Approved minutes as submitted.
- 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  
**Action:** Approved recommendation.

## 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

**Action:** Adopted Resolution No. 68,667–N.S.

**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

**Action:** Adopted Resolution No. 68,668–N.S.

**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

**Action:** Adopted Resolution No. 68,669–N.S.

## 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  
**Action:** Adopted Resolution No. 68,670–N.S. (MOU); and Resolution No. 68,671–N.S. (Salary).
- 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  
**Action:** Adopted Resolution No. 68,672–N.S.
- 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  
**Action:** Adopted Resolution No. 68,673–N.S.

## 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  
**Action:** Adopted Resolution No. 68,674–N.S.
- 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  
**Action:** Adopted Resolution No. 68,675–N.S.
- 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  
**Action:** Adopted Resolution No. 68,676–N.S.



## Consent Calendar

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  
**Action:** Adopted Resolution No. 68,677–N.S. (KPM); Resolution No. 68,678–N.S. (O'Connor); and Resolution No. 68,679–N.S. (Townsend).
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  
**Action:** Adopted Resolution No. 68,680–N.S.
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  
**Action:** Adopted Resolution No. 68,681–N.S.

## Consent Calendar

**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

**Action:** Adopted Resolution No. 68,682–N.S.

**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

**Action:** Item held over to the January 15, 2019 worksession meeting.

## 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

**Action:** Adopted Resolution No. 68,683–N.S.

## Council Consent Items

- 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  
**Action:** Adopted Resolution No. 68,684–N.S. revised to include contributions from the following councilmembers up to the amounts listed: Councilmember Hahn - \$200; Councilmember Wengraf - \$250; Councilmember Davila - \$100; Councilmember Maio - \$250.
- 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  
**Action:** Approved recommendation as revised in Supplemental Reports Packet #2 and written below:

*Facilitate the ability of long-term tenants to purchase their residence by referring to the City Manager to amend BMC 21.28.080 as it pertains to the Affordable Housing Mitigation fee as follows: If the property contains 4 units or fewer, the affordable housing mitigation fee for a unit that is and has been occupied by an owner as his or her principal place of residence for at least 5 consecutive years immediately prior to the date of conversion or sale, including as a tenant in that unit immediately prior to ownership, shall be reduced by 50 percent.*

## Council Consent Items

- 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  
**Action:** Adopted Resolution No. 68,685–N.S.
- 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  
**Action:** Approved recommendation.
- 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  
**Action:** Adopted Resolution No. 68,686–N.S. as amended in the revised material distributed at the meeting and further amended to include the Interfaith Movement for Human Integrity as the fiscal agent for the relinquishments and revised to include contributions from the following councilmembers up to the amounts listed: Councilmember Wengraf - \$150; Mayor Arreguin - \$250; Councilmember Harrison - \$150; Councilmember Droste - \$150; Councilmember Maio - \$150.

## Council Consent Items

- 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  
**Action:** Councilmember Hahn added as a co-sponsor. Approved recommendation as revised in Supplemental Communications Packet #2.
- 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  
**Action:** Approved recommendation.
- 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  
**Action:** Approved recommendation as revised in Supplemental Reports Packet #2.

## Council Consent Items

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  
**Action:** Councilmember Droste added as a co-sponsor. Approved recommendation.
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  
**Action:** Approved recommendation revised to add "and funds to maintain new and existing trees on public property."
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  
**Action:** Approved recommendation.
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  
**Action:** Councilmembers Hahn and Harrison added as co-sponsors. Approved recommendation as revised in Supplemental Reports Packet #2.

## Council Consent Items

- 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  
**Action:** Approved recommendation.
- 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  
**Action:** Item held over to January 22, 2019 to be calendared with similar items regarding weapons contracts and sanctuary contracting policies – including revised material in Supplemental Reports Packet #2.
- 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  
**Action:** Councilmember Davila added as a co-sponsor. Approved recommendation revised to add the proposed ballot measure item in Supplemental Reports Packet #2.

## 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  
**Action:** Approved recommendation.
- 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  
**Action:** Moved to Action Calendar. 23 speakers. M/S/C (Harrison/Worthington) to authorize the City Manager to utilize Old City Hall as an Inclement Weather Winter Shelter for the 2018-2019 winter season.  
**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Recess 8:26 p.m. – 8:42 p.m.



## Council Consent Items

**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

**Action:** Approved recommendation as revised in Supplemental Reports Packet #2 as written below:

*That the Council should support proposed regulations that protect both consumer public safety and voter-approved access to legal cannabis. That can be achieved via a letter to our state lawmakers, supporting legislation that maintains the Bureau of Cannabis Control's proposed regulation authorizing delivery into any jurisdiction within the state of California. The council should also simultaneously support safeguards on how cannabis deliveries are permitted. It is important that localities maintain their authority to restrict commercial cannabis activity from establishing a physical operation within their boundaries. However, the council should also support the right of all Californians of legal age to have safe access to, and receive delivery of, legal consumer products regardless of where they live.*

**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:** Approved recommendation.

## Action Calendar – Public Hearings

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

**Public Testimony:** The Mayor asked for testimony from the public. 9 speakers. M/S/C (Droste/Davila) to close the public hearing.

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Worthington.

Councilmember Worthington absent 9:31 p.m. – 9:52 p.m.

**Action:** M/S/C (Droste/Maio) to adopt Resolution No. 68,687–N.S. to 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 amended to include two additional conditions written below.

- Include the revised site plan submitted by the applicant that includes a loading zone.
- The project shall comply with the City of Berkeley wage theft ordinance and ensure that those that work on the are notified of their rights under state wage theft prevention law.

**Vote:** Ayes – Maio, Wengraf, Worthington, Droste, Arreguin; Noes – Davila, Harrison; Abstain – Hahn; Absent – Bartlett.

## Action Calendar – Public Hearings

### 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

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

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

**Vote:** Ayes – Maio, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Bartlett, Harrison, Hahn.

**Action:** M/S/C (Worthington/Droste) to adopt Resolution No. 68,688–N.S.

**Vote:** Ayes – Maio, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Bartlett, Harrison.

### 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

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

M/S/C (Maio/Wengraf) to close the public hearing.

**Vote:** Ayes – Maio, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Bartlett, Harrison.

**Action:** M/S/C (Hahn/Maio) to adopt Resolution No. 68,689–N.S.

**Vote:** Ayes – Maio, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Bartlett, Harrison.

## Action Calendar – Public Hearings

### 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:** M/S/C (Arreguin/Maio) to continue the public hearing on Item 41 to a date certain of December 4, 2018.

**Vote:** Ayes – Maio, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Bartlett, Harrison, Hahn.

Councilmember Hahn 8:42 p.m. – 8:50 p.m.

Councilmember Davila 8:42 p.m. – 8:51 p.m.

Councilmember Harrison 8:42 p.m. – 8:52 p.m.

## 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  
**Action:** M/S/C (Arreguin/Hahn) to take no action on Item 42.  
**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.
- 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:** Item held over to December 4, 2018.

## 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

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

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – Wengraf; Abstain – None; Absent – Bartlett.

**Action:** 7 speakers. M/S/C (Worthington/Maio) to adopt the City Manager's recommendation with the Mayor's revision contained in Supplemental Reports Packet #1)

Approve the following allocations of FY 2018 General Fund Excess Equity:

1. Pursuant to the adopted General Fund Reserve Policy, allocate \$10,180,000 to the General Fund Reserves as follows (\$5.60 Million to the Stability Reserve Fund and \$4.58 Million to the Catastrophic Reserve Fund);
2. Allocate \$1,500,000 to be reserved for Negotiated COLAs in Bargaining Unit Memoranda Agreements;
3. Allocate \$4,000,000 to the CALPERS Section 115 Supplemental Trust to address Unfunded Liabilities;
4. Allocate the remaining \$5.67 Million in Unassigned Excess Equity as follows (and reflected in Attachment 1):
  - \$200,000 for a Temporary Staff Position to support the Undergrounding Project
  - \$100,000 for Secure Storage at an additional location
  - \$1,500,000 to fully fund the Enterprise Resource Software Project
  - \$117,737.50 (half from GF, remainder from Permit Fund) for a 2-year Senior Planner for the LRDP project and other Land Use Planning work
  - \$400,000 for Traffic Calming at the California and Dwight Intersection (Dist 3 and 4)
  - \$100,000 for a Pedestrian Activated Crosswalk at Cedar/Rose Park (District 1)
  - \$100,000 for a Pedestrian Activated Crosswalk at Grant and University (Dist 4 and 1)
  - \$50,000 for a Rectangular Rapid Flashing Beacons (RRFB) at Eton and Claremont (Partially Funded, District 8)
  - \$50,000 for a RRFB at Claremont and Russell (Partially Funded, District 8)
  - \$200,000 for the Hopkins Corridor Study (District 5)
  - \$575,000 set aside for implementation of Fire Safety, Education, Prevention and Disaster Preparedness Recommendations
  - \$50,000 for RFP to address gaps for marginalized youth in Berkeley
  - \$25,000 to extend the hours that the Frances Albrier Community Center is open
  - \$86,924 to pay full city Minimum Wage to YouthWorks employees for FY 2019

## Action Calendar – New Business

- \$250,000 to fully fund Environmental Impact Report for Southside area land use changes (implementing the More Student Housing Now Resolution).
- \$1,820,338.50 to repay the Workers Compensation Fund for payment of part of the outstanding principal for the purchase of the 1001, 1007, 1011 University and 1925 Ninth Street properties
- \$25,000 for project manager for major planning initiatives: Pacific Steel Casting and North Berkeley BART
- \$20,000 for Age Friendly Berkeley Study

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

### 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:** 0 speakers. M/S/C (Maio/Wengraf) to adopt first reading of Ordinance No. 7,634–N.S. with amended amounts of of \$152,385,440 (gross) and \$105,727,086 (net). Second reading scheduled for December 4, 2018.

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

## 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

**Action:** M/S/C (Arreguin/Worthington) to accept revised materials from the City Manager on Item 46.

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Worthington.

Councilmember Worthington absent 11:10 p.m. – 11:28 p.m.

**Action:** 1 speaker. M/S/C (Hahn/Arreguin) to hold over Items 46 and 47 to December 4, 2019.

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf, Worthington.

Councilmember Wengraf absent 11:17 p.m. – 11:28 p.m.

## 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

**Action:** Item held over to December 4, 2018.



## Information Reports

### Information Reports

- 48. City Council Short Term Referral Process – Monthly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Item held over to December 4, 2018.
- 49. Condominium Conversion Program – Annual Report**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Received and filed.
- 50. LPC NOD: 2355 Telegraph Avenue / #LMSAP2018-0001 for the Cambridge Apartments Building**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Received and filed.
- 51. LPC NOD: 2580 Bancroft Way / LMSAP#2017-0007**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Received and filed.
- 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  
**Action:** Received and filed.
- 53. City Auditor’s Snapshot: Quarterly Summary Report on Audit Recommendations**  
**From: Auditor**  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Received and filed.
- 54. Update on Berkeley Library Whistleblowers**  
**From: Councilmember Worthington**  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

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

1. Tony Wuichet, Berkeley Small Business Owner, Artist, Spouse of City Auditor Ann-Marie Hogan
2. Mayor George Moscone and Supervisor Harvey Milk on the 40<sup>th</sup> Anniversary of their assassination
3. Persons affected by California wildfires
4. Palestinians killed in Gaza
5. Gene Rocklin, Local Activist
6. Amunka Davila, Berkeley Neighbor

**Vote:** Ayes – Maio, Davila, Harrison, Hahn, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf, Worthington, Droste.

Councilmember Droste absent 11:26 p.m. – 11:28 p.m.

Adjourned at 11:28 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of November 27, 2018 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### **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 1**

**Item #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**

37. Revised material, submitted by Councilmember Davila.

**Item #25: Comprehensive Investment Policy based on ESG Principles**

38. Peace and Justice Commission

**Item #26: Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption**

39. Vote Yes on Item 25, form letters: 6 emails

**Item #38: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2015-0229**

40. Supplemental materials, submitted by the Planning Department

**Item #41: Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses**

41. Heather Haxo Phillips, on behalf of the Lorin Business District

**Item #42: Proposed Amendment to Berkeley's Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99**

42. Revised material, submitted by Councilmember Davila

**Item #44: FY2018 Year-end Results and FY 2019 First Quarter Budget Update**

43. Supplemental materials, submitted by Mayor Arreguin

44. Fund Underground Study Phase 3 form letters: 88 emails

**Item #45: Amendment: FY 2019 Annual Appropriations Ordinance**

45. Supplemental materials, submitted by the City Clerk's Department.

**Supplemental Communications and Reports 2**

**Item #1: Safe Storage of Firearms; Adding Berkeley Municipal Code Chapter 13.69**

46. Juliet Leftwich

**Item #20: Encouraging Long-Term Tenant Stability**

47. Revised material, submitted by Councilmember Maio

**Item #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**

48. Revised material, submitted by Councilmember Harrison

**Item #26: Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption**

49. Supplemental material, submitted by Councilmember Worthington

50. Vote Yes on Item 26, form letters: 11 emails

**Item #30: Refer the Transportation Commission to consider incentives for the public to use sustainable modes of transportation similarly to Bologna, Italy.**

51. Supplemental material, submitted by Councilmember Worthington

**Item #32: Refer to the City Manager to consider boycotting Amazon for its role in tracking immigrants in cooperation with ICE**

52. Supplemental material, submitted by Councilmember Worthington

**Item #33: Referral to the Transportation Commission: Explore Possibilities for Initiating Equitable Exchange with Transportation Network Companies (TNC)**

53. Supplemental material, submitted by Councilmember Worthington

**Item #35: Referral for City Manager to Take a Fresh Look at Repurposing the Old City Hall Building**

54. Similarly worded from letters: 16 emails

55. Summer Brenner

56. Nick Galloro

57. Mike Lee

58. Leah Mazel

59. Miguel

60. Carol Denney

61. Janice Schroeder (2)

62. Jonathan Walden

63. Melissa Quilter

64. Arnold Kessler

65. Eric Friedman

66. David Trachtenberg

67. Bruce Bagnell

68. Jennifer Pearson

69. Tom Luce

70. Kelly Hammargren

71. Julia Cato

72. Sarah Herbold

- 73. Christopher Kroll
- 74. Elliot Halpern
- 75. M. Zint
- 76. Boona Cheema
- 77. Geraldine Clifford
- 78. Ben Buettner
- 79. Mischa Lorraine
- 80. Josh Maddox
- 81. Denah Bookstein
- 82. David Mayer
- 83. Osha Neumann
- 84. Genevieve Wilson
- 85. Joseph Michael
- 86. Vera Hannush
- 87. Nuha Khalfay

**Item# 36: Support League of California Cities' Efforts to "Stop Wandering Weed"**

- 88. Supplemental material, submitted by Councilmember Worthington

**Item #38: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2015-0229**

- 89. Patrick Sheahan
- 90. Robert Lauriston
- 91. Gale Garcia

**Item #44: FY2018 Year-end Results and FY 2019 First Quarter Budget Update**

- 92. Fund Underground Study Phase 3, similarly-worded form letters: 15 emails
- 93. Use Mid-Year Budget to Fund Undergrounding Utilities, similarly-worded from letters: 10 emails
- 94. Doug
- 95. Peter Barglow

**Item #41: Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses**

- 96. 100 Communications submitted via Berkeley Considers, includes summary information

**Supplemental Communications and Reports 3**

**Item #1: Safe Storage of Firearms; Adding Berkeley Municipal Code Chapter 13.69**

- 97. Students Demand Action Berkeley High School

**Item #17: North Berkeley BART Site Recommendations**

- 98. David Ying

**Item #22: Budget Referral: Gun Buyback and Art of Peace Program**

- 99. Unknown

**Item #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**

100. Revised material, submitted by Councilmember Davila

**Item #26: Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption**

101. Student Housing form letters: 16 emails
102. Marcus Pasimio
103. Igor Tregub
104. Dana Alpert
105. Dohee Kim

**Item #35: Referral for City Manage to Take a Fresh Look at Repurposing the Old City Hall Building**

106. David MacFadden-Elliott
107. Robin McDonnell and David Mayer, on behalf of the McKinley Addison Allston Grant Neighborhood Association
108. Ben Buettner
109. Cindy Shamban
110. Nilang
111. Tom Rothschild
112. Chimey Lee
113. Thomas Lord
114. Ezra Alanis
115. Jean Cain
116. Regina Kim
117. Martha Knobler
118. Idalys Perez
119. Amanda Reilly
120. Gael Alcock
121. Barbara Brust
122. Moni Law
123. Lisa Carey

**Item #38: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2015-0229**

124. Patrick Sheahan, Commissioner of the Zoning Adjustments Board
125. Nathan George
126. Christine Schwartz
127. Athan Magganas
128. Mark Rhoades

**Item #41: Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses**

129. Presentation, submitted the Office of Economic Development

**Item #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**

130. Charley Pappas, District 6, Berkeley Cannabis Commission

**Item #44: FY2018 Year-end Results and FY 2019 First Quarter Budget Update**

131. Helaine and Blair Prentice

132. Bruce Winkelman

133. Ray White

134. Robert Hester

135. Julian Waldo

136. Tom Lent

137. Dan Leaverton

138. Colleen Busch

139. Charles Ferguson

140. Lisa Lutzker

141. Victoria Legg

**Item #46: Structure for City Council Standing Policy Committees**

142. Revised material, submitted by the City Clerk's Department

**HS Lordships Remodel**

143. D. Caraway, Architect

**Berkeley Historical Society's Holiday Open House**

144. Unknown



**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 4, 2018**  
**6:00 PM**

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

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

**Preliminary Matters**

**Roll Call:** 6:05 p.m.

**Present:** Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin

**Absent:** None

**Ceremonial Matters:**

1. Recognition of outgoing City Councilmembers and City Auditor.

Recess 7:55p.m. – 8:15 p.m.

**City Manager Comments:** None

**City Auditor Comments:** None

**Public Comment on Non-Agenda Matters:** 8 speakers.

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 4 speakers.

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

**Vote:** All Ayes.

## Consent Calendar – Continued Business

- A. Safe Storage of Firearms; Adding Berkeley Municipal Code Chapter 13.69**  
*(Continued from November 27, 2018)*  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,633-N.S. adding Berkeley Municipal Code Chapter 13.69 regarding safe storage of firearms.  
**First Reading Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.  
**Financial Implications:** Minimal  
Contact: Farimah Brown, City Attorney, 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,633-N.S.
- B. Amendment: FY 2019 Annual Appropriations Ordinance** *(Continued from November 27, 2018)*  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,634-N.S. 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 \$152,385,440 (gross) and \$105,727,086 (net).  
**First Reading Vote:** Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,634-N.S.

## Consent Calendar

- 1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 4, 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:** Parks Tax Fund - \$375,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

**2. Jointly Apply for and Accept \$1.3M in State of California No Place Like Home Program (NPLH) Funds and Award NPLH Technical Assistance Funds to the Berkeley Way Development**

**From: City Manager**

**Recommendation:** Adopt three Resolutions that enable the proposed Berkeley Way development project to access State of California No Place Like Home program funds by:

1. Authorizing the City Manager to apply for and accept the City's Noncompetitive Allocation of State of California No Place Like Home (NPLH) housing program funds. The Department of Housing and Community Development requires this resolution before the City can submit an application for a specific development project;
2. Authorizing the City Manager to prepare and submit a joint application with the proposed Berkeley Way development for Berkeley's \$1,350,299 in State No Place Like Home funds;
3. Awarding \$65,000 in State No Place Like Home (NPLH) Technical Assistance program funding to the proposed Berkeley Way development; and
4. Authorizing the City Manager to take actions needed for the City's participation in the No Place Like Home program by adopting state-required terms about submitting applications, entering into the State's Standard Agreement and other documents, and providing mental health services for tenants of the resulting housing. The Department of Housing and Community Development requires this resolution before the City can submit an application for a specific development project.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400  
68,690–N.S. (Accept NPLH Funds); Resolution No. 68,691–N.S. (Award NPLH Funding); and Resolution No. 68,692–N.S. (Participate in NPLH).

**3. Reserving Up to an Additional \$12.5M in Housing Trust Funds for the Berkeley Way Development**

**From: City Manager**

**Recommendation:** Adopt a Resolution reserving up to an additional \$12.5M in Housing Trust Funds for the potential Berkeley Way development, bringing the total reserved amount to up to \$23.5 million, contingent on the development's securing full funding and any required land use approvals and permits in the next twenty-four months.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,693–N.S.

## Consent Calendar

### 4. 2019 Health Plan Changes

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: (a) -0.44% decrease for Kaiser S1 Group #60 (Active Group); (b) -0.95% decrease for the HSA-Qualified Deductible HMO Plan (Active Group); (c) -3.38% increase for Pre-Medicare Eligible Retirees (Retiree Group); and (d) 6.08% increase for Post-65 Senior Advantage (Retiree Group).
2. Approving rates for the Sutter Health Plus health plans as follows: (a) 5.04% increase for HMO Group (Active Group); and (b) 9.13% increase for Pre-Medicare HMO Group (Retiree Group).

The health plan premium rates will be effective for the period of January 1, 2019 through December 31, 2019.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, 981-6807

**Action:** Adopted Resolution No. 68,694–N.S. (Kaiser); and Resolution No. 68,695–N.S. (Sutter Health) revised in Supplemental Reports Packet #2 to correct 2018 Monthly Premium Rates and correlating percentages for Kaiser Senior Advantage Retiree Group Plan.

### 5. Fee Assessment – State of California Self-Insurance Fund (Workers' Compensation Program)

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2019 for administering the Workers' Compensation Program, in an amount not to exceed \$219,000.

**Financial Implications:** See report

Contact: LaTanya Bellow, Human Resources, 981-6800

**Action:** Adopted Resolution No. 68,696–N.S.

### 6. Contract No. 10853A Amendment: Atera Prime, Inc. DBA Emgage, Inc. for Sharepoint and Intranet Implementation Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10853A with Atera Prime, Inc. DBA Emgage Inc. for implementation services of Emgage's Sharepoint and Intranet implementation services, for an amount not-to-exceed \$72,000 and a total contract value not-to-exceed \$156,275 from March 28, 2018 to June 30, 2020.

**Financial Implications:** See report

Contact: Savita Chaudhary, Information Technology, 981-6500

**Action:** Adopted Resolution No. 68,697–N.S.

## Consent Calendar

### 7. Beverage Container Recycling City/County Payment 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 Beverage Container Recycling City/County Payment Program for the period of December 4, 2018 through December 3, 2023; 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

**Action:** Adopted Resolution No. 68,698–N.S.

### 8. Adopt a Shared Electric Scooter Pilot Program

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the terms and conditions for a Shared Electric Scooter Pilot Franchise Program.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** M/S/C (Arreguin/Maio) to accept revised material from staff on Item 8.

**Vote:** All Ayes.

**Action:** Moved to Action Calendar. 12 speakers. M/S/C (Worthington/Hahn) to adopt Resolution No. 68,699–N.S. amended to include provisions for privacy, reporting to Council, public survey, and compliance measures and refer comments from the Council to staff for consideration.

**Vote:** Ayes – Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Maio; Abstain – Davila.

## Council Consent Items

### 9. Appointment of Vice-President of the Council

**From: Mayor Arreguin**

**Recommendation:** Rescind Resolution No. 67,768-N.S. and adopt a Resolution establishing a one-year term for the office of Vice-President of the Council, to be appointed at the first Council meeting in December every year.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Moved to Action Calendar. 3 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,700–N.S. as revised in Supplemental Reports Packet #2 to allow for appointments over a two-year period.

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

## Council Consent Items

10. **Appointment of Councilmember Sophie Hahn as Vice-President of the Council From: Mayor Arreguin and Councilmember Bartlett**  
**Recommendation:** Adopt a Resolution appointing Councilmember Sophie Hahn to be the Vice-President of the Council for a term of one year beginning December 2018 to December 2019.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Moved to Action Calendar. 2 speakers. M/S/C (Maio/Worthington) to adopt Resolution No. 68,701–N.S. as revised in Supplemental Reports Packet #2 to appoint Councilmember Wengraf as Vice-President of the Council starting December 2018 and Councilmember Hahn starting December 2019.  
**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.
11. **Revitalization of the Civic Center Park Fountain From: Mayor Arreguin, Councilmembers Harrison and Hahn**  
**Recommendation:** Refer to the City Manager to work with the Turtle Island Fountain Project in developing a plan to revitalize the fountain at Martin Luther King Jr. Civic Center Park.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation amended to refer to staff to consider this referral as part of the Civic Center Park visioning RFP.
12. **Authorizing Additional Inclement Weather Shelter from December 2018-April 2019 From: Mayor Arreguin**  
**Recommendation:**  
1. Authorize the City Manager to open an additional as-needed inclement weather Winter Shelter from December 2018-April 2019 to provide a safe, dry indoor location for our unhoused community;  
2. Approving the allocation of \$60,000 in funding for this additional inclement weather shelter with funds from the June 26, 2018 budget appropriation for an expanded Emergency Shelter program or by state Homeless Emergency Aid Program (HEAP) funding; and  
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the operation of the as-needed inclement weather shelter.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmembers Davila, Hahn, and Bartlett added as co-sponsors. Approved recommendation.

## Action Calendar – Public Hearings

### C. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses *(Continued from November 27, 2018)*

**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

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

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

**Vote:** Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Worthington.

Councilmember Worthington absent 10:05 p.m. – 10:29 p.m.

Councilmember Davila absent 10:25 p.m. – 10:33 p.m.

**Action:** M/S/C (Droste/Maio) to adopt first reading of Ordinance No. 7,635–N.S. as proposed by staff and amended as follows:

- Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.
- Retain the 300-foot noticing requirement for all projects whose level of review will be reduced from UP(PH) to AUP; and report to Council on the effects of the requirement after one year.
- Retain the requirement for findings for AUPs for food establishments in the C-W district. Second reading scheduled for December 11, 2018.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 13. 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

**From: City Manager**

**Recommendation:** Conduct a 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/Maio) to suspend the rules and extend the meeting to 11:45 p.m.

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

**Public Testimony:** The Mayor opened the public hearing. 10 speakers.

M/S/C (Wengraf/Harrison) to continue the public hearing to a date certain: December 11, 2018.

**Vote:** All Ayes.



## Action Calendar – Continued Business

- D. Structure for City Council Standing Policy Committees** *(Continued from November 27, 2018. Item contains supplemental materials)*  
**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/Worthington) to hold over Items D and E to December 11, 2018.  
**Vote:** All Ayes.
- E. 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 27, 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 E held over to December 11, 2018.
- F. 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 November 27, 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:** Item F held over to December 11, 2018.

## Action Calendar – Continued Business

- G. City Council Short Term Referral Process – Monthly Update** *(Continued from November 27, 2018)*  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Amended to add back to the list Item C from the 12/5/2017 agenda titled Ministerial Approval of Zoning-Compliant Affordable Housing. Moved to Consent Calendar.

## Action Calendar – New Business

- 14. Presentation: Pedestrian Master Plan Update**  
**From: City Manager**  
**Contact:** Phillip Harrington, Public Works, 981-6300  
**Action:** M/S/C (Arreguin/Worthington) to refer Item 14 to the Agenda Committee for future scheduling.  
**Vote:** All Ayes.
- 15a. Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties**  
**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

## Action Calendar – New Business

**15b. Companion Report to Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties**

**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 15a and 15b held over to December 11, 2018.

**16. Adopt an Ordinance to amend BMC Chapter 3.80 allow Mayor and City Council employees serve as a Commissioner**

**From: Councilmember Worthington**

**Recommendation:** Adopt revisions to Chapter 3.80 in Berkeley Municipal Code (BMC) concerning Membership On Boards And Commissions to allow City Staff and/or Mayor and City Council employees to serve as a Commissioner by repealing section 3.80.030.

**Financial Implications:** Minimal

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

**Action:** Item 16 removed from the agenda by Councilmember Worthington.

## Information Reports

**17. City Council Referral Process – 2018 Interim Update**

**From: City Manager**

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Received and filed.

**18. Civic Arts Commission 2018-2019 Work Plan**

**From: Civic Arts Commission**

Contact: Jennifer Lovvorn, Commission Secretary, 981-7530

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

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

1. Deanna Despain, Former Berkeley City Clerk
2. George H. W. Bush, 41<sup>st</sup> President of the United States

**Vote:** All Ayes.

Adjourned at 11:44 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of December 4, 2018 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## **Communications**

### **Okinawa Environmental Justice organization**

1. Diana Bohn

### **Teenager and Grandson of Holocaust Survivors Demand Climate Action**

2. Jane Kelly

### **Adding Attic Insulation Requires Hardwired Smoke and CO Detectors**

3. David Lerman

### **Open Shelters Now**

4. Adam Kol

### **Mayor's Comments on November 9<sup>th</sup>, J Article**

5. Carol Sanders (2)

### **2-1-1 Monthly Report for October 2018**

6. Eden I&R

## **Supplemental Communications and Reports 1**

### **Item #13: 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**

7. Mitchel Bornstein

### **Item #18: Civic Arts Commission 2018-2019 Work Plan**

8. Gina Moreland
9. Laurie Rich

## Supplemental Communications and Reports 2

### **Item #4: 2019 Health Plan Changes**

10. Revised material, submitted by Human Resources

### **Item #8: Adopt a Shared Electric Scooter Pilot Program**

11. Bryce Nesbitt  
12. Irene Rosenthal

### **Item #9: Appointment of Vice-President of the Council**

13. Revised material, submitted by Mayor Arreguin

### **Item #10: Appointment of Councilmember Sophie Hahn as Vice-President of the Council**

14. Revised material, submitted by Mayor Arreguin

### **Item #13: 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**

15. Patrick Sheahan  
16. Rick Auerback

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

17. Brian Cliff  
18. Jerry McDaniel  
19. Bill Hsu  
20. Charles Pappas

### **Item F: 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**

21. Miranda Ewell, Bernard Marszalek and Stephen Most

### **Item #15a: Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties**

22. Jim McGrath

### **Item #16: Adopt an Ordinance to amend BMC Chapter 3.80 allow Mayor and City Council employees serve as a Commissioner**

23. Evan McDonald  
24. Sharon Rudnick  
25. Carol Strand  
26. April Gilbert  
27. Jack Kurzweil  
28. Marti Grubb  
29. Mark Stuhr  
30. Fran Haselsteiner  
31. Don Melandry

- 32. Eric Friedman
- 33. Jessica Behrman
- 34. Steven Berger
- 35. Wende Micco
- 36. Judy Hunt
- 37. Barbara Gilbert

**Item #18: Civic Arts Commission 2018-2019 Work Plan**

- 38. Paula Shryne

**Supplemental Communications and Reports 3**

**Item #8: Adopt a Shared Electric Scooter Pilot Program**

- 39. Revised material, submitted by Public Works
- 40. George Porter

**Item #C: Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses**

- 41. Presentation, submitted by Office of Economic Development
- 42. Loni Gray
- 43. Nicole Meyer and Chris Meyer

**Item #13: 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**

- 44. Presentation, submitted by Planning

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

- 45. Carol Denney

**Item F: 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**

- 46. Theo Posselt

**Item #14: Pedestrian Master Plan Update**

- 47. Presentation, submitted by Transportation Department

**Item #16: Adopt an Ordinance to amend BMC Chapter 3.80 allow Mayor and City Council employees serve as a Commissioner**

- 48. Carol Denney

**Mobility Systems**

- 49. Avotcja Jiltonilro

**In Appreciation of Councilmember Maio**

50. Friends of Ohlone Park

**Fountain Project at MLK Civic Center Park**

51. Unknown

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Thursday, December 6, 2018**

**4:00 P.M.**

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

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

**Preliminary Matters**

**Roll Call:** 4:10 p.m.

**Present:** Davila, Droste, Hahn, Harrison, Wengraf

**Absent:** Bartlett, Maio, Worthington, Arreguin

Mayor Arreguin present at 5:16 p.m.

**Worksession**

1. **Climate Action Plan Update**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** 3 speakers. Presentation made and discussion held.
  
2. **Semi-Annual Report on Measure T1 City Infrastructure Bond Program**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700;  
Phillip Harrington, Public Works, 981-6300  
**Action:** 2 speakers. Presentation made and discussion held.  
  
Recess from 6:27 p.m. - 6:41 p.m.
  
3. **Update on the Berkeley Strategic Plan**  
**From: City Manager**  
Contact: Paul Buddenhagen, City Manager's Office, 981-7000  
**Action:** 1 speaker. Presentation made and discussion held.



## Adjournment

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

**Vote:** Ayes – Davila, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Maio, Bartlett, Worthington.

Adjourned at 7:26 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of December 6, 2018 as approved by the Berkeley City Council.

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April Richardson, Assistant City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Climate Action Plan Update

1. Kelly Hammargren

## Supplemental Communications and Reports 3

### Item #1: Climate Action Plan Update

2. Presentation, submitted by the Planning Department

### Item #2: Semi-Annual Report on Measure T1 City Infrastructure Bond Program

3. Presentation, submitted by Public Works and Parks, Recreation & Waterfront
4. Attachment 1 of the above presentation, submitted by PW and PRW.

### Item #3: Update on the Berkeley Strategic Plan

5. Presentation, submitted by the City Manager's Office

**MINUTES**  
**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.

This is to certify that the foregoing is a true and correct record of the regular meeting of December 11, 2018 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## 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 Abdesahian

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