



Office of the City Manager

CONSENT CALENDAR  
February 26, 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 January 15, 2019 (special), January 22, 2019 (regular), January 29 (regular), and January 31, 2019 (special closed and special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 15, 2019–Special City Council Meeting
2. January 22, 2019–Regular City Council Meeting
3. January 29, 2019–Regular City Council Meeting
4. January 31, 2019–Special Closed City Council Meeting
5. January 31, 2019–Special City Council Meeting

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

**Tuesday, January 15, 2019**

**6:00 P.M.**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

**Roll Call:** 6:10 p.m.

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

**Absent:** Droste

**Worksession**

**1. Measure O Implementation Recommendations**

**From: City Manager**

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

**Action:** 21 speakers (for Items 1 and 2). Presentation made and discussion held.

**2. Uses for Measure P Funding**

**From: City Manager**

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

**Action:** Presentation made and discussion held.

**Action:** M/S/C (Arreguin/Harrison) to extend debate for 20 minutes.

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

Noes – None; Abstain – None; Absent – Droste.

Recess 7:55 p.m. – 8:05 p.m.

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental materials from Mayor Arreguin on Item 3.

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

Noes – None; Abstain – None; Absent – Droste.

**3a. North Berkeley BART Zoning and Future Development**

**From: Mayor Arreguin**

Contact: Jesse Arreguin, Mayor, 981-7100

**3b. North Berkeley BART Site Recommendations** *(Continued from November 27, 2018)*

**From: Housing Advisory Commission**

Contact: Amy Davidson, Commission Secretary, 981-5400

**Action:** 48 speakers. Presentation made and discussion held.

## Adjournment

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

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

Adjourned at 10:59 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of January 15, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Measure O Implementation Recommendations

1. Katy Wafle, on behalf of Freight & Salvage
2. Cherie Hill, on behalf of Luna Dance Institute
3. Jill Randall, on behalf of Berkeley Cultural Trust
4. Jennifer Boesing, of behalf of Youth Musical Theater Company
5. Suzy Thompson, on behalf of Berkeley Old Time Music
6. David Roderick, on behalf of Left Margin LIT
7. Carol Lashof
8. Jack Kurzweil

### Item #2: Uses for Measure P Funding

9. Barbara Gilbert

### Item #3a: North Berkeley BART Zoning and Future Development

10. Abby Thorne-Lyman, on behalf of BART's Transit-Oriented Development Program.
11. JesseArreguin.com online comments

12. Chris Gilbert
13. Jessie Howell
14. Sue Breedlove
15. Stacey Schesser
16. Jacqueline Erbe, on behalf of Walk Bike Berkeley
17. Aaron Stein-Chester
18. Vicki Sommer
19. Steven Rappolee

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

#### **Item #1: Measure O Implementation Recommendations**

20. Presentation, submitted by Health, Housing & Community Services
21. Bruce Coughran, Chair, Space Committee, Berkeley Community Trust
22. Susan Felix, Mayor's Art Ambassador
23. David Denton
24. Janice Greenberg
25. Nick
26. Geoffrey Lomax

#### **1. Item #2: Uses for Measure P Funding**

27. Presentation, submitted by Health, Housing & Community Services

#### **Item #3a: North Berkeley BART Zoning and Future Development**

28. Supplemental material, submitted by Mayor Arreguin
29. North Berkeley BART Zoning and Future Development, submitted by Mayor Arreguin
30. BART's Transit-Oriented Development Program
31. Andy Kelley, Chair, Sierra Club, Northern Alameda County Group
32. Lawrence Baskett
33. Barbara Gilbert
34. Hayley Currier
35. Sue Martin

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 22, 2019**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION: CAPITOL HILTON, 1001 16<sup>TH</sup> ST NW,  
WASHINGTON DC, 20036

TELECONFERENCE LOCATION: KUVEYT CD. NO:6, REMZI OĞUZ ARIK  
MAHALLESİ, 06680 ÇANKAYA/ANKARA, TURKEY

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:** 6:06 p.m.

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

**Absent:** None

**Ceremonial Matters:**

1. Recognition of Mahealani Uchiyama.

**City Manager Comments:** None

**City Auditor Comments:**

The City Auditor discussed the successful results of the annual Peer Review process. The City Auditor also noted her goal for 2019 to resolve the outstanding audit recommendations.

**Public Comment on Non-Agenda Matters:** 6 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 6 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

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

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

**2. 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:** Adopt second reading of Ordinance No. 7,638-N.S.: 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).

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

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,638-N.S.

## Consent Calendar

**3. Minutes for Approval**

**From: City Manager**

**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).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved minutes as submitted.

**4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 22, 2019**

**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 - \$9,078,600

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Approved recommendation.

**5. Authorize Memorandum of Understanding with Alameda County for Winter Relief Program**

**From: City Manager**

**Recommendation:** Authorize the City Manager to enter into a Memorandum of Understanding (MOU) through April 30, 2019 with Alameda County for a Winter Relief Program.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,727–N.S.

**6. Revenue Contract: Community Services Block Grant for Calendar Year 2019**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 19F-4001 for the amount of \$266,863 to provide services for low-income people for the period January 1, 2019 to December 31, 2019.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,728–N.S.

## Consent Calendar

- 7. Revenue Grant Agreement: Medi-Cal Administrative Activities Funding from the State of California to Conduct Public Health Promotion Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion for Medi-Cal Administrative Activities (MAA) Program for an amount not to exceed \$3,000,000 for period of the agreement, Fiscal Years 2020 through 2022.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,729–N.S.
- 8. Grant Application: California Affordable Housing and Sustainable Communities Infrastructure and Agreements in Connection with Proposed Berkeley Way Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate, enter into and cause the City to perform its obligations under one or more agreements (including amendments) with the BRIDGE Housing Corporation, Berkeley Food and Housing Project (BFHP), and/or their affiliates (including BRIDGE Berkeley Way LP and BFHP Hope Center LP), relating to a grant application to the California Affordable Housing and Sustainable Communities (AHSC) Program for Berkeley Way project-related transportation and infrastructure improvements, for a total amount up to \$3,800,000 for City-projects, and to accept and perform the grant if awarded.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400; Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,730–N.S.
- 9. Classification and Salary: Public Works Maintenance Superintendent and Equipment Superintendent**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 68,710-N.S. Classification and Salary Resolution for Public Employees Union - Local One, to increase the salary range for Public Works Maintenance Superintendent and Equipment Superintendent, 6.3% and 6.0% respectively, to an hourly salary range of \$55.7482 - \$67.3564 effective January 22, 2019.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 68,731–N.S.



## Consent Calendar

- 10. Fee Assessment – State of California Self-Insurance Fund (Workers’ Compensation Program)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution 68,696-N.S. to authorize payment to the State of California Department of Industrial Relations for Fiscal Year 2019 for administering the Workers’ Compensation Program for an additional amount of \$4,041.84 with a total amount not to exceed of \$223,041.84.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Director of Human Resources, 981-6807  
**Action:** Adopted Resolution No. 68,732–N.S.
- 11. Contract: Siegel & Strain Architects for Design Services for the Cazadero Camp Jensen Dormitory Replacement Design**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Siegel & Strain Architects in an amount not to exceed \$158,000 to provide design services for the Cazadero Camp Jensen Dormitory Replacement Design Project.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,733–N.S.
- 12. Adopt a Mitigated Negative Declaration for the Berkeley Tuolumne Camp Permit (46690) Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Berkeley Tuolumne Camp Permit (46690) Project.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,734–N.S.
- 13. Community Conservation Centers, Inc.’s Contractual Relief of its Revenue Share Obligation to the City for the Sale of Recyclable Commodities**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to provide contractual relief to Community Conservation Centers, Inc. (CCC) Recyclable Processing Services Contract, Exhibit B. Section 3.1 “Contractor shall pay City 7.5 percent of annual gross revenue on a monthly basis.” The remaining obligation per this Contract is \$1,123,591.87.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,735–N.S.

## Consent Calendar

- 14. Contract: Ghilotti Construction Company for Panoramic Hill Rehabilitation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Panoramic Hill Rehabilitation Project, Specification No. 18-11180-C (Re-Issued); accepting the bid of Ghilotti Construction Company 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 \$5,054,873.  
**Financial Implications:** Various Funds - \$5,054,873  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,736–N.S.
- 15. Contract: TranSystems Corporation for Preliminary Engineering and Environmental Clearance for the Railroad Crossing Safety Improvement/Quiet Zone Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with TranSystems Corporation for Preliminary Engineering and Environmental Clearance for the Railroad Crossing Safety Improvement/Quiet Zone project, and any as-needed additional project-related services as directed by the City, for a total not-to-exceed contract amount of \$500,000, for the period February 1, 2019 through December 31, 2019.  
**Financial Implications:** Capital Project Grant Fund - Local - \$500,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,737–N.S.
- 16. Contracts: On-Call Architectural Services: ELS Architecture and Urban Design; Noll & Tam Architects; and Siegel & Strain Architects**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call architectural design services in support of the City’s annual Facilities Capital Improvement Program, each from February 1, 2019 through June 30, 2022:  
1. ELS Architecture and Urban Design for an amount not to exceed \$1,700,000.  
2. Noll & Tam Architects for an amount not to exceed \$1,700,000.  
3. Siegel & Strain Architects for an amount not to exceed \$1,700,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,738–N.S. (ELS); Resolution No. 68,739–N.S. (Noll & Tam); and Resolution No. 68,740–N.S. (Siegel & Strain).

## Consent Calendar

17. **Authorization for Additional Civic Arts Commission Meeting in 2019**  
**From: Civic Arts Commission**  
**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Civic Arts Commission in 2019  
**Financial Implications:** None  
Contact: Jennifer Lovvorn, Commission Secretary, 981-7530  
**Action:** Adopted Resolution No. 68,741–N.S.

## Council Consent Items

18. **Support a Green New Deal**  
**From: Mayor Arreguin, and Councilmembers Davila, Harrison, and Robinson**  
**Recommendation:** Adopt a Resolution supporting the development of a Green New Deal, a federal economic stimulus program to address climate change and transform the economy. Send a copy of the Resolution to U.S. Senators Dianne Feinstein and Kamala Harris, Congresswoman Barbara Lee and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,742–N.S.
19. **Support of SB 18 – Keep Californians Housed Act**  
**From: Mayor Arreguin, and Councilmembers Wengraf, Droste, and Hahn**  
**Recommendation:** Adopt a Resolution in support of Senate Bill (SB) 18, the Keep Californians Housed Act, introduced by Senator Nancy Skinner. Send a copy of the Resolution to Senator Skinner, Assemblymember Buffy Wicks, and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,743–N.S.
20. **2019 City Council Committee and Regional Body Appointments**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies, and Council Liaisons for a one-year term from January 2019 to January 2020.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,744–N.S. as revised in Supplemental Communications Packet #2 to appoint Councilmembers Droste and Hahn as the representatives to the 2x2 Committee and appoint Mayor Arreguin as an Alternate to the 2x2 Committee.

## Council Consent Items

21. **Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade**  
**From: Councilmembers Wengraf, Hahn, Droste, and Kesarwani**  
**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade, and honor the 46th anniversary of its passage with a proclamation.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Adopted Resolution No. 68,745–N.S.

## Action Calendar – Old Business

**22. Single Use Disposable Foodware and Litter Reduction Ordinance** *(Continued from December 11, 2018. Item contains revised material.)*

**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”).
  - 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 Reusable Foodware requirements for eating on the premises.
  - c. Create a Reusable Takeout Foodware program for launch three years after the effective date of the Single Use Disposable Foodware and Litter Reduction Ordinance, in collaboration with community partners such as the Ecology Center, Rethink Disposables and StopWaste.
  - d. Prior to launch of the Reusable Takeout Foodware program, draft for approval amendments to the Single Use Disposable 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.
  - f. Prior to January 1, 2022 report to the City Council on progress towards full implementation of and compliance with the Single Use Disposable Foodware and Litter Reduction Ordinance and these referrals.
3. Refer to the City Manager to determine funding and staffing needs and sources of funds to implement each program/phase. Consider and suggest implementation alternatives to achieve similar results at lower cost to the City, if any. Submit recommended alternatives to the Zero Waste Commission and City Council for consideration, and funding allocations or requests to the budget process.

**Financial Implications:** See report

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

Recess 8:36 p.m. – 8:50 p.m.

**Action:** 61 speakers. M/S/C (Davila/Hahn) to:

1. Adopt first reading of Ordinance No. 7,639–N.S. as written in Supplemental Communications Packet #2 with the added language in 11.64.050.D.2 removed. Direction provided to the City Manager to work with representatives from the disability community to resolve the issue regarding the disposable cup charge exemption. Second reading scheduled for February 19, 2019.
2. Approve the referral to the City Manager.
3. Approve the referral to the City Manager.

**Vote:** All Ayes.

## Action Calendar – Old Business

23. **Refer to the City Manager to consider boycotting Amazon for its role in tracking immigrants in cooperation with ICE and abusive working conditions and its labor practices toward its employees** (*Continued from November 27, 2018. Item contains revised material.*)  
**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:** Moved to Consent Calendar. Approved recommendation.  
**Vote:** Ayes – Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Kesarwani, Droste.
- 24a. **Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties** (*Continued from December 11, 2018. Item contains supplemental material.*)  
**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 re-quired 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 – Old Business

**24b. Companion Report to Referral Response: Mandatory and Recommended Green Stormwater Infrastructure in New and Existing Redevelopments or Properties** *(Continued from December 11, 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:** 2 speakers. M/S/C (Droste/Kesarwani) to refer Items 24a and 24b to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee; and request that the City Manager present the topic at a Worksession meeting.

**Vote:** All Ayes.

**25a. Referral Response: Berkeley Single Use Foodware and Litter Reduction Ordinance** *(Continued from December 11, 2018.)*

**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

**25b. Companion Report: Referral Response: Proposed Single Use Foodware and Litter Reduction Ordinance** *(Continued from December 11, 2018.)*

**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:** 0 speakers. M/S/C (Hahn/Robinson) to accept the reports in Items 25a and 25b and take no further action.

**Vote:** All Ayes.

## Action Calendar – Old Business

26. **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 11, 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:** M/S/C (Bartlett/Kesarwani) to hold over Item 26 to February 19, 2019.

**Vote:** All Ayes.



## Action Calendar – New Business

### 27a. Allocation of \$4.75 Million Over Two Years, FY20 and FY21, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs) From: Sugar Sweetened Beverage Product Panel of Experts

#### Recommendation:

1. Adopt a Resolution allocating \$4.75 million from the General Fund in FY20 (July 1, 2019 through June 30, 2020) and FY21 (July 1, 2020 through June 30, 2021) that shall be invested in a grant program administered and coordinated by the Berkeley Public Health Division consistent with the SSBPPE's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the effects of SSB consumption. The total of \$4.75 million will be distributed in two installments of \$2.375 million per year for FY20 and FY21. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 40% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding. b. Direct the City Manager to award at least 40% of the allocated funds through a RFP process managed by the Public Health Division for grants to community-based organizations consistent with the SSBPPE's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants.

2. Direct the City Manager to utilize 20% of the allocated funds to support the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data resulting from the SSBPPE funding program. A comprehensive and sustainable media campaign that coordinates with all regional soda tax efforts will be managed by the BPHD with 10% of this portion of the allocation.

**Financial Implications:** See report

Contact: Dechen Tsering, Commission Secretary, 981-5300

## Action Calendar – New Business

- 27b. Companion Report: Allocation of \$4.75 Million Over Two Years, FY20 and FY21, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).**

**From: City Manager**

**Recommendation:** Accept the Sugar Sweetened Beverage Product Panel of Experts (SSBPPE) report with the clarifications outlined in the report considered.

**Financial Implications:** See report

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

**Action:** Items 27a and 27b moved to Consent Calendar. Adopted Resolution No. 68,746–N.S. from Item 27a revised to include the dollar amounts in 27b.

2. Approved recommendation.

## Information Reports

- 28. LPC NOD: 1 and 5 Canyon Road, #LMIN 2018-0005**

**From: City Manager**

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

**Action:** Received and filed.

- 29. LPC NOD: 2415 Blake Street, #LMIN 2018-0004**

**From: City Manager**

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

**Action:** Received and filed.

- 30. Referral Response: Removing Plastic Microfibers from the Water Supply**

**From: Community Environmental Advisory Commission**

Contact: Viviana Garcia, Commission Secretary, 981-7460

**Action:** Received and filed.

- 31. City Auditor's Office 2018 Peer Review Results**

**From: Auditor**

Contact: Jenny Wong, Auditor, 981-6750

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 4 speakers.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 10:02 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of January 22, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## **Communications**

### **Item #22: Single Use Disposable Foodware and Litter Reduction Ordinance**

1. Stuart Pawsey
2. Adam Stemmler, on behalf of the Farm League Restaurant Group

### **Item #27a: Allocation of \$4.75 Million Over Two Years, FY20 and FY21, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSB)**

3. Jezra Thompson

### **Cannabis**

4. Thomas Reed
5. Jacob Wong
6. Jessica Gohlke
7. James Anstey
8. Sara Weinberg
9. Elijah Liedeker

### **Homeless Activists Harassing Berkeley Police (Video)**

10. August Moon

### **Homeless Issues**

11. Eric Friedman
12. Christine Schwartz
13. Marcia Poole
14. Moni Law
15. Autumn Moon
16. Rachel Beth
17. Barryett Enge
18. Richard James
19. Joe Vollono (2)
20. Jessica Behrman

### **RV Parking**

21. Linda Maio
22. Autumn Moon
23. Nicholas Ohler
24. Christopher Brown

**IKE Kiosks**

- 25. Vivian Warkentin
- 26. Carol Denney (3)
- 27. Becca Freed

**Marina Crisis**

- 28. Eric Friedman

**Electric Scooters**

- 29. Jenny Craik

**Street Paving**

- 30. Dorothea Dorenz
- 31. Eric Friedman (2)
- 32. Mary Ann Brewin
- 33. Evan McDonald

**Tobacco/Smoking**

- 34. Pauline Bondonno
- 35. Carol Denney (3)
- 36. Omar Yacoubi

**Trees/Traffic Circles**

- 37. John Steere, President Partner for Parks
- 38. Nancy Carleton
- 39. Karl Reeh (2)
- 40. Sally Hughes

**Underground Study**

- 41. Paul Casperson and Marilyn Pollack
- 42. David Turnoff
- 43. Susie Goodin

**Okinawa Landfill**

- 44. Diana Bohn

**Shellmound – West Berkeley**

- 45. Indian People Organizing for Change

**Internet Access at BUSD City Council Meetings**

- 46. Christine Schwartz
- 47. Emilie Raguso

**Measure O & P**

- 48. Sophia DeWitt
- 49. Todd Andrew

**2-1-1 Monthly Report for November 2018**

50. Eden I&R, Inc.(2)

**LPC Letter, re: Berkeley Community Theater**

51. Steven Finacom, Chairperson LPC

**Professor Hatem Bazian**

52. Margy Wilkinson

**CPUC Fire Mitigation Input**

53. Paul Degenkolb, Chairperson, Disaster & Fire Safety Commission

**Unaffordable Places to Live**

54. Margy Wilkison

**Orbison Lawsuit**

55. Pil Orbison

**PRC – Fair/Impartial Policing**

56. Katherine Lee

**Alameda Mental Health Update**

57. Christine Schwartz

**Save the Berkeley Animal Rights Center**

58. Wayne Hsiung

**Climate Emergency**

59. Kelly Hammargren

**Berkeley Way Project**

60. Erika Shore

**CaIABLE Launch**

61. Blake Johnson

**Deemed Approved Ordinance Recommendation**

62. Nuha Khalfay, Chair, Community Health Commission

**Save Our Community Garden**

63. Sarah Garrett

**BPD Investigation**

64. Moni Law

65. Chief Greenwood (3)

66. Genevieve Wilson

**CoLiving at 3000 Shattuck**

67. Nathan George

68. Ian Wulfson

69. Mariana Almeida

**Seize House of Black Veteran**

70. Margy Wilkinson

**PG&E Letter Response to Item #21 of the 11/27 Agenda**

71. Janice Berman, Director, Grid Edge, PG&E

**IHSS Letter Response to Item #16 of the 11/13 Agenda**

72. Debbi Thomson, Deputy Director of IHSS Adult Programs Division

**Supplemental Communications and Reports 1**

**Item #19: Support of SB 18 – Keep California’s Housed Act**

73. Paola Laverde, commission chair of the Rent Stabilization Board

**Item #22: Single Use Disposable Foodware and Litter Reduction Ordinance**

74. Sana Khader

75. Lindsey Stratton

76. Jane Franch

77. Karen Harrington & Danny Wedding

78. Marilyn Williams

79. Robert Nunez

**Supplemental Communications and Reports 2**

**Item #13: Community Conservation Centers, Inc.’s Contractual Relief of its Revenue Share Obligation to the City for the Sale of Recyclable Commodities**

80. Barbara Gilbert

**Item #20: 2019 City Council Committee and Regional Body Appointments**

81. Revised materials, submitted by Mayor Arreguin

**Item #22: Single Use Disposable Foodware and Litter Reduction Ordinance**

82. Revised materials, submitted by Councilmember Hahn

83. Alice Waters, on behalf of Chez Panisse

84. Jackie Nunez, founder of The Last Straw

85. Annie Farman, on behalf of twelve restaurants

86. Ben Burch

87. Minna Toloui

88. Diana Bohn

89. Ellen Frankel

90. Susan Bernat

91. Jeff Shaddock

92. Natalie Nussbaum
93. John V.
94. Karen Tompkins
95. Marilyn Williams
96. Jackie Beutell
97. Doris Kretschmer
98. Chrise de Tournay Birkhahn
99. Kate Campbell
100. E. Horowitz
101. Leonard Pitt
102. Tammy Chang
103. Uzi Nitsan
104. Jay Quigley
105. Allen King
106. Sally Hughes
107. Kathleen Giustino
108. Bob Martin
109. Fred Dodsworth
110. Teresa Renaker & Robin Kojima
111. Tobey Wiebe (2)
112. Janet Perlman
113. Jim Best
114. Juana Alicia Araiza
115. Kate Bailey
116. Delia Taylor
117. Christopher Lee
118. Aryn Faur
119. Maureen Wesolowski
120. Martha Belcher
121. Mary Ann Brewin
122. Diana Lee
123. Laura Morland
124. Holly Scheider
125. Betsy Bigelow-Teller
126. Ellen Hahn
127. Leonard and Nancy Becker
128. Chris Gilbert
129. Dennis King
130. Karen Chapman
131. Morena Dunn
132. Stephanie Thomas
133. Mary French
134. Jane Tierney
135. Matthew Taecker
136. Susan Beauchamp
137. Kathleen Taylor

138. Christine Staples
139. Mary Ann Fredson
140. Liz Horowitz
141. Ilse Eden
142. Rebecca Ratcliff
143. Sriram Gopalakrishman
144. Susi Marzuola
145. Maryann Wolfe
146. Rich Price
147. Marilyn Ichoika
148. James Hosley
149. Colette Cosyn
150. Sue Campbell
151. Phoebe Anne Sorgen
152. John Leslie, Pat and Alexandria Hanscom
153. Stuart Pawsey
154. Nasira Abdul-Aleem
155. Maria Riddle
156. Bob Whalen
157. Jon Stewart
158. Jessica Carroll
159. Jacque Ensign
160. Hope Armstrong
161. Mirian Gordon, Program Director of Up Stream Solutions (2)
162. Wendy Weikel
163. Nancy Joachim
164. Richard and Valerie Herr
165. Kirk Cooper
166. Irene Schreier Scott
167. Anne Frost
168. Sarah Crowley
169. Thomas Gregory
170. Charlene Woodcock
171. Andy Kelley, on behalf of the Sierra Club/San Francisco Bay

**Item#26: Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program**

172. Holly Scheider
173. Martha Belcher
174. Robert Abiad
175. Lynn Silver, Senior Advisor of the Public Health Institute
176. Noah Farb
177. Pam Speich



**Item#27a: Allocation of \$4.75 Million Over Two Years, FY20 and FY21, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)**

178. Holly Scheider

**Supplemental Communications and Reports 3**

**Item #22: Single Use Disposable Foodware and Litter Reduction Ordinance**

- 179. Florence Erikson, on behalf of Flo's Friendly Foods
- 180. Lin-Yeh Family
- 181. Thomas Gregory, on behalf of The Center for Independent Living
- 182. Stuart James, on behalf of The Center for Independent Living
- 183. Nick Goodwin Self
- 184. Linda Kallenberger and Mary Dee, on behalf of Three Stone Hearth
- 185. PL Marienthal
- 186. Lynn Hoffman, on behalf of Eureka Recycling
- 187. Katy Yan
- 188. Brian Gialketsis
- 189. Jo Welsch
- 190. Councilmember Sohie Hahn
- 191. Alice Waters of Chez Panisse
- 192. Annie Farman, with 27 separate handwritten letters
- 193. Unknown

**Item#26: Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program**

194. Denise Herd

**Item#27b: Companion Report: Allocation of \$4.75 Million Over Two Years, FY20 and FY21, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)**

195. Jezra Thompson, on behalf of the BUSD

**Vision 2025 in Berkeley for Environment and Sustainability**

196. Nilang

**Leonard Powell**

197. Friends of Adeline, two newspapers on file

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 29, 2019**  
**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:** 6:06 p.m.

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

**Absent:** None.

**Ceremonial Matters:**

1. Proclamation recognizing Roe v Wade
2. Proclamation recognizing Max Dreskin

**City Manager Comments:** None

**City Auditor Comments:**

The City Auditor noted Item 20, the Code Enforcement Audit, and the significant progress made on the recommendations. The City Auditor also noted that Item 7 Guidelines for City Council Items is a positive step related to the audit recommendations that more analysis of staffing impacts is warranted for new programs and ordinances.

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

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 6 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Authorize Participation in State of California No Place Like Home Competitive Funding and Commit Mental Health Services for Future Tenants of the Proposed Berkeley Way Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to submit applications to the State of California's No Place Like Home (NPLH) housing program's competitive application and enter into the program's required agreements, and committing to providing mental health services for residents of the funded units for at least 20 years.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,747–N.S.
- 2. Authorizing Acceptance of Mental Health Services Oversight and Accountability Commission Mental Health Triage Children's Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a grant agreement with the Mental Health Services Oversight and Accountability Commission (MHSOAC) and any amendments in the amount of \$216,099 and authorize the use of Medi-Cal and Early Periodic Screening, Detection and Treatment (EPSDT) matching funds of \$145,996 to staff crisis services at Berkeley High School for the period 2/1/2019 through 1/30/2022.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,748–N.S.
- 3. Memorandum of Understanding with Alameda County Behavioral Health Care Services to Fund Construction Costs for Wellness Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to adopt a Memorandum of Understanding (MOU) between the City of Berkeley and Alameda County Behavioral Health Care Services (ACBHCS) for the term February 1, 2019 through June 30, 2020 for an expenditure of up to \$750,000 to fund the constructions costs of a Mental Health Wellness Center (Wellness Center) located in the City of Berkeley.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,749–N.S.

## Consent Calendar

- 4. Contract No. 6096F Amendment: IBM Hardware and Software Lease**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 6096F with ESI Group for leasing, maintenance, technical support, and consulting services for International Business Machines (IBM) hardware lease and software maintenance and support, increasing the current contract by \$352,000, for a total not to exceed \$2,034,769 from June 2, 2003 through June 30, 2021.  
**Financial Implications:** See report  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,750–N.S.
- 5. Contract: Pacific Trenchless, 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 Bancroft Way, Allston Way, Byron Street, West Street, Masonic Avenue, Santa Fe Avenue, Fifth Street, and Le Conte Avenue; accepting the bid of the lowest responsive and responsible bidder, Pacific Trenchless, Inc. (Pacific Trenchless); 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 \$2,434,400.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,751–N.S.
- 6. Contract: B-Bros Construction Inc. for Adult Mental Health Services Center Renovation Project at 2640 Martin Luther King Jr Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Adult Mental Health Services Center Renovation Project, Specification No.19-11267-C; 2. Accepting the bid of B-Bros Construction Inc. as the lowest responsive and responsible bidder; and 3. 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, for an amount not to exceed \$4,886,293.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,752–N.S.

## Council Consent Items

### 7. Guidelines for Developing and Writing Council Agenda Items

**From: Councilmember Hahn and Mayor Arreguin**

**Recommendation:** Adopt a Resolution amending the City Council Rules of Procedure and Order to include “Appendix B. Guidelines for Developing and Writing Council Items.”

**Financial Implications:** None

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

**Action:** Moved to Action Calendar. 3 speakers. M/S/C (Arreguin/Hahn) to:

- 1) Adopt Resolution No. 68,753–N.S. with Appendix B revised as noted below:
  - Section 3 modified to strike “to be taken” and added a new bullet to read, “Refer to a Council policy committee”
  - Section 8 added a new bullet to read, “If an ordinance is to be adopted the City Attorney should be consulted as to form and legality.”
  - Section 12 added “...and potential sources of funding.”
- 2) Referred to the Agenda and Rules Committee to consider amendments to the Guidelines related to opportunity costs and amendments to the Rules of Procedure related to automatic referrals of ordinances to policy committees.

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

### 8. Support for SB 24 (Public University Student Health Centers)

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

**Recommendation:** That the Berkeley City Council send a letter supporting SB 24, which will require student health care centers on California State University and University of California campuses to offer abortion by medication techniques by 2023.

**Financial Implications:** None

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Approved recommendation.

### 9. Support for SB 42 (Getting Home Safe Act)

**From: Councilmembers Droste, Hahn, Kesarwani and Bartlett**

**Recommendation:** That the Berkeley City Council send a letter supporting SB 42, the Getting Home Safe Act, which would address dangerous, late night releases from county jails.

**Financial Implications:** None

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Approved recommendation.

## Council Consent Items

**10. Support for AB 68 (Accessory Dwelling Units)**

**From: Councilmembers Droste and Bartlett**

**Recommendation:** That the Berkeley City Council send a letter supporting AB 68, Accessory Dwelling Units, authored by Assemblymember Phil Ting which seeks to streamline Accessory Dwelling Units, also known as granny flats or in-law units, in order to encourage new housing units across the state.

**Financial Implications:** None

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Item 10 removed from the agenda by Councilmember Droste

**11. Support for AB 69 (Accessory Dwelling Units)**

**From: Councilmembers Droste and Bartlett**

**Recommendation:** That the Berkeley City Council send a letter supporting AB 69, Accessory Dwelling Units, authored by Assemblymember Phil Ting which will create a Small Home Building Standard Code to provide guidelines for the construction of ADUs.

**Financial Implications:** None

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Item 11 removed from the agenda by Councilmember Droste

## Council Consent Items

**12. Vision Zero: eliminating pedestrian, bicyclist and traffic injuries and fatalities From: Councilmembers Droste, Kesarwani, Wengraf and Mayor Arreguin Recommendation:**

1. Create an official Vision Zero Task Force (or Leadership Committee) to lead the planning and implementation effort for Vision Zero. The Task Force should include, at a minimum, representatives from the City Manager's office, Police, Public Works (Transportation and Engineering Divisions), Fire, and Public Health (visionzeronetwork.org).
2. Request that the City Manager hold community events to encourage equitable outcomes, cooperation and collaboration from community stakeholders to set shared goals and focus on coordination and accountability. Representatives from various commissions, including but not limited to Transportation, Disability, Aging, and Health, should be encouraged to attend and provide input.
3. Request that the City Manager hold a worksession where a Vision Zero Action Plan is presented for eliminating fatal and severe traffic injuries. Subsequent to the worksession, request that biannual informational updates on Vision Zero progress are reported to Council. The Action Plan should establish clear strategies, owners of each strategy, interim targets, timelines, & performance measures (visionzeronetwork.org).

**Financial Implications:** None

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 to add the following language to the recommendation:

*Refer to the budget process an allocation of \$207,150 to support a full time staff position to carry out Vision Zero workplan, staff the Task Force, etc.*

## Action Calendar – Public Hearings

**13. Implement Residential Preferential Parking (RPP) Program on Sections of Fifth Street and Martin Luther King Jr. Way**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Sections 25J and 25P by adding subsections to implement Residential Preferential Parking (RPP) on portions of two city streets.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

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

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

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

Councilmember Harrison absent 7:54 p.m. – 7:58 p.m.

Councilmember Wengraf absent 7:54 p.m. – 7:58 p.m.

**Action:** M/S/C (Hahn/Robinson) to adopt Resolution No. 68,754–N.S.

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

Recess 7:58 p.m. – 8:16 p.m.



## Action Calendar – Public Hearings

**14. ZAB Appeal: 1155-1173 Hearst Ave**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution to affirm the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new, for-sale dwelling units; and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 22 speakers.

M/S/C (Arreguin/Hahn) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:20 p.m.

**Vote:** All Ayes.

**Action:** M/S/Failed (Wengraf/Droste) to continue the item to a later date to clarify the CEQA, rent control, and drainage issues.

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

**Action:** M/S/Carried (Hahn/Arreguin) to remand the project to the Zoning Adjustments Board to undertake further CEQA analysis, review the project based on CEQA findings, and analyze the detriment to rent-controlled units.

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

**15. Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus) (Continued from September 25, 2018. Item contains revised material.)**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion, adopt the first reading of Zoning Ordinance amendments that repeal obsolete Density Bonus regulations (Section 23C.12.050: State of California Density Bonus Requirements) and adopt a new, standalone Density Bonus chapter (Chapter 23C.14) that complies with California State Government Code 65915–65918: Density Bonuses and Other Incentives.

**Financial Implications:** None

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

**Action:** M/S/C (Arreguin/Wengraf) to hold over Item 15 to February 19, 2019.

**Vote:** All Ayes.

## Action Calendar

**16a. Council Referral-Proposed Amendments to Berkeley's Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27**

**From: Commission on Labor**

**Recommendation:** Adopt first reading of an Ordinance proposing revisions to Berkeley's Living Wage Ordinance, BMC Chapter 13.27, revising Sections .020, .050, .070, .080 and .090 and adding Sections .045, .110, .120, .130, and .140 to make the application and administration of the LWO consistent with the MWO where appropriate, and modifying Sections .040 and .050 to 1) limit waivers of the LWO for a maximum of one year, and 2) clarifying when employees covered by the LWO are entitled to receive the cash value of the health care benefit.

**Financial Implications:** None

Contact: Delfina Geiken, Commission Secretary, 981-5400

**16b. Companion Report: Council Referral-Proposed Amendments to Berkeley's Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending BMC Chapter 13.27, which proposes: 1) adding a definition of "Department" in Section 13.27.020, 2) limiting new waivers of the LWO to one year in Section 13.27.040, 3) clarifying language related to wages and benefits in the Section 13.27.050 and adding Section 13.27.110 related to severability.

**Financial Implications:** None

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

**Action:** Items 16a and 16b held over to February 19, 2019.

**17. Adopt a resolution to denounce and oppose white nationalist and neo-Nazi groups including their actions**

**From: Councilmember Davila and Councilmember Bartlett**

**Recommendation:** Adopt a resolution denouncing and opposing, in words and actions, white nationalist and neo-Nazi groups including their actions in the City of Berkeley.

**Financial Implications:** None

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

**Action:** 3 speakers. M/S/C (Wengraf/Hahn) to refer the item to the Agenda & Rules Committee for review and to make a recommendation to City Council.

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

## Action Calendar

18. **Adopt the Sanctuary Contracting Ordinance proposed by the Peace and Justice Commission** *(Continued from the November 13, 2018 agenda. Item contains revised material.)*  
**From: Councilmembers Worthington, Davila, Harrison, and Bartlett**  
**Recommendation:** That the City Council adopt the attached Sanctuary Contracting Ordinance proposed by the Peace and Justice Commission. This ordinance prohibits the award of city contracts to vendors acting as ICE data brokers, or those providing extreme vetting services.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item 18 held over to February 26, 2019.

## Information Reports

19. **City Council Short Term Referral Process – Monthly Update**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Received and filed.
20. **Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight from June 26, 2018 - December 31, 2018**  
**From: City Manager**  
Contact: Dee Williams-Ridley, City Manager, 981-7000  
**Action:** Received and filed.
21. **Referral Response: Support for Berkeley Nonprofit Service Providers**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Received and filed.
22. **Referral Response: Establishment of a Festival Grants Program**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Received and filed including revised material in Supplemental Communications Packet #2.
23. **Planning Commission Workplan 2018-2019**  
**From: Planning Commission**  
Contact: Alene Pearson, Commission Secretary, 981-7400  
**Action:** Received and filed.

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

## Adjournment

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

1. Palestinians that have died recently
2. Victims in Florida

**Vote:** All Ayes.

Adjourned at 10:54 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of January 29, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### **Item #14: ZAB Appeal: 1155 – 1173 Hearst Ave.**

1. Yashu Jiang
2. Mariana Almeida
3. Pam Ormsby (2)
4. Dale Anania
5. Tracey Emerson

### **Homeless Encampments & Public Safety**

6. Cheryl Brewster
7. David Lerman (2)
8. BPD Office Brandon
9. Amy Hill
10. Lisa Lum & Michael Hohmeyer

### **Berkeley Considers – Give Input on Electric Vehicles**

11. Eric Friedman

### **Tobacco**

12. Michelle Albert, on behalf of the American Heart Association

### **West Berkeley Senior Center**

13. Todd Jersey

### **Shellmound Street Exit Clean-Up**

14. Joe Vollono
15. BPD Officer Brandon

**Cannabis – The Apothecrium**

- 16. Maryclare McCauley
- 17. Rob Nachtwey

**Trees – People’s Park**

- 18. Carol Denney
- 19. Unknown
- 20. Bob Hunt

**Utility Undergrounding and Loss of Communications Choice**

- 21. Bryce Nesbitt
- 22. Susan Wengraf, Councilmember District 6

**ADU**

- 23. Joann Sullivan

**Supplemental Communications and Reports 1**

**Item #12: Vision Zero: Eliminating Pedestrian, Bicyclist and Traffic Injuries and Fatalities**

- 24. Noah Nathan

**Item #14: ZAB Appeal: 1155-1173 Hearst Ave**

- 25. Guy Sussman
- 26. Rain Sussman

**Supplemental Communications and Reports 2**

**Item #12: Vision Zero: Eliminating Pedestrian, Bicyclist and Traffic Injuries and Fatalities**

- 27. Revised materials, submitted by Councilmember Droste

**Item #14: ZAB Appeal: 1155-1173 Hearst Ave**

- 28. Lena Nitsan
- 29. Libby Lee-Egan
- 30. Rhiannon
- 31. Julia Cato
- 32. Berkeley Tenants Union

**Item #18: Adopt the Sanctuary Contracting Ordinance proposed by the Peace and Justice Commission**

- 33. Janice Greenberg

**Item #22: Referral Response: Establishment of a Festival Grants Program**

- 34. Revised materials, submitted by Office of Economic Development

**Item #12: Vision Zero: Eliminating Pedestrian, Bicyclist and Traffic Injuries and Fatalities**

35.224 Communications submitted via Berkeley Considers, includes summary information.

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

#### **Item #10: Support for AB 68 (Accessory Dwelling Units)**

36. Claudia Kawczynska  
37. Cameron Woo

#### **Item #12: Vision Zero: Eliminating Pedestrian, Bicyclist and Traffic Injuries and Fatalities**

38. Marjorie Alvord

#### **Item #14: ZAB Appeal: 1155-1173 Hearst Ave**

39. Presentation, submitted by the Planning Department  
40. Tracey Emerson  
41. Rain Sussman (2)  
42. Barbara Gilbert  
43. Terraphase Engineering  
44. Kamman Hydrology & Engineering

#### **Item #15: Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)**

45. Rhiannon

#### **Refuse Collection Overcharge**

46. Jae and Adena Chung

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING  
THURSDAY, JANUARY 31, 2019  
4:30 P.M.**

**BUSD Board Room – 1231 Addison Street, Berkeley, CA**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

**Roll Call:** 4:33 p.m.

**Present:** Droste, Harrison, Hahn, Kesarwani, Robinson, Wengraf

**Absent:** Bartlett, Davila, Arreguin

Mayor Arreguin present at 4:36 p.m.

Councilmember Davila present at 4:38 p.m.

Councilmember Bartlett present at 4:39 p.m.

**Public Comment - Limited to items on this agenda only**

**CLOSED SESSION:**

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

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

**Significant exposure to litigation – one case**

**Action:** M/S/C (Arreguin/Wengraf) to direct the City Manager to interpret SB 1421 to apply to existing records.

**Vote:** All Ayes.

**OPEN SESSION:**

The City Council took action to direct the City Manager to interpret SB 1421 to apply to existing records.

## Adjournment

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

**Vote:** All Ayes

Adjourned at 5:57 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of January 31, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk



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

**Thursday, January 31, 2019**

**6:00 P.M.**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

**Preliminary Matters**

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

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

**Absent:** None

**Public Comment - Limited to items on this agenda only - 79 speakers.**

**Action Calendar – Public Hearing**

**1. ZAB Appeal: 2190 Shattuck Avenue**

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the northwest corner of Shattuck Avenue and Allston Way with a proposed 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space; and dismissing the appeal.

**Financial Implications:** None

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

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from staff on Item 1.

**Vote:** All Ayes.

Recess 8:28 p.m. – 8:42 p.m.

**Public Testimony:** The Mayor opened the public hearing. 79 speakers. M/S/C (Arreguin/Droste) to close the public hearing.

**Vote:** All Ayes.

## Action Calendar – Public Hearing

**Action:** M/S/Failed (Harrison/Hahn) to adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the northwest corner of Shattuck Avenue and Allston Way with a proposed 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space; and dismissing the appeal, with the following amendments:

1. Amend Condition #19 to require payment of \$2,000,000 of the estimated \$10,000,000 Affordable Housing Mitigation Fee prior to the issuance of the building permit with the balance of the fee due when the Certificate of Occupancy is issued. The pre-payment does not qualify the applicant for a fee reduction.
2. Make revisions to the plans to reduce parking as necessary to accommodate an internal loading zone area.
3. Provide public access to the 18<sup>th</sup> floor roof deck in exchange for eliminating the community room and art component from the community benefits package.

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

**Action:** M/S/Carried (Arreguin/Robinson) to adopt Resolution No. 68,755–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the northwest corner of Shattuck Avenue and Allston Way with a proposed 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space; and dismissing the appeal, with the following amendments:

1. Amend Condition #19 to require payment of \$2,000,000 of the estimated \$10,000,000 Affordable Housing Mitigation Fee prior to the issuance of the building permit with the balance of the fee due when the Certificate of Occupancy is issued. The pre-payment does not qualify the applicant for a fee reduction.
2. Make revisions to the plans to reduce parking as necessary to accommodate an internal loading zone area.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 10:37 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of January 31, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### Item #1: ZAB Appeal: 2190 Shattuck Avenue

1. Susan Ellenbogen
2. Pam Valois
3. Lisa Titus
4. Nancy Litton
5. Tamia Marg
6. Terry Kochi
7. Eric Kotila
8. Tom Wenrich
9. Valerie Herr
10. Summer Brenner
11. Harry Delmer
12. Marianne Calame-Berger
13. R. Johnson
14. Virginia Warheit (4)
15. Ann Maria Celona
16. Cynthia Hanson
17. Brenda Shank
18. Ann May and Rodney Freeland
19. Tobey Wiebe
20. Bronwyn Hall
21. Holly Smith
22. Maggie Crowley
23. Karen Cilman
24. Nhu Miller
25. Jane Larson
26. Goetz Frank
27. Ilene Philipson
28. Roger Pritchard
29. Kathy Kahn
30. Laura Fujii
31. Jack Phillips
32. Jenny Harrison
33. Elaine Seed
34. Wendy Weikel
35. Lisa Bruce
36. Michael Yovino-Young
37. Matt Ogburn
38. Paul Newacheck
39. Carole Cool
40. Dean Metzger, on behalf of the Berkeley Neighborhoods Council
41. Warren and Lorna Byrne
42. Suzy Thompson
43. Susan Chainey
44. David Snippen
45. Harvey Helfand
46. William Peppin
47. Ingrid Crickmore

48. Emilie Strauss
49. Jonathan Beck
50. Judy Schwartz
51. Laurie May Trippett
52. Susan Felter
53. Betsy Thagard
54. Twenty-four "Reconsider ZAB approval" form letters

### **Supplemental Communications and Reports 1**

- None

### **Supplemental Communications and Reports 2**

#### **Item #1: ZAB Appeal: 2190 Shattuck Avenue**

55. Wynne Furth
56. Doris Nassiry
57. Ariella Granett
58. Kelli Green
59. Jane Scantlebury
60. Kelly Hammargren
61. Virginia Warheit
62. Gui Andrade
63. Glenda Freberg
64. Rani Marx
65. Michael Katz
66. Chris McDonald
67. Lee Tempkin
68. Bruce Coughran
69. Councilmember Harrison
70. Peter S. Van Houten
71. Forty "in support of development" form letters

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

#### **Item #1: ZAB Appeal: 2190 Shattuck Avenue**

72. Revised materials, submitted by the Planning Department
73. Presentation, submitted by the Planning Department
74. Steven Finacom, on behalf of Harvey Helfand
75. Steven Finacom
76. Hanson Bridgett, Attorneys
77. Associated Students University of California
78. Emmerich Anklam
79. Tobey Wiebe
80. Karen Wilairat
81. Pallop Wilairat
82. Diego Aguilar-Canabal
83. Clifford Fred
84. Anna Whitney
85. Carol Denney
86. Dmitri Belser and Thomas White
87. Thomas Lord

- 88. Alfred Twu
- 89. Norman Chao
- 90. Sally Nelson
- 91. Donald Goldmacher
- 92. Moni Law
- 93. Kelly Hammargren
- 94. Virginia Warheit
- 95. Michael Corbett
- 96. Fifteen "in support of development" form letters

