



Office of the City Manager

CONSENT CALENDAR
April 30, 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 March 12, 2019 (regular), March 19, 2019 (special), and March 26, 2019 (special closed and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. March 12, 2019—Regular City Council Meeting
2. March 19, 2019—Special City Council Meeting
3. March 26, 2019—Special Closed City Council Meeting
4. March 26, 2019—Regular City Council Meeting

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, March 12, 2019
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION – 670 RIDGEWOOD DRIVE, CIRCLEVILLE, OH 43113

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, Droste, Hahn, Harrison, Robinson, Wengraf, Arreguin

Absent: Davila, Kesarwani

Councilmember Davila present at 6:12 p.m.

Councilmember Kesarwani present at 6:12 p.m.

Ceremonial Matters:

1. Recognition of Dan Sawislak of Resources for Community Development
2. Recognition of College and Career Day
3. Recognition of Victoria Legg, Local Activist
4. Adjourned the meeting in memory of Tess Rothstein
5. Adjourned the meeting in memory of Victor McIlheny
6. Adjourned the meeting in memory of Zachary Cruz
7. Adjourned the meeting in memory of Norma B. Law
8. Adjourned the meeting in memory of Palestinians that have died in the Right to Return March
9. Adjourned the meeting in memory of Samya Stumo

City Auditor Comments:

The City Auditor noted Items 23, 24, 25 on the agenda the progress made on the implementation of audit recommendations. The Auditor also noted the efforts of Public Works Director Phil Harrington and Planning & Development Director Timothy Burroughs for the progress on the recommendations.

City Manager Comments:

1. Strawberry Creek Re-Opening Event on March 18 at 1:00 p.m.
2. Groundbreaking event for the Mental Health Building project on March 21 at 1:15 p.m.
3. Safety Cameras are operational in San Pablo Park

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 9 speakers.

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

Vote: All Ayes.

1. **Companion Report: Council Referral-Proposed Amendments to Berkeley's Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,640-N.S. 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 13.27.120 related to severability.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted second reading of Ordinance No. 7,640-N.S.
2. **Dorothy Day House License Agreements: Veterans Memorial Building and Old City Hall**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,641-N.S. (1931 Center St.) and Ordinance No. 7,642-N.S. (2134 Martin Luther King Jr. Way), authorizing the City Manager or her designee to execute license agreements and any amendments thereto with Dorothy Day House to provide services at the Veterans' Memorial Building at 1931 Center Street and the Old City Hall at 2134 Martin Luther King Jr. Way.
Frist Reading Vote: All Ayes.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted second reading of Ordinance No. 7,641-N.S. (1931 Center St.) and Ordinance No. 7,642-N.S. (2134 Martin Luther King Jr. Way).

Consent Calendar

- 3. Contract: YMCA of the East Bay for Berkeley's 2020 Vision's Early Childhood Trauma and Resiliency Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with the YMCA of the East Bay (YMCA) through June 30, 2021, to operate the Berkeley's 2020 Vision Early Childhood Trauma and Resiliency Project, as described below, for a total contract amount not to exceed \$334,410.
Financial Implications: Mental Health Services Act Innovations Fund - \$334,410
Contact: Paul Buddenhagen, City Manager's Office, 981-7000
Action: Adopted Resolution No. 68,777–N.S.
- 4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 12, 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: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 5. Adoption of the 2018 Strategic Update to the EveryOne Home Plan to End Homelessness**
From: City Manager
Recommendation: Adopt a Resolution adopting the 2018 Strategic Update to the EveryOne Home Plan to End Homelessness, and use it as a guide for allocating resources for programs assisting persons experiencing homelessness.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,778–N.S.
- 6. Contract: Alameda County Housing and Community Development Department for California Homeless Emergency Aid Program (HEAP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and to negotiate and execute a contract with the Alameda County Housing and Community Development Department, in an amount not to exceed \$4,032,711, for Berkeley's share of the California Homeless Emergency Aid Program (HEAP).
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,779–N.S. amended to re-allocate \$50,000 from the encampment servicing/trash removal allocation to RV outreach.

Consent Calendar

- 7. Contract No. 10904 Amendment: Agreement with Bay Area Community Services (BACS) to Operate the Pathways Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the existing Contract No. 10904 with Bay Area Community Services (BACS) for Pathways STAIR Center operations, adding \$105,603 for a revised total contract amount not to exceed \$2,545,603 and a contract end date of June 30, 2019.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,780–N.S.
- 8. Shelter Plus Care Program Renewal Grants**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Four Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,594,226 for Tenant-Based Rental Assistance (TBRA) for the period June 1, 2019 through May 31, 2020; b) \$208,051 for sponsor-based rental assistance for the Supportive Housing Network for the period of June 1, 2019 through May 31, 2020, with Resources for Community Development as the project sponsor; c) \$202,376 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2019 through May 31, 2020, with Bonita House, Inc. as the project sponsor; and d) \$2,332,198 in tenant-based rental assistance for the COACH Project grant for the period of January 1, 2020 through December 31, 2020. 2. One grant from the County of Alameda for \$684,177 to provide tenant-based rental assistance to individuals who have HIV/AIDS and other disabilities from March 1, 2019 through February 28, 2020.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,781–N.S.
- 9. Memorandum of Understanding: Planning Phase for the viability of a potential WETA Ferry Service and Public Recreation Pier at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Water Emergency Transportation Authority (WETA) to accept up to \$250,000 in WETA funding for the Planning Phase (technical feasibility study and public engagement process) for the viability of a potential WETA ferry service and public recreation pier at the Berkeley Marina.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 68,782–N.S.

Consent Calendar

- 10. Authorizing Rewards of up to \$50,000 for Information in Criminal Investigations**
From: City Manager
Recommendation: Adopt a Resolution increasing the maximum cash reward that the City Manager is authorized to approve from \$15,000 to \$50,000 for information leading to the arrest and conviction of the person or persons responsible for a specific crime or crime series, and rescinding Resolution No. 59,824-N.S.
Financial Implications: See report
Contact: Andrew Greenwood, Police, 981-5900
Action: Adopted Resolution No. 68,783–N.S.
- 11. Authorizing the Addition of 2700 block of Belrose Avenue to the Street Sweeping Program**
From: City Manager
Recommendation: Adopt a Resolution adding the 2700 block of Belrose Avenue to the mechanical street sweeping program.
Financial Implications: Minimal
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,784–N.S.
- 12. Measure O Oversight Committee and Measure P Homeless Services Panel of Experts**
From: Housing Advisory Commission
Recommendation: Designate or appoint the independent oversight committee and homeless services panel of experts contemplated under Measures O & P as soon as possible.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400
Action: Approved recommendation.
- 13. Communicating and Meeting with Community Stakeholders on Housing Innovations**
From: Housing Advisory Commission
Recommendation: Authorize the Housing Advisory Commission to correspond in writing and to confer in public session directly with various affordable housing organizations for the limited purposes and time, and with the disclaimer described in the report.
Direct the City Manager that the City Attorney shall craft an appropriate disclaimer, as described in the report. The Commission will include this disclaimer when corresponding or meeting with these agencies.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400
Action: Approved recommendation.

Council Consent Items

- 14. Persian New Year Festival: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Harrison, Davila, and Robinson
Recommendation:
1. Adopt a Resolution co-sponsoring the 20th annual Persian New Year Festival on March 19th, 2019
 2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$100 from Councilmember Harrison, to The Persian Center, the fiscal sponsor of the festival, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.
- Financial Implications:** Councilmember's Discretionary Funds - \$100
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 68,785–N.S. (Co-Sponsoring) and Resolution No. 68,786–N.S. (Expenditure) revised to include contributions from the following Councilmembers up to the amounts listed: Wengraf - \$100; Bartlett - \$100; Robinson - \$100; Hahn - \$100; Davila - \$100.
- 15. Letter Requesting Congresswoman Lee's Support of HR. 530 (Eshoo)**
From: Councilmembers Wengraf, Harrison, Davila, and Hahn
Recommendation: Send a letter urging U.S. Representative Barbara Lee to co-sponsor H.R. 530 - Accelerating Broadband Development by Empowering Local Communities Act of 2019 which would repeal FCC limits on local regulation of 5G infrastructure.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.
- 16. Camp Kesem Berkeley's Annual Fundraising Gala: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Councilmembers Robinson and Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$150 per Councilmember including \$150 from Councilmember Robinson, to Camp Kesem Berkeley for their Annual Fundraising Gala to fund summer camp for children whose parents have cancer, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Robinson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$150
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,787–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Wengraf - \$100; Bartlett - \$100; Hahn - \$100; Harrison - \$100; Davila - \$100.

Action Calendar

17. Use of Gender Neutral Language in City Documents

From: Councilmember Robinson

Recommendation: Refer to the City Manager to: 1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other). 2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular “they,” and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Councilmembers Davila, Bartlett, and Droste added as co-sponsors. Approved recommendation.

18. Affirming the City of Berkeley’s Support for the People of Tibet

From: Councilmembers Robinson and Davila

Recommendation: Adopt a Resolution affirming support to the people of Tibet. Copies of the resolution are to be sent to the President of the United States, elected federal representatives, the Governor of California, and the United Nations High Commissioner for Human Rights in Geneva, Switzerland, and His Holiness the Dalai Lama, Dharamsala, India.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: Councilmembers Bartlett and Harrison added as co-sponsors. Adopted Resolution No. 68,788–N.S.

Action Calendar – Public Hearings

19. **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 February 19, 2019. 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/Hahn) to accept revised materials from staff on Item 19.

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

Councilmember Harrison absent 7:27 p.m. – 7:32 p.m.

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

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

Vote: All Ayes.

Action: M/S/C (Hahn/Davila) to adopt first reading of Ordinance No. 7,644–N.S. as written in the revised ordinance submitted at the meeting with section 23C.14.070 revised to read:

23C.14.070 Qualifying Units

Qualifying Units must meet the standards set forth in Berkeley Municipal Code Section 23C.12.040(B), 23C.12.040(C), and 23C.12.040(D).

Second reading scheduled for March 26, 2019.

Vote: All Ayes.

Recess 7:48 p.m. – 8:02 p.m.

Action Calendar – Public Hearings

20. ZAB Appeal of 2701 Shattuck Avenue, Use Permit #ZP2016-0244

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2016-0244 to construct a 5-story, 62-foot tall, mixed-use building with 57 dwelling units (including five Very Low Income units), a 600-square-foot ground-floor quick-service restaurant, and 21 parking spaces, and dismiss the appeal.

Financial Implications: None

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

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

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

Vote: All Ayes.

Action: M/S/C (Hahn/Arreguin) to remand the project the Zoning Adjustments Board to approve a compliant project with direction to consider the following:

- Ensure that the approved project complies with state density bonus laws and the Housing Accountability Act
- Relocate the north exterior stair away from the north side of the building to an enclosed location or otherwise integrate it into the building for better design and for visual privacy of neighbors
- Reduce or eliminate parking if possible to lower the height of the wall, increase setbacks, increase light to the neighbor, lower the overall height of the building, and improve the environmental impacts of the project
- Increase the setback of the east podium wall as much as possible
- Move rooftop elements such as the plantings, shades, and other deck features westward toward Shattuck Avenue as much as possible
- Add signage or design elements which clearly identify the Shattuck sidewalk landscaped areas for public use
- Create a maintenance agreement between the City and the property owner for the owner to take responsibility for maintenance of the landscaped areas on the Shattuck sidewalk
- Add a curb cutout on the Shattuck sidewalk frontage for passenger loading
- Analyze the elimination of the ground-floor commercial space and the addition of live-work or affordable units on the ground floor
- Encourage the applicant to include as many affordable units in the project as possible

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

Action Calendar – Public Hearings

21. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, provide direction regarding proposed ordinance language alternatives and adopt the first reading of five ordinances amending the Berkeley Municipal Code (BMC) which would:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses);
4. Protect youth by restricting cannabis advertising within the city; and
5. Allow temporary cannabis events at Cesar Chavez Park.

The ordinances would adopt BMC Chapters 12.21 and 20.40, amend Chapters 12.22, and 23C.25, Sub-Titles 23E and 23F, and repeal Chapters 12.23, 12.25 and 12.27.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 18 speakers.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m.

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

Councilmember Droste absent 10:07 p.m. – 11:15 p.m.

Councilmember Bartlett absent 10:44 p.m. – 11:15 p.m.

Action: M/S/C (Arreguin/Kesarwani) to hold over the item to April 2, 2019.

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

Councilmember Wengraf absent 10:44 p.m. – 11:15 p.m.

Action Calendar – Old Business

- 22. Contract: Pride Industries for Citywide Janitorial Services at Various Locations**
(Continued from February 19, 2019)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Pride Industries to provide Citywide Janitorial Services at twenty nine (29) various City locations and facilities for the period May 1, 2019 to April 30, 2022, in an amount not to exceed \$3,725,735, with an option for two (2) one-year extensions for a maximum five (5) year contract for an amount not to exceed \$6,414,881, subject to the City's annual budget appropriation process.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Moved to Consent Calendar. Adopted Resolution No. 68,789–N.S.

Information Reports

- 23. Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service**
From: City Manager
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Received and filed.
- 24. Audit Status Report: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress towards the Year 2020 Zero Waste Goal**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.
- 25. Audit Status Report: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.
- 26. Code Enforcement Review Update**
From: Housing Advisory Commission
Contact: Amy Davidson, Commission Secretary, 981-5400
Action: Received and filed.

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

Adjournment

Adjourned at 11:15 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of March 12, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #20: ZAB Appeal: 2701 Shattuck Ave

1. Blackrock Multifamily, LLC, on behalf of 2701 Shattuck Berkeley, LLC

I-80 Exit Ramp Conditions

2. John Caner, CEO of the Downtown Berkeley Association, Kristen MacDonald, CEO of the Berkeley Chamber of Commerce, Stuart Baker, Executive Director of the Telegraph Business Improvement District, Barbara Hillman, CEO of Visit Berkley, Dr. Rowena Tomaneng, President of the Berkeley City College, Heather Hensley, Executive Director of the North Shattuck Association, Julie McCray, Coordinator of the Gilman District & Melissa Hathaway, President of the Elmwood Business Association

Healthy Berkeley Program

3. Holly Scheider, Poki Namkung, Pat Crawford & Xavier Morales

Climate Change

4. Thomas Lord (4)
5. Tom Kelly, KyotoUSA
6. Donald Goldmacher

Green New Deal

7. Donald Goldmacher (2)
8. Thomas Lord
9. Margy Wilkinson

5G

10. Regina DiMaggio
11. Vivian Warkentin
12. Phoebe Anne Sorgen
13. Kate Harrison
14. Cecile Pineda
15. Tina Chow

UC Berkeley Food Pantry Gleaning Committee

16. Saahil Shangle (2)

Planetarium Perspectives

17. Vivian Warkentin

Give the City Manager the Tools Needed

18. Janice Greenberg

Guidelines for Council Agenda Items

19. Barbara Gilbert

Street Sweeping on Lincoln's Birthday

20. David Lerman

Berkeley Marina Exemption

21. Dave

Berkeley Ordinance – Acquisition and Use of Surveillance Technology

22. James Massar, et al, on behalf of Oakland Privacy

Support for Lemat Restaurant Application as a Full Service Restaurant

23. Teresa Clarke

Lot Lines

24. Barbara Gilbert

Use of Pepper Spray

25. Kelly Hammargren

Reconsider ZAB Approval for 2190 Shattuck

26. Judith Brown

Amazon Boycott

27. Hut Landon

Living in a Smart City

28. Vivian Warkentin

Hand Washing Stations

29. Dorothea Dorenz

Encampment Clean Ups

30. Erica Etelson

Cannabis at Cesar Chavez Park

- 31. Carol Hirth
- 32. Virginia Browning

Land Deal – Sister City Oaxaca, Mexico

- 33. Avram Gury Arye

UC Berkeley – Housing Insecurity Solutions as Admittance Grows

- 34. Margot Smith (2)

North Berkeley BART Station

- 35. Rick Kleine
- 36. Kenmotsu Junko
- 37. Tobey Wiebe
- 38. Vivian Warketin

Supplemental Communications and Reports 1

Item #12: Measure O Oversight Committee and Measure P Homeless Services Panel of Experts

- 39. Linda Franklin

Item #19: Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)

- 40. Revised material, submitted by Planning and Development

Item #20: ZAB Appeal of 2701 Shattuck Avenue, Use Permit #ZP2016-0233

- 41. Eugenie Candau
- 42. Louise Rosenkrantz
- 43. Gianna Ranuzzi, on behalf of the Le Conte Neighborhood Association
- 44. Todd and Linda Jensen Darling

Item #21: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

- 45. Lisa Bullwinkel, Chair of the Civic Arts Commission
- 46. Beth Greene, on behalf of the Cannabis Commission
- 47. Geri McGilvray
- 48. Sally Nelson
- 49. Olivia Corson
- 50. Ilyana Landes
- 51. Wendell Wolff
- 52. Eva Shu
- 53. Frank Buffum
- 54. Gloria Burd
- 55. Mimi Moungovan
- 56. Carol Denney
- 57. Lynn Silver, Senior Advisor, Public Health Institute

Supplemental Communications and Reports 2

Item #19: Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)

58. Donna Davis

Item #20: ZAB Appeal of 2701 Shattuck Avenue, Use Permit #ZP2016-0233

59. Todd Darling & Linda Jensen Darling

60. Sally Bean

61. Barbara Stebbins

62. Betsy Thagard

63. Ariella Granett

64. Mathew Lewis

65. Theo Posselt

Item #21: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

66. May Simpson, Chair, Community Health Commission

67. Lisa Bullwinkel, Chair, Civic Arts Commission

68. Christopher Hudson

69. Martin Nicolaus

70. Sabrina Fendrick, on behalf of the Berkeley Patients Group

71. Ann Williams

72. Charley Paff

73. Friedner Wittman

74. Nara Dahlbacka

75. Norman Constantine, Clinical Professor, Community Health Sciences

76. Holly Scheider

Item #21: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

77. 115 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item #12: Measure O Oversight Committee and Measure P Homeless Services Panel of Experts

78. Sophia DeWitt, Program Director of East Bay Housing Organizations

Item #14: Persian New Year Festival: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

79. Persian Center Board of Directors

Item #19: Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)

80. Presentation, submitted by the Planning and Development Department

81. Revised material, submitted by the Planning and Development Department

Item #20: ZAB Appeal of 2701 Shattuck Avenue, Use Permit #ZP2016-0233

82. Presentation, submitted by the Planning and Development Department

83. Todd Darling

84. Shirley Dean

85. Eugene Turitz, on behalf of Friends of Adeline

Item #21: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

86. Presentation, submitted by the Planning and Development Department (2)

87. Karen Gilligan

88. Janet Cobb

89. Juty Blue (2)

90. Brendan Hallinan, on behalf of Law Offices of Hallinan & Hallinan

91. Burke Hansen, on behalf of Coalition for Common Sense Regulations, Inc.

92. Berkeley Cannabis Commission

93. Paul and Helen Canin

94. Helen Christensen

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

Tuesday, March 19, 2019

6:00 P.M.

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
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DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:10 p.m.

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

Absent: None

Ceremonial Items

1. Adjourned the meeting in memory of the victims of the mosque shootings in New Zealand
2. Adjourned the meeting in memory of Rob Browning

Worksession

1. Projections of Future Liabilities

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: 1 speaker. Presentation made and discussion held.

2. FY 2019 Mid-Year Budget Update

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: 1 speaker. Presentation made and discussion held.

Recess 8:19 p.m. – 8:43 p.m.

Worksession

3. 2018 Annual Crime Report

From: City Manager

Contact: Andrew Greenwood, Police, 981-5900

Action: 2 speakers. Presentation made and discussion held.

Action Calendar

4. Berkeley Qualified Opportunity Fund

From: Councilmember Bartlett

Recommendation: Short Term Referral to Planning Commission; City Manager; City Economic Development Officer; Housing Advisory Commission; Office of Economic Development. That the City Council create a municipal Qualified Opportunity Fund to invest in Qualified Opportunity Zones to stimulate economic growth and develop more affordable housing in Berkeley.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:15 p.m.

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

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

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

Action: 3 speakers. M/S/C (Droste/Wengraf) to refer the item to the Land Use, Housing, and Economic Development Committee with the additional request to consider the following items:

- Refer to the Budget Process to conduct an equity assessment and community process to discuss opportunity zones, particularly in South Berkeley.
- Engage the Office of Economic Development in the community process.
- Set up standards that reflect the City's goals for the opportunity zones.
- Set priorities for public projects that the City would like to have completed in the opportunity zones.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 11:16 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of March 19, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #4: Berkeley Qualified Opportunity Fund

1. Rhiannon

Supplemental Communications and Reports 3

Item #1: Projections of Future Liabilities

2. Presentation, submitted by the Budget and Fiscal Department.
3. Gordon Wozniak

Item #3: 2018 Annual Crime Report

4. Presentation, submitted by the Berkeley Police Department

Item #4: Berkeley Qualified Opportunity Fund

5. Presentation, submitted by Councilmember Bartlett

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, MARCH 26, 2019
4:00 P.M.**

School District 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: 4:03 p.m.

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

Absent: Bartlett, Davila

Councilmember Davila present at 4:10 p.m.

Councilmember Bartlett present at 4:22 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

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

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

Pending Litigation – two cases

- a. Rudie v. City of Berkeley, ACSC No. RG 17 870389

Action: M/S/C (Harrison/Hahn) to approve the settlement in the amount of \$150,000 in the case of Rudie v. City of Berkeley.

Vote: All Ayes.

- b. Greenberg v. City of Berkeley, ACSC No. 17 858207

Action: M/S/C (Wengraf/Hahn) to approve the settlement in the amount of \$80,000 in the case of Greenberg v. City of Berkeley.

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

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1:

The City Council met in closed session and approved settlement of the two matters: Rudie v. City of Berkeley, ACSC No. RG 17 870389 for \$150,000 and Greenberg v. City of Berkeley, et. Al., ACSC Action No. RG 17 858207 for \$80,000.

Adjournment

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

Vote: All Ayes.

Adjourned at 4:35 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of March 26, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, March 26, 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: 6:00 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Susan Muscarella, Local Musician
2. Recognition of the Suitcase Clinic
3. Recognition of March for Meals Month
4. Adjourned in memory of Rob Browning
5. Adjourned in memory of Victims of the Christchurch Mosque Shootings
6. Adjourned in memory of the recent Suicides of Mass Shooting Survivors and their Family Members
7. Adjourned in memory of Palestinians killed in the ongoing Friday marches

City Manager Comments: None

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 4

Consent Calendar

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

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to take up items on Action in the following order: 5, 10, 21, 19, 20, 22.

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

Recess 6:49 p.m. – 6:55 p.m.

- 1. Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)**
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 7,644-N.S., the 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.
First Reading Vote: All Ayes
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,644-N.S.
- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of February 5, 2019 (special), February 19, 2019 (regular), February 26, 2019 (regular), and February 28, 2019 (special).
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 March 26, 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: \$325,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.

Consent Calendar

- 4. Contract No.10438B Amendment: Ashby Village for Age-Friendly Berkeley Plan Production**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10438B with Ashby Village to design and print a finalized City of Berkeley Age-Friendly Plan, in an amount not to exceed \$7,000 for a total contract amount not to exceed \$57,000. Contract term will remain unchanged, and will expire on August 31, 2019.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 68,790–N.S.
- 5. Grant Application: the Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to (1) Apply for a grant in the amount of \$130,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of approximately 26 abandoned vessels located at the Berkeley Marina; (2) Execute any amendments; and (3) Authorize a local match contribution of \$13,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Moved to Action Calendar. 17 speakers. M/S/C (Harrison/Bartlett) to adopt Resolution No. 68,791–N.S.
Vote: All Ayes.
- 6. Contracts: Fehr & Peers and Parisi Associates for On-Call Traffic Engineering Services**
From: City Manager
Recommendation: Adopt Resolutions authorizing the City Manager to execute two contracts and any amendments with Fehr & Peers and Parisi Associates for on-call traffic engineering services in an amount not to exceed \$1,000,000 each for a combined total not to exceed amount of \$2,000,000 from April 11, 2019 to June 31, 2022 with two 1-year options to extend.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,792–N.S. (Fehr & Peers) and Resolution No. 68,793–N.S. (Parisi).

Consent Calendar

- 7. Adopt a Resolution of Intent to Consider a FlixBus Franchise Agreement for Long-Distance Bus Service**
From: City Manager
Recommendation: Pursuant to Berkeley Municipal Code Chapter 9.60, adopt a Resolution declaring the Council's intention to consider at a public hearing, set for April 30, 2019, at 6:00 p.m., whether to grant a franchise to FlixBus, Inc. to provide long-distance bus service to the Berkeley public.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,794–N.S.
- 8. Contract No. 8884C Amendment - St. Vincent de Paul for Mattress Recycling**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8884C with St. Vincent de Paul to accept mattresses collected from community members for refurbishing and recycling at the City's Solid Waste Management and Transfer Station. This amendment will increase the Contract \$50,000 for a new total contract amount not to exceed \$456,000 to fund services through contract expiration June 30, 2019.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 68,795–N.S.
- 9. Re-appointment of Paul Kealoha-Blake to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a resolution for the re-appointment of Paul Kealoha-Blake to the Mental Health Commission, as a representative of the General Public Interest category, to complete his third term ending March 21, 2021.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400
Action: Adopted Resolution No. 68,796–N.S.
- 10. Transitioning cost of 4th of July Festival from the City's Marina Fund to the City's General Fund**
From: Parks and Waterfront Commission
Recommendation: Adopt a resolution referring to the City Manager to transition the cost of the annual 4th of July Festival from its current funding source, the City's Marina Enterprise Fund, to the City's General Fund.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, 981-6700
Action: Moved to Action Calendar. 5 speakers. M/S/C (Arreguin/Droste) to adopt Resolution No. 68,797–N.S. amended to include the City Manager's recommendation to split the cost between the Marina Fund and the General Fund for 2019 and to consider seeking private funding and sponsorship revenues for future years.
Vote: All Ayes.

Consent Calendar

11. **Police Review Commission's co-sponsorship of a NACOLE Regional Training and Networking Event**
From: City Manager and Police Review Commission
Recommendation: Authorize the Police Review Commission to co-sponsor, with the National Association for Civilian Oversight of Law Enforcement (NACOLE) and the BART Office of the Independent Police Auditor, a regional training and networking event on May 3, 2019 in Oakland, California.
Financial Implications: None
Contact: Paul Buddenhagen, City Manager's Office, 981-7000, Katherine Lee, Commission Secretary, 981-4950
Action: Approved recommendation.

Council Consent Items

12. **Budget Referral: \$30,000 to UC Theater Concert Career Pathways Education Program**
From: Mayor Arreguin and Councilmember Davila
Recommendation: Refer to the FY2020-2021 budget process the allocation of \$30,000 from excess unallocated General Fund revenues to the UC Theater Concert Career Pathways Education Program.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmembers Hahn and Harrison added as co-sponsors. Approved recommendation.
13. **Honoring Healthy Black Families, Inc.: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Davila, Harrison, Wengraf, and Bartlett
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to Healthy Black Families in honor of their 5th Anniversary, 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: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 68,798–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Kesarwani - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$250; Mayor Arreguin - \$100.

Council Consent Items

- 14. LifeLong Medical Care: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Davila, Wengraf, and Bartlett
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila to LifeLong Medical Care for their many contributions to 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: See report
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 68,799–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$100; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$250.
- 15. Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance**
From: Councilmember Bartlett
Recommendation: That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Approved recommendation.

Council Consent Items

- 16. Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmembers Wengraf, Bartlett, Hahn, and Mayor Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including up to \$250 from Councilmember Wengraf, to support the City's Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's discretionary Council Office Budget and any other Councilmembers who would like to contribute allows the City of Berkeley to invite and support the community to the City's 17th Annual Holocaust Remembrance Day program on Sunday, April 28th, 11:30 AM at the Magnes Collection of Jewish Art and Life.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 68,800–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$100; Councilmember Davila - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$250; Councilmember Hahn - \$250; Councilmember Bartlett - \$200; Mayor Arreguin - \$250.
- 17. Support for SB-190 Fire Safety: Building Standards**
From: Councilmembers Wengraf, Hahn, Droste, and Kesarwani
Recommendation: Send a letter in support of SB-190 Fire Safety: Building Standards (Dodd) to Senator Dodd and copy Senator Skinner, Representative Wicks and Governor Newsom.
The Legislation would require the Office of the State Fire Marshal to: (1) Develop a model defensible space program to be used by cities and counties to enforce defensible space provisions; (2) Develop Wildland-Urban Interface Fire Safety Building Standards Compliance Training Manual, and make available via website. To be used locally in training of building officials, builders and fire service personnel; (3) Develop guidance document for maintenance of defensible space around residential structures; (4) Develop and update regularly a Wildland-Urban handbook listing products and construction systems that comply with specified Wildland-Urban Interface Fire Safety building standards; (5) Use money from the Building Standards Administration Special Revolving Fund in the State Treasury to carry out the provisions.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

Council Consent Items

18. **The Suitcase Clinic: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Councilmembers Robinson, Harrison, Hahn, and Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Councilmember Robinson, to The Suitcase Clinic to assist in the expansion of its free laundry program, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Robinson and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 68,801–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$100; Councilmember Davila - \$150; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$200; Mayor Arreguin - \$100.

Action Calendar – Public Hearing

19. **ZAB Appeal: 1722 Walnut St**
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution to affirm the Zoning Adjustments Board decision to deny Use Permit/Variance #ZP2018-0021 to legalize an unpermitted detached dwelling unit in the rear yard area of a lot legally developed with an eight-unit apartment building, and dismiss the appeal.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing.
M/S/C (Arreguin/Hahn) to continue the public hearing to April 23, 2019 at 6:00 p.m.
Vote: All Ayes.

Action Calendar

20a. Providing direction on closing the funding gap to complete Measure T1 Phase 1 projects

From: City Manager

Recommendation:

1. Council to provide direction on a preferred option to close the funding gap in the current Measure T1 Phase 1 program. Four possible options are summarized below and discussed in further detail starting on page 4 under Current Situations and its Effects – Funding Gap.

Option A: Reduce up to \$5 million between 13 projects by reducing project scopes from Planning and Design to Conceptual, Construction to Planning and Design, Construction to Conceptual, or removing or delaying the project.

Option B: Reduce up to \$4 million by reducing the Live Oak Community Center project scope from Construction to Planning and Design.

Option C: Authorize up to \$3 million in additional funding for T1 Phase 1 and reduce \$2 million between 7 projects by reducing project scopes from Planning and Design to Conceptual or Construction to Planning and Design.

Option D: Authorize up to \$7 million in additional funding to complete all T1 Phase 1 projects.

2. Council adopt a resolution authorizing the chosen option to complete Measure T1 Phase 1 projects.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700, Phillip Harrington, Public Works, 981-6300

Action: 4 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,802–N.S. to authorize funding in the amount of \$5.3 million from General Fund be used for Measure T1 Phase 1. The General Fund will be reimbursed once Measure T1 Phase 2 bond proceeds are received.

Vote: All Ayes.

Action Calendar

20b. Authorizing up to \$7 million in additional funding to complete Measure T1 Phase 1 projects

From: Public Works Commission

Recommendation: The T1 team is requesting the PWC and the Parks and Waterfront Commission take action at their February meetings on their preferred course of action. The T1 team wants to make their recommendation to Council this spring.

The T1 sub-committees recommend that the PWC vote to endorse the following: - We prefer Option D to meet the funding shortfall. The T1 staff has stated that it is possible to transfer funds from other City sources and to repay it with Phase 2 bond proceeds. By choosing this option, we will maintain the momentum in the program and will accelerate infrastructure improvements in the City; - We are concerned that a disproportionate share of improvements has been allocated to areas of the City north of University Avenue. We want to make sure that projects at the Francis Albrier Center, Willard and other areas south of University be implemented; - We support identifying a green infrastructure project in Phase 1; - We support implementing the 7 street improvement projects in Phase 1.

Financial Implications: See report

Contact: Nisha Patel, Commission Secretary, 981-6300

Action: See action on Item 20a.

20c. Authorizing up to \$7 million in additional funding to complete Measure T1 Phase 1 projects

From: Parks and Waterfront Commission

Recommendation: The T1 team is requesting the PWC and the Parks and Waterfront Commission take action at their February meetings on their preferred course of action. The T1 team wants to make their recommendation to Council this spring.

The T1 sub-committees recommend that the PWC vote to endorse the following: - We prefer Option D to meet the funding shortfall. The T1 staff has stated that it is possible to transfer funds from other City sources and to repay it with Phase 2 bond proceeds. By choosing this option, we will maintain the momentum in the program and will accelerate infrastructure improvements in the City; - We are concerned that a disproportionate share of improvements has been allocated to areas of the City north of University Avenue. We want to make sure that projects at the Francis Albrier Center, Willard and other areas south of University be implemented; - We support identifying a green infrastructure project in Phase 1; - We support implementing the 7 street improvement projects in Phase 1.

Financial Implications: See report

Contact: Roger Miller, Commission Secretary, 981-6700

Action: See action on Item 20a.

Action Calendar

20d. Recommendations for current T1 Phase 1 funding shortfalls

From: Energy Commission

Recommendation: The Berkeley Energy Commission recommends the City Council integrate greenhouse gas (GHG) reduction goals, as stated in the Climate Emergency Resolution adopted June 12, 2018, into the T1 funding priorities.

Financial Implications: See report

Contact: Billi Romain, Commission Secretary, 981-7400

Action: Moved to Consent Calendar. Approved recommendation.

20e. Contract: D.L. Falk Construction for North Berkeley Senior Center Seismic Upgrades and Renovations Project

From: City Manager

Recommendation: Adopt a Resolution:

1. Approving plans and specifications for the North Berkeley Senior Center Seismic Upgrades and Renovations Project, Specification No.19-11268-C; 2. Accepting the bid of D.L. Falk Construction 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 \$8,320,400, which includes a contingency of \$756,400.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: Moved to Consent Calendar. Adopted Resolution No. 68,803–N.S. to 1. Approving plans and specifications for the North Berkeley Senior Center Seismic Upgrades and Renovations Project, Specification No.19-11268-C; 2. Accepting the bid of D.L. Falk Construction 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 \$8,320,400, which includes a contingency of \$756,400.

Action Calendar

21. Referral Responses: Managing Recreational Vehicle (RV) Parking

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,643-N.S. (BMC Section 14.40.120) prohibiting parking campers and RVs during certain hours and creating additional resources for people living in RVs, and refer any additional costs to the FY20-21 Budget process.

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

Financial Implications: See Report

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

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:30 a.m.

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

Recess 9:10 p.m. – 9:34 p.m.

Action: M/S/C (Arreguin/Hahn) to accept supplemental material from Mayor Arreguin, Councilmember Hahn, and Councilmember Kesarwani for Item 21.

Vote: All Ayes.

Recess 11:07 p.m. – 11:09 p.m.

Action: M/S/C (Kesarwani/Arreguin) to call for the previous question.

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

Action: M/S/Failed (Harrison/Davila) to continue Item 21 to April 2, 2019.

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

Action: 120 speakers. M/S/Carried (Arreguin/Hahn) to adopt the second reading of Ordinance No. 7,643-N.S. and provide implementation guidelines as follows:

RECOMMENDATION

The City of Berkeley seeks to implement all laws and ordinances in a fair and humane manner.

To that end, we refer to the City Manager for consideration the following guidelines to help ensure enforcement of revised RV parking restrictions allowed under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) is conducted with outreach, including information and resource guides and written notice.

Further, we refer to the City Manager to quickly establish a three-month permit program (with possibility for renewal), to be offered on a one-time basis to existing priority populations and we refer to the Health, Life Enrichment, Equity & Community Policy Committee to establish basic criteria for a standard two-week permitting process.

Action Calendar

The City Council reiterates its February 28, 2019 referral to identify and develop a temporary RV site to serve highly vulnerable populations, as well as a regional non-profit RV site, and to develop a program to allow private entities to host RVs on their property.

Enforcement of RV parking under Ordinance No. 7,643-N.S. (BMC Section 14.20.120) should be preceded by a period of initial outreach to RVs including:

Offers of support and assistance to RV inhabitants with notification of applicable parking ordinances and a reasonable time-frame to comply, written housing, homelessness and other applicable resources and, during the initial period of outreach, RV inhabitants should also be provided with outreach by a homeless services provider including;

- Housing problem solving assistance
- Possible funding for RV repair and
- Referrals to additional housing and homeless resources, health, mental health or addiction services, or other appropriate services.

RVs and/or conditions adjacent to RVs creating health and safety concerns would be subject to immediate enforcement.

The ordinance will only be enforced after a permit process is established.

City Council took action at its March 12th meeting to allocate an initial amount of \$50,000 from one-time State Housing Emergency Aid Program funds to provide outreach to RVs. Additional resources may be added as part of the FY20-21 budget process.

Refer to the City Manager expedited creation of a special three-month-permit program (with possibility of renewal), to be offered on a one-time basis to existing priority populations

The three-month priority permit should be operative no more than six months from adoption of this ordinance and consider the following:

- Criteria for eligibility should be clearly articulated and fairly applied. The Alameda County homeless coordinated entry system has standards already in place with criteria such as health status, disability and self-care needs, age and household size (including the presence of children).
- Priority populations should include families with children, people that work in Berkeley, students enrolled in schools/higher education in Berkeley, and persons who have had a Berkeley address within the past 10 years.
- The permit should be available during an application window of 1-2 months and issued for up to three months, with an option to renew under limited/specified circumstances.
- Because the three-month permit process will be available for a limited time, the application and processing can be simplified.
- Staff should quickly identify, secure and prepare temporary locations for priority permit holders to stay; including on public or private property, and establish appropriate sanitary facilities and other necessary protocols and/or facilities to support RVs with priority permits.
- If necessary, a lottery or a standardized system to prioritize applications may be established to allocate limited spaces in an equitable manner.

Action Calendar

- No fee shall be required as the three-month permit program will be offered on a one-time basis only, to offer more intensive housing navigation and services to priority populations currently in Berkeley.

Refer to the Health, Life Enrichment, Equity & Community Policy Committee to establish basic criteria for a “permanent” standard two-week permitting process.

The standard two-week permit should consider the following:

- A limited number of permits to be issued by the City per month (or other increment).
- Locations to be geographically dispersed among all Council districts.
- A reasonable fee to cover City costs associated with the permit.

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

22. Missing Middle Report *(Continued from February 26, 2019. Contains revised materials)*

From: Councilmembers Droste, Bartlett, Robinson, and Kesarwani

Recommendation: Refer to the City Manager to bring back to Council a report of potential revisions to the zoning code to foster a broader range of housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services.

Report should include, but is not limited to: - Identifying where missing middle housing is optimal; - Allowing the possibility of existing houses/footprints/zoning envelopes to be divided into up to 4 units, potentially scaling the floor area ratio (FAR) to increase as the number of units increase on site, creating homes that are more affordable, saving and lightly modifying an older structure as part of internally dividing it into more than one unit; - Excluding very high fire severity zones as defined by Cal Fire and/or City of Berkeley; - Considering form-based zoning, which addresses the appropriate form, scale and massing of buildings as they relate to one another, as a potential strategy; - Creating incentives to maintain family-friendly housing stock while adding more diversity and range of smaller units; - Creating incentives for building more than one unit on larger than average lots; - Considering provision of tenant and vulnerable low-income homeowner protections, demolition controls, and no net loss provisions; - Considering provisions that align with our land value recapture policy objectives to maximize affordability in Berkeley.

Financial Implications: See report

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

Action: M/S/C (Droste/Harrison) to hold over Item 22, including revised materials, to April 23, 2019.

Vote: All Ayes.

Action Calendar

23. **Referral to City Manager to Scope Process and Estimate Cost of New General Plan**
From: Mayor Arreguin, and Councilmembers Hahn and Wengraf
Recommendation: Referral to the City Manager to return to City Council with an outline of the process for creating a new City of Berkeley General Plan. The cost for the first two years of work will be included in the report for consideration during the upcoming 2020-2021 Budget Process.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100
Action: Councilmember Davila added as a co-sponsor. Moved to Consent Calendar. Approved recommendation.
24. **Referral Response: 1000 Person Plan to Address Homelessness** *(Continued from February 26, 2019)*
From: City Manager
Contact: Kelly Wallace, Housing and Community Services, 981-5400
Action: Item 24 referred to the Agenda and Rules Committee for scheduling.

Information Reports

25. **Homeless Commission Meeting Cancellations**
From: City Manager
Contact: Peter Radu, Commission Secretary, 981-5400
Action: Received and filed.
26. **Berkeley Economic Dashboards**
From: City Manager
Contact: Jordan Klein, Economic Development, 981-7530
Action: Item 26 referred to the Agenda and Rules Committee for scheduling.
27. **Zero Waste Division's Integration of the Non-Exclusive Waste Hauler Commercial Franchisees Commercial Customers Update**
From: City Manager
Contact: Phillip Harrington, Public Works, 981-6300
Action: Received and filed.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 11:58 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of March 26, 2019 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item #19: ZAB Appeal: 1722 Walnut Street

1. John and Glen Stevick

Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking

2. Barryett Enge
3. Margy Wilkinson

Item #22: Missing Middle Report

4. Gloria Polanski
5. Walter Wood
6. Margo Hackett
7. Amber Turley
8. Savlan Hauser
9. Nancy Rodriguez-Bell
10. Susan Schwartz
11. Joe Berry
12. Ray Yep
13. Claire Broome
14. Miranda Worthen
15. Pepper Sbarbaro
16. Jane Kitchel
17. Vivian Warkentin
18. Alex Stillwell
19. Katherine Buss
20. Bob
21. Jeremy Thorner
22. Mike Berkowitz
23. Tom and Marilyn Poundstone
24. Theo Posselt
25. Peggy Nendelson
26. Adair Gerke
27. Sara Fain
28. Steve Douglas

Apothecarium

29. Lyra Wilde
30. Beverly Morgan

Infrastructure (General)

- 31. Bob and Jeanie Minor
- 32. Avran Gur Arye (2)
- 33. Bryce Nesbitt

Climate Change

- 34. Donald Goldmacher (4)
- 35. Thomas Lord

Encampments

- 36. Richard James
- 37. Jessie McFarland

Smoking

- 38. Carol Denney

North Berkeley BART

- 39. Judy Massarano
- 40. Dmitriy Shirchenko
- 41. Mariko Nobori
- 42. Kathleen Tuttle
- 43. Laura Lipman and George Clark
- 44. Barbara Fisher
- 45. Andrew Livsey
- 46. Lois Cantor
- 47. Karen Sumner
- 48. Peter Ewell and Helga Recke
- 49. Shoana Humphries
- 50. Meredith and Ed Gold

Plastic Food Container Ordinance

- 51. Jocelyn Berkowitz

Zero Waste Council Meetings

- 52. Sophie Hahn
- 53. Cheryl Davila

2-1-1 Monthly Report for January 2019

- 54. Eden I&R

East Bay Community Meetings

- 55. East Bay Community Energy

Neo-Nazi Plot

- 56. Donald Goldmacher

Trees on Public Property

57. David Lerman

West Campus Pool

58. Kamala Asher

Mr. Powell's Home

59. Margy Wilkinson

60. Steve Martinot

2190 Shattuck

61. Sally Nelson

Police Review Commission

62. George Perezvelez, Chairperson, Police Review Commission

Sanctuary Contracting Ordinance

63. Arthur Stopes III

Sonic Internet Permitting Process

64. Bill Kristy

65. Tad Laird

66. Susan Strouse

Adeline Corridor

67. Larisa Cummings

5G

68. Connie Anderson

69. Carol Hermanson

Fed Takeover of California Water Policy

70. Charlene Woodcock

End Daylight Savings Time

71. Omowale Fowles

Pacific Steel Casting Company

72. Janice Schroeder

DFSC Motion for Sirens

73. Gradiva Couzin, Chair, Disaster and Fire Safety Commission

Supplemental Communications and Reports 1

Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking

- 74. Revised material, submitted by Councilmember Harrison
- 75. Supplemental material, submitted by Councilmember Davila
- 76. William Tomaszewski, General Counsel, Wine.com
- 77. Dona Bretherick (2)
- 78. Sally Sommer
- 79. Jane Welford
- 80. Mike Lee
- 81. Gene Bernardi
- 82. Tina Chinn

Item #22: Missing Middle Report

- 83. Revised material, submitted by Councilmember Harrison
- 84. Chris Lee-Egan
- 85. Betsy Thagard
- 86. Elyce Klein
- 87. Rachel Gold
- 88. Mark Trainer
- 89. Tim Frank
- 90. Julia Zuckerman
- 91. Zelda Bronstein

Item #24: Referral Response: 1000 Person Plan to Address Homelessness

- 92. Jacquelyn McCormick
- 93. Rashi Kesarwani
- 94. Katie Cherbini
- 95. Boon Cheema (2)
- 96. Spike Alper
- 97. Virginia Browning
- 98. Raul Delarosa
- 99. Phuong Pham, on behalf of Bonchon Restaurant
- 100. Christopher Kohler (2)
- 101. M. Zint
- 102. Paul Kealoha Blake

Supplemental Communications and Reports 2

Item #1: Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)

- 103. Avram Gur Arye (4)

Item #19: ZAB Appeal: 1722 Walnut Street

- 104. John Stevick
- 105. Glen Stevick
- 106. Elizabeth Stevick Scherer

Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking

107. Supplemental materials, submitted by Councilmember Kesarwani
108. Janice Greenberg
109. Eric Friedman
110. Geoffrey Lomax
111. Steve Kromer
112. Jake Teitelbaum
113. Hali Hammer
114. Giancarlo Tucci-Berube
115. Emma Carlblom
116. Melissa Davies
117. Carol Denney
118. Del and Kathy Totten
119. Rebekah Punak
120. Fani Garagouni
121. Roya Arasteh
122. Fran Haselsteiner
123. Eric Friedman
124. Amelia Ng
125. C. Dean
126. Linda Dow
127. Christopher Riess
128. Lynne Clenfield
129. Dan McDunn
130. Sally Sommer
131. Debbie Claussen
132. Autumn Moon
133. Bernice Gross
134. Andrea Segall
135. Janice Green
136. Susan Payne
137. R. Robson
138. Dr. Bruce Brody
139. Dr. Lin Druschel
140. Eric Rawlins
141. David Kilimnik
142. Janice Greenberg
143. Dana Hymel
144. Hillary Kilimnik
145. Juniperangelica Cordova
146. Johan van Walsem
147. Miranda Weintraub
148. Jeremy Weintraub
149. Christine Schwartz

Item #22: Missing Middle Report

150. Revised materials, submitted by Councilmember Droste
151. Ben Gould
152. Courtney Brosseau
153. Jeff Vincent
154. Joshua Davis
155. Bernard Marszalek
156. Elisa Batista
157. Charles Kahn
158. Ella Smith
159. Catherine Betts
160. Caroline Massa Francis
161. Sarah Abdeshahian
162. Shirley Dean
163. Nicole Blaquiere
164. Chudi Ndubaku
165. Nathan Francis
166. Michael O'Hare
167. Suzanne Schafer
168. 19 'in support of' form letters

Item 22: Missing Middle Report

169. 374 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking

170. Mayor Arreguin, Councilmembers Hahn and Kesarwani
171. Dawn Williams, on behalf of Read Investments
172. Janice Greenbert
173. Kaushal Mehta
174. Diana Bohn
175. Fredrika Newton
176. Paul Gumpel
177. Autumn Moon
178. Danielle Hacker
179. Matteo Girard Maxon, on behalf of Ancient Organics
180. Harald Frey
181. Lauren Parsons
182. Sherrod Blankner, on behalf of 4th Street Fine Art
183. Jessica Behrman
184. Ellen Woods
185. C. Dean
186. Mimi Mounovan
187. Alice Slaughter
188. Nick Z.

189. Caitlin and John Jennings
190. Diana Gordon, on behalf of Kete'r Salon
191. Thomas Graly
192. Julia Cato
193. Carly Ebenstein
194. James Whiting, on behalf of The Potter's Studio
195. Cymbre Potter
196. William Rosen
197. Geoffrey Lomax
198. Amy Hill
199. Linda T.
200. S. Omowale Fowles
201. Bernice Gross
202. Mary Behm-Steinberg
203. Steven Donaldson
204. Becky O'Malley
205. Linda Franklin
206. Jessica Jennings
207. Nicholas Townsend
208. Parisa Jorjani
209. Koralie Hill
210. Charlene Woodcock
211. Tracy Fidelman
212. Janice Schroeder
213. Samuel Hatton
214. Caroline Winnett, on behalf of Berkeley SkyDeck
215. Marcia Dubois
216. Katherine Bierce
217. Moni Law
218. April Higashi
219. Echo Lee
220. Thomas Slocumb
221. Brian Wood
222. Stephen LaMond
223. Rob Reiter
224. Candice Hacker
225. 6 'form letter is support'

Item #22: Missing Middle Report

226. Nancy Lemon
227. Laurie Capitelli
228. Mary Louise Gifford
229. Layla Chamberlin
230. Raphael Villagrancia
231. Vivian Warkentin
232. Wanda Warkentin
233. Amir Wright

- 234. Sara Abdeshahian, on behalf of the Cal Berkeley Democrats (2)
- 235. Connor DeGraff
- 236. Aaron Stein-Chester
- 237. Tom Slocumb
- 238. 7 "form letters" in support

Climate Change

- 239. Natalie Nussbaum

Berkeley Marina Parking Fees

- 240. Dave Kent and Margaret Love
- 241. Jonathan Love

Healthy Black Families

- 242. Healthy Black Families, Inc.

