



Office of the City Manager

CONSENT CALENDAR  
May 28, 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 April 2, 2019 (regular), April 23, 2019 (special and regular), April 29, 2019 (special closed), and April 30, 2019 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. April 2, 2019–Regular City Council Meeting
2. April 23, 2019–Special City Council Meeting
3. April 23, 2019–Regular City Council Meeting
4. April 29, 2019–Special Closed City Council Meeting
5. April 30, 2019–Special City Council Meeting
6. April 30, 2019–Regular City Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 2, 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:** 6:12 p.m.

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

**Absent:** Droste

**Ceremonial Matters:**

1. Recognition of Parkinsons Awareness Month
2. Recognition of the 70<sup>th</sup> Anniversary of KPFA
3. Adjourned in Memory of Ethel Murrey
4. Adjourned in Memory of Nipsey Hussle
5. Adjourned in Memory of persons that have died in the Right to Return Marches

**City Manager Comments:**

1. Berkeley Bay Festival, April 6 at 11:00am at Shorebird Park

**City Auditor Comments:** None

**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 (Harrison/Wengraf) to adopt the Consent Calendar in one motion except as indicated.

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

## Consent Calendar

- 1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 2, 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 Fund - \$7,265,675  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 2. Contract No. 9863 Amendment: Arup North America, Ltd. for Construction Support Services for the Shattuck Reconfiguration and Pedestrian Safety Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9863 with Arup North America, Ltd. for Construction Support Services for the for the Shattuck Reconfiguration and Pedestrian Safety Project, increasing the contract by \$50,000, for a total amount not to exceed \$763,800, and extending the term of the contract from June 30, 2019 to June 30, 2021.  
**Financial Implications:** Capital Improvement Fund - \$50,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,804–N.S.

## Council Consent Items

- 3. Budget Referral: Opening the West Campus Pool Year-Round**  
**From: Mayor Arreguin and Councilmembers Davila and Hahn**  
**Recommendation:** Refer to the FY2020 Budget Process at least \$213,000 and up to \$481,745 to reinstate the year-round opening of the West Campus Pool.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Approved recommendation.

## Council Consent Items

- 4. Co-Sponsorship and Budget Referral for the 2019 Bay Area Book Festival**  
**From: Mayor Arreguin, and Councilmembers Wengraf, Harrison, and Davila**  
**Recommendation:**

  1. Adopt a Resolution approving official City of Berkeley co-sponsorship of the non-profit Bay Area Book Festival to be held from May 4-5, 2019 in Downtown Berkeley; and
  2. Refer an allocation of \$50,000 for the Bay Area Book Festival to the FY 2020/2021 Budget Process.

**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** 1. Adopted Resolution No. 68,805–N.S. 2. Approved recommendation.
  
- 5. Opposition to Eliminating Settlement Conferences for Unlawful Detainer Cases**  
**From: Mayor Arreguin, and Councilmembers Bartlett, Harrison, and Robinson**  
**Recommendation:** Adopt a Resolution urging the Alameda County Superior Court to rescind its proposal to eliminate settlement conferences for half of all unlawful detainer cases. Send a copy of the Resolution to the Presiding Judge of the Alameda County Superior Court.

**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,806–N.S.
  
- 6. Women’s Daytime Drop-In Center: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Davila, Hahn, Harrison, and Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to the Women’s Daytime Drop-In Center, for their 31st Annual Chance for Change on May 4, 2019, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Funds - \$150  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,807–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Wengraf - \$250; Councilmember Harrison - \$250; Councilmember Davila - \$250; Councilmember Robinson - \$100; Councilmember Bartlett - \$250.

## Council Consent Items

7. **Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification**

**From: Councilmembers Harrison, Davila, Robinson, and Hahn**

**Recommendation:** Refer to Berkeley's Energy Commission to hold four separate special public outreach and educational meetings regarding electrification in new buildings:

1. A meeting with community members;
2. A meeting with building professionals and labor (buildings trades, contractors, architects, engineers etc.);
3. A meeting with affordable housing developers;
4. A meeting with market-rate developers.

**Financial Implications:** See report

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

**Action:** Approved revised recommendation as written in Supplemental Communications Packet #2 and noted below.

*Refer to Berkeley's Energy Commission to hold two separate special public outreach and educational meetings regarding electrification in new buildings by July 31, 2019:*

- 1. A meeting regarding multi-family, mid/high-rise buildings, including those with ground floor commercial;*
- 2. A meeting regarding commercial buildings (without housing), including manufacturing.*

8. **Proclamation in Honor of Holocaust Remembrance Day**

**From: Councilmembers Wengraf, Robinson, and Hahn, and Mayor Arreguin**

**Recommendation:** Adopt the Holocaust Remembrance Day Proclamation for the 17th annual Holocaust Remembrance Day program.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

**Action:** Adopted proclamation.

## Council Consent Items

9. **Berkeley World Music Festival: 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 \$250 per Councilmember including \$250 from Councilmember Robinson, to the Berkeley World Music Festival to assist with payment to artist fees, 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 - \$250  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Adopted Resolution No. 68,808–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Wengraf - \$100; Councilmember Harrison - \$100; Councilmember Davila - \$150; Councilmember Bartlett - \$150.
10. **Support for AB-969 (Collective Bargaining: Legislature)**  
**From: Councilmembers Robinson, Harrison, and Davila**  
**Recommendation:** Send a letter to Senator Skinner and Assemblymembers Wicks and Gonzalez supporting AB-969, which would provide employees of the state legislature the right to participate in employee organizations for the purpose of collective bargaining and other aspects of employer-employee relations.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
11. **Support for SCA-1: Public Housing Projects**  
**From: Councilmember Robinson, Mayor Arreguin, and Councilmembers Harrison and Droste**  
**Recommendation:** Adopt a resolution supporting SCA-1, which repeals Article 34 of the state constitution, requiring a citywide vote for construction of publicly funded low income housing projects. Copies of the resolution will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, Senator Bill Allen, and Senator Scott Weiner.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Adopted Resolution No. 68,809–N.S.

## Council Consent Items

### 12. Adopt a Spot Initiative

**From: Councilmembers Droste and Kesarwani**

**Recommendation:** Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.

**Financial Implications:** Staff time

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

**Action:** Councilmember Bartlett added as a co-sponsor. Moved to Action Calendar. Item Title changed to "Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces." Item 12 held over to April 23, 2019.

## Action Calendar

### 13. Implementation of Resolution 68,132 (Council Funding for Additional Services Amending Contracts with Eviction Defense Center ("EDC") and East Bay Community Law Center ("EBCLC") For The Period Ending June 30, 2018

**From: Rent Stabilization Board**

Contact: Jay Kelekian, Rent Stabilization Board, 981-7368

**Action:** 6 speakers. Presentation made and discussion held.

Recess 8:49 p.m. – 9:17 p.m.

## Action Calendar – Public Hearings

### 14. New Marina Fee – South Cove Parking Lots

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving a new Marina Fee Schedule to include a new parking fee in the South Cove Parking lot, and rescinding Resolution No. 68,415-N.S. and all amendatory resolutions.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 17 speakers.

**Action:** M/S/C (Hahn/Harrison) to continue the public hearing to April 30, 2019.

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

## Action Calendar – Public Hearing

15. **Draft Supplemental Environmental Impact Report for Upper Hearst Development and Amendment to 2020 Long Range Development Plan**  
**From: Mayor Arreguin and Councilmember Wengraf**  
**Recommendation:** Discuss the draft Supplemental Environmental Impact Report (SEIR) for the Upper Hearst Development and Minor Amendment to the 2020 Long Range Development Plan. Provide direction to the City Manager on formal comments to the Upper Hearst SEIR. Comments to be submitted to UC Berkeley by the April 8, 2019 deadline.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** 0 speakers. Council discussed the SEIR and provided feedback to staff.



## Action Calendar – Public Hearing

### 16. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

*(Continued from March 12, 2019)*

**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

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:30 p.m., and to hold over Item #12 to April 23, 2019.

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

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental material from Councilmember Hahn on Item 16.

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

**Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 11:45 p.m., and to extend debate for 20 minutes.

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

**Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:00 a.m.

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

**Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:15 a.m.

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

## Action Calendar – Public Hearing

**Action:** M/S/C (Hahn/Arreguin) to suspend the rules and extend the meeting to 12:20 a.m.

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

**Public Testimony:** The Mayor opened the public hearing. 12 speakers.

**Action:** M/S/C (Arreguin/Hahn) on the severed portion to state the intent of Council to limit the number of retail establishments to a total of seven (including the equity applicant) for a period of three years.

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

**Action:** M/S/C (Arreguin/Hahn) to adopt first reading of Ordinance No. 7,645–N.S. (Amend BMC Title 12); Ordinance No. 7,646–N.S. (Add BMC Chapter 20.40); Ordinance No. 7,647–N.S. (Amend BMC Chapter 23C.25); Ordinance No. 7,648–N.S. (Amend BMC Sub-Title 23.E); and Ordinance No. 7,649–N.S. (Amend BMC Sub-Title 23F) with amendments as noted below. Second reading scheduled for April 23, 2019.

- Amend Section 12.21.040.D to state that “Cannabis Businesses shall only obtain Cannabis from licensed cultivators distributors as authorized by California law”
- Amend Section 12.22.040.F.3 to reflect the Community Health Commission recommendations regarding size of type on signage and location of signage at Retailers;
- Approve Alternative B (Cannabis Commission Recommendation) in 12.21.040.H.2 requiring Retailers, Distributors and Cultivators to have security cameras, alarms and lighting but no guards;
- Approve Alternative A (Staff Recommended Language) in 12.21.040.I.1 requiring Retailers, Distributors and Cultivators to secure exterior windows and doors with bars and metal gates, or have a security guard on site during non-business hours;
- Amend Section 12.22.030 as recommended by staff “No Principal of any business of a certain license...”
- Strike Section 12.22.040(D) “Retailers may not distribute free samples”;
- Approve Alternative A (Staff Recommended Language in 12.22.040.H.1 allowing delivery from established retailers to customer residences but prohibiting dynamic delivery;
- Strike Sections 12.22.070(4)and(5);
- Remove language in BMC Section 12.22.100 permitting Cannabis Events;
- Remove Section 20.40.130(D), “Signage may not include depictions of cannabis or cannabis products. Logos with such depictions are also prohibited on signs.”

## Action Calendar – Public Hearing

- Remove Section 23C.25.010.E regarding “No changes in ownership or approved location”;
- Approve Alternative C (Planning and Cannabis Commission Recommendation) in Section 23C.25.010.B “Retail Uses”, keeping existing 600 foot buffers for Retailers;
- Approve Alternative A (Staff Recommended Language) in Section 23C.25.040.B.2(b) permitting Retail Nursery Microbusinesses as of right with a Zoning Certificate in the C- and M- prefixed zones.
- Refer the Civic Arts Commission’s recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses
- “Delivery-Only Retailer” should be moved to a stand-alone definition in Section 12.21.020
- Include Staff Recommendation Alternative A in Section 23C.25.010.F.1 regarding a limit of six retailers
- Amend Section 12.21.090 to change nuisance to administrative citation
- Add a ban on dynamic delivery

Deferring to Phase 2 of Cannabis Ordinance amendments:

- On-site consumption of cannabis products
- Buffers for Retailers
- and Community Health Commission recommendations on health/warning signage

Stating the intent of the City Council that with the exception of a seventh Equity Retail license, that the Council will not approve any additional Retail permits for a period of three years.

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

## Action Calendar

### 17. Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley

**From: Councilmembers Davila and Harrison**

**Recommendation:** Create a comprehensive program to support those living in their vehicles, including but not limited to RVs, to stay in Berkeley without fear of being criminalized, harassed, displaced, fined or having their vehicles confiscated, and with the support needed to have minimal impact on the neighborhoods in which they reside. The program could include: -Issuing 3-6 month permits for vehicles in running order with an option to renew if no validated complaints have been filed. -Creating a registration process that identifies any additional support needed. -Specifying a consistent, clear and transparent process for investigating complaints to determine validity and issuing warnings. -Distributing permits equally across all parking permit districts and identifying any restrictions on parking (i.e. near schools given bus access, etc.). -Creating an affordable sliding scale permit structure based on size of vehicle, weight, number of wheels, etc. -Providing pump-out services, waste disposal and social services as needed. -Creating a pump-out station for use by RVs within the City of Berkeley. -Creating a program for up to \$3,000 per a vehicle for mechanical and sanitation repairs as well as registration and offering a grace period to get vehicles into compliance for a permit. -Piloting a Safe Parking program modeled after Oakland’s pilot: 4-8 sites with 6-10 vehicles parked at business, school, community or faith-based site parking lots, including support and sanitation services.

Vehicles with permits are exempt from Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120.

**Financial Implications:** See report

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

**Action:** M/S/Failed (Harrison/Davila) to refer the item, including supplemental materials, to the Health, Life Enrichment, Equity and Community Committee.

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

**Action:** 27 speakers. M/S/Carried (Arreguin/Wengraf) to refer the item, including supplemental materials, to the Agenda and Rules Committee for future scheduling.

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

## Action Calendar

### 18a. **Effective Enforcement of Safe Lead-Paint Practices**

#### **From: Community Environmental Advisory Commission**

**Recommendation:** Direct the City Manager to prepare two ordinances as described below and return them for vote of the City Council within two months, so that when passed the city staff can effectively intervene when painters ignore safe practices they have agreed to uphold in removing lead paint from structures built before 1978:

1. An ordinance adding safe lead-paint practices (already mandated by the state and federal governments) to the City Code so that such practices can be regularly enforced as part of code enforcement; [this ordinance could follow the wording of an ordinance proposed in the City of Emeryville in 2017.

2. An ordinance in accord with California law that allows the city to be reimbursed for costs (staff time) for enforcement efforts (thus making it cost-effective for the City staff to engage in enforcement) and to automatically add fines up to \$1,000 for each day of failing to comply with orders to cease unlawful practices. This ordinance could apply generally to all municipal code violations, in addition to lead paint cleanup, to fund and reimburse stronger enforcement efforts by the City.

**Financial Implications:** See report

Contact: Viviana Garcia, Commission Secretary, 981-7460

### 18b. **Companion Report: Effective Enforcement of Safe Lead-Paint Practices**

#### **From: City Manager**

**Recommendation:** Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices.

**Financial Implications:** See report

Contact: Timothy Burroughs, Planning and Development, 981-7400; Kelly Wallace, Housing and Community Services, 981-5400

**Action:** Moved Item 18b to Consent Calendar. Approved recommendation with the following amendments:

- Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections.
- Options for noticing and distributing disclosure information.
- Enforcement by the City or the County, if feasible.

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

## Adjournment

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

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

Adjourned at 12:16 a.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of April 2, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### **Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

1. Liz Williams (2)
2. Carol Denney

### **Fair Chance Ordinance**

3. Paola Laverde, Chair, Rent Stabilization Board

### **Blanket Upzoning**

4. Zelda Bronstein

### **Rosa Parks 5<sup>th</sup> Grade Mock Trial**

5. Ty Alper

### **Abe's Military Base Plan for Okinawa**

6. Breanne Slimick, on behalf of the Peace and Justice Commission

### **Investing in the City of Berkeley**

7. Dmitri Kaminski

### **North Berkeley BART**

8. Barbara Angle

### **Eastbay Community Energy Default Option**

9. Alan Gould

**5G**

10. Vivian Warkentin (2)

**Climate Change**

11. Thomas Lord

12. Olga Bolotina

**SB 50 Bonus Densities**

13. Avram Gury Arye (3)

**Fiscal Responsibility**

14. Bob Flasher

**2701 Shattuck**

15. Daniel Jurnover

**Berkeley Recycling**

16. Barbara Gilbert

**Berkeley City Council Broadcasts**

17. Barbara Gilbert

**Supplemental Communications and Reports 1**

**Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

18. Supplemental material, submitted by the Planning and Development Department

19. Llyana Landes

20. Elizabeth Starr

**Item #17: Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley**

21. Supplemental material, submitted by Councilmember Bartlett

**Supplemental Communications and Reports 2**

**Item #3: Budget Referral: Opening the West Campus Pool Year-Round**

22. David Hubbard

23. Kate Brubeck

24. Stacey Singleton

25. Arnold Kessler

26. Donna Mickleson

27. Will Tams

28. Michele Manning

29. Cindi Goldberg

30. Howard Goldberg (2)

31. Lydia Ruiz

32. Linda Worthman

33. Stevanne Auerbach

- 34. Summer Brenner
- 35. Rebecca Burke
- 36. Lydia Ruiz
- 37. Jane Ellis
- 38. Zee Zeleski
- 39. Helga Recke
- 40. Gael Alcock
- 41. Chuck Herndon

**Item #7: Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification**

- 42. Revised material, submitted by Councilmember Harrison

**Item #14: New Marina Fee – South Cove Parking Lots**

- 43. Laurin Vincent

**Item #15: Draft Supplemental Environmental Impact Report for Upper Hearst Development and Amendment to 2020 Long Range Development Plan**

- 44. Charlene Woodcock
- 45. Dean Hunsaker

**Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

- 46. Carol Denney
- 47. Martin Nicolaus
- 48. Oceans 3

**Item #17: Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley**

- 49. Supplemental material, submitted by Councilmember Bartlett
- 50. Revised material, submitted by Councilmember Harrison
- 51. William Tomaszewski, General Council on behalf of Wine.com
- 52. Amber Richardson
- 53. Natasha Robinson
- 54. Gary Parsons
- 55. Ann Garbarino
- 56. April Gilbert
- 57. Stanislaw Sobolewski
- 58. Lynne Clenfield
- 59. Gene Bernardi

**Item #18a: Effective Enforcement of Safe Lead-Paint Practices**

- 60. Kelly Wong

**Item #15: Draft Supplemental Environmental Impact Report for Upper Hearst Development and Amendment to 2020 Long Range Development Plan**

- 61. 72 Communications submitted via Berkeley Considers, includes summary information.



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

#### **Item #3: Budget Referral: Opening the West Campus Pool Year-Round**

- 62. Diane Tomkins
- 63. Teal Major
- 64. Lia Olson
- 65. David Hubbard
- 66. Donna Mickleson
- 67. Amanda Berger

#### **Item #13: Implementation of Resolution 68,132 (Council Funding for Additional Services Amending Contracts with Eviction Defense Center (“EDC”) and East Bay Community Law Center (“EBCLC”) For The Period Ending June 30, 2018**

- 68. Presentation, submitted by Mayor Arreguin
- 69. Barbara Gilbert
- 70. Janice Greenberg
- 71. Jonathan Weldon

#### **Item #14: New Marina Fee – South Cove Parking Lots**

- 72. Presentation, submitted by Parks, Recreation & Waterfront

#### **Item #16: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

- 73. School map, submitted by Councilmember Hahn
- 74. Presentation, submitted by Planning and Development
- 75. May Simpson, Chair, Community Health Commission
- 76. Virginia Browning
- 77. James
- 78. Jodie Appell
- 79. Elena Lingas
- 80. Clifford Fred
- 81. Laurin Vincent
- 82. Friedner Wittman

#### **Item #17: Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley**

- 83. Carly Ebenstein
- 84. Diana Bohn
- 85. George Torgun
- 86. Stephen LaMond (2)
- 87. Councilmember Harrison
- 88. Robert Glantz
- 89. Maurice Levitch
- 90. Judith Malamut
- 91. Paul Gumpel
- 92. Colin Palmquist
- 93. Ory Sandel

- 94. Erica Newton
- 95. Linda Dulong
- 96. Tom Luce

**Berkeley World Music**

- 97. Stuart Baker, on behalf of the Telegraph Business Improvement District

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

**Tuesday, April 23, 2019**

**4:00 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:** 4:05 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 4:42 p.m.

**Action Calendar – Public Hearing**

**1. Submission of the PY 2019 Annual Action Plan Including Allocations of Federal Funds to Community Agencies**

**From:** City Manager

**Recommendation:** Conduct a public hearing on the federal Program Year (PY) 2019 Annual Action Plan (AAP) for federal funds, including the allocation of federal funding for community agencies for FYs 2020 - 2023, and upon conclusion, adopt a Resolution:

1. Approving proposed funding allocations under the FY 2020 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and
2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and
3. Allocating 85% of the FY 2020 HOME funds to the Housing Trust Fund, up to 5% for Community Housing Development Organization (CHDO) operating funds 10% for program administration; and
4. Authorizing the carryover of any ESG unspent funds from FY 2018 and FY 2019 and allocate those funds to the Coordinated Entry System (CES) – the HUB – to be used for ESG eligible activities in FY 2020; and
5. Authorizing the City Manager to submit the PY 2019 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

**Financial Implications:** See report

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

## Action Calendar – Public Hearing

**Public Testimony:** The Mayor opened the public hearing. 25 speakers.  
M/S/C (Bartlett/Wengraf) to close the public hearing.  
**Vote:** All Ayes.

**Action:** M/S/Failed (Bartlett/Davila) to adopt the staff recommendations amended to reduce the Habitat for Humanity allocation by 50% and allocate the remaining funds to Rebuilding Together.

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

**Action:** M/S/Carried (Arreguin/Hahn) to 1) adopt Resolution No. 68,810–N.S. to adopt the staff recommendations; and 2) refer the funding for Rebuilding Together to the June budget process.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:23 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of April 23, 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: Submission of the PY 2019 Annual Action Plan Including Allocations of Federal Funds to Community Agencies**

1. Suzanna Yeh

## Supplemental Communications and Reports 3

**Item #1: Submission of the PY 2019 Annual Action Plan Including Allocations of Federal Funds to Community Agencies**

2. Presentation, submitted by HHCS

3. Sarah McKinney, Assistant Director, Community Living at Toolworks
4. Cedric Rixter
5. Fernando "Cino" Alvarez
6. Marylouise Lambert
7. Unknown
8. Stella Tan

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 23, 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:** 6:35 p.m.

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

**Absent:** None

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Recognition of Stiles Hall Berkeley Scholars to Cal
2. Recognition of Osha Neumann
3. Holocaust Remembrance Day Event – April 28, 2019, 11:30am, 2121 Allston Way
4. Presentation: Alameda County Mosquito Abatement District
5. Adjourned in Memory of Sue Hone, Former Berkeley City Councilmember

**City Manager Comments: None**

**City Auditor Comments:**

The City Auditor noted Item 5 and the importance of contracting for the needed expertise to complete the FUND\$ replacement project; Noted the progress made on audit recommendations by the IT Dept., Fire Dept., and City Manager's Office.

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

**Public Comment on Consent Calendar and Information Items Only:** 30 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

### 1. Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

#### From: City Manager

**Recommendation:** Adopt second reading of Ordinance Nos. 7,645-N.S., 7,646-N.S., 7,647-N.S., 7,648-N.S., and 7,649-N.S., 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); and
4. Protect youth by restricting cannabis advertising within the city.

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.

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

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Davila) to accept revised material from staff on Item 1

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

Councilmember Wengraf absent 8:40 p.m. – 8:44 p.m.

Councilmember Droste absent 8:40 p.m. – 8:51 p.m.

**Action:** Moved to Action Calendar. 5 speakers. M/S/C (Arreguin/Davila) to:

- 1) Adopt the second reading of Ordinance No. 7,646–N.S. (Add BMC Chapter 20.40); Ordinance No. 7,648–N.S. (Amend BMC Sub-Title 23.E); and Ordinance No. 7,649–N.S. (Amend BMC Sub-Title 23F);
- 2) Adopt the first reading of Ordinance No. 7,645-N.S. (Amend BMC Title 12) and Ordinance No. 7,647–N.S. (Amend BMC Chapter 23C.25) with the amendments listed below.

12.22.040.H.2 (Deliveries)

~~j. A manifest must be created for each delivery or series of deliveries prior to departure from the Retailer or Delivery-Only Retailer, and the employee may not make any unnecessary stops between deliveries or deviate substantially from the manifest route, unless a stop is necessary for personal safety.~~

~~kj.~~ All orders to be delivered shall be packaged ~~at the Retailer or Delivery-only Retailer~~ by the name or identification number of the Customer for whom the delivery is intended.

~~lk.~~ The person responsible for making deliveries shall have a copy of the record of all delivery requests while making deliveries.

## Consent Calendar

- m]. All Retailers that provide delivery service shall maintain at all times Commercial General Liability insurance providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000). The Commercial General Liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for immediate suspension of the privilege of providing delivery service.

### 23C.25.040.B (Retail Nursery Microbusinesses)

#### 2. Retail Nursery Microbusinesses

- a. ~~Two existing nurseries are permitted to convert to a Retail Nursery Microbusiness, regardless of the number of Retailers and Cultivators in the City. For purposes of this Section, "Existing Nursery" means a plant nursery in the City of Berkeley as of the effective date of the ordinance.~~
- b. ~~These businesses~~ A maximum of two Existing Nurseries are permitted to convert to Retail Nursery Microbusiness, either: 1) by right with a Zoning Certificate in C- and M-prefixed zoning districts, if they comply with the development standards set forth in the Zoning Ordinance and in this Chapter for each activity conducted on the premises; or 2) subject to the requirement to obtain a Use Permit as set forth in Chapter 23B.32 for
- c. ~~If the existing nursery is located entirely or partially in an R-prefixed district, conversion to a Retail Nursery Microbusiness will be subject to requirements for substantial expansion or change in character to non-conforming uses in R-prefixed districts (Section 23C.04.060.B). The Zoning Certificates and/or Use Permits shall be approved notwithstanding the number of Retailers and Cultivators in the City.~~
- dc. Zoning Certificates and/or Use Permits shall be issued to Existing Nurseries on a first-come, first-served basis. The right to retain one of the allocated Zoning Certificates shall be determined based on the date of issuance of a concurrent Business License and establishing and continuously operating the business or, if a Use Permit is required, on the date the application for the Use Permit is deemed complete so long as the Use Permit is implemented with a Business License within 30 days of approval and establishing and continuously operating the business.
- ed. The 600-foot retail buffer shall not apply between Storefront Retailers and Retail Nursery Microbusinesses.

**Vote:** All Ayes.



## Consent Calendar

- 2. Contract: Masayuki Nagase for North Berkeley Senior Center Measure T1 Public Art Commission**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$100,000, and any amendments thereto, with Masayuki Nagase for a public art commission for North Berkeley Senior Center.  
**Financial Implications:** Public Art Fund - \$100,000  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Adopted Resolution No. 68,811–N.S.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 23, 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 - \$5,680,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 4. Purchase Orders for Crayon Inc.: Using Riverside County’s Joint Volume Licensing Program to Renew Microsoft’s Enterprise Agreement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a three-year renewal of the City’s “Enterprise Agreement” (EA) for Microsoft licenses purchased through Crayon Inc., utilizing a cooperative purchasing agreement established by the County of Riverside’s joint volume licensing program for the period beginning May 1, 2019 through April 30, 2022 for an amount not-to-exceed (NTE) \$2,968,000.  
**Financial Implications:** Various Funds - \$2,968,000  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,812–N.S.
- 5. Contract No. 118499-1 Amendment: Civic Makers, LLC for FUND\$ Replacement Change Management Support Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 118499-1 with Civic Makers, LLC for extension of FUND\$ Replacement related Change Management Support Services, increasing the amount by \$400,000, for a total not to exceed \$529,025 from December 1, 2017 to June 30, 2021.  
**Financial Implications:** FUND\$ Replacement Fund - \$400,000  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,813–N.S.

## Consent Calendar

- 6. Donation: Memorial Bench at Cesar Chavez Park in memory of Julio Costa Furtado**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Julio Costa Furtado.  
**Financial Implications:** Marina Fund - \$3,400 (donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,814–N.S.
- 7. Donation: Memorial Bench at Cesar Chavez Park in memory of Barry Wofsy**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park at the Berkeley Marina in memory of Barry Wofsy.  
**Financial Implications:** Marina Fund - \$3,400 (donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,815–N.S.
- 8. Donation: Information Display Case at the Berkeley Rose Garden**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation of an information display case valued at \$7,429 from the Friends of the Berkeley Rose Garden.  
**Financial Implications:** \$7,429 (donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,816–N.S.
- 9. Grant Application: Cosco Busan Round 2 Grant Program from the National Fish and Wildlife Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: submit a grant application in the amount of \$182,000 to the National Fish and Wildlife Foundation for the Cosco Busan Round 2 Grant Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,817–N.S.

## Consent Calendar

- 10. Contract No. 9668 Amendment: Serological Research Institute for DNA Testing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9668 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$250,000 for a total not to exceed amount of \$750,000 and a contract term extension for three additional years until June 30, 2022.  
**Financial Implications:** State Proposition 172 Fund - \$250,000  
Contact: Andrew Greenwood, Police, 981-5900  
**Action:** Adopted Resolution No. 68,818–N.S.
- 11. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation & Surface Seals FY 2019 Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Street Rehabilitation & Surface Seals Project, Specification No. 19-11271-C; accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$5,688,307.  
**Financial Implications:** Various Funds - \$5,688,307  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,819–N.S.
- 12. Contract No. 10276A Amendment: Interface Engineering, Inc. for On-Call Electrical Engineering Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Interface Engineering, Inc., Contract No. 10276A, for on-call electrical engineering consulting services, increasing the contract amount by \$90,000, for an amount not-to-exceed \$220,000, and extending the contract from June 30, 2019 to June 30, 2020.  
**Financial Implications:** Various Funds - \$90,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,820–N.S.

## Consent Calendar

- 13. Authorize Negotiation in the Open Market for the FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification 18-11183-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. accepting staff report that no bids were received when Specification No. 18-11183-C, FY2018 Measure M Low Impact Development Woolsey Street Project was re-advertised; and 2. authorizing the City Manager to negotiate in the open market in accordance with Article XI, Public Works and Supplies, Section 67(a.) of the City Charter.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,821–N.S.
- 14. Resources for Community Development’s 2001 Ashby Avenue Predevelopment Loan Application**  
**From: Housing Advisory Commission**  
**Recommendation:** Authorize funding for the Resources for Community Development (RCD) predevelopment loan application for \$368,000 for its proposed development at 2001 Ashby Avenue.  
**Financial Implications:** See report  
Contact: Amy Davidson, Commission Secretary, 981-5400  
**Action:** Approved recommendation.
- 15. Senate Constitutional Amendment 1 and Assembly Bill 10**  
**From: Housing Advisory Commission**  
**Recommendation:** Endorse Senate Constitutional Amendment (SCA) 1 and Assembly Bill (AB) 10.  
**Financial Implications:** See report  
Contact: Amy Davidson, Commission Secretary, 981-5400  
**Action:** Approved recommendation revised to remove references to SCA 1 which was previously endorsed by the City Council.

## Council Consent Items

- 16. Authorize Sending a Letter of Support for AB-953 “Cannabis: state and local taxes: payment by digital asset” to Assemblymember Phil Ting**  
**From: Councilmember Bartlett**  
**Recommendation:** That the City Council authorize sending a letter of support for AB-953 to Assemblymember Ting. AB-953 will allow state and local tax authorities to collect cannabis-generated taxes via stable digital currencies. This will help to address legal cannabis businesses’ underbanking problem.  
**Financial Implications:** Minimal  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Robinson) to approve the recommendation.  
**Vote:** All Ayes.

## Council Consent Items

17. **The Center for Food, Faith, and Justice and Green the Church: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per council member, including \$500 from Councilmember Bartlett, to the “Black, Green, and Traumatized: Environmental Trauma and Mental Health” event hosted by The Center for Food, Faith, and Justice and Green the Church on April 27th from 10am-3pm at McGee Avenue Baptist Church, 1640 Stuart Street, Berkeley, CA 94703. The funds will be relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$500  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 68,822–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Harrison - \$100; Councilmember Davila - \$250; Councilmember Robinson - \$100; Councilmember Wengraf - \$100.
18. **Black Repertory Group Theater: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$3,000 per council member, including \$3,000 from Councilmember Bartlett, to the Black Repertory Group, with funds relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$3,000  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 68,823–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Davila - \$250; Councilmember Robinson - \$100.
19. **U1 Funds for Predevelopment Costs of Proposed Development at 2001 Ashby Avenue**  
**From: Councilmember Bartlett and Mayor Arreguin**  
**Recommendation:** Adopt a Resolution allocating \$368,000 of General Funds from Measure U1 tax receipts to Resources for Community Development (RCD) for predevelopment costs at 2001 Ashby Avenue.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 68,824–N.S.

## Council Consent Items

- 20. Budget Referral: Good Government Ombudsman**  
**From: Councilmembers Harrison and Davila**  
**Recommendation:** Refer to the 2019/2020 budget process to establish a Good Government Ombudsman to facilitate enforcement of Berkeley's good government laws through the City Clerk and City Attorney's Office.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Approved recommendation.
- 21. Support for Zero Emission Bills**  
**From: Councilmembers Harrison, Davila, Hahn, and Robinson**  
**Recommendation:**  
1. Adopt a resolution of support for two bills that will move California towards eliminating greenhouse gas emissions from the transportation sector: AB 40, which calls for all cars sold in California to be zero-emission by 2040, and AB 1418, which calls for all public school buses in California to be zero-emission by 2030.  
2. Send letter of support to Senator Skinner and Assemblymember Wicks.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** 1. Adopted Resolution No. 68,825–N.S. 2. Approved recommendation.
- 22. Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE (Reviewed by the Agenda and Rules Committee)**  
**From: Councilmembers Harrison, Davila, and Bartlett**  
**Recommendation:** That the City Council adopt the attached Sanctuary Contracting Ordinance as amended. This ordinance prohibits the award of city contracts to vendors acting as U.S. Immigration and Customs Enforcement data brokers, or those providing extreme vetting services.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Adopted first reading of Ordinance No. 7,650–N.S. Second reading scheduled for May 14, 2019.
- 23. Resolution in Support of a Public Bank**  
**From: Councilmembers Harrison, Davila, and Robinson, and Mayor Arreguin**  
**Recommendation:** Adopt a resolution affirming Berkeley's support for public banking and send that resolution to Governor Newsom, Senator Skinner, and Assemblymember Wicks urging state legislation to enable local agencies to create public banks.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 68,826–N.S. as revised in Supplemental Communications Packet #2 to include references to AB 857.

## Council Consent Items

- 24. Letters In Support of SB 54 (Allen) and AB 1080 (Gonzalez)**  
**From: Councilmember Wengraf, Mayor Arreguin, and Councilmembers Hahn and Bartlett**  
**Recommendation:** Send a letter of support for SB 54 (Allen) and AB 1080 (Gonzalez) to Senator Ben Allen and Assemblywoman Lorena Gonzalez with copies to Senator Skinner, Assembly Member Wicks and Governor Newsom  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Approved recommendation.
- 25. Co-Sponsor the Screening of "Near Normal Man"**  
**From: Councilmember Wengraf, Mayor Arreguin, and Councilmembers Bartlett and Hahn**  
**Recommendation:** That the City of Berkeley become an official co-sponsor of the screening and discussion of "Near Normal Man" on April 29th at Berkeley City College  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Approved recommendation.
- 26. Support for SB 188 (Hairstyle Anti-Discrimination Law)**  
**From: Councilmembers Robinson, Davila, and Bartlett**  
**Recommendation:** Send a letter to Senator Mitchell, Senator Skinner, and Assemblymember Wicks supporting SB 188, which would amend the California Fair Employment and Housing Act to prohibit racial discrimination on the basis of hairstyle.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
- 27. Support for ACA-1: Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval**  
**From: Councilmembers Robinson, Bartlett, and Harrison**  
**Recommendation:** Adopt a resolution supporting ACA-1, which would allow local governments to raise property taxes to fund bonds for the purposes of financing public infrastructure and affordable housing projects, as well as reducing the required vote threshold to authorize certain local special taxes for the purpose of funding public infrastructure and affordable housing. Copies of the resolution to be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, and Assemblymember Aguiar-Curry.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Councilmember Droste added as a co-sponsor. Adopted Resolution No. 68,827–N.S.

## Council Consent Items

- 28. Support for AB 273 and AB 44: Prohibit Fur Trapping and Sales**  
**From: Councilmembers Robinson and Harrison**  
**Recommendation:** Adopt a resolution supporting Fish and Game Code amendment AB 273, which prohibits the trapping of fur-bearing and nongame mammals for recreational or commercial purposes, and AB 44, which amends the Fish and Game Code to prohibit the sale of fur products statewide.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation as revised in Supplemental Communications Packet #1.
- 29. Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee** *(Reviewed by the Land Use, Housing & Economic Development Committee)*  
**From: Councilmembers Robinson and Hahn, Mayor Arreguin, and Councilmember Droste**  
**Recommendation:** Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
- 30. Relinquishment of Council Office Budget Funds: “Post-Memory: A Decade of Art and Activism in Berkeley,” an art exhibit in honor of Zachary Cruz**  
**From: Councilmembers Droste, Davila, and Robinson**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per sponsoring Councilmember, with funds relinquished from the discretionary Council Office Budgets of Councilmember Droste and any other Councilmembers who would like to contribute. Funds would go to cover the costs of the art exhibit “Post-Memory: A Decade of Art and Activism in Berkeley” at UC Berkeley. 2019 marks the ten year anniversary of the death of Zachary Cruz who died from road violence on Berkeley streets. The art exhibit will honor Zachary and raise awareness about road safety and Vision Zero in Berkeley. Additional details about the exhibit are attached. Donations will go to A to Z Families for Safe Streets, c/o Los Angeles Walks, 830 Traction Ave 3rd Floor, Los Angeles, CA 90013.  
**Financial Implications:** Councilmember's Discretionary Funds - \$250  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** Adopted Resolution No. 68,828–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Droste - \$250; Councilmember Hahn - \$100; Councilmember Davila - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$100.

Recess 8:30 p.m. – 8:40 p.m.



## Action Calendar – Public Hearings

**31. ZAB Appeal: 1722 Walnut St** *(Continued from March 26, 2019)*

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

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

**Action:** M/S/C (Bartlett/Kesarwani) to reconsider the vote to close the public hearing.

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

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

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

**Action:** M/S/C (Hahn/Davila) to adopt Resolution No. 68,829–N.S. affirming 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 with the following conditions:

- Active enforcement for removal of the dwelling unit will not commence for six months from the date of issuance of the Notice of Decision to allow time for the property owner to find an alternative off-site location for the structure.
- The current tenant is permitted to remain for the duration of their current lease.
- After the current tenancy ends, the structure may not be occupied or rented in any manner.

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

## Action Calendar – Old Business

32. **Missing Middle Housing Report** *(Continued from March 26, 2019. Item contains revised and supplemental material.)*

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

**Recommendation:** Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range 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.

Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible.

**Financial Implications:** See report

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

**Action:** M/S/C (Hahn/Arreguin) to accept revised material from Councilmember Harrison on Item 32.

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

**Action:** Moved to Consent Calendar. Adopted the recommendation with the revisions noted below.

The Reports should include, but is (are) not limited to:

1. Identifying where missing middle housing may be optimal ~~and the increase in density that may occur.~~<sup>20</sup>
3. Evaluating Berkeley's residential areas with consideration of areas susceptible to catastrophic fire and earthquake events.
14. Identify barriers in the Zoning Ordinance, Municipal Code, and Rent Ordinance to creating Missing Middle housing.

Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, ~~and community outreach and engagement.~~

## Action Calendar – Old Business

In the 1,000 Person Plan to Address Homelessness, Berkeley’s Health, Housing and Community Services staff also recommend that Council prioritizes “implementing changes to Berkeley’s Land Use, Zoning, Development Review Requirements for new housing with an eye toward alleviating homelessness.” In the short run, to produce housing that will be immediately be affordable to rehouse the homeless and to house other very low, low, and moderate income individuals, changes to Berkeley’s “Land Use, Zoning, Development Review Requirements” should prioritize measures that support the creation or retention of reserved affordable or rent controlled housing.

While this legislation aims to address the former, by definition and design, missing middle housing ~~will always seeks to~~ be less expensive than comparable single family homes in the same neighborhood, leading to greater accessibility to those earning median, middle, or lower incomes. Currently, the median price of a single family home in Berkeley is \$1.2 million dollars, which is out of reach for the majority of working people. Approximately half of Berkeley’s housing stock consists of single family units and more than half of Berkeley’s residential land is zoned in ways that preclude most missing middle housing. As a result, today, only wealthy households can afford homes to newly enter the housing market in Berkeley.

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### ALTERNATIVE ACTIONS CONSIDERED

We considered an urgency ordinance but after consultation with City of Berkeley staff, we are recommending a report to explore the possibility of on fostering a variety of housing types to inform ~~future policy decisions and the General Plan Update, as opposed to zoning revisions.~~the General Plan Update and any new zoning which may flow therefrom.

### IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

~~Not applicable as this item requests an analytical report. Any future implementation, administration, and enforcement should be determined by the City Manager and guided by Council policy direction. To ensure the report is accepted by policy makers and the public as a useful tool, it should be undertaken by a consulting firm selected through an RFP.~~

### FINANCIAL IMPLICATIONS

~~Costs for consultants to provide a missing middle scan or an in-depth analysis range from \$25,000-\$65,000. If feasible, staff should consider adding components of this Council referral to the city’s density standard study in order to accelerate the referral response, as long as it doesn’t displace or delay the density standard project. Costs for hiring consultants to complete the study should be developed during the RFP.~~

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

## Action Calendar – Old Business

33. **Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces** *(Continued from April 2, 2019)*  
**From: Councilmembers Droste, Kesarwani, and Bartlett**  
**Recommendation:** Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.  
**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** 1 speaker. M/S/C (Arreguin/Droste) to adopt the item with the amended title, “Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces,” from the Council action on April 2, 2019.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

## Action Calendar – New Business

34. **Referral Response: Updated Policy for Emergency Standby Officers for the Mayor and Councilmembers** *(Reviewed by the Agenda and Rules Committee)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution updating the selection process and criteria for the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 57,906-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900
- Action:** M/S/C (Davila/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.  
**Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Robinson, Droste, Arreguin; Noes – Wengraf; Abstain – Hahn.
- Action:** 1 speaker. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,830–N.S. amended to a new Paragraph 1 (below) in the Resolved clause and renumber the existing paragraphs.
- Except as specifically provided for in this resolution, the regulations, requirements, policies, and duties of Berkeley City Council Standby Officers are governed by California Government Code Sections 8635 – 8644, as they may be amended from time to time.*
- Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

## Council Action Items

- 35. Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program**  
**From: Councilmembers Bartlett, Hahn, Harrison, and Davila**  
**Recommendation:** That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Moved to Consent Calendar with the additional request that the City Manager conduct a legal analysis of the proposed ordinance.
- 36. Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way**  
**From: Councilmember Harrison and Mayor Arreguin**  
**Recommendation:** Adopt a Resolution allocating \$400,000 from the Street and Open Space Improvement Fund (SOSIF) to design and construct a protected Milvia Bikeway pilot project between University Avenue and Allston Street.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Moved to Consent Calendar. Adopt Resolution No. 68,831–N.S. with the amendment for the funds to be allocated from Measure BB funds.

## Information Reports

- 37. Ethical Climate Audit Status Report**  
**From: City Manager**  
Contact: Paul Buddenhagen, City Manager's Office, 981-7000  
**Action:** Received and filed.
- 38. Ambulance Billing Follow-up Audit Status Report**  
**From: City Manager**  
Contact: David Brannigan, Fire, 981-3473  
**Action:** Received and filed.
- 39. Status Report: City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation**  
**From: City Manager**  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Received and filed.

## Information Reports

40. **LPO NOD: 2300 Shattuck Avenue, #LMSAP2019-0001**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Received and filed.
41. **LPO NOD: 1414 Walnut Street/#LMSAP2018-0005 for the Former Garfield School**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda** - 2 speakers.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 11:03 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of April 23, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### **Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

1. Sameen Ahmad, on behalf of High Times
2. Adria-Ann McMurray

### **Item #36: Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way**

3. Tom Buoye

### **RV Ordinance**

4. Colin Palmquist
5. Jessica Behrman
6. Patricia and Lee Hustead

### **Housing**

7. Karen Westmont

- 8. Friends of Adeline
- 9. Donald Goldmacher
- 10. Russbumper

**BART**

- 11. Sharon Simburg
- 12. North Berkeley Neighborhood Alliance
- 13. Barbara Fisher

**Encampments**

- 14. Bernice Gross
- 15. Virginia Burton
- 16. Liz Ruhland

**5G**

- 17. Ben Burch
- 18. Vivian Warkentin
- 19. Phoebe Anne Sorgen
- 20. Susan Brinchman
- 21. Annamarta Dostourian

**Budget and Finance**

- 22. Kelly Hammargren
- 23. Barbara Gilbert
- 24. Isabell Gaston (2)
- 25. Janice Greenberg (3)
- 26. Jessica Behrman

**Berkeley Marina Liveaboard**

- 27. Christina Lisac

**Help Needed on Francisco Street**

- 28. Mathew Rogers

**Berkeley Green Monday**

- 29. Amy Halpern-Laff

**Lake Merritt Pollution**

- 30. Richard Bailey

**East Bay Community Energy Meetings**

- 31. East Bay Community Energy

**Bay Area Poor People's Hearing**

- 32. Amanda Baldiga (2)

**“Bordertown” Berkeley/Oakland**

33. Janice Greenburg

**Opportunity Zones**

34. Barbara Gilbert

**Healthy City for All**

35. Suzanne Lennard

**Fund Rebuilding Together and Inter-City Services**

36. Thomas Lord

**Rail Safety and Rail Transit Related Problems**

37. Beth Gerstein, Legislative Aid for Councilmember Kesarwani

**Global Banks and Fossil Fuels**

38. Donald Goldmacher

**Community Activism Ideas**

39. David Dixon

**Reality**

40. Steve Kromer

**Hit and Run at Durant and Telegraph**

41. Max Ventura

42. Jonah Markowitz (2)

43. Christopher Kohler

**Council Meeting Broadcasts**

44. Janice Greenberg

45. Barbara Gilbert

**City Real Estate Transfer Tax**

46. Paul Weir and Maria Gimenez Cacho

**Berkeley Parks Closed**

47. Noah Nathan

**West Campus Pool**

48. Tobie Lurie

49. Francine and Gary Foltz

50. Donna Mickleson

51. Erica Buhrmann and Ron Drucker



**Marina Parking**

- 52. Jonathan Love and Satya Robinson
- 53. Joshua Morrill
- 54. Mayo & Robyn Ryan

**Toxic Fire Fighting Foam**

- 55. David Lerman

**Public Health**

- 56. Carol Denney

**EV Charging**

- 57. Elisa Mikiten

**Boards and Commissions Publishing Minutes**

- 58. Kelly Hammargren

**BPD Report on Stop Data**

- 59. Elliot Halpern

**Supplemental Communications and Reports 1**

**Item #28: Support for AB 273 and AB 44: Prohibit Fur Trapping and Sales**

- 60. Revised material, submitted by Councilmember Robinson

**Item #32: Missing Middle Housing Report**

- 61. Supplemental material, submitted by Councilmember Hahn
- 62. Barbara Gilbert

**Holocaust Remembrance Day**

- 63. Councilmember Wengraf

**Supplemental Communications and Reports 2**

**Item #22: Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE**

- 64. Igor Tregub, Chairperson, Peace and Justice Commission
- 65. Brian Hofer, Executive Director of Secure Justice

**Item #23: Resolution in Support of a Public Bank**

- 66. Revised material, submitted by Mayor Arreguin

**Item #32: Missing Middle Housing Report**

- 67. Revised material, submitted by Councilmember Droste
- 68. George Porter, Chair, Commission on Aging
- 69. Angie Chan, on behalf of Associated Students of the University of California
- 70. Teresa Clarke, on behalf of South Berkley NOW

**Item #33: Adopt a Spot Initiative**

71. Kelly Hammargren

**Item #34: Referral Response: Updated Policy for Emergency Standby Officers for the Mayor and Councilmembers**

72. Kelly Hammargren

**Item #36: Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way**

73. Tom Lent

74. Betsy Thagard

75. Charles Siegel

76. Liza Lutzker

**Supplemental Communications and Reports 3**

**Item #1: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code**

77. Revised material, submitted by Planning and Development

**Item #22: Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE**

78. Councilmember Harrison

79. Phyllis Willett

80. Theo Ferguson

81. Sandra Rodriguez

82. Megan Prier (2)

83. Cecile Pineda

**Item #28: Support for AB 273 and AB 44: Prohibit Fur Trapping and Sales**

84. Unknown

**Item #31: ZAB Appeal: 1722 Walnut St.**

85. Presentation, submitted by Planning and Development

86. Alfred Twu

**Item #32: Missing Middle Housing Report**

87. Councilmembers Droste, Bartlett, Robinson and Kesarwani

88. Helen Guerrant Toy

89. Max Heninger

90. Sara Abdesahian

**Item #36: Allocate \$400,000 from the Street and Open Space Improvement Fund for the Design and Construction of a Protected Milvia Bikeway Pilot Project between University Avenue and Allston Way**

- 91. Tom Lent
- 92. Lori Hines
- 93. Igor Tregub
- 94. Bike East Bay

**Berkeley Drop-In Center**

- 95. Alameda County Network of Mental Health Clients

**South Berkeley**

- 96. SFROW Community Project

**Holocaust Remembrance Day**

- 97. Unknown

**MINUTES**  
**BERKELEY CITY COUNCIL SPECIAL MEETING**  
**MONDAY, APRIL 29, 2019**  
**4:00 P.M.**

**Redwood Room – 2180 Milvia 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:** 4:04 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 4:15 p.m.

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

**CLOSED SESSION:**

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

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

*Threatened litigation – one case*

No action taken.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):**

*Initiation of litigation – one case*

**Action:** M/S/C (Arreguin/Wengraf) to authorize the City Attorney to initiate a lawsuit against the Regents of the University of California regarding the Upper Hearst Supplemental Environmental Impact Report (SEIR).

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

Councilmember Bartlett absent – 6:10 p.m. – 6:25 p.m.

## OPEN SESSION:

The City Council authorized the City Attorney to initiate a lawsuit against the Regents of the University of California regarding the Upper Hearst Supplemental Environmental Impact Report (SEIR)

## Adjournment

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

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

Adjourned at 6:25 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of April 29, 2019 as approved by the Berkeley City Council.

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Deon Sailes, Assistant City Clerk

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

**Tuesday, April 30, 2019**

**4:30 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:** 4:42 p.m.

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

**Absent:** Kesarwani

Councilmember Kesarwani present at 4:45 p.m.

**Public Comment - Limited to items on this agenda only - 20 speakers.**

### **Action Calendar**

1. **Referral Response: 1000 Person Plan to Address Homelessness** (*Continued from March 26, 2019*)  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** 20 speakers. Presentation made and discussion held.

### **Adjournment**

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

**Vote:** All Ayes.

Adjourned at 6:34 p.m.

This is to certify that the foregoing is a true and correct record of the special meeting of April 30, 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**

- None

## **Supplemental Communications and Reports 3**

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

1. Presentation, submitted by Health, Housing and Community Services
2. Donald Evans, Superintendent, Berkeley Unified School District

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 30, 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:** 6:47 p.m.

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

**Absent:** Davila, Wengraf

Councilmember Davila present at 6:50 p.m.

Councilmember Wengraf present at 6:50 p.m.

**Report from Closed Session:**

At the closed session meeting on April 29, 2019 the City Council voted to initiate litigation against the Regents of the University of California regarding the Upper Hearst Draft SEIR.

**Ceremonial Matters:**

1. Recognition of the Suitcase Clinic
2. Recognition of Mental Health Month
3. Recognition of the Arts and Crafts Collaborative
4. Adjourned the meeting in memory of:
  - a. Lori Gilbert-Kaye, Poway Synagogue Shooting Victim
  - b. Marcus Jackson, City of Berkeley Employee
  - c. Calvin Kelley, Berkeley Resident
  - d. Ellen Tauscher, Former U.S. Representative

**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:** 27 speakers.

**Action:** M/S/C (Davila/Hahn) to accept revised material from Councilmember Davila on Item 22 and from the City Manager on Item 11.

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

Councilmember Droste absent 7:20 p.m. – 7:26 p.m.

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

**Vote:** All Ayes.

### 1. Minutes for Approval

**From:** City Manager

**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).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved minutes as submitted.

### 2. Contract No. 10177B Amendment: Paw Fund for Spay and Neuter Services

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10177B with Paw Fund (Contractor) to add \$23,812 in General Fund to provide no-cost spay and neuter surgeries to eligible pet owners, and extend the contract through June 30, 2020, for a total not to exceed amount of \$95,248.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,832–N.S.

### 3. Public Art Guidelines Revisions

**From:** City Manager

**Recommendation:** Adopt a Resolution revising the City of Berkeley's Public Art Guidelines, modifying the Artwork Gifts and Loans Policy and adding an Artwork Deaccession Policy and a Memorial Artwork Policy.

**Financial Implications:** See report

Contact: Jordan Klein, Economic Development

**Action:** Adopted Resolution No. 68,833–N.S.

## Consent Calendar

- 4. Contract No. 010568 Amendment: Berkeley Food and Housing Project**  
**From: City Manager**  
**Recommendation:** Authorize the City Manager to amend Contract No. 010568 with Berkeley Food and Housing Project by increasing the Not to Exceed (NTE) amount by \$114,000 for a total not to exceed limit of \$7,117,863 for the period July 1, 2017 through June 30, 2019 with vendor Berkeley Food and Housing Project.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,834–N.S.
- 5. Contract No. 9655B Amendment: Socrata, Inc., Open Data Portal (ODP) Hosting and Assignment to Tyler Technologies, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment and assignment to Contract No. 9655B with Socrata, Inc., now Tyler Technologies, Inc., for the purposes of hosting the City’s Open Data Portal, increasing the amount by \$87,289 for a total contract amount not to exceed \$254,970 and extending the term through June 30, 2021.  
**Financial Implications:** IT Cost Allocation Fund - \$87,289  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,835–N.S.
- 6. Contract No. 7167I Amendment: Superior, LLC for AS400 Software Maintenance and Support**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7167I with Superior, LLC for software maintenance and support of the City’s FUND\$ system on the AS400 platform, increasing the contract amount by \$271,864 for a total not-to-exceed amount of \$2,154,050 from July 1, 2006 through June 30, 2021.  
**Financial Implications:** Various Funds - \$271,864  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,836–N.S.
- 7. Contract No. 7393D Amendment: Interactive Voice Response (IVR) and Interaction Web Response (IWR) System with Paymentus, Corp.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7393D and all associated amendments with the Paymentus Corporation for maintenance and support of the Interactive Voice Response (IVR) and Interaction Web Response (IWR) System, increasing the contract amount by \$52,500, for a contract amount not-to-exceed \$324,475.  
**Financial Implications:** Permit Service Center Fund - \$52,500  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,837–N.S.

## Consent Calendar

- 8. Contract: Kronos, Inc. for Fire Station Staffing Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Kronos, Inc. for the upgrade and software maintenance of the TeleStaff Fire Station Staffing Software, for an amount of \$64,680 from May 15, 2019 through June 30, 2022.  
**Financial Implications:** General Fund - \$64,680  
Contact: Savita Chaudhary, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 68,838–N.S.
- 9. Contract: Berkeley Marina Area Specific Plan (BMASP) – Hargreaves Associates**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Hargreaves Associates to produce the Berkeley Marina Area Specific Plan (BMASP) in an amount not to exceed \$1,101,000.  
**Financial Implications:** Marina Fund - \$1,101,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Moved to Action Calendar. Item 9 held over to May 14, 2019.
- 10. Contract: Lux Bus America for Charter Bus Transportation Services For Echo Lake Camp and Select Recreation Division Summer Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Lux Bus America to provide charter bus transportation services for Echo Lake Youth Camp and other summer Recreation Division programs for a not-to-exceed total amount of \$226,000 over a five year period, beginning June 1, 2019 and ending June 1, 2024, contingent upon annual budget appropriations.  
**Financial Implications:** Various Funds - \$226,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 68,839–N.S.
- 11. Approving Proposed Projects Anticipated to be Paid for by the State’s Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California’s Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission and receive funding.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,840–N.S. amended to revise the dollar amount to \$2,017,214 and other minor changes.

## Consent Calendar

- 12. Purchase Order: Toter Inc. for Refuse, Recycling and Organic Wheeled Carts**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Authorizing the City Manager to enter into additional FY 2019 purchase orders with Toter Incorporated for refuse, recycling and organic wheeled carts, for a total FY 2019 amount not to exceed \$292,045; and 2. Authorizing the City Manager to purchase refuse, recycling and organic wheeled carts from Toter Inc. to piggy-back off of a National Intergovernmental Purchasing Alliance contract with Toter Inc., for annual expenditures not to exceed: FY2020 - \$283,155; FY2021 - \$292,484; FY2022 - \$303,020; FY2023 - \$308,068.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,841–N.S.
- 13. Award of Contract: APB General Engineering for Hillview Road and Woodside Road Drainage Improvement Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for Hillview Road and Woodside Road Drainage Improvement Project, Specification No. 19-11283-C; accepting the bid of APB General Engineering 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 \$240,000.  
**Financial Implications:** Various Funds - \$240,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,842–N.S.
- 14. Contract: McLaughlin Waste Equipment, Inc. to Clean, Repair, and Paint Metal and Plastic Bins**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with McLaughlin Waste Equipment, Inc. to clean, repair, and paint metal and plastic bins for a three year period, with an option to extend the contract for two additional one year terms for a total amount not to exceed \$300,000.  
**Financial Implications:** Zero Waste Fund - \$300,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,843–N.S.

## Consent Calendar

- 15. Contract No. 31900046 Amendment: Harrison Engineering Inc. for On-Call Civil Engineering and Construction Management Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900046 with Harrison Engineering Inc. for On-Call Civil Engineering and Construction Management Services, increasing the contract by \$1,000,000, for a total amount not to exceed \$1,500,000, and extending the term of the contract from June 30, 2021 to June 30, 2022.  
**Financial Implications:** Capital Improvement Fund - \$1,000,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,844–N.S.
- 16. Resolution: No U.S. intervention in Venezuela**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution that affirms the sovereign right of the Venezuelan people to negotiate their political differences free from foreign intervention, and urges that the U.S. government withdraw its illegal, unilateral financial sanctions and refrain from military, economic, or diplomatic intervention in the internal affairs of the sovereign state of Venezuela.  
**Financial Implications:** None  
Contact: Bre Slimick, Commission Secretary, 981-7000  
**Action:** Moved to Action Calendar. Item 16 held over to May 14, 2019.

## Council Consent Items

- 17. Appointing an Alternate Member to the Budget and Finance Committee and 3x3 Committee**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution approving the appointment of Mayor Jesse Arreguin as the Alternate to the Budget and Finance Policy Committee and the 3x3 Joint BHA/City Council Committee until January 2020 or until new appointments are approved.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Hahn/Wengraf) to adopt Resolution No. 68,845–N.S.  
**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila.

Councilmember Davila absent 11:06 p.m. – 11:08 p.m.

## Council Consent Items

- 18. Allocation of \$150,000 to the Berkeley Unified School District for Planning/Pre-Development for Employee Housing**  
**From: Mayor Arreguin and Councilmembers Hahn, Droste, and Harrison**  
**Recommendation:** Approve the allocation of \$150,000 of General Fund revenues from Measure U1 receipts to the Berkeley Unified School District for a planning and pre-development grant for teacher/workforce housing.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Approved recommendation.
- 19. Appoint Max Levine to the Berkeley Housing Authority Board**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution appointing Max Levine to serve a four-year term on the Berkeley Housing Authority Board of Commissioners.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Adopted Resolution No. 68,846–N.S.
- 20. Proclaiming May 2019 as Mental Health Month**  
**From: Councilmember Davila and Mental Health Commission**  
**Recommendation:** Adopt a Resolution proclaiming May 2019 as Mental Health Month in the City of Berkeley.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120; Karen Klatt, Commission Secretary, 981-5400  
**Action:** Councilmember Bartlett added as a co-sponsor. Adopted Resolution No. 68,847–N.S.

## Council Consent Items

21. **Spiral Gardens and Movement Generation Justice & Ecology Project: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Cheryl Davila, to support the Spiral Gardens and Movement Generation Justice & Ecology Project's May 11, 2019, welcoming of Leah Penniman for a wonderful talk and dialogue about Farming While Black: Soul Fire Farm's Practical Guide to Liberation on Land: her new book with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$250  
Contact: Cheryl Davila, Councilmember, District 2  
**Action:** Adopted Resolution No. 68,848–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$100; Councilmember Robinson - \$100; Mayor Arreguin - \$100; Councilmember Droste - \$50.
22. **Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans**  
**From: Councilmembers Davila and Bartlett**  
**Recommendation:** Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Councilmember Harrison added as a co-sponsor. Approved recommendation as amended in the revised materials submitted at the meeting. Further revised to add the request for public workshops to the recommendation.

## Council Consent Items

23. **Good Food Purchasing Program Resolution**  
**From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Davila and Robinson**  
**Recommendation:** Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Adopted Resolution No. 68,849–N.S. as revised in Supplemental Communications Packet #1.
24. **Referral: Report on Public Realm Pedestrianization Opportunities**  
**From: Councilmembers Robinson and Hahn**  
**Recommendation:** Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.  
**Financial Implications:** Staff time  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

## Action Calendar – Public Hearings

25. **FlixBus Franchise Agreement for Long-Distance Bus Service**  
**From: City Manager**  
**Recommendation:** Pursuant to Berkeley Municipal Code Chapter 9.60, conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance granting a franchise agreement between FlixBus, Inc. and the City of Berkeley to provide long distance bus service to the public.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
- Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Wengraf/Harrison) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Wengraf) to adopt first reading of Ordinance No. 7,651-N.S. Second reading scheduled for May 14, 2019.  
**Vote:** All Ayes.



## Action Calendar – Public Hearings

26. **New Marina Fee – South Cove Parking Lots** *(Continued from April 2, 2019. Item contains supplemental material.)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving a new Marina Fee Schedule to include a new \$10 parking fee in the South Cove Parking lot, and rescinding Resolution No. 68,415-N.S. and all amendatory resolutions.

**Financial Implications:** See report

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

**Action:** 4 speakers. Item removed from the agenda by the City Manager. In lieu of a fee, half of the lot will be open from 5:00am to 9:00am for early arrivals and commuters, and the other half will be opened at 9:00am to allow access for recreational users who arrive later in the day.

Recess 8:45 p.m. – 9:04 p.m.

27. **Appeal of ZAB Decisions: Denial of Use Permit #ZP2018-0116 (Pardee Block Parking Lot, 2700 Tenth Street), Approval of Use Permit #ZP2018-0117 (Medical Office Building, 1050 Parker Street), and Associated Environmental Review**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution that adopts an Initial Study - Mitigated Negative Declaration (IS-MND) under the California Environmental Quality Act (CEQA) that determines how potential impacts are to be mitigated, concludes that all impacts of the project known as “1050 Parker,” including the medical office facility and the off-site parking lot, can be reduced to a less-than-significant level under CEQA, and adopts a Mitigation Monitoring and Reporting Program that ensures the mitigation measures will be implemented.

2. Conduct a public hearing and, upon conclusion, uphold the applicant’s appeal and adopt a Resolution to approve Use Permit #ZP2018-0116 (Pardee Block Parking Lot, 2700 Tenth Street) for construction of a 43,847 square-foot surface parking lot based on the Findings and Conditions presented by staff to the Zoning Adjustments Board (ZAB) on January 24, 2019. A total of 123 automobile and 18 bicycle parking spaces would be provided to meet a portion of the required parking for the medical office building at 1050 Parker Street (Use Permit #ZP2018-0117); and

3. Conduct a public hearing and, upon conclusion, uphold the applicant’s appeal and adopt a Resolution to approve Use Permit #ZP2018-0117 (Medical Office Building, 1050 Parker Street) to allow the 60,670 square-foot building to be used entirely for medical offices based on the Findings and Conditions presented by staff to the Zoning Adjustments Board (ZAB) on January 24, 2019, for a modification to Use Permit #ZP2016-0170. Approval of Use Permit #ZP2018-0117 is contingent on approval of Use Permit #ZP2018-0116 for off-site parking.

**Financial Implications:** See report

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

## Action Calendar – Public Hearings

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m. and hold over Items #9 and #16 to the May 14, 2019 meeting.

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

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

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

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

Councilmember Bartlett absent 10:48 p.m. – 10:53 p.m.

**Action:** M/S/C (Arreguin/Robinson) to adopt the following resolutions adopting an Initial Study - Mitigated Negative Declaration, upholding the applicant's appeal on the Pardee Block Parking Lot (including the condition that the existing tenant leases are extended through October 31, 2019 and that no rent will be charged from July 1 – October 31, 2019), and upholding the applicant's appeal on the Medical Office Building.

1. Resolution No. 68,850–N.S. (IS-MND 1050 Parker)

2. Resolution No. 68,851–N.S. (Pardee Block Parking Lot, 2700 Tenth Street)

3. Resolution No. 68,852–N.S. (Medical Office Building, 1050 Parker Street)

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

### 28. **Zoning Ordinance Amendments That Apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership**

**From:** City Manager

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of Zoning Ordinance amendments that modify Inclusionary Housing Requirements (BMC Section 23C.12.020: Applicability of Regulations) to apply to new residential development projects on contiguous lots under common ownership or control.

**Financial Implications:** See report.

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

**Action:** Moved to Consent Calendar. Item 28 held over to June 11, 2019.

## Action Calendar – New Business

**29. Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement From: City Manager**

**Recommendation:** Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.

**Financial Implications:** See report

Contact: Andrew Greenwood, Police, 981-5900

**Action:** Moved to Consent Calendar. Item 29 referred to the Public Safety Policy Committee.

## Information Reports

**30. City Council Short Term Referral Process – Monthly Update**

**From: City Manager**

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Received and filed.

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

## Adjournment

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

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

Adjourned at 11:08 p.m.

This is to certify that the foregoing is a true and correct record of the regular meeting of April 30, 2019 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### Encampments

1. Richard James (2)
2. Jessica Jennings
3. Barbara Fisher
4. Liz Wiener

5. Margy Wilkinson

**RV**

6. Nigel Guest, on behalf of BCA Steering Committee
7. Donna Mickleson

**North Berkeley BART**

8. Naomi Pearce
9. Mere Ours
10. Lawrence Mock
11. Merle Weinter
12. Fran Smith
13. Joshua Schnoll
14. Erin Meadows
15. Bruce Hayes
16. Fran Segal
17. Carol Valk

**Codornices Creek & Firefighting Foam**

18. Shirley Dean & Robert Cheasty, on behalf of Citizens for East Shore Parks
19. Susan Schwartz, on behalf of Friends of Five Creeks

**West Campus Pool**

20. Diane Tomkins
21. Donna Mickleson
22. Stevanne Auerbach & Ralph Whitten
23. Chuck Herndon

**5G**

24. Gar Smith
25. Christopher Lewis Macy
26. Wanda Warkentin
27. Phoebe Anne Sorgen

**Campaign Finance Rules**

28. Barbara Gilbert

**Green Infrastructure Plan**

29. Nicholas Dominguez, on behalf of the Public Works Commission

**Boarded Up House at 1646 Ashby**

30. KF Carpenter

**Bay Area Book Festival & Reception**

31. Cherilyn Parsons, founder of Bay Book Fest

**Use Permit for 3100 San Pablo Avenue**

32. Scott Landsittel, LBA Realty

**Parking Suggestion for the BPD**

33. Christine Schwartz

**Leases at 2435 & 2439 Channing Way**

34. Kirstie Bennett, Co-Owner of Corporate Art& Framing Specialist

**King Middle School Fire Alarm**

35. Erika

**Amending Contracts with the Eviction Defense Center**

36. Shun Suzuki

**Bay Area Diversified Tennis Foundation**

37. Pil Orbison

**Clandestine Gang Fixing Rome Illegally**

38. Mary Ann Brewin

**Civility at Council Meetings**

39. Eric Friedman

40. Nick

**Supplemental Communications and Reports 1**

**Item #18: Allocation of \$150,000 to the Berkeley Unified School District for Planning/Pre-Development for Employee Housing**

41. Xavier Johnson, Chairperson, Housing Advisory Commission

**Item #23: Good Food Purchasing Program Resolution**

42. Revised material, submitted by Councilmember Hahn

**Supplemental Communications and Reports 2**

**Item #16: Resolution: No U.S. intervention in Venezuela**

43. Topher Brennan

**Item #25: FlixBus Franchise Agreement for Long-Distance Bus Service**

44. David Sorrell

**Item #26: New Marina Fee – South Cove Parking Lots**

45. Jonathan Love

**Item #28: Zoning Ordinance Amendments That Apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership**

46. Supplemental material, submitted by Councilmember Harrison

47. Elisa Mikiten

48. Greenfire Law, PC on behalf of Oceanview Neighborhood Council

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

#### **Item #11: Approving Proposed Projects Anticipated to be Paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2020**

49. Revised material, submitted by Public Works

#### **Item #22: Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans**

50. Revised material, submitted by Councilmembers Davila and Bartlett

#### **Item #25: FlixBus Franchise Agreement for Long-Distance Bus Service**

51. Presentation, submitted by the Transportation Division

#### **Item #27: Appeal of ZAB Decisions: Denial of Use Permit #ZP2018-0116 (Pardee Block Parking Lot, 2700 Tenth Street), Approval of Use Permit #ZP2018-0117 (Medical Office Building, 1050 Parker Street), and Associated Environmental Review**

52. Presentation, submitted by Planning and Development

53. Jeffrey Collins, Senior Vice President and Area Manager of Kaiser Permanente

#### **Item #28: Zoning Ordinance Amendments That Apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership**

54. Greenfire Law, PC, on behalf of Oceanview Neighborhood Council

#### **Item #29: Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement**

55. Elliot Halper, Board Member of ACLU

### **Miscellaneous Communications**

#### **May is Mental Health Month**

56. City of Berkeley Mental Health