

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, February 19, 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:** 6:13 p.m.

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

**Absent:** None

### **Ceremonial Matters:**

1. Adjourned in memory of Jim Samuels, Berkeley Commissioner.

**City Manager Comments:** None

### **City Auditor Comments:**

The City Auditor discussed the importance taking operational cost information and tradeoffs into consideration in the decision making process for the delivery of services. The City Auditor also noted her that her upcoming Audit Plan will include a focus on payments leaving the City.

**Public Comment on Non-Agenda Matters:** 7 speakers.

## **Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 15 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Single Use Disposable Foodware and Litter Reduction Ordinance; Adding BMC Chapter 11.64**  
**From: Councilmember Hahn and Mayor Arreguin**  
**Recommendation:** Adopt second reading of Ordinance No. 7,639-N.S., the Single Use Foodware and Litter Reduction Ordinance, adding Chapter 11.64 to the Berkeley Municipal Code.  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150  
**Action:** Adopted second reading of Ordinance No. 7,639-N.S.
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 19, 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 - \$3,291,500  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.
- 3. Annual Purchase Orders for Turnouts, Personal Protective Equipment, Firefighting Tools and Equipment: L.N. Curtis and Sons**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute annual purchase orders and any amendments with L.N. Curtis and Sons for the purchases of: -Turnouts, and personal protective equipment (PPE) such as wildland coats and pants, firehoses, gloves, helmets, gear for hearing and eye protection, fire boots; and -Other firefighting tools and equipment such fire extinguishers, foam, firehose, ladders, bumps, and related devices on apparatus. The purchase order for FY 2019 shall not exceed \$220,000, with an annual increase no more than 5% each year up to a maximum of five years. A 20% contingency is added to cover costs arising from unforeseen incidents or operations for a total amount not to exceed (NTE) \$1,361,286.  
**Financial Implications:** See report  
Contact: Dave Brannigan, Fire Chief, (510) 981-3473  
**Action:** Adopted Resolution No. 68,756-N.S.

## Consent Calendar

**4. FY19 Expanded Winter Shelter: Additional Allocation of Funding and Authorization of Contract Amendment with Dorothy Day House for Winter Shelter Operations**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 10577D with Dorothy Day House to add \$114,960 to extend the Dorothy Day House Shelter at the Veteran's Building for a total contract amount not to exceed \$754,608 for the period July 1, 2017 through June 30, 2019; and allocate an additional \$59,000 in General Fund to support pest control, janitorial services and emergency maintenance costs at the expanded winter shelter.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 68,757–N.S.

**5. Contract: Recruiting Advertising and Marketing Strategy for the Berkeley Police Department**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a police recruiting and marketing strategy contract with Epic Recruiting, in an amount not to exceed \$100,000 for a one-year period. The services provided in the contract are designed to assist the Berkeley Police Department with website design, video production, photography, branding, and social media/digital marketing with the goal of increasing the number of qualified recruit and lateral applicants.

**Financial Implications:** General Fund - \$100,000

Contact: Andrew Greenwood, Police, 981-5900

**Action:** Adopted Resolution No. 68,758–N.S.

**6. Contract: D'Arcy & Harty Construction, Inc. for Sanitary Sewer Rehabilitation and Replacement at Various Locations**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Mathews Street, Euclid Avenue and Backline, Mabel Street, Oregon Street, Derby Street, Fairview Street, Catalina Avenue Backline, Fairlawn Drive Backline, and Arlington Avenue; accepting the bid of the lowest responsive and responsible bidder, D'Arcy & Harty Construction, Inc.; 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 \$1,363,373, which includes a 10% contingency of \$123,943.

**Financial Implications:** Sanitary Sewer Fund - \$1,363,373

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Adopted Resolution No. 68,759–N.S.

## Consent Calendar

- 7. Filling Vacancies Among the Elected Representatives of the Poor – Confirmation of Ms. Lisa Romo**  
**From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution confirming the appointment of Ms. Lisa Romo (District 3), as an elected representative of the poor on the Human Welfare Community Action Commission (HWCAC), having been selected by the commission members at the HWCAC November 28, 2018 meeting, and that her term expires November 28, 2022.  
**Financial Implications:** None  
Contact: Marie-Claire Katz, Commission Secretary, 981-5400  
**Action:** Adopted Resolution No. 68,760–N.S.
  
- 8. Filling Vacancies Among the Elected Representatives of the Poor – Confirmation of Ms. Denah Bookstein and Ms. Saba Deyhim**  
**From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution confirming the appointments of Ms. Denah Bookstein (District 1) and Ms. Saba Deyhim (District 2) as elected representatives of the poor on the Human Welfare and Community Action Commission (HWCAC), having been voted at the HWCAC January 16, 2019 meeting, and that their terms expire November 28, 2022.  
**Financial Implications:** None  
Contact: Marie-Claire Katz, Commission Secretary, 981-5400  
**Action:** Adopted Resolution No. 68,761–N.S.

## Council Consent Items

**9. Short-Term Referral: Develop Ordinance permitting Cannabis Events and designate Cesar Chavez Park as an Approved Venue**

**From: Mayor Arreguin**

**Recommendation:** Short-Term Referral to the City Manager to develop ordinance amendments permitting cannabis events in the City of Berkeley and designating Cesar Chavez Park as an approved location for cannabis events, provided such events are organized and licensed as required by the State of California. The ordinance shall: 1. reference Resolution No. 68,326-N.S., declaring that Berkeley is a sanctuary for adult use cannabis, 2. specify procedures for such events that replicate similar alcohol related event protocols.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Approved recommendation as amended to read as follows:

*Short-Term Referral to the City Manager to develop ordinance amendments permitting up to three cannabis events per year in the first year in the City of Berkeley and designating Cesar Chavez Park as the sole approved location for cannabis events, provided such events are organized and licensed as required by the State of California. The ordinance shall: 1. reference Resolution No. 68,326-N.S., declaring that Berkeley is a sanctuary for adult use cannabis, 2. specify procedures for such events that replicate similar alcohol related event protocols. The City Council will revisit the provisions of the ordinance following the first year of implementation.*

**10. Declaring a California Homelessness State of Emergency**

**From: Mayor Arreguin, and Councilmembers Hahn, Davila, and Harrison**

**Recommendation:** Adopt a Resolution requesting that Governor Newsom declare a California Homelessness State of Emergency, and direct more resources to State Departments (e.g. Caltrans). Send a copy of the Resolution to Governor Newsom, Congresswoman Barbara Lee, State Senator Nancy Skinner, State Assemblymember Buffy Wicks, State Superintendent of Public Education Tony Thurmond and Caltrans District Director Tony Tavares.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100

**Action:** Adopted Resolution No. 68,762–N.S.

## Council Consent Items

11. **Berkeley Youth Alternatives' 15th Annual Crab Feed Fundraiser: 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 \$180 from Councilmember Cheryl Davila, to Berkeley Youth Alternatives, for their 15th Annual Crab Feed Fundraiser on February 28, 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 - \$180  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,763–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$150; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Harrison - \$100; Councilmember Bartlett - \$250; Mayor Arreguin - \$100.
12. **Ohlone Park 50th Anniversary Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Harrison**  
**Recommendation:**  
1. Adopt a Resolution co-sponsoring the celebration of Ohlone Park's 50th anniversary on June 1st, 2019.  
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Councilmember Harrison, to the Friends of Ohlone Park, the fiscal sponsor of the 50th anniversary celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Harrison and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - \$250  
Contact: Kate Harrison, Councilmember, District 4, 981-7140  
**Action:** Councilmembers Kesarwani and Davila added as co-sponsors. Adopted Resolution No. 68,764–N.S. (Co-Sponsorship) as revised in Supplemental Communications Packet #2 to include the waiver of Berkeley fees for the event; and adopted Resolution No. 68,765–N.S. (Relinquishment), revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$150; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Harrison - \$250; Councilmember Kesarwani - \$250; Councilmember Davila - \$100; Councilmember Bartlett - \$100; Mayor Arreguin - \$250.

## Council Consent Items

**13. Support for AB 161 (Skip the Slip)**

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

**Recommendation:** Send a letter of support for AB 161, which requires that proof of purchase (receipts) be provided only in electronic form unless the customer specifically requests paper, to Senator Skinner and Assemblymember Wicks

**Financial Implications:** None

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

**Action:** Approved recommendation.

## Action Calendar – Public Hearings

**14. Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus) (Continued from January 29, 2019. Item contains revised material.)**

**From: City Manager**

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

**Financial Implications:** None

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

**Action:** Item 14 held over to March 12, 2019.

## Action Calendar

**15. Contract: Pride Industries for Citywide Janitorial Services at Various Locations**  
**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Pride Industries to provide Citywide Janitorial Services at twenty nine (29) various City locations and facilities for the period May 1, 2019 to April 30, 2022, in an amount not to exceed \$3,725,735, with an option for two (2) one-year extensions for a maximum five (5) year contract for an amount not to exceed \$6,414,881, subject to the City's annual budget appropriation process.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, 981-7300

**Action:** Item 15 held over to March 12, 2019.

## Action Calendar – Old Business

**16. Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program** *(Continued from January 22, 2019.)*

**From: Councilmembers Bartlett, Worthington, and Davila**

**Recommendation:** That the Council provides requested direction to the Planning Department on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report. Recommending allowing 4 equity applicants and 2 non-equity applicants to apply and be processed by the City within 2 years.

**Financial Implications:** Minimal

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

**Action:** 9 speakers. M/S/C (Bartlett/Arreguin) to approve the recommendation as revised in Supplemental Communications Packet #2 and written below:

*That the Council provides requested direction to the Planning Department on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.*

**Vote:** All Ayes.

Recess 7:58 p.m. – 8:18 p.m.

**17a. Council Referral-Proposed Amendments to Berkeley's Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27** *(Continued from January 29, 2019.)*

**From: Commission on Labor**

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

**Financial Implications:** None

Contact: Delfina Geiken, Commission Secretary, 981-5400

## Action Calendar – Old Business

- 17b. Companion Report: Council Referral-Proposed Amendments to Berkeley’s Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27** *(Continued from January 29, 2019.)*

**From: City Manager**

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

**Financial Implications:** None

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

**Action:** Item 17b moved to Consent Calendar. Adopted first reading of Ordinance No. 7,640-N.S. as written in Supplemental Communications Packet #1 to include posting, noticing and payroll record requirements for new or renewed contracts, to enhance the ordinance language as it relates to “retaliation” and to add the Section “Relationship to other requirements”, which establishes that if other laws or ordinances are enacted that provide better wages or benefits for employees, that those standards would supersede the Living Wage Ordinance. Second reading scheduled for March 12, 2019.

## Action Calendar – New Business

- 18. Referral Response: Updated Policy for Emergency Standby Officers for the Mayor and Councilmembers**

**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; Farimah Brown, City Attorney, 981-6950

**Action:** Item 18 moved to Consent Calendar. Referred Item to the Agenda and Rules Policy Committee.

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

- 19a. Assessment of Vacant Properties**

**From: Human Welfare and Community Action Commission**

**Recommendation:** Direct the City Manager to develop a plan to locate the 3,754 “vacant housing units” noted in the “Employment, Economy, Housing “ data in the “City of Berkeley Fiscal years 2018 & 2019 Adopted Biennial Budget” and to assess what would be required to bring as many of the properties to market as possible.

**Financial Implications:** See report

Contact: Marie-Claire Katz, Commission Secretary, 981-5400

## Action Calendar – New Business

**19b. Companion Report: Assessment of Vacant Properties**

**From: City Manager**

**Recommendation:** Refer the issue of vacant housing units to Council's process for setting priorities for Measure O funds.

**Financial Implications:** See report

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

**Action:** Item 19b moved to Consent Calendar. Approved recommendation.

**20a. Resolution declaring City of Berkeley will not invest City funds in any entity involved in the production or upgrading of weapons**

**From: Peace and Justice Commission**

**Recommendation:** Adopt Resolution submitted by the Peace and Justice Commission declaring the City of Berkeley will not invest City funds in any entity involved in the production or upgrading of weapons.

**Financial Implications:** None

Contact: Shallon Allen, Commission Secretary, 981-7071

**20b. Companion Report: Resolution Declaring City of Berkeley Will Not Invest City Funds in Any Entity Involved in the Production or Upgrading of Weapons**

**From: City Manager**

**Recommendation:** Continue to support the City of Berkeley's existing investment policy which prohibits investments in gun manufacturers.

**Financial Implications:** None

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

**Action:** Item 20a moved to Consent Calendar. Adopted Resolution No. 68,766–N.S. revised as follows:

1. Add a Whereas clause to define weapons to read as follows:

*WHEREAS, Weapon is defined as any instrument or device for use in attack or defense in combat, fighting, or war, as a sword, rifle, or cannon; anything used against an opponent, adversary, or victim; and Weapon Systems is defined as any integrated system, usually computerized, for the control and operation of weapons of a particular kind.*

2. Revise the first Resolved clause to read as follows:

*NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that the City of Berkeley will not invest City funds in weapons manufacturers, and decides that it shall be City policy to divest from such entities.*

**Vote:** All Ayes.

## Council Action Items

21. **Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation**

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

**Recommendation:** Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for owner occupied projects by modifying property lines so that no lot is large enough to construct five or more units. Adopt an updated resolution pursuant to BMC 22.20.065 (Affordable Housing Mitigation Fee) addressing the same issue for rental projects.

**Financial Implications:** See report

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

**Action:** M/S/C (Harrison/Davila) to accept revised material from Councilmember Harrison on Item 21.

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

**Action:** 3 speakers. M/S/Failed (Droste/Wengraf) to adopt the revised material submitted by Councilmember Harrison revised to read as follows:

1. Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report.
2. Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report.
3. Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12.
4. The Planning Commission is to consider the following language from the item submitted at the meeting: *It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted.*

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

Councilmember Davila absent 8:38 p.m. – 9:14 p.m.

## Council Action Items

**Action:** M/S/Carried (Harrison/Hahn) to adopt the revised material submitted by Councilmember Harrison revised to read as follows:

1. Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019.
2. Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report.
3. Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12.
4. The Planning Commission is to consider the following language from the item submitted at the meeting: *It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted.*

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

## Information Reports

22. **Referral Response: Supporting Worker Cooperatives**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Item 22 held over to February 26, 2019.
23. **Referral Response: City Maintained Below Market Rate Units (BMR) Online Resource**  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Received and filed.
24. **Mental Health Commission 2018/2019 Work Plan**  
**From: Mental Health Commission**  
Contact: Karen Klatt, Commission Secretary, 981-5400  
**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 9:14 p.m.

## **Communications**

### **Item #1: Single Use Disposable Foodware and Litter Reduction Ordinance; Adding BMC Chapter 11.64**

1. Alison Piccoli
2. Diana Bohn
3. Carol Denney
4. Jan Cecil
5. Steve
6. Rose Schweig

### **Encampments & Homelessness**

7. Richard James
8. Erik Dreher (2)
9. Josh Maddox
10. Dorothea Dorenz
11. Unknown
12. Bree Jenkins
13. Summi Kaipa

### **San Pablo Park**

14. Barbara Gilbert
15. Jenny Strauss
16. Kelly Zito
17. Kester Allen

### **Bike Lanes**

18. Chuck Siegel
19. Marco Facioni
20. Liza Lutzker
21. Dan Leaverton
22. Katy Love
23. Jonathan Walden
24. James Sayre
25. Karl Wanaselja
26. Caroline Swinehart
27. Roger Pritchard
28. Lori Hines

### **ISP Sonic & 5G**

29. Phoebe Anne Sorgen (2)

- 30. Soula Culver
- 31. Max Ventura

**North Berkeley BART**

- 32. Sarah Bardeen
- 33. Phil Erickson
- 34. Vicki Sommer
- 35. Alan Louwerse
- 36. Dana Moskowitz
- 37. Councilmember Harrison
- 38. Harvey Smith
- 39. Diana Damonte
- 40. Bob Whalen
- 41. Mary Behm-Steinberg

**Sugar Sweetened Beverages**

- 42. Holly Scheider

**Neo Nazi**

- 43. Judy Ann Alberti
- 44. Fred Dodsworth
- 45. Donald Goldmacher

**Climate Emergency**

- 46. Sierra Club of San Francisco Bay
- 47. Kelly Hammargren
- 48. Jane Kelly
- 49. Alan Gould
- 50. Thomas Lord

**West Berkeley Senior Center**

- 51. Richard Castrillon, on behalf of the Commission on Aging (2)

**Police Transparency (SB 1421)**

- 52. George Lippman
- 53. Donald Goldmacher
- 54. Sheila Goldmacher
- 55. Janice Schroeder

**1155-73 Hearst**

- 56. Yashu Jiang

**1444 5<sup>th</sup> Street**

- 57. Stuart Knowles of Trilogy Asset Management
- 58. Daro Quiring, President of the Oceanview Townhouse Assoc.

**People's Park**  
59. Barryett Enge

**Undergrounding**  
60. Bryce Nesbitt

**Business License**  
61. Arthur Stopes III

**Berkeley Marina**  
62. Dave Marcolini

**Strategic Plan**  
63. Steve Kromer

**Construction Parking**  
64. Maria Bogakos

**Self-Driving Cars**  
65. Rhiannon

**Delivering Mail While Black**  
66. Margy Wilkinson

**Kent's Tiny Home**  
67. Margy Wilkinson

**Human Rights Worldwide**  
68. Chairperson, Peace and Justice Commission

**Right to Daylight**  
69. Fred Dodsworth

**Lawsuit**  
70. Pil Orbison

**Sales Tax Fraud**  
71. Arthur Stopes III

**2-1-1 Monthly Report for December**  
72. Eden I&R, Inc.

**Transit Passes for Tenants**  
73. Rhiannon

**Paradise Fire**

74. Kelly Hammargren

**State and National Eviction Law**

75. Autumn Moon

**Pacific Steel Bankruptcy**

76. Janice Schroeder

**Zero Waste Commission**

77. Kelly Hammargren

**Save the House of Mr. Powell**

78. Diana Bohn

**Supplemental Communications and Reports 1**

**Item #16: Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program**

79. Nuha Khalfay, Chair, Community Health Commission

**Item #17.b: Companion Report: Council Referral-Proposed Amendments to Berkeley's Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27**

80. Supplemental materials, submitted by HHCS

**Supplemental Communications and Reports 2**

**Item #5: Contract: Recruiting Advertising and Marketing Strategy for the Berkeley**

81. Christine Schwartz

**Item #9: Short-Term Referral: Develop Ordinance permitting Cannabis Events and designate Cesar Chavez Park as an Approved Venue**

82. Carol Denney

**Item 12: Ohlone Park 50th Anniversary Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

83. Revised material, submitted by Councilmember Harrison

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

84. Rhiannon

**Item #16: Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program**

85. Supplemental materials, submitted by Councilmember Bartlett

**Item #17a: Council Referral-Proposed Amendments to Berkeley's Living Wage Ordinance: Berkeley Municipal Code Chapter 13.27**

86. Barbara Gilbert

**Item 20a: Resolution declaring City of Berkeley will not invest City funds in any entity involved in the production or upgrading of weapons**

87. Igor Tregub

**Item #21: Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation**

88. Revised material, submitted by Councilmember Harrison

89. Elisa Mikiten

90. Jeffrey Spahn & Niels Traynor

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

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

91. Rhiannon

**Item #16: Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program**

92. Martha Belcher

**Item 19b: Companion Report: Assessment of Vacant Properties**

93. Charles Clarke

**Item #21: Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation**

94. Supplemental materials, submitted by Councilmember Harrison

95. Niels Traynor, on behalf of Mary Law

96. Igor Tregub

**Disposable Free Berkeley**

97. Ecology Center

98. Calliope Askins, on behalf of the Oxford School's Heirs to Our Oceans

**Berkeley Marina – L & M Dock**

99. No name