




Office of the City Manager

CONSENT CALENDAR
January 21, 2014

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of December 3, 2013 (special and regular) and December 17, 2013 (specials and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. December 3, 2013–Special City Council Meeting
2. December 3, 2013–Regular City Council Meeting
3. December 17, 2013–Special City Council Meeting
4. December 17, 2013–Special City Council Meeting
5. December 17, 2013–Regular City Council Meeting

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, DECEMBER 3, 2013**

5:30 P.M.

Council Chambers – 2134 Martin Luther King Jr. Way

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 5:32 p.m.

Present: Councilmembers Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Mayor Bates.

Absent: Councilmember Anderson.

Worksession:

1. Zero Waste Program Budget and Rates

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Presentation made and discussion held.

Public Comment – Items on this agenda only: 3 speakers.

Adjournment

Action: M/S/C (Maio/Moore) to accept supplemental material from staff on Item 1.

Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates;
Noes – None; Abstain – None; Absent – Anderson.

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

Vote: Ayes – Maio, Moore, Arreguin, Wozniak, Bates; Noes – None; Abstain – None;
Absent – Anderson, Capitelli, Wengraf, Worthington.

Councilmember Worthington absent at 5:57 p.m.

Councilmember Capitelli absent at 6:50 p.m.

Councilmember Wengraf absent at 6:51 p.m.

Adjourned at 6:59 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of December 3, 2013.

Mark Numainville, CMC, City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

None

Supplemental Communications and Reports 3

Item 1: Zero Waste Program Budget and Rates

1. Presentation and supplemental materials, submitted by Public Works

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, DECEMBER 3, 2013
7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:06 p.m.

Present: Councilmembers Anderson, Arreguin Maio, Worthington, Wozniak and Mayor Bates.

Absent: Councilmembers Capitelli, Moore and Wengraf.

Councilmember Moore present at 7:08 p.m. Councilmember Capitelli present at 7:08 p.m. Councilmember Wengraf present at 7:08 p.m.

Ceremonial Matters:

1. John Toki Day
2. City Awarded the Rockefeller Foundation Resilient City Grant.

City Manager Comments: None

Public Comment on Non-Agenda Matters: 1 speaker.

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

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

- 1. Condominium Conversion Program - Annual Report and Amending BMC Chapter 21.28**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,316-N.S. amending Berkeley Municipal Code (BMC) section 21.28.030.G to clarify the definition of a resident tenant.
First reading vote: All Ayes.
Financial Implications: None
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted second reading of Ordinance No. 7,316-N.S.
- 2. Establish the Elmwood Business Improvement District, Levy Assessments in the District for 2014**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,317-N.S. establishing the Elmwood Business Improvement District, including an Advisory Board to make recommendations to the Council on the District, adding Chapter 7.84 of the Berkeley Municipal Code (BMC); and repealing Chapter 7.84 of the BMC originally adopted by Ordinance No. 6,164-N.S.
First reading vote: All Ayes.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted second reading of Ordinance No. 7,317-N.S.
- 3. Ordinance to Require the Retrofit of Soft, Weak or Open Front Buildings; Amending BMC Chapter 19.39**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,318-N.S. amending Chapter 19.39 of the Berkeley Municipal Code adopting mandatory seismic retrofit requirements for wood-frame buildings with five or more residential units containing soft, weak or open front stories.
First reading vote: All Ayes.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,318-N.S.
- 4. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on December 3, 2013**
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: General Fund - \$80,000
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.

Consent Calendar

- 5. FY 2014 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for Business License Tax on large non-profits at \$0.5330 (53.30 cents) per square foot of improvements.
Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,319–N.S. Second reading scheduled for December 17, 2013.
- 6. Revenue Grant: FEMA Assistance to Firefighters Grant Program to Fund Acquisition of a Transport Ambulance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grant (AFG) program in the amount of \$225,250 and authorizing the use of \$39,750 in local matching funds, to purchase one transport ambulance and equipment.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
Action: Adopted Resolution No. 66,387–N.S.
- 7. Revenue Agreement: California DHCS for Ground Emergency Medical Transportation Services Reimbursement Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a revenue agreement with the California Department of Health Care Services (DHCS), and any amendments and/or supplemental agreements thereto, including any changes to the projected annual revenue amount, for the supplemental reimbursement of Ground Emergency Medical Transportation (GEMT) services to Medi-Cal beneficiaries, for the period commencing retroactively on January 30, 2010 until the agreement is terminated or the GEMT program ends pursuant to the repeal of State or federal statutory authority to make payments or claim federal reimbursement.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
Action: Adopted Resolution No. 66,388–N.S.
- 8. Community Workforce Agreement: Recommendation to Extend the Term to January 18, 2015**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to extend the term of the Community Workforce Agreement with the Alameda County Building and Construction Trades Council through January 18, 2015 and to work with the Building and Construction Trades to revise and strengthen the Agreement based on the lessons learned in the first three years.

Consent Calendar

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Action: Adopted Resolution No. 66,389–N.S.

9. Mills Act Contracts - 18 Alvarado Street and 1542-1544 La Loma Avenue

From: City Manager

Recommendation: Adopt two Resolutions directing the City Manager to enter into Mills Act contracts for the 18 Alvarado Street and 1542-1544 La Loma Avenue properties.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: Adopted Resolution No. 66,390–N.S. (18 Alvarado) and Resolution No. 66,391–N.S. (1542-1544 La Loma).

10. Contract: Conversion Management Associates, Inc. for Center Street Garage Reconstruction Project Planning and Management

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments for Project Planning and Project Management Services for the reconstruction of the City's Center Street Parking Garage with Conversion Management Associates, Inc. for an amount not to exceed \$1,000,000 for the period December 1, 2013 through December 31, 2018.

Financial Implications: Off Street Parking Fund - \$1,000,000

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,392–N.S.

11. Contract: Xerox for Automated Data Collection and Enforcement System (goBerkeley)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Xerox to perform System Integrator services for the Automated Data Collection and Enforcement pilot portion of the goBerkeley program, for an amount not to exceed \$500,000 for the period December 1, 2013 through June 30, 2015.

Financial Implications: CALTRANS - \$500,000

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,393–N.S.

Consent Calendar

12. Support of the Affordable Care Act and Open Enrollment in the Covered California Exchange

From: Community Health Commission

Recommendation: Adopt a Resolution to: 1. Support the Affordable Care Act and open enrollment in the Covered California Exchange; and 2. Work proactively with partners to encourage enrollment and connect exchange-eligible Berkeley residents to available community resources; and 3. Monitor enrollment figures and solicit data as needed from Covered California, health plans and other sources to determine whether they are reaching targeted populations in Berkeley.

Financial Implications: Unknown

Contact: Gail Feldman, Commission Secretary, 981-5232

Action: Adopted Resolution No. 66,394–N.S. amended to replace the word “targeted” with the word “underserved” in the second resolved clause.

13. Appointment of Neal Adams to Mental Health Commission

From: Mental Health Commission

Recommendation: Adopt a Resolution approving the appointment of Neal Adams to the Mental Health Commission, as a representative of the General Public Interest Category for the three year term beginning December 4, 2013 and ending December 3, 2016.

Financial Implications: None

Contact: Carol Patterson, Commission Secretary, 981-7721

Action: Adopted Resolution No. 66,395–N.S.

Council Consent Items

14. Berkeley Chamber Foundation for Leadership East Bay: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Mayor Bates

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$300 per Councilmember including up to \$300 from Mayor Bates to the Berkeley Chamber Foundation for Leadership East Bay with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Tom Bates and any other Councilmembers who would like to contribute.

Financial Implications: Mayor's Discretionary Funds - \$300

Contact: Tom Bates, Mayor, 981-7100

Action: Adopted Resolution No. 66,396–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100.

15. Support Commercial Property Tax Reform

From: Mayor Bates

Recommendation: Adopt a Resolution urging California state legislators to amend the state constitution to allow commercial property values to be reassessed regularly for tax purposes.

Financial Implications: Minimal

Contact: Tom Bates, Mayor, 981-7100

Action: Adopted Resolution No. 66,397–N.S.

Council Consent Items

- 16. Permitting the Civic Arts Commission to Conduct an Eleventh Meeting for 2013**
From: Councilmember Moore
Recommendation: Grant the Civic Arts Commission permission to conduct an eleventh meeting for 2013.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 17. Berkeley Junior Bears: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Moore and Anderson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember to Berkeley Junior Bears to assist with costs associated with competing in the National Cheer & Dance Championships with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,398–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Maio - \$100; Councilmember Moore - \$250; Councilmember Wozniak - \$200; Councilmember Anderson - \$250; Councilmember Arreguin - \$100.
- 18. City Sponsorship for the First Annual Black History Month Celebration**
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving sponsorship for the First Annual Black History Month Celebration hosted by the Berkeley Juneteenth Association, Inc. and request funding by the City Manager.
Financial Implications: \$4,250
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 66,399–N.S.
- 19. La Peña: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Councilmember Anderson to La Peña's Building Our Future Campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Max Anderson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 66,400–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Arreguin - \$100; Councilmember Moore - \$100;

Council Consent Items

Councilmember Anderson - \$1000; Councilmember Worthington - \$1000;
Councilmember Wengraf - \$100.

- 20. Implementing Urban Agriculture Incentive Zones**
From: Councilmember Arreguin
Recommendation: Direct the City Manager to review the recently signed law, Assembly Bill 551 (Urban Agriculture Incentive Zone Act) and develop legislation for possible implementation of an Urban Agriculture Incentive Zone in the City of Berkeley. The City Manager when providing a report back to the City Council should provide an analysis of the law and the legal requirements that have to be met, the feasibility of implementation in Berkeley, and the potential benefits and financial implications of implementing an Urban Agriculture Incentive Zone.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Approved recommendation.
- 21. June Budget Referral: \$40,000 to \$50,000 for Comprehensive 311 Mobile Application Upgrades**
From: Councilmembers Worthington and Wozniak
Recommendation: Refer comprehensive 311 mobile and web application system upgrades to the June budget process.
Financial Implications: Approximately \$40,000 to \$50,000 and a minimal annual fee
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 22. Pacific Center for Human Growth for Covered Berkeley Brigade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Worthington
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,500 per Councilmember including up to \$1,500 from Councilmember Worthington to the Pacific Center for Human Growth with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Worthington and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$1,500
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,401–N.S. with the third whereas clause amended to read, "WHEREAS, the provision of such services would fulfill the following municipal public purpose to train people to go door-to-door in Berkeley to educate highly eligible populations for health enrollment understand about their options."
- 23. Proclamation in Honor of End Child Sexual Abuse Now! National Day of Awareness**
From: Councilmember Worthington

Council Consent Items

Recommendation: Adopt a proclamation honoring and sponsoring End Child Sexual Abuse (CSA) Now! National Day of Awareness in Berkeley.

Financial Implications: Minimal

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

Action: Adopted proclamation.

24. **Sponsorship of the 30th Annual Telegraph Avenue Holiday Street Fair**
From: Councilmember Worthington
Recommendation: Adopt a Resolution co-sponsoring the 30th Annual Telegraph Avenue Holiday Street Fair.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,402–N.S.

Action Calendar – Public Hearing

25. **Adoption of the 2013 California Fire Code with Local Amendments - Second Reading**
From: City Manager
Recommendation:
1. Conduct a public hearing and upon conclusion adopt second reading of Ordinance No. 7,314-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, and K published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.
 2. Adopt a Resolution rescinding Resolution No. 65,081-N.S. which set forth findings of local conditions that require more stringent regulations than those provided by the 2010 California Fire Code.
- First reading vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
Action: M/S/C (Maio/Moore) to close the public hearing.
Vote: All Ayes.
- Action:** M/S/C (Maio/Worthington) to:
1. Adopt second reading of Ordinance No. 7,314-N.S.
 2. Adopt Resolution No. 66,403–N.S. rescinding Resolution No. 65,081-N.S. which set forth findings of local conditions that require more stringent regulations than those provided by the 2010 California Fire Code.
- Vote:** All Ayes.

Action Calendar – Public Hearing

26. Adoption of Berkeley Building Codes - Second Reading

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt second reading of Ordinance No. 7,315-N.S. repealing and reenacting the Berkeley Building Code including Appendix J, Residential Code including Appendix H, Electrical, Mechanical, Plumbing including Appendices A, B, D, I, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

First reading vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

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

Action: M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to adopt second reading of Ordinance No. 7,315-N.S.

Vote: All Ayes.

Action Calendar – Old Business

27. Create Introductory Project for Sustainable Seafood Labeling *(Continued from November 19, 2013)*

a. From: Community Environmental Advisory Commission

Recommendation: Adopt a Resolution authorizing the City Manager to: 1. Support the policy of sustainable seafood; 2. Develop a nine-month introductory project with limited funding to Berkeley fresh seafood retailers to provide point of sale information on sustainable seafood; assess the introductory sustainable seafood labeling project at the end of the 9-months; and provide CEAC with this assessment. 3. Based on the results of the introductory project evaluation, develop an ordinance to require point of sale sustainable seafood labeling by January 1, 2015.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7461

b. From: City Manager

Recommendation: The City Manager recommends that Council refer the timing and funding for the project to be considered as part of the City Work Plan and the budget process.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: 0 speakers. M/S/C (Maio/Capitelli) to adopt Item 27.b. from the City Manager.

Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Worthington; Abstain – Anderson, Arreguin.

Action Calendar – Old Business

28. Referral to City Manager: Amendments to Tobacco-Free Multi-Unit Housing Ordinance *(Continued from November 19, 2013)*

From: Councilmember Arreguin

Recommendation: Refer to the City Manager for incorporation in a draft Tobacco-Free Multi-Unit Housing Ordinance the following proposals: 1. Delay the effective date of the ordinance to May 1, 2014, rather than March 1, 2014 as previously directed by the City Council, so that staff has adequate time to draft amendments based on this referral and bring back a final ordinance for Council adoption. Also delay the requirement that landlords notify tenants effective January 1, 2014. A delayed implementation date would also provide enough time for the city to conduct outreach to owners and tenants of the new requirements and increase smoking cessation resources before the ordinance goes into effect. 2. All initial leases or rental agreements signed on or after May 1, 2014 shall include language expressly prohibiting smoking in the units or in any common areas of a multi-unit residence. 3. That all initial leases or rental agreements signed after May 1, 2014, also notify tenants which units in the building do not have leases which expressly prohibit smoking. 4. Failure to provide either of the lease provisions noted above will allow the new tenant to break the lease without penalty. (the language proposed by the Manager on October 1st along with the modifications proposed by the Rent Board on October 1st suffices). 5. That the City or Rent Board actively encourage and try to get tenants to sign voluntary lease addendums which prohibit smoking. Any voluntary lease addendum should be on a City/Rent Board developed form. 6. That the Rent Board establish and maintain a registry of all rental units in multi-unit housing indicating which units have leases that expressly prohibit smoking & require owners to notify the Rent Stabilization Board of lease provisions prohibiting smoking, and that the city require that owners of units registered with the Rent Board and those that aren't registered provide information on which units have no-smoking lease clauses. 7. That owners be required to post signs in common areas of all multi-unit housing indicating smoking is prohibited. 8. That the City allocate staff to enforce violations of this ordinance through an initial investigation, written warning and followed by progressively increasing fines of \$250, \$500, \$1000 and \$1,500 for each infraction. Consistent with the previous staff drafted ordinance, there should be a cap on the number of private right of actions that any individual resident may file in a year against another smoking resident. 9. Includes the private right of action but strengthen it by allowing each resident to collect no more than \$1,000 in a calendar year through private right of action. Doing this allows us to show that we are not tolerating or condoning smoking but believe that real financial penalties (rather than an unequal risk of lost housing) should be an appropriate penalty that can be applied in a more uniform way. Also making a violation the ordinance an infraction does not give an owner automatic grounds to evict a tenant. Also include the mandatory mediation provisions included in the ordinance proposed by the Manager on October 1, 10. Warnings be required by landlords and by the City before any enforcement action can be taken. The City Council should authorize sufficient staff and a funding source for proper enforcement and outreach. Previously, the City Manager indicated such a program would cost in the neighborhood of \$120,000 annually to implement. Councilmember Maio indicated that the inspectors associated with the Rental

Action Calendar – Old Business

Housing Safety Program be charged with implementing the Ordinance. If the RHSP fee were increased by \$5 per unit, there would be sufficient resources to fund the necessary staff to implement the provisions of the Tobacco-Free Multi-Family Housing Ordinance I am proposing. If there needs to be a specific nexus between a no smoking ordinance and the RHSP program, City staff should explore amending the housing code so that smoking is a violation that can be cited and enforced by RHSP Housing code inspectors.

Financial Implications: Staff time

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action: Item withdrawn by Councilmember Arreguin.

Action Calendar – New Business

29. City Council Redistricting Ordinance

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance created from the Berkeley Student District Campaign Plan adjusting the City Council district boundaries pursuant to Section 9, Article V of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2010 Decennial Federal Census.

-OR-

2. Adopt first reading of an Ordinance created from the United Student District Amendment Plan adjusting the City Council district boundaries pursuant to Section 9, Article V of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2010 Decennial Federal Census.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: 41 speakers. M/S/C (Maio/Moore) to call the previous question.

Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Worthington; Abstain – Anderson, Arreguin.

Action: M/S/Failed (Worthington/Anderson) to adopt first reading of the United Student District Amendment Redistricting Plan ordinance.

Vote: Ayes – Anderson, Arreguin, Worthington; Noes – Capitelli, Wengraf, Wozniak, Bates; Abstain – Maio, Moore.

Action: M/S/C (Bates/Wengraf) to adopt first reading of the Berkeley Student District Campaign Redistricting Plan, Ordinance No. 7,320–N.S. Second reading scheduled for December 17, 2013.

Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson.

Recess: 9:23 p.m. – 9:33 p.m.

Action Calendar – New Business

30. Tobacco Free Multi-Unit Housing Ordinance; Amending Berkeley Municipal Code Chapter 12.70

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.70 to prohibit smoking in all units of multi-unit residences and all common areas of multi-unit residences enforced by the City; to require that all leases for initial occupancy include a non-smoking clause; and to require landlords to offer voluntary non-smoking lease addenda to all existing leases. Proposed ordinance revisions also include routine cleanup language to aid enforcement in workplaces and to clarify that smoking is banned in all commercial zones.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Action: 10 speakers. M/S/C (Bates/Capitelli) to adopt first reading of Ordinance No. 7,321–N.S. and to advise the City Manager of the Council’s preference for the use of the administrative citation as the primary enforcement mechanism. Second reading scheduled for December 17, 2013.

Vote: All Ayes.

31. Zoning Amendments for Homeless Shelters and Compliance with SB2

From: City Manager

Recommendation: Adopt first reading of an Ordinance adding BMC Chapter 23C.10 and amending BMC Titles 23D and 23E, and Chapter 23F.10 as recommended by the Planning Commission containing zoning amendments that include: 1. Year-round emergency homeless shelters allowed as-of-right in all commercial zoning districts, except the C-N (Neighborhood Commercial); 2. Standards for new shelter facilities and operations; 3. Revised definitions of Emergency Shelter, Transitional Housing, and Supportive Housing; and 4. Winter season only shelters allowed in high-density residential districts.

Financial Implications: None

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: 4 speakers. M/S/C (Worthington/Arreguin) to adopt first reading of Ordinance No. 7,322–N.S. and refer the addition of the R-S and R-SMU districts to the ordinance to the City Manager. Second reading scheduled for December 17, 2013.

Vote: All Ayes.

Council Action Items

- 32. Supporting City of Richmond's Home Loan Principle Reduction Program**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution 1) recognizing the devastating effects of foreclosures on local Communities; 2) supporting the City of Richmond's CARES program to reduce loan principle reduction to keep homeowners at risk of foreclosure in their homes; 3) directing the City Manager to provide an analysis of Richmond's program and the legal and financial implications of joining a Joint Powers Authority with the City of Richmond to implement the Richmond CARES program in Berkeley.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: 2 speakers. M/S/C (Arreguin/Capitelli) to adopt Resolution No. 66,404–N.S. as written in the Supplemental Reports and Communications Packet #1 with the eighth and ninth Whereas clauses deleted and the final Resolved clause deleted.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – Moore.
- 33. City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to apply for Telegraph Ave pedestrian safety funds and to produce a preliminary plan for Telegraph pedestrian safety improvements as requested by the Telegraph Merchants Association.
Financial Implications: \$5,000 to 10,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to December 17, 2013.
- 34. Support UAW Local 5810 Efforts to Secure Healthcare Cost Reimbursements from the University of California**
From: Councilmember Worthington
Recommendation: Support UAW Local 5810 efforts to secure healthcare cost reimbursements from the University of California and send a letter to Janet Napolitano, President of the University of California and the UC Board of Regents requesting that the University reimburse postdoctoral researchers for necessary out-of-pocket healthcare expenses.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to December 17, 2013.
- Action:** M/S/C (Maio/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent - Wengraf.

Councilmember Wengraf absent at 10:56 p.m.

Council Action Items

35. End U.S. Support for Construction of the Jeju Naval Base

From: Councilmember Worthington

Recommendation: Adopt a Resolution urging the United States to cease its support for the construction of Jeju Naval Base in South Korea to preserve the island's fragile biodiversity and honor the island's past history of bloodshed. Copies of the resolution to be sent to Congresswoman Barbara Lee and Senator Dianne Feinstein and Senator Barbara Boxer, President Barack Obama, Secretary of State John Kerry, and U.S. Defense Secretary Chuck Hagel, and Republic of Korea President Park Geun-hye.

Financial Implications: None

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

Action: 12 speakers. M/S/C (Worthington/Arreguin) to adopt Resolution No. 66,405–N.S. amended to delete the fifth and seventh Whereas clauses.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Worthington; Noes - None; Abstain – Capitelli, Wozniak, Bates; Absent – Wengraf.

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

Vote: Ayes – Maio, Anderson, Arreguin, Worthington; Noes – Capitelli, Wozniak; Abstain – Moore, Bates; Absent – Wengraf.

36. Reduce Fukushima Daiichi Nuclear Dangers

From: Councilmember Worthington

Recommendation: Adopt a Resolution urging the United Nations to form an International Independent Commission of Experts (IICE) to formulate a plan to reduce the radiation being released from the crippled Fukushima Daiichi Nuclear Power Plant, and instructing the City's Health Department to research and inform the public regarding elevated risk from seafood and other Pacific basin products, and to educate the population of Berkeley regarding specific treatments for radiation exposure and have in place emergency procedures to administer treatment, if necessary, to mitigate radiation exposure. Copies of the resolution to be sent to the U.N. General Assembly, U.N. Secretary-General Ban Ki-moon, U.S. Ambassador to the U.N. Samantha Power, President Barack Obama Senator Dianne Feinstein, Senator Barbara Boxer, Congresswoman and Representative to the 68th Session of the U.N. General Assembly Barbara Lee, and Governor Jerry Brown.

Financial Implications: None

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

Action: 5 speakers. No action taken. Item held over to December 17, 2013.

Information Reports

37. Berkeley Animal Shelter Lost Pet Photographs

From: City Manager

Contact: William Rogers, City Manager's Office, 981-7000

Action: Received and filed.

Information Reports

38. **1820-1822 Hearst Avenue, Berkeley - Review of Planning Commission Approval of Tentative Tract Map 8066**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
39. **Status Report: Property and Evidence Room POST Study Follow-Up Audit**
From: City Manager
Contact: Michael Meehan, Police, 981-5900
Action: Received and filed.
40. **Status Report: Failing Streets: Time to Change Direction to Achieve Sustainability**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
41. **Report of the Alameda County Transportation Commission**
From: Councilmember Capitelli
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Received and filed.

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

Adjournment

In memory of Anita Thede, Community Activist

Adjourned at 11:15 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of December 3, 2013 as approved by the Berkeley City Council.

Mark Numainville, CMC, City Clerk

Communications

Item 15: Support Commercial Property Tax Reform

1. Zipporah Collins

Item 35: End U.S. Support for Construction of the Jeju Naval Base

2. Joanne Magruder

Demolition Ordinance Petition

3. Sarah Hawley
4. Unknown

Communications

Community Services

5. Richard Berkeley

Alameda County Grand Jury Report/Rent Stabilization Board

6. Nancy Bickel, on behalf of the League of Women Voters of Berkeley, Albany, Emeryville

Philippines Typhoon

7. Vincent Canlas

Disclosures to Potential Buyers of Post Office

8. Anthony Bruce, on behalf of the Berkeley Architectural Heritage Association

Traverse Rumble Strips

9. Transportation Commission

Supplemental Communications and Reports 1

Item 28: Referral to City Manager: Amendments to Tobacco-Free Multi-Unit Housing Ordinance

10. Revised materials, submitted by Councilmember Arreguin

Item 32: Supporting City of Richmond's Home Loan Principle Reduction Program

11. Revised materials, submitted by Councilmember Arreguin

Supplemental Communications and Reports 2

Item 28: Referral to City Manager: Amendments to Tobacco-Free Multi-Unit Housing Ordinance

12. Aigul Seidekova
13. Yesenia Molinar

Item 29: City Council Redistricting Ordinance

14. Vincent Canlas, on behalf of the Residence Hall Assembly

Item 32: Supporting City of Richmond's Home Loan Principle Reduction Program

15. Bill Falik

Item 36: Reduce Fukushima Daiichi Nuclear Dangers

16. Nick Thabit
17. Romi Elnagar
18. Susan Bahl
19. Lucymarie Ruth
20. Phoebe Sorgen (2)
21. Chizu Hamada
22. Soula Culver
23. Jenny Miller
24. Pedro Garcia
25. Carol Wolman
26. Jordan Van Voast
27. Monica Willard

Supplemental Communications and Reports 2

- 28. Diana Bohn
- 29. Martha Smythe
- 30. Gordon Wozniak
- 31. Stephanie Thomas

Supplemental Communications and Reports 3

Item 30: Tobacco Free Multi-Unit Housing Ordinance; Amending Berkeley Municipal Code Chapter 12.70

- 32. Presentation, submitted by Health, Housing & Community Services
- 33. Rent Stabilization Board

Item 35: End U.S. Support for Construction of the Jeju Naval Base

- 34. Christine Ahn
- 35. Steph Lee
- 36. Cynthia Papermaster
- 37. Isabel Kang
- 38. Unknown

Item 36: Reduce Fukushima Daiichi Nuclear Dangers

- 39. Cynthia Papermaster
- 40. Val Eisman (2)

Eid's TV

- 41. M. Eid Abdallah

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, DECEMBER 17, 2013
5:30 P.M.**

Council Chambers – 2134 Martin Luther King Jr. Way

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 5:30 p.m.

Present: Councilmembers Arreguin, Capitelli, Maio, Moore, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmembers Anderson and Worthington.

Councilmember Worthington present at 5:35 p.m.

Worksession:

1. Report on Employee Safety

From: City Manager

Contact: David Abel, Human Resources, 981-6800

Action: Presentation made and discussion held.

Public Comment – Items on this agenda only: 0 speakers.

Adjournment

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

Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Anderson, Worthington.

Councilmember Worthington absent 6:11 p.m. – 6:14 p.m.

Adjourned at 6:14 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of December 17, 2013.

Mark Numainville, CMC, City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

None

Supplemental Communications and Reports 3

Item 1: Report on Employee Safety

1. Presentation, submitted by Human Resources

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, DECEMBER 17, 2013**

6:30 P.M.

Council Chambers – 2134 Martin Luther King Jr. Way

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 6:30 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmember Worthington.

Councilmember Worthington later joined the meeting.

1. Tribute to Nelson Mandela

From: Mayor Bates

Contact: Tom Bates, Mayor, 981-7100

Action: Tribute held.

Public Comment – Items on this agenda only: 4 speakers.

Adjournment

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

Vote: All Ayes.

Adjourned at 7:33 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of December 17, 2013.

Mark Numainville, CMC, City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

None

Supplemental Communications and Reports 3

None

**MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, DECEMBER 17, 2013
7:00 P.M.**

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:33 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Mayor Bates.

Absent: None.

Ceremonial Matters: None.

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

Consent Calendar

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

Vote: All Ayes.

1. FY 2014 Tax Rate: Business License Tax on Large Non-Profits

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,319-N.S. setting the FY 2014 tax rate for Business License Tax on large non-profits at \$0.5330 (53.30 cents) per square foot of improvements.

First reading vote: All Ayes.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,319-N.S.

Consent Calendar

2. **City Council Redistricting Ordinance**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,320-N.S. created from the Berkeley Student District Campaign Plan adjusting the City Council district boundaries pursuant to Section 9, Article V of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2010 Decennial Federal Census.

First reading vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: 13 speakers. Moved to Action Calendar. M/S/C (Bates/Maio) to adopt the second reading of Ordinance No. 7,320-N.S.

Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Anderson, Arreguin, Worthington.

3. **Tobacco Free Multi-Unit Housing Ordinance; Amending Berkeley Municipal Code Chapter 12.70**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,321-N.S. amending Berkeley Municipal Code Chapter 12.70 to prohibit smoking in all units of multi-unit residences and all common areas of multi-unit residences enforced by the City; to require that all leases for initial occupancy include a non-smoking clause; and to require landlords to offer voluntary non-smoking lease addenda to all existing leases. Proposed ordinance revisions also include routine cleanup language to aid enforcement in workplaces and to clarify that smoking is banned in all commercial zones.

First reading vote: All Ayes.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Action: Adopted second reading of Ordinance No. 7,321-N.S.

4. **Zoning Amendments for Homeless Shelters and Compliance with SB2**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,322-N.S. adding BMC Chapter 23C.10 and amending BMC Titles 23D and 23E, and Chapter 23F.10 as recommended by the Planning Commission containing zoning amendments that include: 1. Year-round emergency homeless shelters allowed as-of-right in all commercial zoning districts, except the C-N (Neighborhood Commercial); 2. Standards for new shelter facilities and operations; 3. Revised definitions of Emergency Shelter, Transitional Housing, and Supportive Housing; and 4. Winter season only shelters allowed in high-density residential districts.

First reading vote: All Ayes.

Financial Implications: None

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: Adopted second reading of Ordinance No. 7,322-N.S.

Consent Calendar

- 5. Settlement of Freddia Smith v. City of Berkeley, ACSC No. RG 11 595053**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 11 595053 entitled Smith v. City of Berkeley, in the amount of \$71,000.
Financial Implications: Public Liability Fund - \$71,000
Contact: Zach Cowan, City Attorney, 981-6950
Action: Adopted Resolution No. 66,406–N.S.
- 6. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of November 12, 2013 (special and regular) and November 19, 2013 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 7. Emergency Standby Officers for the Mayor and Councilmembers**
From: City Manager
Recommendation: Adopt a Resolution confirming 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. 66,311-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 66,407–N.S.
- 8. Annual Commission Attendance and Meeting Frequency Report**
From: City Manager
Recommendation: Adopt a Resolution approving a revised commission meeting frequency schedule to add the Children, Youth, and Recreation Commission and the Parks and Waterfront Commission; to remove the Commission on Early Childhood Education, the Elmwood Advisory Board, the Parks and Recreation Commission, and the Waterfront Commission; and accept the annual attendance report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 66,408–N.S.

Consent Calendar

9. **Berkeley Tourism Business Improvement District Annual Report**

From: City Manager

Recommendation: Adopt two Resolutions:

1. Accepting the Berkeley Tourism Business Improvement District (BTBID) Owners' Association recommendation that Council approve the Annual Report and preliminary budget on proposed activities in the District for the PBID's FY 2014.
2. Authorizing the City Manager to execute a sole source contract and any amendments with Visit Berkeley for \$455,000 of BTBID funds to support tourism marketing and promotion for the period of January 1, 2014 to December 31, 2014.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Action: Adopted Resolution No. 66,409–N.S. (Annual Report); Resolution No. 66,410–N.S. (Visit Berkeley).

10. **Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on December 17, 2013**

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 - \$665,000

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

11. **Contract: DataProse Inc. for Bill Printing and Mailing Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a three year contract with DataProse to provide printing and mailing services for the period of July 1, 2013 through June 30, 2016 in the amount of \$255,000, with the option for two 1-year extensions through June 30, 2018, for a total five year amount not to exceed \$425,000 subject to the City's annual budget appropriation process.

Financial Implications: Various Funds - \$425,000

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted Resolution No. 66,411–N.S.

Consent Calendar

- 12. Second Option Agreement for 3135 Harper Street and Extension of Housing Trust Fund Reservations**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving a Second Option Agreement between the City of Berkeley and Satellite AHA Development, Inc., related to the disposition and development of the City-owned property at 3135 Harper Street in Berkeley; and 2. Extending the expiration date for the Housing Trust Fund reservation of \$2,300,000 for 3135 Harper Street from December 31, 2013 to June 30, 2014; and 3. Revising the date by which the alternate Housing Trust Fund reservations approved by Council in Resolution No. 65,962-N.S. are approved if financing for 3135 Harper Street is not secured from December 31, 2013 to June 30, 2014.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,412–N.S.
- 13. Donation: Alameda County Meals on Wheels Agency for the Berkeley Meals on Wheels Program**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$26,101 donation to the Berkeley Meals on Wheels Program from the Alameda County Meals on Wheels Agency.
Financial Implications: \$26,101 (Donation)
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,413–N.S.
- 14. Contract No. 4073D Amendment: Delta Dental Plan Rate Renewal**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 4073D with Delta Dental Plan, approving a 0.0% increase in dental premiums for calendar year 2013, a 2.45% increase for calendar year 2014, and 0.0% increase for calendar year 2015; and renewing the contract for an additional three years at a cost of \$6,770,000 for all coverage groups effective January 1, 2013, through December 31, 2015, for a total contract amount of \$11,960,000.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,414–N.S.

Consent Calendar

15. 2014 Health Plan Changes

From: City Manager

Recommendation: Adopt two Resolutions:

1. Adding a new Kaiser Foundation (Kaiser) group plan, the HSA-Qualified Deductible HMO Plan; and approving rate increases for the Kaiser Health Maintenance Organization (HMO) health plans as follows: 2.34% increase for Active Employees; 7.9% increase for Pre-Medicare Eligible Retirees; 4.0% increase for Senior Advantage (Medicare Supplement) Retirees; and
2. Approving rate increases for the Health Net health plans as follows: 12.22% for HMO plan Active Employees; 12.22% for Point of Service (POS) plan Active Employees; 12.22% for Pre-Medicare HMO plan Eligible Retirees; 12.22% for Pre-Medicare POS plan Eligible Retirees; 3.0% for Seniority Plus (Medicare Supplement) Retirees; 12.22% for Health Net POS Post-65 Retirees.

Financial Implications: See report

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,415–N.S. (Kaiser); Resolution No. 66,416–N.S. (Health Net).

16. Fee Assessment for Fiscal Year 2014 - State of California Self-Insurance Fund

From: City Manager

Recommendation: Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2014 for administering the Workers' Compensation Program, in an amount not to exceed \$205,652.

Financial Implications: Workers' Compensation Fund - \$206,652.

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,417–N.S.

17. Contract No. 7575 Amendment: Alpine Software, Incorporated for Fire Operations Software Support

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 7575 with Alpine Software, Inc., increasing the amount by \$8,200, for a total not to exceed \$208,200 from April 21, 2008 through June 30, 2015.

Financial Implications: General Fund - \$8,200

Contact: Donna LaSala, Information Technology, 981-6500

Action: Adopted Resolution No. 66,418–N.S.

18. California Emergency Management Authority - Application for Disaster Relief at the Berkeley Tuolumne Camp

From: City Manager

Recommendation: Adopt a Resolution designating the City Manager as the authorized agent for the purpose of obtaining certain state and federal financial assistance for the fire damage at Berkeley Tuolumne Camp.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,419–N.S.

Consent Calendar

19. **Contract: Gibson & Associates for Quality Assurance Program for Community Agency Contracts**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager and her designee to execute a contract and any amendments with Gibson & Associates for evaluation and technical assistance support in developing a quality assurance program for youth-serving contractors receiving City funds in an amount not to exceed \$150,000 over a period of two years, beginning January 1, 2014.
Financial Implications: General Fund - \$150,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,420–N.S.
20. **California Energy Commission Energy Partnership Program Technical Assistance Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for the California Energy Commission (CEC) Energy Partnership Program technical assistance grant to identify priority efficiency projects and financing to reduce energy use in municipal buildings.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,421–N.S.
21. **Contract: Fidelity National Technology Imaging for Microfiche Digital Image Conversion**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Fidelity National Technology Imaging (FNTI) for microfiche digital imaging conversion of Planning and Development Department records for a total contract amount not to exceed \$138,000.
Financial Implications: Permit Service Center Fund - \$138,000
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,422–N.S.
22. **Technical Corrections to the Zoning Ordinance, Amending BMC Sub-Titles 23A, 23D and 23E**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Sub-Titles 23A, 23D and 23E to make non-substantive technical corrections to the Zoning Ordinance.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance No. 7,323–N.S. Second reading scheduled for January 21, 2014.

Consent Calendar

- 23. Contract: Rodan Builders, Inc. for Civic Center Building and Public Safety Building Data Center Upgrades Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Civic Center Building and Public Safety Building Data Center Upgrades Project, Specification Number 13-10730-C; 2. Accepting the price negotiated with Rodan Builders, Inc. in accordance with Article XI, Public Works and Supplies, Section 67(a.) of the City Charter as authorized by Resolution No. 66,229-N.S., and 3. Authorizing the City Manager to execute a contract and any extensions or change orders with Rodan Builders, Inc. until completion of the project in accordance with the approved plans and specification, in an amount not to exceed \$2,000,000.
Financial Implications: Various Funds - \$2,000,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,423–N.S.
- 24. Contract No. 8488 Amendment: R&S Erection of Richmond for Roll-Up Door Repairs and Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8488 with R&S Erection of Richmond, Inc., increasing the amount by \$15,000 for a total not to exceed \$65,000; and extending the contract through June 30, 2014.
Financial Implications: Building Maintenance Fund - \$15,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,424–N.S.
- 25. Contract No. 7441B Amendment: Direct Line Tele Response for After Hours Answering Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with Direct Line Tele Response for after-hours answering services for the City of Berkeley, increasing the amount by \$12,000 for a new total not to exceed \$107,000 and extending the termination date 6 months from December 31, 2013 to June 30, 2014.
Financial Implications: Various Funds - \$12,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,425–N.S.
- 26. Contract No. 7903C Amendment: ThyssenKrupp Elevator Corporation for Elevator and Lift Maintenance and Repair Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7903C with ThyssenKrupp Elevator Corporation to increase the contract by \$50,000 for a total not to exceed amount of \$478,027 and extend the contract through June 30, 2014.
Financial Implications: Various Funds - \$50,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,426–N.S.

Consent Calendar

- 27. Contracts: Consultants for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to execute individual contracts and any amendments, each for the period February 3, 2014 through February 1, 2019 for a total amount of all contracts not to exceed \$1,000,000 with the following consultants for On-call Transportation Planning Services:
1. Alta Planning + Design, for an amount not to exceed \$450,000.
 2. Community Design + Architecture, for an amount not to exceed \$250,000.
 3. Nelson\Nygaard Consulting Associates, for an amount not to exceed \$100,000.
 4. Fehr Peers, for an amount not to exceed \$200,000.
- Financial Implications:** See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,427–N.S. (Alta Planning); Resolution No. 66,428–N.S. (Community Design); Resolution No. 66,429–N.S. (Nelson/Nygaard); Resolution No. 66,430–N.S. (Fehr Peers).
- 28. Contract No. 9364 Amendment: Kitchell CEM, Inc. for Inspection and Assessment of City-Owned Buildings**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment with Kitchell CEM, Inc., increasing the amount by \$50,000 for a total not to exceed \$150,000 for the existing contract term ending June 30, 2014.
Financial Implications: Marina Operations & Maintenance Fund - \$50,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,431–N.S.
- 29. Contract: Traffic Development Services for Electronic Traffic Calming Devices Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Electronic Traffic Calming Devices Replacement Project, Specification No. 14-10802-C and accepting the bid proposal of Traffic Development Services; and 2. Authorizing the City Manager to execute a contract and any amendments with Traffic Development Services for the replacement of non-operational electronic traffic calming devices for the period January 15, 2014 to January 14, 2016 for an amount not to exceed \$178,257.
Financial Implications: Various Funds - \$178,257
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,432–N.S.

Consent Calendar

- 30. Purchase Order: National Auto Fleet Group for One Mechanics Truck with Service Body**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with National Auto Fleet Group for one mechanics truck with service body for an amount not to exceed \$151,739.
Financial Implications: Equipment Replacement Fund - \$151,739
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,433–N.S.
- 31. Implementation of 15 MPH Speed Signs Around Elementary Schools**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to implement installation of 15 mph speed signs around preschools and elementary schools in the City of Berkeley.
Financial Implications: Measure B - Local St & Road - \$48,600
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,434–N.S.
- 32. Board of Library Trustees Reappointment: Abigail Franklin**
From: Board of Library Trustees
Recommendation: Adopt a Resolution reappointing Abigail Franklin to the Board of Library Trustees ("BOLT") for a second term of four years commencing January 3, 2014.
Financial Implications: None
Contact: Donna Corbeil, Commission Secretary, 981-6100
Action: Adopted Resolution No. 66,435–N.S.

Council Consent Items

- 33. Council Appointments to Regional Committees and Commissions**
From: Mayor Bates
Recommendation: Adopt a Resolution for the appointments of Councilmembers to their current committees, commissions, and regional bodies for the years 2014-2015. Please see the attached resolution for committee and committee names and the pertinent appointed councilmember.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,436–N.S.
- 34. Appointment of Mental Health Commission City Council Liaison**
From: Mayor Bates
Recommendation: Adopt a Resolution re-appointing Councilmember Arreguin as the City Council Liaison to the Mental Health Commission for one calendar year.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,437–N.S.

Council Consent Items

- 35. Expanding the City of Berkeley's Park Bench Donation Policy**
From: Councilmember Moore
Recommendation: Direct the City Manager to explore other options for memorial/commemorative donations from residents.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 36. Revising the Berkeley Municipal Code to More Effectively Address Illegal Dumping**
From: Councilmember Moore
Recommendation: Direct the City Manager to propose potential revisions to the Berkeley Municipal Code to better address illegal dumping in the city.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation. Councilmember Anderson added as a co-sponsor.
- 37. Support the Strong Start for America's Children Act of 2013**
From: Councilmembers Capitelli and Moore
Recommendation:
1. Adopt a Resolution supporting Strong Start for America's Children Act of 2013 that would expand access to high-quality early childhood education for children ages 0-5; and
2. Request the City Clerk's office write a letter on behalf of the Berkeley City Council to our United States Senators and copy to Arne Duncan, US Secretary of Education, in support of the Strong Start for Children Act of 2013.
Financial Implications: Staff time
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: 1. Adopted Resolution No. 66,438–N.S.; 2. Approved recommendation.
- 38. Scheduling a Ten Minute Presentation by the Berkeley Art Center**
From: Councilmember Capitelli
Recommendation: Recommend that the City Council allow 10 minutes at its January 21, 2014 regular meeting for a brief introduction to the new Executive Director and Board President of the Berkeley Art Center.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.

Council Consent Items

- 39. Support IGNITE, End the School-to-Prison Pipeline, and Send a Letter to UC President Janet Napolitano**
From: Councilmember Worthington
Recommendation: Adopt a Resolution supporting IGNITE (Invest in Graduation Not Incarceration, Transform Education), a campaign aimed at prioritizing California spending on education instead of prisons. Send a letter to the UC President Janet Napolitano asking to support the UCSA (University of California Student Association) by increasing student retention rates through the creation of academic preparation and retention programs.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,439–N.S.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – Bates.
- 40. Letter to Director of Montana Fish, Wildlife and Parks to Support Option B for Montana’s Plan to Protect the Nation’s Last Native Bison in Yellowstone Park**
From: Councilmember Worthington
Recommendation: Send a letter to the Director of Montana Fish, Wildlife and Parks to support option B in the Joint Environmental Assessment for Year-Round Habitat for Yellowstone Bison, which is supported by the Yellowstone Bison Citizens Working Group, the National Wildlife Federation, the Sierra Club, and various Native American tribes such as the Confederated Salish and Kootenai Tribes.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: No action taken.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates.
- 41. City Manager Referral: Establishment of Code Enforcement Prioritization Policy and Possible Fee Adjustments**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to review the creation of a prioritization policy for code enforcement policy
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: No action taken.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates.

Council Consent Items

42. **Commend Sally Jewell and Interior Department's Efforts to Encourage Veterans Families to Enjoy Our Public Lands**
From: Councilmember Worthington
Recommendation: Send a letter to Sally Jewell of the Secretary of the Department of the Interior commending the department's efforts to increase veterans' accessibility to the great outdoors.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
43. **City Manager Referral: Updating a Mandated Reporting Policy Under the California Child Abuse and Reporting Act**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to review the California Child Abuse Reporting Act to consider updating a Mandated Reporting Policy so that all appropriate city employees and volunteers are aware of their obligations in reporting abuse.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
44. **Proclamation for January as National Slavery and Human Trafficking Prevention Month**
From: Councilmember Worthington
Recommendation: Adopt a proclamation for January as National Slavery and Human Trafficking Prevention Month in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Action Calendar - Appeals

45. **Structural Alteration Permit Appeal Hearing: 2201-2205 Blake Street**
From: City Manager
Recommendation: Adopt a Resolution affirming the Landmarks Preservation Commission's approval of Structural Alteration Permit No. 2013-0005 for the construction of three dwelling units at the rear of the Bartlett Houses (2201-2205 Blake Street), a City of Berkeley Landmark, and affirming all of the findings and conditions.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
- a. Appeal**
1. Lozeau Drury LLP on behalf of Gale Garcia

Action Calendar – Appeals

Action: 3 speakers. M/S/C (Maio/Wozniak) to adopt Resolution No. 66,440–N.S. affirming the Landmarks Preservation Commission's approval of Structural Alteration Permit No. 2013-0005 for the construction of three dwelling units at the rear of the Bartlett Houses (2201-2205 Blake Street), a City of Berkeley Landmark, and affirming all of the findings and conditions.

Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson.

Action Calendar – Public Hearing

46. General Plan Re-designation and Rezone: 1011-1025 Gilman and Portion of 1000-1010 Gilman

From: City Manager

Recommendation: Conduct a Public Hearing for the purpose of considering an amendment to the General Plan, re-designating the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100). And upon conclusion of the hearing, consider the re-designation and re-zone of the parcels identified for the Public Hearing.

1. Adopt a Resolution amending the Berkeley General Plan to re-designate the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from Industrial to Commercial.
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 23 (zoning), official zoning map, to rezone the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from MU-LI to C-W.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 10 speakers. M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Capitelli/Moore) to:

1. Adopt Resolution No. 66,441–N.S. amending the Berkeley General Plan to re-designate the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from Industrial to Commercial.
2. Adopt first reading of Ordinance No. 7,324–N.S. amending Berkeley Municipal Code Title 23 (zoning), official zoning map, to rezone the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from MU-LI to C-W. Second reading scheduled for January 21, 2014.

Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson.

Action Calendar – Old Business

47. **Support UFW Efforts to Improve Worker Health and Safety Practices at Darigold Inc. Dairy Company** *(Continued from November 19, 2013)*
From: Councilmember Worthington
Recommendation: Send a letter to Darigold, Inc. dairy company requesting a change in worker health and safety practices at their dairy factories and respond to the United Farm Workers (UFW) request for dialogue.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Approved recommendation amended to send the letter as it appears in Supplemental Reports #1.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – Moore, Bates.
48. **City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds** *(Continued from December 3, 2013)*
From: Councilmember Worthington
Recommendation: Refer to the City Manager to apply for Telegraph Ave pedestrian safety funds and to produce a preliminary plan for Telegraph pedestrian safety improvements as requested by the Telegraph Merchants Association.
Financial Implications: \$5,000 to 10,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to January 21, 2014.
49. **Support UAW Local 5810 Efforts to Secure Healthcare Cost Reimbursements from the University of California** *(Continued from December 3, 2013)*
From: Councilmember Worthington
Recommendation: Support UAW Local 5810 efforts to secure healthcare cost reimbursements from the University of California and send a letter to Janet Napolitano, President of the University of California and the UC Board of Regents requesting that the University reimburse postdoctoral researchers for necessary out-of-pocket healthcare expenses.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: 0 speakers. M/S/Failed (Worthington/Arreguin) to Support UAW Local 5810 efforts to secure healthcare cost reimbursements from the University of California and send a letter to Janet Napolitano, President of the University of California and the UC Board of Regents requesting that the University reimburse postdoctoral researchers for necessary out-of-pocket healthcare expenses.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – Maio, Bates; Abstain – Moore, Capitelli, Wengraf, Wozniak.

Action Calendar – Old Business

50. **Reduce Fukushima Daiichi Nuclear Dangers** *(Continued from December 3, 2013)*

From: Councilmember Worthington

Recommendation: Adopt a Resolution urging the United Nations to form an International Independent Commission of Experts (IICE) to formulate a plan to reduce the radiation being released from the crippled Fukushima Daiichi Nuclear Power Plant, and instructing the City's Health Department to research and inform the public regarding elevated risk from seafood and other Pacific basin products, and to educate the population of Berkeley regarding specific treatments for radiation exposure and have in place emergency procedures to administer treatment, if necessary, to mitigate radiation exposure. Copies of the resolution to be sent to the U.N. General Assembly, U.N. Secretary-General Ban Ki-moon, U.S. Ambassador to the U.N. Samantha Power, President Barack Obama Senator Dianne Feinstein, Senator Barbara Boxer, Congresswoman and Representative to the 68th Session of the U.N. General Assembly Barbara Lee, and Governor Jerry Brown.

Financial Implications: None

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

Action: 20 speakers. M/S/C (Maio/Wengraf) to adopt Resolution No. 66,442–N.S. with the second Resolved clause amended to read: "BE IT FURTHER RESOLVED that the Council of the City of Berkeley requests that the California Department of Health research and inform the public regarding elevated risk from seafood and other Pacific basin products, and to educate the population of Berkeley regarding specific treatments for radiation exposure and have in place emergency procedures to administer treatment, if necessary, to mitigate radiation exposure."

Vote: All Ayes.

Action Calendar – New Business

51. a. Chevron Refinery Fire Follow-Up: Emergency Public Information and Warning

From: Community Environmental Advisory Commission

Recommendation: Direct the City Manager to: 1. To prepare a report over the next three to six months on the best fast, timely, flexible city-wide or section-wide notification of emergencies and submit the report to Community Environmental Advisory Commission (CEAC) and Disaster and Fire Safety Commission (DFSC) to get their final input on recommendations to the Council for implementing; 2. Immediately ensure that all nearby governmental warning agencies including FEMA have or will adopt specific methods for (a) timely contact with Berkeley officials to warn of incidents such as fire or release of toxic smoke or chemicals that might endanger Berkeley residents and (b) frequent (such as hourly) ongoing updates as long as the danger persists; 3. Contact major chemical (including petroleum) facilities within a radius of the City determined by the BAAQMD that can impact air quality and/or seriously harm one or more people located in the City of Berkeley, and ask them to reply on their plans for 24/7 warning City emergency responders as to releases or threatened releases of toxics, and then report to CEAC and the Council as to compliance or the lack; 4. Make sure local, reliable, real-time meteorological data from sites not blocked or affected by nearby structures is available 24/7 for emergency responders and on the City website; if these do not exist, then invest in small-scale internet connected units that can be sited around the city.

Financial Implications: Staff time

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7461

b. City Council Referral on the Impact of the Richmond Fire of August 21, 2012 on Berkeley Residents

From: Community Health Commission

Recommendation: Direct the City Manager to convene a task force within the next three months, comprised of leaders from the various emergency agencies within the City (Fire, Office of Emergency Services (OES), CERT leaders, and other like agencies) to assess, evaluate and make recommendations as to exactly how the citizenry of Berkeley will be effectively and systematically alerted in the event of emergencies, like toxic emissions, earthquakes or other natural or human-made disasters if and when it befalls the City.

Financial Implications: Staff time

Contact: Gail Feldman, Commission Secretary, 981-5232

Action Calendar – New Business

51. c. Chevron Refinery Fire Follow-Up: Emergency Public Information and Warning

From: City Manager

Recommendation: Request the City Manager to direct the City's existing Emergency Public Information and Warning Steering Committee to: 1. Coordinate with the Alameda County Operational Area to optimize information-sharing during emergency events. 2. Coordinate with the Bay Area Air Quality Management District (BAAQMD) to clarify the District's roles and responsibilities for monitoring air quality and sharing information during emergency events. 3. Further develop community outreach about the capabilities and limitations of the City's emergency public information and warning systems, and the interdepartmental coordination and procedures guiding their use.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400; Eric Angstadt, Planning and Development, 981-7400; Gil Dong, Fire, 981-3473

Action: Item 51.c. moved to Consent Calendar amended to include referral of the item to the Disaster and Fire Safety Commission and with the direction to the City Manager to coordinate with Contra Costa County.

Council Action Items

52. Referral to City Manager: Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee

From: Councilmember Arreguin

Recommendation: Refer to the City Manager and Housing Advisory Commission (HAC) the issue of amending Resolution No. 65,920-N.S. to clarify and change the criteria for exempting buildings destroyed by fire from the Affordable Housing Mitigation Fee.

Financial Implications: Staff time

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action: 2 speakers. Item held over to January 21, 2014. Councilmembers Worthington and Anderson added as co-sponsors.

53. City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints

From: Councilmember Worthington

Recommendation: Refer to the City Manager to designate non-sworn (civilian) employees to investigate after-hour noise complaints.

Financial Implications: See report

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

Action: Item held over to January 21, 2014.

Council Action Items

54. **City Manager Referral: Require 10-year Long Life Batteries in Smoke Alarms (and Carbon Monoxide Detectors) in All Rental Units**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to review the legality of requiring all rental properties in Berkeley to install a 10-year life battery for smoke alarms and carbon monoxide detectors and send letters to the City's representatives in the State Legislature urging them to introduce a 10-year long life batteries state bill.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Amended the referral to strike the existing language and replace it with a referral to inquire about grants for assistance with implementation of the new state requirements.

Information Reports

55. **Update: Implementation of Citywide Payroll Audit Recommendations**
From: City Manager
Contact: David Abel, Human Resources, 981-6800
Action: Received and filed.
56. **Taxi Cab Waiting List**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
57. **Video Screen Advertisements in Taxi Cabs**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
58. **Administrative Citations for "Pirate" Taxis**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
59. **Increasing the Number of Accessible Taxi's in Berkeley**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
60. **Berkeley Taxi Cab Association**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.

Information Reports

61. **Affordable Housing Mitigation Fee Collection Update**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
62. **Telegraph Channing Mall: Follow-up on Tenants Issues and Management**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: 4 Speakers. Moved to Consent Calendar and held over to January 21, 2014.
63. **Public Art Plan for FY 2014-15**
From: Civic Arts Commission
Contact: Mary Ann Merker, Commission Secretary, 981-7533
Action: Received and filed.

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

Adjournment

Adjourned in memory of Barbara George.

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

Vote: All Ayes.

Adjourned at 10:55 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of December 17, 2013 as approved by the Berkeley City Council.

Mark Numainville, CMC, City Clerk

Communications

AC Transit Line 51 – Corridor Delay Reduction & Sustainability Project

1. University Avenue Association

Human Rights Compliance Reports

2. Carol Denney
3. Bernadette Rabuy, on behalf of Human Rights of the Incarcerated at Cal
4. Rita Maran, on behalf of the United Nations Association, USA East Bay Chapter
5. Mansour Id-Deen, on behalf of the Berkeley NAACP
6. Edith Hallberg, on behalf of the East Bay Gray Panthers
7. Charlotte Kates, on behalf of the National Lawyers Guild's International Committee
8. JoAnn Ward, on behalf of the Human Rights in the U.S. Project @ Columbia Law School
9. Birte Scholz, on behalf of Human Rights Advocates

Communications

Recommendations Raised by the NAACP, Berkeley Chapter

10. Commission on Labor

Open Data Policy

11. Seamus Kraft, on behalf of OpenGov Foundation

Second Response Ordinance

12. Victoria Peirotes

CNA Newsletter

13. Ted Edlin

Supplemental Communications and Reports 1

Item 45: Structural Alteration Permit Appeal Hearing: 2201-2205 Blake Street

14. Karl Reeh

Item 47: Support UFW Efforts to Improve Worker Health and Safety Practices at Darigold Inc. Dairy Company

15. Revised materials, submitted by Councilmember Worthington

Item 50: Reduce Fukushima Daiichi Nuclear Dangers

16. Gordon Wozniak, District 8 (2)

17. Soula Culver (2)

18. Nick Thabit

Supplemental Communications and Reports 2

Item 3: Tobacco Free Multi-Unit Housing Ordinance; Amending Berkeley Municipal Code Chapter 12.70

19. Toni Cox

Item 31: Implementation of 15 MPH Speed Signs Around Elementary Schools

20. Michael Katz

21. Nova Blazej

22. Michael Jerrett

23. Terry Roberts, on behalf of the Transportation Commission

Item 50: Reduce Fukushima Daiichi Nuclear Dangers

24. Craig Daniels

25. Nancy Lemon

26. Phoebe Sorgen (2)

27. L. Darlene Pratt

28. Lucymarie Ruth

29. Ruth Maguire

30. Val Eisman (2)

31. Jordan Van Voast

32. Karen Katsanes

33. Marcia Slatkin

34. Rosa Johnson

35. Sarah Kotzamani

Supplemental Communications and Reports 2

36. The Tamaki Family
37. Soula Culver
38. Chizu Hamada
39. Tobias Beckwith
40. Rich Raffals
41. Jeanne LaDeaux
42. Dale Komai
43. Kimberly Theurich
44. Stephanie Thomas
45. Mary Beth Brangan
46. Romi Elnagar
47. Nick Thabit

Item 52: Referral to City Manager: Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee

48. Phoebe Sorgen
49. Linda Franklin
50. Norma Harrison

Item 53: City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints

51. Janelle Detten
52. Jeannie Battagin
53. Phyllis Fox
54. George Beier
55. Jacquelyn McCormick
56. Michelle Pellegrin
57. Isobel Schneider
58. Carole Pertofsky

Supplemental Communications and Reports 3

Item 31: Implementation of 15 MPH Speed Signs Around Elementary Schools

59. Julie Sinai
60. Alameda County Safe Routes to Schools

Item 45: Structural Alteration Permit Appeal Hearing: 2201-2205 Blake Street

61. Lozeau Drury LLP, on behalf of Gale Garcia and No Mini-Dorm Village for LeConte Neighborhood
62. Unknown

Item 50: Reduce Fukushima Daiichi Nuclear Dangers

63. Marc Pilisuk
64. Marc Sapir
65. Gar Smith
66. Phoebe Sorgen

Supplemental Communications 3

Item 52: Referral to City Manager: Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee

67. Olempia Castillo

Item 53: City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints

68. Doris Willingham

Item 62: Telegraph Channing Mall: Follow-up on Tenants Issues and Management

69. Unknown (2)

Jeju Naval Base

70. Kang Dong-Kyun

Global Warming

71. M. Eid Abdallah

