



Office of the City Manager

CONSENT CALENDAR

June 10, 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 May 6, 2014 (special, special closed and regular) and May 20, 2014 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. May 6, 2014–Special City Council Meeting
2. May 6, 2014–Special Closed City Council Meeting
3. May 6, 2014–Regular City Council Meeting
4. May 20, 2014–Special City Council Meeting
5. May 20, 2014–Regular City Council Meeting

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

TUESDAY, MAY 6, 2014

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 Capitelli, Moore Wengraf, Wozniak and Mayor Bates.

Absent: Councilmembers Anderson, Arreguin, Maio and Worthington.

Councilmember Worthington present at 5:55 p.m.

Worksession:

1. FY 2015 Proposed Budget Update

From: City Manager

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

Action: Presentation made and discussion held.

Public Comment – Items on this agenda only: 1 speakers.

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

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

Adjournment

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

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

Adjourned at 6:22 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of May 6, 2014.

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: FY 2015 Proposed Budget Update

1. Revised materials and presentation, submitted by City Manager's Office

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, MAY 6, 2014
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 Moore, Wengraf, Worthington, Wozniak and Mayor Bates.

Absent: Councilmembers Anderson, Arreguin, Capitelli and Maio.

Councilmember Capitelli present at 6:33 p.m. Councilmember Maio present at 6:40 p.m.

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

CLOSED SESSION:

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

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

Pending litigation – one case

- a. Sipple, et al. v. City of Hayward, et al.
(California Court of Appeal Case No. B242893)
(Los Angeles County Superior Court , Case No. BC462270)

Action: M/S/C (Wozniak/Capitelli) to authorize the City Attorney to file a petition for review with the California Supreme Court in the case of Sipple v. City of Hayward, et. al.

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

OPEN SESSION:

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

Adjournment

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

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

Adjourned at 6:43 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of May 6, 2014.

Mark Numainville, CMC, City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, MAY 6, 2014

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: 7:00 p.m.

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

Absent: Councilmembers Arreguin and Capitelli.

Councilmember Capitelli present at 7:03 p.m. Councilmember Arreguin present at 7:11 p.m.

Ceremonial Matters:

1. Affordable Housing Week
2. Recognition of Advocates for Victims of Sexual Assault on University Campuses

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 2 speakers.

Public Comment on Consent Calendar and Information Items Only: 7 speakers.

Consent Calendar

Action: M/S/C (Worthington/Moore) to accept supplemental/revised information from Councilmember Worthington on Item A.

Vote: All Ayes.

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

Vote: All Ayes.

1. Amendment: FY 2014 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2014 Annual Appropriations Ordinance No. 7,312–N.S. for fiscal year 2014 based upon other adjustments in the amount of \$16,162,081 (gross) and \$11,171,414 (net).

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,334–N.S. Second reading scheduled for May 20, 2014.

Consent Calendar

- 2. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on May 6, 2014**
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: Sanitary Sewer Operation Fund - \$450,000
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
- 3. Supplemental Military Leave Compensation Policy**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 63,646-N.S. to extend the City's supplemental military leave compensation benefit to May 31, 2015 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two years that must be taken within 36 months for employees called up to involuntary active military service.
Financial Implications: No current impact
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,564–N.S.
- 4. Designating City's Labor Negotiators Under Govt. Code Section 564957.6**
From: City Manager
Recommendation: Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in closed sessions with the City Council to discuss labor negotiations with certain unions and unrepresented employees and rescinding Resolution No.65,961-N.S.
Financial Implications: None
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,565–N.S.
- 5. Memorandum of Understanding: Berkeley Fire Fighters Association/I.A.F.F. Local 1227**
From: City Manager
Recommendation: Adopt a Resolution approving a new three (3) year Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 (hereafter referred to as the "Association") with a term of June 24, 2012 through June 30, 2015 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,566–N.S.

Consent Calendar

- 6. Classifications: Fire Captain I and Fire Captain II**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 64,980-N.S., Classification and Salary Resolution for Berkeley Fire Fighters Association Local 1227 I.A.F.F., to revise and re-title the Fire Captain classification to Fire Captain I; to establish the classification of Fire Captain II with a salary range of \$8,949 - \$9,864 per month effective May 11, 2014; and to abolish the classifications of Fire Lieutenant and Fire Lieutenant Training.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,567–N.S.
- 7. Appointment of Cameron Silverberg to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution approving the appointment of Cameron Silverberg to the Mental Health Commission, as a representative of the special public interest category, for a three year term beginning May 7, 2014 and ending May 6, 2017.
Financial Implications: None
Contact: Carol Patterson, Commission Secretary, 981-5100
Action: Adopted Resolution No. 66,568–N.S. approving the appointment of Cameron Silverberg to the Mental Health Commission, as a representative of the general public interest category, for a three year term beginning May 7, 2014 and ending May 6, 2017.

Council Consent Items

- 8. Beautification of Telegraph Avenue: 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 \$10,000 per Councilmember, including up to \$10,000 from Mayor Bates to the Telegraph Business Improvement District (TBID) to support beautification efforts on Telegraph Avenue with funds relinquished to the City's General Fund for this purpose from the discretionary Office Budget of the Mayor and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$10,000
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,569–N.S. Revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$500; Councilmember Wozniak - \$300.

Council Consent Items

9. **Support SB 1000, Sugar Sweetened Beverage Safety Warning Act**
From: Councilmembers Moore, Anderson, and Capitelli
Recommendation: Adopt a Resolution supporting SB 1000, the Sugar Sweetened Beverage Safety Warning Act. That the City Clerk sends a copy of the Council action with the resolution to Assemblymember Nancy Skinner, Speaker of the Assembly Toni Atkins, Senator Bill Monning, Senator Loni Hancock and Senate President pro Tem Darrell Steinberg.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,570–N.S.
10. **Referral to City Manager/Transportation Commission: Pedestrian Safety on Sacramento Street between University and Dwight**
From: Councilmembers Arreguin and Moore
Recommendation: Refer to the City Manager and Transportation Commission to study and implement appropriate traffic calming measures on Sacramento Street between University and Dwight Way to improve pedestrian safety particularly at non-signalized crossings at Sacramento/Addison; Sacramento/Bancroft; and Sacramento/Channing.
Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Approved recommendation.
11. **Senate Bill 967: Sexual Assaults on Campus**
From: Councilmembers Arreguin, Maio, and Wengraf
Recommendation: Adopt a Resolution in support of Senate Bill (SB) 967, authored by Senators Kevin de Leon and Hannah-Beth Jackson, which would require the governing boards of postsecondary institutions in California to each adopt an updated policy concerning campus sexual violence, domestic violence, dating violence and stalking. Copies of the Resolution are to be sent to Governor Jerry Brown, State Senators Loni Hancock, Kevin de Leon, and Hannah-Beth Jackson, Assemblymember Nancy Skinner, and University of California President Janet Napolitano.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 66,571–N.S.
12. **Senate Bill 1381: Labeling of Genetically Engineered Foods**
From: Councilmember Arreguin
Recommendation:
1. Adopt a Resolution supporting Senate Bill (SB) 1381, authored by Senator Noreen Evans, which would require the labeling of all genetically engineered foods sold at retail in the state of California. Copies of the Resolution are to be sent to Governor Jerry Brown, State Senators Loni Hancock and Noreen Evans, and Assemblymember Nancy Skinner.
2. Recommend to the City Manager, Community Environmental Advisory Commission and the Community Health Commission that they withhold a

Council Consent Items

recommendation on a local GMO labeling requirement pending the outcome of SB 1381.

Financial Implications: None

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

Action:

1. Adopted Resolution No. 66,572–N.S.
2. Approved recommendation.

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

13. **Senate Bill 1132: Moratorium of Hydraulic Fracturing**

From: Councilmember Arreguin

Recommendation: Adopt a Resolution in support of Senate Bill (SB) 1132, authored by Senators Holly Mitchell and Mark Leno, which would place a moratorium on the use of hydraulic fracturing to extract oil and gas until further study that finds no risk to or impairment of public health and the environment. Copies of the Resolution are to be sent to Governor Jerry Brown, State Senators Loni Hancock, Holly Mitchell, Mark Leno, and Assemblymember Nancy Skinner.

Financial Implications: See report

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

Action: Councilmember Wengraf added as a co-sponsor. Adopted Resolution No. 66,573–N.S.

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

14. **Downtown Berkeley Association Eats, Beats & Brews: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds, and Approval of City Co-Sponsorship**

From: Councilmember Arreguin

Recommendation: Adopt a Resolution: 1. Approving the expenditure of an amount not to exceed \$625 per Councilmember including an amount not to exceed \$625 from Councilmember Arreguin, to the Downtown Berkeley Association for the Eats, Beats & Brews Block Party with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Arreguin and any other Councilmembers who would like to contribute. 2. Approving City co-sponsorship of the Downtown Berkeley Association Eats, Beats & Brews Block Party to be held every Sunday in June 2014 on Center Street in Downtown Berkeley.

Financial Implications: Councilmember Discretionary Funds - \$625

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

Action: Adopted Resolution No. 66,574–N.S.

Council Consent Items

15. **Requesting a Report on the Possible Use of Tasers by Berkeley Police Department**
From: Councilmembers Capitelli, Wozniak, and Moore
Recommendation: Request that the City Manager research and report back to the City Council regarding the history, potential benefits, impacts and possible unintended consequences of allowing Berkeley police to carry and use tasers. Include in the report information regarding other jurisdictions' "best practices" and protocols, an analysis of changes in technologies, and the feasibility of doing a pilot program. The City Manager should also consult with the Police Review Commission.
Financial Implications: Staff time
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Moved to Action Calendar. 54 speakers. Approved recommendation with the revision that the item will also be referred to the Community Health Commission.
Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Anderson, Arreguin, Worthington.
- Recess: 8:46 p.m. – 8:53 p.m.
16. **Oppose Assembly Bill 2145; The “Monopoly Protection Bill,” Severely Limiting Community Choice Aggregation**
From: Councilmember Worthington
Recommendation: Oppose AB 2145, the “Monopoly Protection Bill,” severely limiting community choice aggregation.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmembers Arreguin and Anderson added as co-sponsors. Approved recommendation.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Bates; Noes – None; Abstain – Wengraf, Wozniak.
17. **Proclamation in Honor of Avotcja Jiltonilro**
From: Councilmember Worthington
Recommendation: Adopt a proclamation honoring Avotcja Jiltonilro with the Lifetime Achievement Award in Poetry.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Action Calendar – Public Hearing

18. FY 2015 Street Light Assessment

From: City Manager

Recommendation:

1. Conduct a public hearing and upon conclusion, adopt a Resolution: a. Confirming the assessments in the Engineer's Report, dated January 2014; and b. Authorizing the levying of FY 2015 Assessments for Berkeley Street Lighting Assessment District No. 1982-1.
2. Adopt a Resolution revising the procedures for establishing and increasing benefit assessments on real property under Proposition 218 and rescinding Resolution No. 65,235-N.S.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

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

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

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

Action: M/S/C (Wengraf/Arreguin) to:

1. Adopt Resolution No. 66,575–N.S. a. Confirming the assessments in the Engineer's Report, dated January 2014; and b. Authorizing the levying of FY 2015 Assessments for Berkeley Street Lighting Assessment District No. 1982-1.
2. Adopt Resolution No. 66,576–N.S. revising the procedures for establishing and increasing benefit assessments on real property under Proposition 218 and rescinding Resolution No. 65,235-N.S.

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

Councilmember Worthington absent 8:54 p.m. – 8:56 p.m.

Councilmember Moore absent 8:54 p.m. – 8:57 p.m.

Action Calendar – Continued Business

A. Supporting CALPIRG's Proposed November City Ballot Measure to End Corporate Personhood (*Continued from April 29, 2014*)

From: Councilmembers Worthington, Moore, and Arreguin

Recommendation: Adopt a Resolution to begin consideration of placing a measure on the November 4, 2014 election ballot asking whether the people of Berkeley support a constitutional amendment to abolish corporate personhood and the doctrine of money as speech, thereby allowing voters to express their opinion on the proposition.

Financial Implications: \$9,000

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

Action: Moved to Consent Calendar. Adopted Resolution No. 66,577–N.S. revised with the first Whereas clause to read, "Whereas, Corporations are entirely human-made legal fictions created by a controversial United States Supreme Court decision; and".

Action Calendar – Continued Business

B. a. Increase to the Minimum Wage in Berkeley *(Continued from May 1, 2014)*

From: Commission on Labor

Recommendation:

1. Adopt first reading of an Ordinance amending the Berkeley Municipal Code to establish a municipal minimum wage ordinance affecting all workers employed within the City of Berkeley (as other California cities have done), that will: a. Tie the minimum wage to the Consumer Price Index via annual adjustment. b. Include a medical benefit requirement to ensure workers' access to adequate health care. c. Establish the minimum wage in line with the living wage, starting at \$10.74.
2. That the City take action to investigate, pursue, and implement other complementary policies identified during the research and deliberation around the proposed minimum wage ordinance. The purpose of these policy recommendations is to stimulate a sustainable and ethical local economy while protecting and promoting the welfare of Berkeley's unique small business community.

Financial Implications: See report

Contact: Delfina Geiken, Commission Secretary, 981-5400

b. Minimum Wage Ordinance *(Continued from May 1, 2014)*

From: City Manager

Recommendation: Review and consider information regarding the activities and costs associated with implementing and enforcing the Commission on Labor's proposed Minimum Wage Ordinance, the impact of the proposed ordinance on the City's YouthWorks program, the connection with business licenses, and the potential impacts on community-based organizations, the In-Home Support Services (IHSS) program, and categories of workers exempted from the Living Wage Ordinance.

Financial Implications: See report

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

c. Minimum Wage Ordinance – Revised Draft Chapter 13.99

(Continued from May 1, 2014)

From: Councilmember Capitelli

Recommendation: Adopt first reading of proposed Minimum Wage Ordinance.

Financial Implications: See Items B.a. and B.b.

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: M/S/C (Bates/Moore) to accept supplemental material from staff on Item B.c.

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

Councilmember Anderson absent 9:30 p.m. – 9:33 p.m.

Action: M/S/C (Bates/Worthington) to hold items 19 and 23 over to May 20, 2014.

Vote: All Ayes.

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

Vote: All Ayes.

Action Calendar – Continued Business

Action: 60 speakers. M/S/C (Anderson/Moore) to

1) Adopt first reading of Ordinance No. 7,335–N.S. amended as follows:

- Added, “BE IT ORDAINED by the Council of the City of Berkeley as follows:” before Section 1.
- Amended Section 13.99.040.B. to read, “Beginning January 1, 2015, the Minimum Wage shall be an hourly rate of \$10.00. On January 1, 2016, the Minimum Wage shall increase to an hourly rate of \$10.75.”
- Amended Section 13.99.040.C. to read, “For Employers that are Nonprofit Corporations, the requirements of this chapter shall not take effect until July 1, 2015.”
- Added, “Section 3. Copies of this Bill shall be posted for two days prior to adoption in the glass case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.”

2) Create a 10 member task force comprised of Councilmembers Arreguin, Maio, Moore, and Capitelli, Sam Frankel, two members of the Commission on Labor, and three representatives of the employer community selected by Mayor Bates.

Second reading scheduled for May 20, 2014.

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

Action Calendar – Old Business

19. **New Location for City Council Meetings** (*Continued from March 25, 2014*)

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Action: Held over to May 20, 2014.

Action Calendar – New Business

20. **Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development**

From: City Manager

Recommendation: Discuss results of the second community survey and provide direction to the City Manager about the drafting of possible revenue measures for inclusion on the November 2014 ballot.

Financial Implications: None

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

Action: M/S/C (Moore/Bates) to accept supplemental material from Councilmember Moore on Item 20.

Vote: All Ayes.

Action Calendar – New Business

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

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

Action: 27 speakers. M/S/C (Bates/Anderson) to direct the City Manager to present language on the following revenue measures to the City Council on May 20, 2014:

1) A Community Facilities District Measure with a \$25 million bond for the items in Attachment 7 of the staff report with the addition of Willard Pool, the locker rooms at King Pool and West Campus, and the Santa Fe Right of Way.

2) A 16% increase in the existing Parks Maintenance Tax.

3) A general tax on Sugar Sweetened Beverages.

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

Councilmember Wengraf absent 11:30 p.m. – 11:56 p.m.

21. ****Removed by City Manager** Amending Berkeley Municipal Code Chapter 9.52 Taxicabs and Automobiles for Hire**

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

22. **a. Incorporating Social Marketing Outlets in the Renovation Plan of Downtown BART**

From: Community Health Commission

Recommendation: Adopt a Resolution requiring the design of the Berkeley Downtown BART renovation to incorporate at least one innovative social marketing outlet to promote health messages to support the nation's Healthy People 2020 objectives to eliminate health disparities and specifically to address the health disparities in the City of Berkeley.

Financial Implications: See report

Contact: Gail Feldman, Commission Secretary, 981-5100

b. Incorporating Social Marketing Outlets in the Renovation Plan of Downtown BART

From: City Manager

Recommendation:

1. Direct the City Manager to work with the BART design staff to ensure that a designated share of message delivery time and/or space on any messaging component of the BART plaza renovation is made available for messaging from City public health.

2. Direct the Civic Arts Commission to consider including public health messaging as part of the Public Art Fund component of the BART plaza renovation plan.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Wozniak/Worthington) to adopt Item 22.b.:

1. Direct the City Manager to work with the BART design staff to ensure that a designated share of message delivery time and/or space on any messaging

Action Calendar – New Business

component of the BART plaza renovation is made available for messaging from City public health.

2. Direct the Civic Arts Commission to consider including public health messaging as part of the Public Art Fund component of the BART plaza renovation plan.

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

Councilmember Moore absent 8:54 p.m. – 8:57 p.m.

23. Sacramento Street Median Garden Pilot Project

From: Councilmember Arreguin

Recommendation: Request that the City Manager to work with stakeholders to explore the possibility of a garden within one of the medians located on Sacramento Street between University Avenue and Dwight Way beginning as soon as 2015 with limited preparation work in the interim that includes testing soil samples and growth methods.

Financial Implications: See report

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

Action: Held over to May 20, 2014.

Information Reports

24. Results of Refuse Fees Online Pilot Project and Other Online Payment Plans

From: City Manager

Contact: Robert Hicks, Finance, 981-7300

Action: Received and filed.

25. Audit Update: Shelter Plus Care: Fully Compliant but Vulnerable to Staffing Cuts

From: City Manager

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

Action: Received and filed.

26. FUND\$ Change Management Audit

From: City Manager

Contact: Donna LaSala, Information Technology, 981-6500

Action: Received and filed.

27. LPC-NOD: 2956 San Pablo Avenue

From: City Manager

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

Action: Received and filed.

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

Adjournment

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

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

Adjourned at 11:56 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of May 6, 2014 as approved by the Berkeley City Council.

Mark Numainville, CMC, City Clerk

Communications

Item 10: Referral to City Manager/Transportation Commission: Pedestrian Safety on Sacramento Street between University and Dwight

1. Arnold Passman
2. Juliet Lee
3. Mark Jacobs
4. Virginia Warheit
5. Jeanne Hammond
6. Cymbre Potter
7. Stevanne Auerbach

Item 15: Requesting a Report on the Possible Use of Tasers by Berkeley Police Department

8. Andrea Prichett
9. Carol Denney

Item 20: Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development

10. Brian Viani
11. Sue Martin
12. Brad Gai
13. John Wang
14. Glen Stevick
15. Elizabeth Scherer
16. Suh Shyu
17. Ing Hsi Shyu
18. Thomas Goetze
19. Brad Koch
20. Ardra Brodale

Financing Shared Services

21. Eric Friedman

Supplemental Communications and Reports 1

Item 10: Referral to City Manager/Transportation Commission: Pedestrian Safety on Sacramento Street between University and Dwight

22. Commission on Aging

Item 15: Requesting a Report on the Possible Use of Tasers by Berkeley Police Department

23. Bob Flasher

Item 20: Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development

24. Charlotte Ferrey

25. Maryan Gong

26. Tracy Davis

27. Gilda Gai

28. Suzanne Pregerson

29. Richard Gee

Supplemental Communications and Reports 2

Item 16: Oppose Assembly Bill 2145; The “Monopoly Protection Bill,” Severely Limiting Community Choice Aggregation

30. Erica Etelson, on behalf of the Berkeley Community Choice Energy Working Group

Item B: Minimum Wage

31. Kirstie Bennett and Jeff Goldberg

32. Michael & Susan Iida

33. Ned Pearlstein

34. Van Nguyen

Item 23: Sacramento Street Median Garden Pilot Project

35. Miguel Altieri

36. Celine Pallud

Supplemental Communications and Reports 3

Item 15: Requesting a Report on the Possible Use of Tasers by Berkeley Police Department

37. Mental Health Commission

Item A: Supporting CALPIRG's Proposed November City Ballot Measure to End Corporate Personhood

38. Revised materials, submitted by Councilmember Worthington

Item Ba: Increase to the Minimum Wage in Berkeley

39. Supplemental materials, submitted by City Attorney

Item 20: Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development

40. Presentation, submitted by City Manager's Office

41. Darryl Moore, District 2

42. Unknown (2)

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, MAY 20, 2014
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: 5:35 p.m.

Present: Councilmembers Anderson Capitelli, Maio, Worthington and Mayor Bates.

Absent: Councilmembers Arreguin, Moore, Wengraf and Wozniak.

Councilmember Arreguin present at 5:57 p.m.

Worksession:

1. Charity Care and Community Benefits

From: City Manager

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

Action: Presentation made and discussion held.

Public Comment – Items on this agenda only: 2 speakers.

Adjournment

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

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

Councilmember Worthington absent 6:37 p.m. – 6:45 p.m.

Adjourned at 6:45 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of May 20, 2014.

Mark Numainville, CMC, City Clerk

Communications

Item 1: Charity Care and Community Benefits

1. Rebecca Rozen, on behalf of the California Hospital Association

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item 1: Charity Care and Community Benefits

2. Dan Johnston, on behalf of the Institute for Health & Socio-Economic Policy

**MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, MAY 20, 2014
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: 7:02 p.m.

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

Absent: Councilmember Moore.

Councilmember Moore present at 7:08 p.m.

Ceremonial Matters

1. Historic Preservation Month – May 2014
2. Arlene Blum Day – May 20, 2014

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

Consent Calendar

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

Vote: All Ayes.

1. Disaster and Fire Safety Commission Accreditation; Amending BMC Chapter 2.88

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,332-N.S. amending Chapter 2.88 of the Berkeley Municipal Code to include a statement of compliance with the California Emergency Services Act and a section on the City's emergency plan for the purposes of accreditation of the City's Disaster Council.

First Reading Vote: All Ayes

Financial Implications: None

Contact: Gil Dong, Fire, 981-3473

Action: Item removed from the agenda by the City Manager.

Consent Calendar

2. Zoning Ordinance and General Plan Amendments Regarding Floor Area Ratio (FAR) Increases in the Telegraph Avenue Commercial (C-T) District

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,333-N.S. amending the Zoning Ordinance (BMC Chapter 23) by amending the existing requirements for the Telegraph Commercial District (C-T, 23E.56) related to Floor Area Ratio (FAR).

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

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,333-N.S.

3. Amendment: FY 2014 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,334-N.S. amending the FY 2014 Annual Appropriations Ordinance No. 7,312–N.S. for fiscal year 2014 based upon other adjustments in the amount of \$16,162,081 (gross) and \$11,171,414 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,334-N.S.

4. Minimum Wage Ordinance – BMC Chapter 13.99

From: Councilmember Capitelli

Recommendation: Adopt second reading of Ordinance No. 7,335-N.S. adopting the Minimum Wage Ordinance and adding Berkeley Municipal Code Chapter 13.99.

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

Financial Implications: See report

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: Moved to Action Calendar. 40 speakers.

Action: M/S/C (Worthington/Arreguin) to accept supplemental material from Mayor Bates on Item 4 including the chart below.

Current	\$8.00	
7/1/2014	\$9.00	12.50%
10/1/2014	\$10.00	11.11%
10/1/2015	\$11.20	12.00%
10/1/2016	\$12.53	11.88%
10/1/2017	\$13.10	4.55%
10/1/2018	\$13.70	4.58%
10/1/2019	\$14.30	4.38%
10/1/2020	\$14.90	4.20%
10/1/2021	\$15.50	4.03%

Consent Calendar

Vote: All Ayes.

Action: M/S/Failed (Anderson/Moore) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Full Chart of minimum wage rate increases submitted by the Mayor (2014 – 2021) amended to change the 10/1/2015 amount to \$11.25/hour.
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training

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

Action: M/S/Failed (Moore/Arreguin) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Chart of minimum wage rate increase submitted by the Mayor through 10/1/18 (\$13.70).
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training

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

Action: M/S/Failed (Worthington/Moore) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Chart of minimum wage rate increase submitted by the Mayor through 10/1/17 (\$13.10).
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training

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

Action: M/S/C (Capitelli/Maio) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Minimum wage rate increases to \$10.00 on 10/1/14, \$11.00 on 10/1/15, and \$12.53 on 10/1/16.
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training.

Vote: All Ayes.

Consent Calendar

5. **Calling for a Consolidated General Municipal Election for November 4, 2014**

From: City Manager

Recommendation:

1) Adopt a Resolution:

a) Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 4, 2014;

b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election;

c) Authorizing certain procedural and contractual actions; and

d) Establishing policies for the filing of candidate statements of qualification.

2) Adopt a Resolution establishing policies and timelines for filing ballot measure arguments.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, 981-6900

Action:

1. Adopted Resolution No. 66,578–N.S. (Calling Election)

2. Adopted Resolution No. 66,579–N.S. (Policies)

6. **Contract: FileTrail, Inc. for Records Management Software System**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with FileTrail, Inc. for software licensing, implementation, maintenance, and related services for a records management software system, for an amount not to exceed \$83,636 from July 1, 2014 to June 30, 2019.

Financial Implications: General Fund - \$83,636

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,580–N.S.

7. **Contract No. 6268B Amendment: ImageSource, Inc. for Annual Maintenance and Software Assurance for an Enterprise Content Management System**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 6268B with ImageSource, Inc. for payment of annual maintenance and software assurance for an Enterprise Content Management System, increasing the amount of the contract by \$46,000 for a new total not to exceed of \$886,000 and extending the term of the contract to June 30, 2015.

Financial Implications: General Fund - \$46,000

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,581–N.S.

8. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the Council meetings of April 1, 2014 (special and regular), April 3, 2014 (special closed), and April 29, 2014 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

Consent Calendar

9. Amending Berkeley Municipal Code Chapter 9.52 Taxicabs and Automobiles for Hire

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 9.52 (Taxi Ordinance) to allow video advertising within taxicabs and automobiles for hire; and to create new accessible taxi regulations for accessible taxi service.
2. Adopt a Resolution increasing the number of accessible taxi cabs from five (5) to ten (10); and rescind Resolution Nos. 62,299-N.S., 65,461-N.S., 65,523-N.S.

Financial Implications: None

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

Action:

1. Adopted first reading of Ordinance No. 7,336–N.S. Second reading scheduled for June 3, 2014.
2. Adopted Resolution No. 66,582–N.S.

10. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on May 20, 2014

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: Playground Camp Fund - \$250,000

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

11. Revenue Grant: FEMA Port Security Grant to Fund Acquisition of a Public Safety Response Boat

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) Port Security Grant Program (PSGP) in the amount of \$450,000, and authorizing the use of \$150,000 in local matching funds to purchase a public safety response boat for public safety, emergency response, and environmental protection.

Financial Implications: See report

Contact: Gil Dong, Fire, 981-3473; Michael Meehan, Police, 981-5900

Action: Adopted Resolution No. 66,583–N.S.

Consent Calendar

- 12. Contract: North Oakland Pharmacy for Mental Health Pharmacy Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with North Oakland Pharmacy for the provision of prescription medications for uninsured and underinsured Berkeley Mental Health clients, not to exceed \$60,000 for the period July 1, 2014 through June 30, 2017, with an option to renew annually for up to five years and not to exceed \$20,000 per year, for up to a total period not to exceed 8 years, ending June 30, 2022.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,584–N.S.
- 13. Contract: Muir/Diablo Occupational Medicine for Occupational Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Muir/Diablo Occupational Medicine for occupational health medical examinations that include pre-employment and annual physical exams, advice, education, and consultation for the period of July 1, 2014 through June 30, 2019, in an amount not to exceed \$910,000.
Financial Implications: Various Funds - \$910,000
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,585–N.S.
- 14. Contract: Direct Line Tele Response for Citywide Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments or extensions with Direct Line Tele Response for a total not to exceed \$75,000 for the period of July 1, 2014 through June 30, 2017 with two 1-year extension options.
Financial Implications: Various Funds - \$75,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,586–N.S.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – Worthington.
- 15. Contract: Grade Tech, Inc. for FY 2014 Green Infrastructure Projects**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving plans and specifications for the FY 2014 Green Infrastructure Projects, Specification No. 14-10851-C;
2. Accepting the bid of Grade Tech, Inc. as the lowest responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$807,757.
Financial Implications: Measure M General Obligation Street and Watershed Improvement Bond Fund - \$807,757
Contact: Andrew Clough, Public Works, 981-6300

Consent Calendar

Action: Adopted Resolution No. 66,587–N.S.

16. Grant Application: Active Transportation Program/Safe Routes to School

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the Caltrans Active Transportation Program for Safe Routes to School traffic safety improvements around Berkeley public schools for an amount up to \$1,231,000.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,588–N.S.

17. Proposition 41, California Veterans Housing and Homeless Prevention Bond Act

From: Housing Advisory Commission

Recommendation: Adopt a Resolution expressing Council's support for Proposition 41, California Veterans Housing and Homeless Prevention Bond Act, urging Berkeley voters to cast their ballots on June 3, 2014 in support of Proposition 41, and send letters expressing this support to State Senator Hancock, Assemblymember Skinner, and Governor Brown to communicate the City of Berkeley's support for Proposition 41.

Financial Implications: Staff time

Contact: Kristen Lee, Commission Secretary, 981-5427

Action: Adopted Resolution No. 66,589–N.S.

Council Consent Items

18. Berkeley Food and Housing Project: Relinquishment of Council Office Budget Fund to General and Grant of Such Funds

From: Councilmember Maio

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Maio, to the Berkeley Food and Housing Project with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Fund - \$1,000

Contact: Linda Maio, Councilmember, District 1, 981-7110

Action: Adopted Resolution No. 66,590–N.S.

Council Consent Items

19. **Berkeley Free Clinic: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$100 per councilmember, including \$100 from Councilmember Maio, to the Berkeley Free Clinic with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$100
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,591–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Anderson - \$200.
20. **Options Recovery Services: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Maio, to Options Recovery Services with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,592–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$200.
21. **Resources for Community Development: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Maio, to Resources for Community Development with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,593–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Anderson - \$250.

Council Consent Items

- 22. Women's Daytime Drop-in Center: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$2,000 per council member, including \$2,000 from Councilmember Maio, to the Women's Daytime Drop-in Center with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$2,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,594–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Anderson - \$250.
- 23. Official City Sponsorship of Berkeley-East Bay Humane Society's "Pints for Paws" Event**
From: Councilmember Moore
Recommendation: Approve City sponsorship of Berkeley-East Bay Humane Society's "Pints for Paws" Event.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 24. 2014 Berkeley Juneteenth Festival: 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 \$500 per Councilmember including \$250 from Councilmember Anderson to the 2014 Berkeley Juneteenth Festival with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$250
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 66,595–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Worthington - \$500; Councilmember Wengraf - \$100; Councilmember Moore - \$150; Councilmember Anderson - \$500; Councilmember Capitelli - \$100.
- 25. Proclaiming May as Mental Health Month**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution proclaiming May 2014 as Mental Health Month in the City of Berkeley.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 66,596–N.S.

Action Calendar – Public Hearing

26. Public Hearing: FY 2015 City Fees

From: City Manager

Recommendation: Conduct a public hearing on the following fees and upon conclusion adopt Resolutions setting fees for the following:

a. Ambulance User Fee Adjustment

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:

1. Adjusting the Ambulance User Fee to match the Alameda County's ambulance user fee schedule approved by the Alameda County Board of Supervisors on October 15, 2013 and January 28, 2014, for the Paramedics Plus (the County's contract ambulance provider) and the Cities of Alameda, Albany and Piedmont, respectively. The increase would be included as an updated addendum to the Ambulance Provider Agreement; and
2. Rescinding Resolution No. 64,769-N.S.

Financial Implications: See report

Contact: Gil Dong, Fire, 981-3473

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to adopt Resolution No. 66,597–N.S.

Vote: All Ayes.

b. Changes to the Planning & Development Department's Master Fee Schedule

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:

1. Approving the revised master fee schedule of the Planning and Development Department to increase fees associated with the Certified Unified Program Agency and the inclusion of the Rental Housing Safety Program, and
2. Rescinding Resolution No. 62,230-N.S., Resolution No. 62,990-N.S. Resolution No. 63,773-N.S., Resolution No. 64,455-N.S., and Resolution No. 66,177-N.S.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to adopt Resolution No. 66,598-N.S.

Vote: All Ayes.

Action Calendar – Public Hearing

26. c. Transfer Station Unsecured Load Fee

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new Transfer Station Unsecured Load Fee in the amount of \$15.

Financial Implications: \$162,750 (Estimated revenue)

Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers. M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to adopt Resolution No. 66,599-N.S.

Vote: All Ayes.

27. Zero Waste Residential and Commercial Refuse Collection Rate Increases

From: City Manager

Recommendation: Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution:

1. Setting rates for residential and commercial refuse collection, increasing rates as of FY 2015 by 24.7% for residential customers, and 2.5% for commercial customers;
2. Authorizing an annual inflator in future years to be the greater of 3% or the Bay Area Consumer Price Index; and
3. Rescinding Resolution No. 66,205-N.S. effective July 1, 2014.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 4 speakers. M/S/C (Moore/Capitelli) to close the public hearing.

Vote: All Ayes.

Recess: 8:19 p.m. – 8:25 p.m.

Action: M/S/C (Worthington/Arreguin) to re-open the Public Hearing for the purpose of accepting protests from property owners.

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

Action: M/S/C (Wengraf/Arreguin) to close the Public Hearing.

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

Councilmember Moore absent 8:25 p.m. – 8:27 p.m.

Councilmember Anderson absent 8:25 p.m. – 8:28 p.m.

Action Calendar – Public Hearing

Action: M/S/C (Maio/Wozniak) to adopt Resolution No. 66,600–N.S., 1) Setting rates for residential and commercial refuse collection, increasing rates as of FY 2015 by 24.7% for residential customers, and 2.5% for commercial customers; 2) Authorizing an annual inflator in future years to be the greater of 3% or the Bay Area Consumer Price Index; and 3) Rescinding Resolution No. 66,205-N.S. effective July 1, 2014, with a revision to the second resolved clause to read, “BE IT FURTHER RESOLVED that an annual inflator on all residential and commercial rates and charges to be the greater of the Bay Area Consumer Price Index or 3% is authorized through Fiscal Year 2019.”

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

Councilmember Worthington absent 10:28 p.m. – 10:52 p.m.

28. Fiscal Year 2015 City Budget and Citywide Work Plan

a. FY 2015 Budget - Public Hearing #1

From: City Manager

Recommendation: Conduct a public hearing regarding the FY 2015 proposed budget.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 14 speakers.

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

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

Councilmember Worthington absent 8:02 p.m. – 8:17 p.m.

Action: Discussion held.

28. b. Citywide Work Plan

From: City Manager

Recommendation: Discuss comments from Council on the Fiscal Year 2015 Citywide Work Plan.

Financial Implications: See Work Plan

Contact: William Rogers, Deputy City Manager, 981-7000

Action: 0 speakers. Discussion held.

Action Calendar – Public Hearing

29. Extend Residential Preferential Parking Program on Specified Blocks Along Eunice Street and Martin Luther King, Jr. Way

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Sections 25H and 25E of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on specified blocks along Eunice Street and Martin Luther King, Jr. Way.

Financial Implications: General Fund - \$1,050

Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers. M/S/C (Moore/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Wengraf/Arreguin) to adopt Resolution No. 66,601–N.S. amending Sections 25H and 25E of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on specified blocks along Eunice Street and Martin Luther King, Jr. Way.

Vote: All Ayes.

Action Calendar – Old Business

30. Amendments to BMC Chapter 13.42 - Operating Standards for Mini-Dorms
(Continued from April 29, 2014)

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.42 to change the definition of mini-dorm, expand the zones in which the mini-dorm rules apply to coincide with the zones where the City has discretionary review of additional bedrooms and define what constitutes an unruly gathering.

Financial Implications: None

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

Action: 0 speakers. Moved the first reading of the Ordinance, as amended in Supplemental Reports and Communications #1, to the Consent Calendar. Adopted first reading of Ordinance No. 7,337–N.S. Second reading scheduled for June 3, 2014.

31. New Location for City Council Meetings *(Continued from May 6, 2014)*

From: City Manager

Contact: Mark Numainville, City Clerk, 981-6900

Action: 0 speakers. Moved to the Consent Calendar with the direction to the City Manager to provide an analysis of 1947 Center Street as a potential location for the Council Chambers.

Action Calendar – Old Business

32. **Sacramento Street Median Garden Pilot Project** *(Continued from May 6, 2014)*
From: Councilmember Arreguin
Recommendation: Request that the City Manager to work with stakeholders to explore the possibility of a garden within one of the medians located on Sacramento Street between University Avenue and Dwight Way beginning as soon as 2015 with limited preparation work in the interim that includes testing soil samples and growth methods.
Financial Implications: See report
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Held over to June 10, 2014 by Councilmember Arreguin.

Action Calendar – New Business

33. **Ballot Measures Nov. 2014: Discussion and Possible Action**
From: City Manager
Recommendation: Provide direction to the City Manager regarding language for possible ballot measures on the November 2014 Ballot.
Financial Implications: See report
Contact: William Rogers, City Manager's Office, 981-7000
Action: Hold over the discussion on the Sugar Sweetened Beverage Tax to June 3, 2014.
Action: 7 speakers. M/S/C (Moore/Arreguin) to move forward with both the 16% increase in the Parks Tax and the Mello-Roos Community Facilities District.
Vote: Ayes – Moore, Anderson, Arreguin, Worthington, Wozniak; Noes – Capitelli, Bates; Abstain – Maio, Wengraf.
Action: M/S/C (Worthington/Arreguin) to hold over the corporate personhood ballot question to June 3, 2014.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington; Noes – Capitelli, Bates; Abstain – Wozniak.
34. **Possible Ballot Measure for November 2014 Election - City Parks**
From: City Manager
Recommendation:
1. Initiate possible Mello-Roos Community Facilities District for Parks by adopting:
a. Resolution of Intention to Form a Community Facilities District and to authorize the levy of a Special Tax within the proposed District.
b. Resolution of Intention to Incur Bonded Indebtedness within the District.
c. Set Public Hearing date of June 24, 2014.
2. Direction on preferred capital and operational limits for possible Community Facilities District.
Financial Implications: See report
Contact: William Rogers, Deputy City Manager, 981-7000
Action: M/S/C (Worthington/Arreguin) to:

Action Calendar – New Business

1. a. Adopt Resolution No. 66,602–N.S. Resolution of Intention to Form a Community Facilities District and to authorize the levy of a Special Tax within the proposed District revised to remove “Such mailing shall be completed not less than 15 days before the date of the public hearing.” From the 12th resolved clause;
- b. Resolution No. 66,603–N.S. Resolution of Intention to Incur Bonded Indebtedness within the District;
- c. Set Public Hearing date of June 24, 2014.

Vote: All Ayes.

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

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

Council Action Items

35. Citizens Redistricting Commission Charter Amendment

From: Councilmembers Arreguin and Capitelli

Recommendation:

1. Adopt a motion expressing the City Council’s intent to submit to the voters at the November 4, 2014 General Municipal Election, the attached amendment to the City Charter to establish an independent Citizens Redistricting Commission; and
2. Direct the City Manager to request that the City Attorney write the ballot question and analysis of the proposed measure as required by Elections Code Section 9280, and bring back to the City Council as soon as possible a resolution to submit the Charter Amendment to the voters along with the City Attorney’s analysis and ballot question.

Financial Implications: See report

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

Action: Item held over to June 3, 2014.

36. City Manager Referral; Berkeley Publicly Financed Elections Measure on November Ballot

From: Councilmember Worthington

Recommendation: Refer to the City Manager to place Berkeley Publicly Financed Elections Measure on November Ballot.

Financial Implications: See report

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

Action: M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:25 p.m.

Vote: All Ayes.

Action: M/S/C (Bates/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m.

Council Action Items

Vote: All Ayes.

Action: M/S/C (Maio/Arreguin) to suspend the rules and extend the meeting to 11:35 p.m.

Vote: All Ayes.

Action: 11 speakers. M/S/C (Bates/Wozniak) to refer the draft ballot measure to the Fair Campaign Practices Commission for review and recommendation for the November 2016 ballot.

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

Information Reports

37. Urban Agriculture Incentive Zones

From: City Manager

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

Action: Moved to the Consent Calendar and held over to the Action Calendar on June 10, 2014.

38. LPC-NOD: 2081 Center Street

From: City Manager

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

Action: Received and filed.

39. LPC-NOD: 2517 Regent Street

From: City Manager

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

Action: Received and filed.

40. Metropolitan Transportation Commission Approval on April 23, 2014 of Bike Share and Bay Trail Improvements for Berkeley

From: Mayor Bates

Contact: Tom Bates, Mayor, 981-7100

Action: Received and filed.

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

Adjournment

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

Vote: All Ayes.

Adjournment In Memory of:

1. George Yoshida, Musician
2. Judge Jennie Rhine

Adjourned at 11:31 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of May 20, 2014 as approved by the Berkeley City Council.

Mark Numainville, CMC, City Clerk

Communications

Item 34: Possible Ballot Measure for November 2014 Election - City Parks

1. Nancy Carleton

Item 36: City Manager Referral; Berkeley Publicly Financed Elections Measure on November Ballot

2. Michelle Romero, on behalf of the Greenlining Institute

Squirrels at Cesar Chavez

3. Claudia Reed

2635 Ashby Avenue

4. Stuart Flashman

CNA Newsletter

5. Ted Edlin

Supplemental Communications and Reports 1

Item 4: Minimum Wage Ordinance – BMC Chapter 13.99

6. Mary Ann Brewin

Item 28: Fiscal Year 2015 City Budget and Citywide Work Plan

7. Julie Saltzman, on behalf of the Berkeley Cultural Trust

Item 29: Extend Residential Preferential Parking Program on Specified Blocks Along Eunice Street and Martin Luther King, Jr. Way

8. Sonja Mackenzie

Item 30: Amendments to BMC Chapter 13.42 - Operating Standards for Mini-Dorms

9. Supplemental materials, submitted by City Attorney

Item 33: Ballot Measures Nov. 2014: Discussion and Possible Action

10. Revised materials, submitted by City Manager
11. Supplemental materials, submitted by City Attorney
12. Community Health Commission
13. Carolyn Alexander
14. Larry Butler

Item 34: Possible Ballot Measure for November 2014 Election - City Parks

15. Igor Tregub

Supplemental Communications and Reports 2

Item 4: Minimum Wage Ordinance – BMC Chapter 13.99

16. Carla Woodworth, on behalf of Berkeley Citizens for a Fair Minimum Wage
17. Robert Flasher
18. Judy Bertelsen
19. James McFadden
20. David & Stacey Aucella
21. Gary Gendel
22. La Tour Salon
23. Bonnie Stack
24. Nancy Mueller
25. Gay & Alan Auerbach
26. Jason Kwon
27. Alda Morgan
28. Doris Nassiry
29. Larry Baack
30. Shang-Mei Lee
31. Monica Rocchino

Item 28a: FY 2015 Budget - Public Hearing #1

32. Claudia Kawczynska
33. David de Souza
34. Eleni Sotos, on behalf of Berkeley Animal Care Services

Item 36: City Manager Referral; Berkeley Publicly Financed Elections Measure on November Ballot

35. Jay Costa
36. Nancy Bickel, on behalf of the League of Women Voters

Supplemental Communications and Reports 3

Item 4: Minimum Wage Ordinance – BMC Chapter 13.99

37. Tom Bates, Mayor
38. Lynn Nice
39. Dan Thornton
40. Jonatan Martinez
41. Claremont Elmwood Neighborhood Association Board of Directors
42. Sierra Club Northern Alameda County Group
43. Denise Handwerker
44. Cal Berkeley Democrats
45. Associated Students of the University of California

Item 33: Ballot Measures Nov. 2014: Discussion and Possible Action

46. Presentation, submitted by City Manager

Item 34: Possible Ballot Measure for November 2014 Election - City Parks

47. Presentation, submitted by City Manager