




Office of the City Manager

CONSENT CALENDAR
November 18, 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 October 7, 2014 (special and regular), October 21, 2014 (special and regular), and October 28, 2014 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. October 7, 2014—Special City Council Meeting
2. October 7, 2014—Regular City Council Meeting
3. October 21, 2014—Special City Council Meeting
4. October 21, 2014—Regular Meeting Agenda
5. October 28, 2014—Special City Council Meeting
6. October 28, 2014—Regular City Council Meeting

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

TUESDAY, OCTOBER 7, 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: 5:31 p.m.

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

Absent: Councilmember Anderson.

Councilmember Anderson present at 5:36 p.m.

Worksession:

1. Reports on Workforce Policies, Practices, and Projects

From: City Manager

Contact: David Abel, Human Resources, 981-6800

Action: Presentation made and discussion held.

Public Comment – Items on this agenda only - 17 speakers.

Adjournment

Action: M/S/C (Bates/Wozniak) to adjourn the meeting.

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

Councilmember Wengraf absent 7:26 p.m. – 7:36 p.m.

Adjourned at 7:36 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of October 7, 2014.

Mark Numainville, CMC, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Reports on Workforce Policies, Practices, and Projects

1. Ron Rhone

Supplemental Communications and Reports 3

Item 1: Reports on Workforce Policies, Practices, and Projects

2. Presentation, submitted by City Manager's Office
3. Peace & Justice Commission
4. Jacquelyn Morgan
5. Keith Carson
6. Unknown

**MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, OCTOBER 7, 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: 7:46 p.m.

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

Absent: Councilmembers Anderson and Arreguin.

Councilmember Anderson present at 7:47 p.m. Councilmember Arreguin present at 7:47 p.m.

Ceremonial Matters:

1. Recognition of Berkeley CERT Fair Planning Team for FEMA Award
2. Recognition of Indigenous Peoples Day – October 11, 2014
3. Recognition of Sandhya Sood, Berkeley Architect

City Manager Comments:

1. Disaster Preparedness Drill on October 18, 2014 – visit www.cityofberkeley.info/prepare

Public Comment on Non-Agenda Matters: 4 speakers.

Public Comment on Consent Calendar and Information Items Only: 0 speakers.

Consent Calendar

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

Vote: All Ayes.

1. **Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on October 7, 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.

Consent Calendar

Financial Implications: Park Tax Fund - \$116,000

Contact: Christine Daniel, Finance, 981-7300

Action: Approved recommendation.

2. Enforcement of Ordinance No. 7,099-N.S. Sweatshop-Free Procurement Ordinance; Amending BMC Chapter 13.97

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.97 to lower the current established threshold of \$25,000 to \$1,000 for the Sweatshop-Free Procurement Ordinance No. 7,099-N.S. effective July 1, 2014, that was approved April 29, 2014.

Financial Implications: See report

Contact: Christine Daniel, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,378-N.S. Second reading scheduled for October 21, 2014.

3. Revenue Agreement: Alameda County Transition to Independence Program for Berkeley Mental Health

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a revenue agreement with Alameda County Behavioral Health Care Services, and any amendments thereto, for outpatient mental health services to transition age youth in the amount of \$537,854 for the term July 1, 2014 through June 30, 2015, and approving the designations as listed on the Alameda County Health Care Services CBO Community Agency Contract Signature Authorization form.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,807-N.S.

4. Grant Agreement: The 11th Hour Project to Support the Residential Curbside Electric Vehicle Charging Pilot

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with The 11th Hour Project, a program of the Schmidt Family Foundation, to accept a grant for a one-year period from about November 1, 2014, to October 31, 2015, for approximately \$99,475, with no local match requirement, to support a City of Berkeley Residential Curbside Electric Vehicle Charging Pilot.

Financial Implications: \$99,475 (grant)

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

Action: Adopted Resolution No. 66,808-N.S.

Council Consent Items

5. Referral to City Manager: Tonnage Limit on Milvia Street

From: Councilmember Arreguin

Recommendation: Refer to the City Manager and Transportation Commission the establishment of designating Milvia Street between University Avenue and Cedar Street as a restricted street for the movement of vehicles over 3 tons under Berkeley Municipal Code Section 14.56.070.

Financial Implications: Unknown

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

Action: Approved recommendation.

6. Tenant Screening Fee Calculation

From: Councilmember Arreguin

Recommendation: Adopt the first reading of the proposed ordinance designating the Rent Stabilization Board as the entity responsible for calculating and publishing the annual maximum allowable tenant screening fee for the purposes of the Tenant Screening Fee ordinance (BMC 13.78).

Financial Implications: Unknown

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

Action: Moved to Action Calendar. 2 speakers. M/S/C (Arreguin/Anderson) to adopt first reading of Ordinance No. 7,379–N.S. as written in Supplemental Reports #1 Packet. Second reading scheduled for October 21, 2014 to include the legislative history from the Rent Board indicating their agreement to be the responsible entity for calculating and publishing the tenant screening fee and that the Rent Board will not charge the City for this service.

Vote: All Ayes.

7. Extend the Affordable Impact Housing Fee Discount

From: Councilmember Capitelli

Recommendation: Adopt a Resolution amending Resolution No. 66,015-N.S. to extend the affordable housing impact discount of \$8,000 one year to October 16, 2015 and the needed approval of the Zoning Adjustments Board to October 16, 2017.

Financial Implications: Unknown

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

Action: Moved to Action Calendar. 13 speakers. M/S/C (Capitelli/Moore) to adopt Resolution No. 66,809–N.S. amending Resolution No. 66,015-N.S. to extend the affordable housing impact discount of \$8,000 for six months to April 16, 2015 and the needed approval of the Zoning Adjustments Board to April 16, 2017, and directing staff to work with the Planning Commission and the Housing Advisory Commission to complete the Nexus study.

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

Council Consent Items

- 8. Support Measure D: Sugar Sweetened Beverage Tax**
From: Councilmembers Capitelli and Moore
Recommendation: Adopt a Resolution supporting Measure D, the Sugar Sweetened Beverage Tax.
Financial Implications: Staff time
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 66,810–N.S.
- 9. City Manager Referral: Accept Electronic Signatures for All City Documents, Including Commissioner Applications and Affidavits of Residency**
From: Councilmember Worthington
Recommendation: Refer the City Manager to investigate allowing digital signatures for all City documents, which state and federal law allow us to accept, including Commissioner Applications and Affidavits of Residency.
Financial Implications: Staff time
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 10. Berkeley Pride: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Worthington, Moore, and Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including up to \$1,000 from Councilmember Worthington, to support the Pacific Center with funds relinquished to the City's general fund for this purpose that the City of Berkeley is able to come together to celebrate the local LGBT community and reflect on the issues they are facing and for costs of Berkeley Pride from the discretionary Council Office Budgets of Councilmember Worthington and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$1,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,811–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Worthington - \$1000; Councilmember Anderson - \$300.
- 11. City Manager Referral: Consider Immediate Actions to Prevent Continued Vandalism at the Cesar E. Chavez Memorial Solar Calendar**
From: Councilmembers Worthington, Maio, and Arreguin
Recommendation: Refer to the City Manager to take immediate actions to prevent continued vandalism at the Cesar E. Chavez Memorial Solar Calendar, including a reward of no less than \$1000 to the identifier of the vandal(s).
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Moore added as a co-sponsor. Approved recommendation.

Action Calendar – Public Hearing

12. ZAB Appeal: 2598-2600 Shattuck Avenue and 2037 Parker Street

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution approving Use Permit Modification No. 2014-0003 to modify previously approved plans for a mixed-use development with 155 dwelling units and 22,905 sq. ft. of commercial space (Use Permit No. 08-10000130); proposed modifications include adding 8,927 sq. ft. of commercial floor area and 116 parking spaces, allowing offices, gyms/health clubs, and dance/martial arts studios, increasing height of 2600 Shattuck building by 4.3 inches, and changing interior massing of 2600 Shattuck building; no changes to total dwelling units proposed.

Financial Implications: None

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

Action: M/S/C (Maio/Bates) to accept supplemental material from staff on Item 12.

Vote: All Ayes.

Public Testimony: The Mayor opened the public hearing. 9 speakers.

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

Vote: All Ayes.

Action: M/S/C (Capitelli/Maio) to adopt Resolution No. 66,812–N.S. approving Use Permit Modification No. 2014-0003 to modify previously approved plans for a mixed-use development with 155 dwelling units and 22,905 sq. ft. of commercial space (Use Permit No. 08-10000130); proposed modifications include adding 8,927 sq. ft. of commercial floor area and 116 parking spaces, allowing offices, gyms/health clubs, and dance/martial arts studios, increasing height of 2600 Shattuck building by 4.3 inches, and changing interior massing of 2600 Shattuck building; no changes to total dwelling units proposed

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

Action Calendar – Old Business

13. Vacancy Registration Fee (*Continued from September 9, 2014*)

From: Councilmembers Arreguin and Worthington

Recommendation: Refer to the City Manager the establishment of a registration fee for vacant ground floor commercial spaces, as well as undeveloped vacant lots throughout the City of Berkeley

Financial Implications: Unknown

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

Action: Item held over to October 21, 2014.

Action Calendar – Old Business

14. **Endorse H.R. 1213 and the United for Homes Campaign to Fund the National Housing Trust Fund** *(Continued from September 16, 2014)*
From: Councilmember Worthington
Recommendation: Adopt a Resolution endorsing the United for Homes campaign to fund the National Housing Trust Fund, which would build, preserve, rehabilitate, and operate rental housing that is affordable for extremely low income households.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: 0 speakers. M/S/C (Worthington/Moore) to hold the item over to October 28, 2014.
Vote: All Ayes.

Action Calendar – New Business

15. **Report to the United Nations Committee Against Torture: Compliance with the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution approving the submission of the proposed Report to the United Nations Committee Against Torture and related international and national, state and local governmental entities and representatives, regarding compliance with the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment ("CAT").
Financial Implications: None
Contact: Eric Brenman, Commission Secretary, 981-5400
Action: M/S/C (Worthington/Arreguin) to accept supplemental and revised material from the Peace and Justice Commission on Item 15.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Wengraf.

Councilmember Wengraf absent 9:55 p.m. – 10:02 p.m.

Action: 6 speakers. M/S/C (Maio/Wengraf) to adopt Resolution No. 66,813–N.S. from the supplemental submitted by the commission and to revise the report to the UN by deleting the ninth paragraph on page 4.
Vote: Ayes – Maio, Capitelli, Wengraf, Wozniak, Bates; Noes – Worthington; Abstain – Moore, Anderson, Arreguin.

Action Calendar – New Business

- 16. Report to United Nations Human Rights Committee: Compliance with International Covenant on Civil and Political Rights**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution approving the submission of the proposed Report to the United Nations Human Rights Committee and related international and national, state and local governmental entities and representatives, regarding compliance with the International Covenant on Civil and Political Rights ("ICCPR").
Financial Implications: None
Contact: Eric Brenman, Commission Secretary, 981-5400
Action: 0 speakers. M/S/Failed (Worthington/Anderson) to adopt the Resolution as written.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – Moore, Bates; Abstain – Maio, Capitelli, Wengraf, Wozniak.
- Action:** M/S/C (Bates/Wengraf) to adopt Resolution No. 66,814–N.S. and to revise the report to the UN by deleting the second paragraph under number 23.
Vote: All Ayes.

Council Action Items

- 17. Commercial District Stabilization Fee**
From: Councilmember Arreguin
Recommendation: Refer to the City Manager the establishment of a Commercial District Stabilization Fee, alternatively known as a speculation fee, to be levied on commercial property owners when lease renewals are not offered to existing commercial tenants, or a lease is not renewed due to a significant rental increase. The revenue generated can either go towards nuisance abatement costs associated with vacancies and/or a loan fund for local businesses.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Item held over to October 21, 2014.
- 18. Targeted Commercial Tenant Incentives**
From: Councilmembers Arreguin and Worthington
Recommendation: Refer to the City Manager the concept of reducing or eliminating permit fees and/or business license taxes for a set period as an incentive to attract specific retailers and entertainment uses to the Telegraph Avenue and Downtown commercial areas as a companion policy to vacancy registration.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: 0 speakers. M/S/C (Arreguin/Anderson) to refer to the City Manager the concept of reducing or eliminating permit fees and/or business license taxes or other incentives for a set period as an incentive to attract specific retailers and entertainment uses to all commercial districts and to report to Council by May 2015.
Vote: All Ayes.

Council Action Items

19. **Referral to the City Manager: Request for Funding of a Berkeley-Specific Homeless Count**
From: Councilmember Arreguin
Recommendation: Request that the City Manager allocate the funding required for a Berkeley-specific homeless count in the upcoming 2015 Alameda County EveryOne Home homeless count.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Moved to Consent Calendar. Approved recommendation.
20. **City Manager Referral on "Digital Divide" in Ultrafast Fiber Optic Internet Technology**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to address the growing "Digital Divide" through making ultrafast fiber technology available to middle class and low income residents.
Financial Implications: Significant
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: 0 speakers. M/S/C (Worthington/Arreguin) to approve the recommendation with the addition of access by commercial entities.
Vote: All Ayes.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 10:41 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 7, 2014 as approved by the Berkeley City Council.

Mark Numainville, CMC, City Clerk

Communications

Measure R

1. Berkeley Design Advocates

Accessory Dwellings

2. Kevin Casey

Supplemental Communications and Reports 1

Item 6: Tenant Screening Fee Calculation

3. Revised materials, submitted by Councilmember Arreguin

Item 7: Extend the Affordable Impact Housing Fee Discount

4. Kimberly Near

Item 8: Support Measure D: Sugar Sweetened Beverage Tax

5. Robert Benjamin, on behalf of the California Public Health Association - North

Supplemental Communications and Reports 2

Item 7: Extend the Affordable Impact Housing Fee Discount

6. Tobie Lurie
7. Housing Advisory Committee
8. Genevieve Wilson
9. Caitlin Quinn, on behalf of the Associated Students of the University of California
10. Shayna Orfus
11. Patrick Sheahan
12. Jeanne Miller
13. Davinder Gabhi
14. Lisa Giampaoli
15. Pedro Garcia
16. Avram Gur Arye

Item 12: ZAB Appeal: 2598-2600 Shattuck Avenue and 2037 Parker Street

17. Karl Reeh, on behalf of the LeConte Neighborhood Association
18. June Kodani
19. Gale Garcia

Item 15: Report to the United Nations Committee Against Torture: Compliance with the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

20. Carolyn Scarr

Supplemental Communications and Reports 3

Item 7: Extend the Affordable Impact Housing Fee Discount

21. Stephanie Thomas
22. Kimberly Winkleman
23. Olga Bolotina, on behalf of the Sierra Club Northern Alameda County Group
24. Kelsey Swan
25. Michael Donaldson
26. Gloria Bruce

Supplemental Communications and Reports 3

Item 12: ZAB Appeal: 2598-2600 Shattuck Avenue and 2037 Parker Street

- 27. Supplemental materials, submitted by Planning & Development Department
- 28. Brenda Quan
- 29. Christopher Lien
- 30. Christina Caro, on behalf of Shattuck Parker Neighborhood Association
- 31. Unknown

Item 15: Report to the United Nations Committee Against Torture: Compliance with the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

- 32. Unknown

Item 20: City Manager Referral on "Digital Divide" in Ultrafast Fiber Optic Internet Technology

- 33. Daniel Newman

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

TUESDAY, OCTOBER 21, 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: 5:33 p.m.

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

Absent: Councilmember Anderson, Arreguin and Worthington.

Councilmember Arreguin present at 5:34 p.m.

Worksession:

1. Emergency Management: Council Training and Program Highlights

From: City Manager

Contact: Gil Dong, Fire, 981-3473

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

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

Action: Presentation made and discussion held.

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

Adjournment

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

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

Adjourned at 6:49 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of October 21, 2014 as approved by the Berkeley City Council.

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: Emergency Management: Council Training and Program Highlights

1. Presentation and revised/supplemental materials, submitted by Fire Department

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, OCTOBER 21, 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: 7:03 p.m.

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

Absent: Councilmember Arreguin.

Councilmember Arreguin present at 7:12 p.m.

Ceremonial Matters:

1. Recognition of Gamelan Sekar Jaya
2. Recognition of John Tucker for Heroism

City Manager Comments:

1. Police Department and Fire Department Open House, Public Safety Building, October 23, 2014
11:00 am – 5:00 pm
2. Annual Pumpkin Patch Dash, King Middle School, October 26, 2014, 9:00 am

Public Comment on Non-Agenda Matters: 2 speakers.

Public Comment on Consent Calendar and Information Items Only: 1 speaker.

Consent Calendar

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

Vote: All Ayes.

1. Ground Lease Amendment for William Byron Rumford Sr. Plaza

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,376-N.S. amending the City's ground lease with William Byron Rumford Sr. Associates, L.P. to extend it for approximately five years for the purpose of the City's Housing Trust Fund Loan to rehabilitate the property. The seventy-five year ground lease originally executed in

Consent Calendar

1989 needs to be extended to match the fifty-five year term of the Housing Trust Fund loan.

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. 7,376-N.S.

2. Amendment to BMC Chapter 9.80 - Tobacco Retailers

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,377-N.S. amending Berkeley Municipal Code Section 9.08.020 and adding Section 9.80.035 to prohibit issuance or renewal of Tobacco Retail Licenses to all pharmacies.

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. 7,377-N.S.

3. Enforcement of Ordinance No. 7,099-N.S. Sweatshop-Free Procurement Ordinance; Amending BMC Chapter 13.97

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,378-N.S. amending Berkeley Municipal Code Chapter 13.97 to lower the current established threshold of \$25,000 to \$1,000 for the Sweatshop-Free Procurement Ordinance No. 7,099-N.S. effective July 1, 2014, that was approved April 29, 2014.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Christine Daniel, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,378-N.S.

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of July 28, 2014 (special closed), August 25, 2014 (special closed), September 9, 2014 (regular), September 16, 2014 (special and regular), and September 30, 2014 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

5. Revised Conflict of Interest Code

From: City Manager

Recommendation: Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 66,346-N.S.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,815-N.S.

Consent Calendar

6. Request to Berkeley Unified School District to Use Meeting Chambers at 2020 Bonar Street for Emergency Purposes and Analysis of Council Chambers at 1947 Center Street

From: City Manager

Recommendation:

1. Authorize the City Manager to send a letter to the Berkeley Unified School District to request the use of the meeting chambers at 2020 Bonar Street for City Council meetings in the event an emergency makes 2134 Martin Luther King Jr. Way unusable.

2. Cease consideration of the use of 1947 Center Street for a new Council Chambers due to its configuration limitations.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved recommendation.

7. Grant Agreement: Maddie's Fund, Pet Rescue Foundation to the Animal Care Shelter

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant agreement and any amendments to accept \$21,000 in revenue from Maddie's Fund Pet Rescue Foundation, to support programs and services for homeless animals provided by Berkeley Animal Care Services.

Financial Implications: \$21,000 (Revenue)

Contact: Christine Daniel, City Manager, 981-7000

Action: Adopted Resolution No. 66,816–N.S.

8. Agreement: Lawrence Berkeley National Laboratory Fire and Emergency Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a memorandum of understanding with the Lawrence Berkeley National Laboratory (LBNL) to provide year-round automatic aid in each jurisdiction for fire and emergency medical calls, rescinding Resolution No. 56,815-N.S. and maintaining the existing mutual response area agreement until the year-round fire and emergency services agreement is ratified.

Financial Implications: None

Contact: Gil Dong, Fire, 981-3473

Action: Adopted Resolution No. 66,817–N.S.

Consent Calendar

9. Agreement: Moraga-Orinda Fire Protection District Fire and Emergency Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a memorandum of understanding with the Moraga-Orinda Fire Protection District to provide year-round automatic aid for fires, station coverage and other emergency calls, rescinding Resolution No. 59,159-N.S.; and authorizing the City Manager to maintain the existing MRA agreement with the East Bay Regional Parks District for response into Tilden Park until a successor agreement is ratified with the Moraga-Orinda Fire Protection District.

Financial Implications: None

Contact: Gil Dong, Fire, 981-3473

Action: Adopted Resolution No. 66,818–N.S.

10. Agreement: City of Albany Fire and Emergency Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a memorandum of understanding with the City of Albany to provide automatic aid in each city's jurisdiction for fire and emergency medical calls on a year round basis and rescinding Resolution No. 56,814-N.S., and maintaining the existing mutual response area agreement until the year-round fire and emergency services agreement is ratified.

Financial Implications: None

Contact: Gil Dong, Fire, 981-3473

Action: Adopted Resolution No. 66,819–N.S.

11. Agreement: City of El Cerrito Fire and Emergency Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a memorandum of understanding with the City of El Cerrito to provide year-round automatic aid in each jurisdiction for fire and emergency medical calls, rescinding Resolution No. 59,159-N.S. and maintaining the existing mutual response area agreement until the year-round fire and emergency services agreement is ratified.

Financial Implications: None

Contact: Gil Dong, Fire, 981-3473

Action: Adopted Resolution No. 66,820–N.S.

Consent Calendar

- 12. Agreement: Kensington Fire Protection District Fire and Emergency Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a memorandum of understanding with the Kensington Fire Protection District to provide year-round automatic aid in each city's jurisdiction for fire and emergency medical calls, rescinding Resolution Nos. 56,813-N.S. and 59,159-N.S. and maintaining the existing mutual response area agreement until the year-round fire and emergency services agreement is codified.
Financial Implications: None
Contact: Gil Dong, Fire, 981-3473
Action: Adopted Resolution No. 66,821–N.S.
- 13. Donation: Stanberry for Memorial Bench in Cesar Chavez Park**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 from Charles Stanberry for a memorial bench to be installed in Cesar Chavez Park.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,822–N.S.
- 14. Donation: Seward-Katzmiller for Memorial Bench in Cesar Chavez Park**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 from Sean Seward-Katzmiller for a memorial bench to be placed in Cesar Chavez Park.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,823–N.S.
- 15. Lease Agreement: Moe's Flowers at 2446 Durant Avenue**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Mohammad Mohayedj, dba Moe's Flowers, for an initial term of 5 years with an option to extend for two additional 5-year periods for the purpose of operating a retail flower store located at 2446 Durant Avenue in the Telegraph Channing Mall.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,380–N.S. Second reading scheduled for November 18, 2014.

Consent Calendar

- 16. Lease Agreement: Mohammad Mohayedji DBA Moe's Flowers for a Flower Stand and Storage Area at Telegraph Channing Mall**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Mohammad Mohayedj, dba Moe's Flowers Shop, for the purpose of operating a retail flower stand and storage area at Telegraph Channing Mall. The lease is for an initial term of 5 years with an option to extend for two additional 5-year periods.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,381–N.S. Second reading scheduled for November 18, 2014.
- 17. Lease Agreement: Michelle's Yogurt & Sweets at 2430 Durant Avenue**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Charles Lee, dba Michelle's Yogurt & Sweets, for an initial term of 5 years with an option to extend for two additional 5-year periods, located at 2430 Durant Avenue in the Telegraph Channing Mall.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,382–N.S. Second reading scheduled for November 18, 2014.
- 18. Approval for Additional Homeless Commission Meeting in 2014**
From: Homeless Commission
Recommendation: Adopt a Resolution approving the request from the Homeless Commission to hold one additional meeting in calendar year 2014.
Financial Implications: Minimal
Contact: Andrew Wicker, Commission Secretary, 981-5400
Action: Adopted Resolution No. 66,824–N.S.

Council Consent Items

- 19. Appoint Gerris Wilkinson to the Berkeley Housing Authority**
From: Mayor Bates
Recommendation: Adopt a Resolution appointing Gerris Wilkinson to the Berkeley Housing Authority.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Item moved to Action Calendar. 0 speakers. M/S/C (Moore/Maio) to adopt Resolution No. 66,825–N.S.
Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – Anderson, Arreguin.

Council Consent Items

20. **Berkeley Art Center Annual Fundraiser ‘Collect!’: 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 \$70 per Councilmember including \$70 from Mayor Bates to the Berkeley Art Center with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Bates and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Fund - \$70
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,826–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$70; Councilmember Anderson - \$70; Councilmember Capitelli - \$70; Councilmember Maio - \$70; Councilmember Moore - \$70.
21. **Fourth Annual Martin Luther King Jr. Celebration January 19, 2015: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Bates and Councilmembers Anderson and Moore
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Councilmember Mayor Bates, Councilmember Max Anderson and Councilmember Darryl Moore to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 4th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Bates and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Fund - \$250
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,827–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Arreguin - \$250; Councilmember Anderson - \$250; Councilmember Capitelli - \$100; Councilmember Maio - \$250; Councilmember Moore - \$250.
22. **Response to Congresswoman Barbara Lee, Shipments of Hazardous Crude**
From: Councilmember Maio
Recommendation: Send a letter to Barbara Lee thanking her for her efforts, and highlighting and requesting that further action to be taken. Send copies of the letter to Senator Dianne Feinstein, Senator Barbara Boxer, Congressman John Garamendi, Congressman George Miller, Congressman Mike Thompson, and Congresswoman Doris Matsui.
Financial Implications: Minimal
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.

Council Consent Items

23. Westbrae Traffic Plan

From: Councilmember Maio

Recommendation: Refer to the Transportation Commission and City Manager the development of a traffic management plan for the Westbrae Area.

Financial Implications: Staff time

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

Action: Approved recommendation.

24. "No Pet" Policies as a Condition of Tenancy

From: Councilmember Arreguin

Recommendation: Refer to the Housing Advisory and Animal Care Commissions to consider the issue of disallowing "No Pets" policies as a condition of tenancy for certain animals, such as cats and dogs, provided that they can be reasonably accommodated.

Financial Implications: Staff time

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

Action: Item removed from the agenda by Councilmember Arreguin.

25. Fair Chance Ordinance

From: Councilmembers Arreguin, Anderson, Moore, and Worthington

Recommendation:

1. Refer to the Labor Commission for review a Fair Chance Ordinance that would extend the City's "Ban the Box" policy to private employers within the City of Berkeley, which would remove any questions regarding an individual's conviction history from an initial application and delaying background check inquiries until later in the hiring process; additionally, the Ordinance would regulate background check inquiries to ensure that applicants are considered fairly for a job position
2. Adopt a Resolution urging our State Representatives and to introduce legislation extending the State's "Ban the Box" law to private employers and to reform employment background checks, which are often private companies that may provide inaccurate, incomplete and/or expunged conviction information. Copies of the Resolution are to be sent to Governor Jerry Brown, Senate President Pro Tem Kevin de León, State Senator Loni Hancock, Assembly Speaker Toni Atkins, Assemblymembers Nancy Skinner and Roger Dickinson, and the National Employment Law Project.

Financial Implications: Unknown

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

Action: Item moved to the Action Calendar. 0 speakers. M/S/C (Arreguin/Moore) to:

1. Approve the recommendation as amended to include the Business Improvement Districts and the Chamber of Commerce in the review process of a Fair Chance Ordinance.
2. Adopt Resolution No. 66,828–N.S.

Vote: All Ayes.

Council Consent Items

26. **City Manager Referral: A Written Answer to Questions about Handling of Confidential Executive Session Documents**
From: Councilmember Worthington
Recommendation: Refer to City Manager a written answer to questions about handling of confidential executive session documents.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Public Hearing

27. **Establishing Long-term Parking Policies and Fees for Existing City-owned Parking Lot at the Southeast (SE) Corner of Adeline Street and Alcatraz Avenue**
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution authorizing the City Manager to: 1. Establish a long-term parking fee for the City-owned SE Adeline/ Alcatraz parking lot at \$50/month per stall; and 2. Allocate no more than 40% of the total spaces in the SE Adeline/Alcatraz Lot for use as long-term permit parking to secure tenants exclusively for the building at 3271 Adeline Street/ 1835 Alcatraz Avenue which will have significant economic impact in the district.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.
M/S/C (Maio/Moore) to close the public hearing.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates;
Noes – None; Abstain – None; Absent - Worthington.
- Action:** M/S/C (Anderson/Maio) to adopt Resolution No. 66,829–N.S.
Vote: All Ayes.
- Councilmember Worthington absent 7:34 p.m. – 7:38 p.m.

Action Calendar – Old Business

28. Tenant Screening Fee Calculation

From: Councilmember Arreguin

Recommendation: Adopt second reading of Ordinance No. 7,379-N.S. designating the Rent Stabilization Board as the entity responsible for calculating and publishing the annual maximum allowable tenant screening fee for the purposes of the Tenant Screening Fee ordinance (BMC 13.78).

First Reading Vote: All Ayes.

Financial Implications: Unknown

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

Action: Item moved to Consent Calendar. Adopted second reading of Ordinance No. 7,379-N.S.

29. City Manager Referral: Consider Potential Additional Ambulances a High Priority for an Amendment to This City Budget *(Continued from June 24, 2014)*

From: Councilmember Worthington

Recommendation: Refer to the City Manager to consider the addition of new ambulances to the Berkeley Fire and EMS Services as a high priority for an amendment to the city budget if determined necessary by the Fire Chief and City Manager.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Maio/Moore) to request that staff return to Council in six months with an update on the status of a pilot program to increase the number of ambulances on duty.

Vote: All Ayes.

30. City Manager Referral: Consider Implementing a Neighborhood Notification System for the City of Berkeley *(Continued from September 9, 2014)*

From: Councilmembers Worthington and Wozniak

Recommendation: Refer to the City Manager to look into a mass communication system for the City of Berkeley as a way for Berkeley's government departments to send residents important notifications through text messages, email, and the web.

Financial Implications: Unknown

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

Action: 0 speakers. M/S/C (Wozniak/Worthington) to approve the recommendation and request that the City Manager prioritize the implementation of notifications for Public Works Department and Zoning actions. Request the City Manager to return to Council with a recommendation for implementing a notification program.

Vote: All Ayes.

Action Calendar – Old Business

31. **Vacancy Registration Fee** *(Continued from October 7, 2014)*
From: Councilmembers Arreguin and Worthington
Recommendation: Refer to the City Manager the establishment of a registration fee for vacant ground floor commercial spaces, as well as undeveloped vacant lots throughout the City of Berkeley
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: 1 speaker. Item referred to the Agenda Committee for future scheduling.
32. **Commercial District Stabilization Fee** *(Continued from October 7, 2014)*
From: Councilmember Arreguin
Recommendation: Refer to the City Manager the establishment of a Commercial District Stabilization Fee, alternatively known as a speculation fee, to be levied on commercial property owners when lease renewals are not offered to existing commercial tenants, or a lease is not renewed due to a significant rental increase. The revenue generated can either go towards nuisance abatement costs associated with vacancies and/or a loan fund for local businesses.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Item removed from the agenda by Councilmember Arreguin.

Action Calendar – New Business

33. **Installation of Automatic External Defibrillators (AEDs) in City Buildings**
From: City Manager
Recommendation: Review and consider implementation of a third party administered, citywide AED program. This program would be referred to the city's budget process for FY 2015 - FY 2016.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
Action: 0 speakers. M/S/C (Moore/Anderson) to refer to the budget process Option B in the staff report to implement a 39 unit citywide AED program. Staff to analyze the various components of implementing a citywide AED program and return to Council with a recommendation to phase-in the program.
Vote: All Ayes.
34. **Modifying Findings in BMC Section 23E.16.040, Alcoholic Beverages**
From: City Manager
Recommendation: Adopt first reading of an Ordinance modifying the findings for Berkeley Municipal Code Section 23E.16.040, Alcoholic Beverages.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Item moved to Consent Calendar. Adopted first reading of Ordinance No. 7,383–N.S. Second reading scheduled for November 18, 2014.

Council Action Items

35. **City Manager Referral: Create Promotional Material Alerting Potential Commercial Renters and Buyers about the Numerous Policy Improvements on Telegraph Avenue**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to create promotional material alerting potential commercial renters and buyers about the numerous policy improvements on Telegraph Avenue.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: 2 speakers. M/S/C (Maio/Capitelli) to:
1. Refer to staff to work with the Telegraph Avenue Business Improvement District to include information regarding improvements to Telegraph Avenue in the BID's marketing materials.
2. Strike the reference to Council District 7 in Attachment 1 to the report.
3. Refer to staff to consider criteria for implementing similar efforts in other business districts in the City.
Vote: All Ayes.

Information Reports

36. **Emergency Medical Services Report and 4th Ambulance Pilot Project**
From: City Manager
Contact: Gil Dong, Fire, 981-3473
Action: Received and filed.
37. **Emergency Public Information and Warning Update**
From: City Manager
Contact: Gil Dong, Fire, 981-3473
Action: Received and filed.
38. **LPC-NOD: 2517 Regent Street**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
39. **City Manager Referral: Write to CrimeMapping.Com Requesting They Help Create a Permanent and Up-To-Date Map of Both BPD and UCPD Crime Data**
From: City Manager
Contact: Michael Meehan, Police, 981-5900
Action: Received and filed.
40. **Preventative Street Sweeping and Towing**
From: Councilmembers Arreguin and Wozniak
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 1 speaker.

Adjournment in memory of:

1. Nancy McClellan

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

Vote: All Ayes.

Adjourned at 8:48 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 21, 2014 as approved by the Berkeley City Council.

Mark Numainville, CMC, City Clerk

Communications

Items 7-11: Fire Department Automatic Aid Agreements

1. Disaster & Fire Safety Commission

Accessory Dwelling Units

2. Mallory Johnson

AUP Permit #13-20000158

3. Mona Kafoury

South Berkeley Violence

4. Robin Wright (3)

Center Street Garage

5. John Caner

Candidate for Alameda County Superintendent of Schools

6. Helen Foster

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 24: “No Pet” Policies as a Condition of Tenancy

7. Laura Ingram
8. Phyllis Fox
9. Richard Kales
10. Siddika Angle
11. Jennifer Fisher
12. Ledy VanKavage, on behalf of Best Friends Animal Society

Supplemental Communications and Reports 2

Item 25: Fair Chance Ordinance

13. Michelle Rodriguez, on behalf of the National Employment Law Project

Item 28: Tenant Screening Fee Calculation

14. Rent Stabilization Board

Supplemental Communications and Reports 3

Item 24: “No Pet” Policies as a Condition of Tenancy

15. Sid Lakireddy

Item 31: Vacancy Registration Fee

16. Igor Tregub

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

TUESDAY, OCTOBER 28, 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 Arreguin, Capitelli, Moore Wengraf, Worthington, Wozniak and Mayor Bates.

Absent: Councilmember Anderson and Maio.

Worksession:

1. a. Opportunities for FY16-FY17 Community Agency Contracting With Early Childhood Providers

From: Children, Youth, and Recreation Commission

Contact: Christina Erickson, Commission Secretary, 981-6700

b. Improvements to Youth-Serving Community Agency Contracting Process

From: City Manager

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

Action: Presentation made and discussion held.

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

Adjournment

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

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

Adjourned at 6:06 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of October 28, 2014 as approved by the Berkeley City Council.

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 1b: Improvements to Youth-Serving Community Agency Contracting Process

1. Presentation, submitted by Parks, Recreation & Waterfront

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, OCTOBER 28, 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, Arreguin, Capitelli, Moore, Wengraf, Worthington, Wozniak and Mayor Bates.

Absent: Councilmember Maio.

Ceremonial Matters: None.

City Manager Comments:

1. Haunted House at MLK Youth Center at 6pm on October 31.

Public Comment on Non-Agenda Matters: 3 speakers.

Public Comment on Consent Calendar and Information Items Only: 1 speakers.

Consent Calendar

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

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

1. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on October 28, 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: Various Funds - \$120,000

Contact: Christine Daniel, Finance, 981-7300

Action: Approved recommendation.

Consent Calendar

- 2. California Mental Health Services Authority Joint Exercise of Powers Agreement Update**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute the documents necessary to sign the amended California Mental Health Service Authority (CalMHSA), Joint Exercise of Powers Agreement (JPA), in order to continue jointly participating with other state mental health jurisdictions in developing, funding and administering an expanded array of mental health and/or behavioral health services and programs as determined on a regional, statewide or other basis.
Financial Implications: Mental Health Service Act - \$500
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,830–N.S.
- 3. Expanding the City Parks Donation Policy**
From: City Manager
Recommendation: Adopt a Resolution adopting an expanded City parks donation policy.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,831–N.S.
- 4. Contract: Public Safety Corporation for False Alarm Management Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Public Safety Corporation (PSC) to perform false alarm management services for the Police Department, for a revenue amount not to exceed \$850,000 for the period of November 1, 2014 through December 31, 2017, with the option to extend for two additional one-year terms.
Financial Implications: General Fund - \$850,000
Contact: Michael Meehan, Police, 981-5900
Action: Adopted Resolution No. 66,832–N.S.
- 5. Emeryville-Berkeley-Oakland Transportation Study (EBOTS) Draft Recommendations**
From: City Manager
Recommendation: Adopt a Resolution concurring with the draft final recommendations of the Emeryville-Berkeley-Oakland Transportation Study.
Financial Implications: None
Contact: Andrew Clough, Public Works, 981-6300
Action: Moved to Action Calendar. 0 speakers. Adopted Resolution No. 66,833–N.S. concurring with the draft final recommendations of the Emeryville-Berkeley-Oakland Transportation Study.
Vote: Ayes – Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Maio.

Consent Calendar

- 6. Injury Prevention: Better Investigations and Data Use Will Help the Berkeley Police Department and the City**
From: Auditor
Recommendation: Request the City Manager report back by April 28, 2015, and every six months thereafter, regarding the status of recommendations until reported fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Approved recommendation.
- 7. Audit Report: Written Guidance and Improved Monitoring Can Help Prevent Unnecessary Overtime at the Animal Shelter and Help Manage Citywide Comp Time**
From: Auditor
Recommendation: Request the City Manager report back by April 28, 2015, and every six months thereafter, regarding the status of recommendations until reported fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Approved recommendation.
- 8. Renewal of the Elmwood Avenue BID for Calendar Year 2015**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution: 1. approving the Annual Report and preliminary budget on proposed improvements in the District for calendar year 2015; 2. declaring an intention to levy an assessment to finance improvements in the District for calendar year 2015; and 3. directing the City Clerk to schedule a public hearing on the renewal of the assessment for November 18, 2014.
Financial Implications: See report
Contact: Jordan Klein, Commission Secretary, 981-7530
Action: Adopted Resolution No. 66,834–N.S.
- 9. Renewal of the Solano Avenue BID for Calendar Year 2015**
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution: 1. approving the Annual Report and preliminary budget on proposed improvements in the District for calendar year 2015; 2. declaring an intention to levy an assessment to finance improvements in the District for calendar year 2015; and 3. directing the City Clerk to schedule a public hearing on the renewal of the assessment for November 18, 2014.
Financial Implications: See report
Contact: Eleanor Hollander, Commission Secretary, 981-7530
Action: Adopted Resolution No. 66,835–N.S.

Council Consent Items

10. Release of Balloons

From: Councilmember Arreguin

Recommendation: Refer to Community Environmental Action Commission the issue of releasing balloons into the environment and to report back to Council with recommendations to mitigate the environmental and infrastructural impact of the release of latex and Mylar balloons, including, but limited to: 1. Declare that balloons pose environmental and physical hazards when released into the environment; 2. Include a clause prohibiting the release of balloons within permits issued by the City for special events; 3. Define the intentional act of releasing balloons by adults into the environment as littering for the purposes of citation; 4. Require disclosures at the point of sale of helium inflated balloons regarding the environmental and infrastructural impact of releasing such balloons and that the intentional release of balloons is considered littering, actionable offense; provide a private right of action for failure to provide such disclosure so that staff resources are not needed for enforcement.

Financial Implications: Staff time

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

Action: Moved to Action Calendar. 0 speakers. Item held over to December 16, 2014.

11. Labor Commission Referral: City of Berkeley Labor Practices

From: Councilmember Arreguin

Recommendation: Refer to the Labor Commission for public hearings on the issue of labor practices of the City of Berkeley and to report back to Council with recommendations. The issues explored should include, but not necessarily be limited to the following: Contracting out services currently or previously provided by City Staff; Standards and Qualifications for City Contractors; Promotion practices and hiring for staff vacancies.

Financial Implications: Staff time

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

Action: Moved to Action Calendar. 0 speakers. M/S/C (Bates/Wengraf) to hold the item over to January 20, 2015.

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

Action Calendar – Public Hearing

12. Agreements, With Other Law Enforcement Agencies, Police Departments or Private Security Organizations

From: City Manager

Recommendation:

1. Conduct a public hearing, and upon conclusion, adopt a Resolution approving agreements, understandings or policies existing or revised as of May 15, 2014 between the Berkeley Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations in order to maintain the current level of police resources and emergency services.

2. Review attached Suspicious Activity Reports provided annually as per City Council request.

Financial Implications: None

Contact: Michael Meehan, Police, 981-5900

Public Testimony: The Mayor opened the public hearing. 8 speakers.

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

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

Action: M/S/Failed (Arreguin/Anderson) to approve all agreements except Northern California Regional Intelligence Center (NCRIC).

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

Action: M/S/Failed (Arreguin/Anderson) to hold over the NCRIC agreement for further review.

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

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

1. Adopt Resolution No. 66,836–N.S. to adopt a Resolution approving agreements, understandings or policies existing or revised as of May 15, 2014 between the Berkeley Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations in order to maintain the current level of police resources and emergency services.

2. Review General Order N-17 in first quarter of 2015 including consultation with the Police Review Commission.

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

Action Calendar – Old Business

13. **Endorse H.R. 1213 and the United for Homes Campaign to Fund the National Housing Trust Fund** *(Continued from October 7, 2014)*
From: Councilmember Worthington
Recommendation: Adopt a Resolution endorsing the United for Homes campaign to fund the National Housing Trust Fund, which would build, preserve, rehabilitate, and operate rental housing that is affordable for extremely low income households.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Referred to the Agenda Committee for scheduling.

Council Action Items

14. **City Manager Referral: Cell Phone Ordinance Referral to City Manager**
From: Councilmember Anderson
Recommendation: Refer to City Manager for the creation of an ordinance to have cell phone retailers give to consumers who purchase a phone, a factual, informational handout referring the user to their cell phone manufacturers' disclosure regarding the recommended separation distance for use against the body.
Financial Implications: See report
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Item held over to November 18, 2014 by Councilmember Anderson.
15. **"Good Government" Package**
From: Councilmember Arreguin
Recommendation: Refer to the following policies to the Fair Campaign Practices and Open Government Commission for discussion and to make recommendations back to the City Council: 1. Public Calendars: require the Mayor and City Councilmembers to maintain a public calendar of meetings that relate only to City business and require such meetings to be posted in advance to the extent practicable but no later than 1 week after the meeting occurred, along with a short description of the purpose and attendants of the meeting. The City Clerk will post the public calendars of the Mayor and Council on the city's website. 2. Revolving Door Policy: prohibition of former City staff, for a specified period of time after they left employment with the City, from lobbying current staff on matters relating to City business. Additionally, prohibit Council staff from concurrently holding employment by organizations that regularly lobby City Council. 3. Conflict of Interest Disclosures: require outside firms, when commissioned by the City or City Manager for research report(s), to disclose any relevant conflicts of interest 4. Contract Disclosures: require specified types of contracts under 50k to be reported to Council. Any increase in a city contract resulting in a contract amount over \$50,000 requires Council approval for the increase, even if the initial contract was approved by City Manager action. 5. Political Polling: prohibition on including in city funded community surveys questions on resident favorability of elected officials. 6. Independent Ballot Questions: designation of the City Attorney's Office as the sole drafter of a ballot question on an initiative or Council-initiated ballot measure, and the Council's role is relegated to approving the ballot question without modification. 7. Contribution Prohibitions: prohibit contributions from contractors doing business

Council Action Items

with the City for specified duration and at a specified threshold, as well as parties to land use applications.

Financial Implications: Staff time

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

Action: 3 speakers. M/S/C (Bates/Wozniak) to hold the item over to 2015 and refer the matter to the Agenda Committee for scheduling with the instruction that the Mayor appoint a three-person committee to report back to the full council on the specific recommendations relative to making a more open government.

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

16. **Street Sweeping Violations: Burden of Proof**

From: Councilmembers Arreguin and Wozniak

Recommendation: Refer to the City Manager for drafting a policy establishing that street sweeping violations are only valid if street sweeping had in fact occurred and, upon contest, that the burden of proof on whether or not street sweeping occurred falls on the City.

Financial Implications: Staff time

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

Action: 0 speakers. M/S/Failed (Wozniak/Arreguin) to refer the matter to the City Manager and request information on how often scheduled street sweeping in missed, how many citations of this type are issued, and options for the Council to consider.

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

Councilmember Worthington absent 8:25 p.m. – 8:57 p.m.

17. **Fair Housing: 1st Qualified Tenant Applicant Acceptance**

From: Councilmember Arreguin

Recommendation: Refer to the Housing Advisory Commission for discussion the issue of accepting of the first qualified tenant applicant for rental housing built after 1979 at the listed rental rate and the general issue of rental bidding that is displacing local residents, and make a recommendation back to Council.

Financial Implications: Staff time

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

Action: 2 speakers. Item held over to an unspecified future date.

Information Reports

18. **Audit Implementation Status Report: Parks Recreation & Waterfront Department Cash Handling Audit**

From: City Manager

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

Action: Received and filed.

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

Adjournment in memory of:

1. William McCammon, Former Alameda County Fire Chief

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

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

Adjourned at 9:02 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 28, 2014 as approved by the Berkeley City Council.

Mark Numainville, CMC, City Clerk

Communications

Item 12: Agreements, With Other Law Enforcement Agencies, Police Departments or Private Security Organization

1. Police Review Commission

Trans-Atlantic Free Trade Agreement Free Zone

2. Phoebe Sorgen

Nexus Study

3. Marian Wolfe

Supplemental Communications and Reports 1

Item 14: City Manager Referral: Cell Phone Ordinance Referral to City Manager

4. Revised materials, submitted by Councilmember Anderson
5. Polly Armstrong

Supplemental Communications and Reports 2

Item 14: City Manager Referral: Cell Phone Ordinance Referral to City Manager

6. Virginia Farver (2)
7. Ellen Marks (4)
8. Cynthia Franklin
9. Kevin Kunze

Supplemental Communications and Reports 3

Item 5: Emeryville-Berkeley-Oakland Transportation Study (EBOTS) Draft Recommendations

10. Presentation, submitted by Public Works

Item 10: Release of Balloons

11. Olga Bolotina, on behalf of the Sierra Club Northern Alameda County Group

Item 14: City Manager Referral: Cell Phone Ordinance Referral to City Manager

12. Gerard Keegan

13. Harry Lehmann

14. Cynthia Franklin and Ellen Marks