



**BERKELEY CITY COUNCIL AGENDA COMMITTEE  
SPECIAL MEETING**

**BERKELEY CITY COUNCIL SPECIAL MEETING**

**MONDAY, MARCH 9, 2015**

**2:30 P.M.**

6<sup>th</sup> Floor Conference Room, 2180 Milvia Street

Committee Members:

Mayor Bates, Councilmembers Linda Maio and Susan Wengraf  
(Alternate: Councilmember Anderson)

**AGENDA**

1. Roll Call
2. Public Comment
3. Approval of Minutes: March 2, 2015
4. Review and Approve draft agendas:
  - a. 3/24/15 – 5:30 p.m. Special City Council Meeting
  - b. 3/24/15 – 7:00 p.m. Regular City Council Meeting
    1. Referred items
  - c. Adjournments in memory of -
5. Council Items:
  - a. Council Worksessions
  - b. Council Referrals to Agenda Committee
  - c. Land Use Calendar
6. Adjournment – next meeting Monday, March 23, 2015

## **Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure Resolution No. 66,912-N.S., Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*This is a meeting of the Berkeley City Council Agenda Committee. Since a quorum of the Berkeley City Council may actually be present to discuss matters with the Council Agenda Committee, this meeting is being noticed as a special meeting of the Berkeley City Council as well as a Council Agenda Committee meeting.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting. After the deadline for submission, residents must provide 10 copies of written communications to the City Clerk at the time of the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, City Clerk, 981-6900.*

### **COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 5, 2015.

A handwritten signature in black ink, appearing to read "Mark Numainville". The signature is written in a cursive, flowing style.

Mark Numainville, City Clerk

**BERKELEY CITY COUNCIL AGENDA COMMITTEE  
SPECIAL MEETING MINUTES**

**MONDAY, MARCH 2, 2015**

**2:30 P.M.**

6<sup>th</sup> Floor Conference Room, 2180 Milvia Street

Committee Members:

Mayor Bates, Councilmembers Linda Maio and Susan Wengraf  
(Alternate: Councilmember Anderson)

1. Roll Call: 2:32 p.m. Mayor Bates absent.
2. Public Comment: 0 speakers.
3. M/S/C (Wengraf/Maio) to approve the Minutes of February 23, 2015
4. Review and Approve draft agendas:
  - a. M/S/C (Wengraf/Maio) to approve the 3/17/15 – 5:30 p.m. Special City Council Meeting.
  - b. M/S/C (Wengraf/Maio) to approve the 3/17/15 – 7:00 p.m. Regular City Council Meeting revised to reflect the following:
    - *Item Added: Viewing “Boom: North America’s Explosive Oil-By-Rail Problem”; Raising Awareness of the Shipment of Crude By Rail (Councilmember Maio).*
    - *Item 3 Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on March 17, 2015 (City Manager) – Financial Implication revised to \$114,000.*
    - *Item 10 One Percent for Public Art on Private Projects (City Manager) – Moved to Action Calendar.*
    - *Item 11 Initiating a City-wide Tap Water Campaign (Councilmembers Capitelli and Maio) – Revised Item Submitted.*
    - *Item 16 Relinquishment of Council Office Budget Funds To General Fund And Grant Of Such Funds To The Holocaust Awareness Lecture; Co-Sponsor Holocaust Awareness Lecture; and Adopt a Proclamation in Honor of Marthe Cohn (Councilmember Worthington) – Revised Item Submitted; Councilmember Worthington authorized to submit a revision to include the name of the event co-sponsor.*
  1. Referred items
  - c. Adjournments in memory of –
    1. Orrin Keepnews
5. Council Items:
  - a. Council Worksessions
  - b. Council Referrals to Agenda Committee

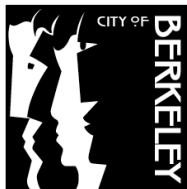
- Vacancy Registration Fee item referred back to Councilmember Arreguin for further action.

c. Land Use Calendar

6. Adjourned at 2:42 p.m.



Mark Numainville, City Clerk



**DRAFT PROCLAMATION  
CALLING A SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**TUESDAY, MARCH 24, 2015**

**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 – LORI DROSTE

## **Preliminary Matters**

**Roll Call:**

## **Worksession:**

1. **Parks, Recreation & Waterfront Department Capital Improvement and Major Maintenance Needs and 5-Year Plan**  
**From: City Manager**  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
2. **Public Works Department 5-Year Facilities Capital Improvement Plan, and Facility Condition Assessments and Maintenance Management Options**  
**From: City Manager**  
Contact: Andrew Clough, Public Works, 981-6300

## **Public Comment – Items on this agenda only**

## **Adjournment**

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 12th day of March, 2015.

*Tom Bates*

Tom Bates, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: 3/12/15

Mark Numainville, CMC, City Clerk

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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and may be read at reference desks at the following locations:

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Tel: 510-981-6900

TDD: 510-981-6903

Fax: 510-981-6901

Email: [clerk@CityofBerkeley.info](mailto:clerk@CityofBerkeley.info)

Libraries:

Main - 2090 Kittredge Street

Claremont Branch – 2940 Benvenue

West Branch – 1125 University

North Branch – 1170 The Alameda

South Branch – 1901 Russell

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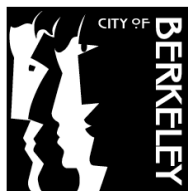
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Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

TUESDAY, MARCH 24, 2015

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 – LORI DROSTE

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, City Clerk, 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

### Preliminary Matters

#### Roll Call:

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

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

*In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## **Consent Calendar**

*The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.*

### **1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of February 10, 2015 (specials and regular), February 23, 2015 (special closed), and February 24, 2015 (special and regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

### **2. Contract: NetFile for Online Campaign Report and Form 700 Filing and Tracking**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Westcoast Online Information Systems, Inc., dba NetFile, for an amount not to exceed \$85,000 for the period June 19, 2015 through June 19, 2020 for online campaign report and Form 700 filing and tracking.

**Financial Implications:** General Fund - \$85,000

Contact: Mark Numainville, City Clerk, 981-6900



## Consent Calendar

- 3. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on March 24, 2015**  
**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 - \$475,000  
Contact: Christine Daniel, Finance, 981-7300
- 4. Designate the Line of Succession for the Director of Emergency Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 65,983-N.S.  
**Financial Implications:** None  
Contact: Gil Dong, Fire, 981-3473
- 5. FEMA Pre-Disaster Mitigation Grant for James Kenney Community Center Seismic Retrofit Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept 1 time Pre-Disaster Mitigation Grant funds from the Federal Emergency Management Agency (FEMA) in the amount of \$727,499 to be used to fund seismic hazard mitigation at the James Kenney Community Center, and execute the resultant grant agreement.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300

## Council Consent Items

- 6. Youth Spirit Artworks: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Anderson**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including up to \$1,000 from Councilmember Anderson, to the Youth Spirit Artworks (YSA) 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 - \$1,000  
Contact: Max Anderson, Councilmember, District 3, 981-7130

## Council Consent Items

- 7. Scheduling June 23, 2015 Work Session: Homeless Task Force**  
**From: Councilmember Arreguin**  
**Recommendation:** Approve the scheduling of a Council Worksession at 5:30 p.m. on Tuesday, June 23, 2015 for presentation from the community Homeless Task Force on its recommendations.  
**Financial Implications:** Minimal  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
- 8. Support AB 768 - Tobacco Free Baseball Act**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution supporting AB 768, the "Tobacco Free Baseball Act", introduced by Assemblymember Tony Thurmond. Send copies of the resolution to Assemblymember Thurmond, State Senator Loni Hancock, Governor Jerry Brown, and bill coauthors Assemblymember Richard Bloom and State Senator Mark Leno.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
- 9. Assembly Bill 7: Larry Itliong Day**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution supporting Assembly Bill (AB) 7, authored by Assemblymember Rob Bonta, which would require the Governor to annually proclaim October 25 as Larry Itliong Day and establish special significance in public schools to encourage remembrance.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.*

## Action Calendar – Public Hearings

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

### 10. ZAB Appeal: 2135 Roosevelt Avenue

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Administrative Use Permit No. AUP2014-0032 to raise an existing single-story, single-family residence to create 1,357 square feet of habitable space at the ground floor and to install a hot tub on the rear deck.

**Financial Implications:** None

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

## Action Calendar – Old Business

### 11. a. Establishment of Disaster Council *(Continued from February 10, 2015)*

**From: Disaster and Fire Safety Commission**

**Recommendation:**

1. Establish a Disaster Council, consisting of the City Manager, any of the City senior staff that she believes to be necessary for such a Council, the Mayor and/or such members of the City Council as the City Council deems appropriate, and such members of the public as either the City Manager or City Council deems appropriate with the authority to register, activate, and deploy Disaster Service Workers;
2. Authorize the City Manager to act on behalf of the Disaster Council between meetings of that Council; and
3. Authorize the City Manager to delegate any duties related to the Disaster Council to such members of the City Staff as she deems appropriate.

**Financial Implications:** None

Contact: Commission Secretary

### b. Establishment of Disaster Council *(Continued from February 10, 2015)*

**From: City Manager**

**Recommendation:** Defer creation of a Disaster Council separate from the Disaster and Fire Safety Commission pending a response from the California Office of Emergency Services (Cal OES) regarding compliance of the City of Berkeley's Disaster and Fire Safety Commission (D&FSC) serving as its Disaster Council.

**Financial Implications:** None

Contact: Gil Dong, Fire, 981-3473

## Action Calendar – Old Business

12. **City Manager Referral: Amend the Berkeley Municipal Code to Require City Contractors to submit an Equal Pay Report** *(Continued from February 10, 2015)*  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to amend the Berkeley Municipal Code to require City contractors and subcontractors with 20 more employees to submit a Equal Pay Report.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

## Action Calendar – New Business

13. **Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the title of Chapter 13.42 and Sections 13.42.010, 13.42.020, 13.42.030, 13.42.035, and 13.42.040 of the Berkeley Municipal Code ("BMC") to adopt additional operating standards for Mini-dorms and to extend these standards to all group living accommodations ("GLAs"), in specified districts.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400

## Council Action Calendar

14. **Accessory Dwelling Units**  
**From: Mayor Bates**  
**Recommendation:** Request the City Manager incorporate requirements outlined in the report to allow Accessory Dwelling Units (ADUs) as-of-right and return to Council with appropriate ordinance language to implement. ADUs not conforming to these standards may be considered with an Administrative Use Permit.  
**Financial Implications:** None  
Contact: Tom Bates, Mayor, 981-7100

## Information Reports

15. **LPC-NOD: 1350 Fourth Street**  
**From: City Manager**  
Contact: Eric Angstadt, Planning and Development, 981-7400

## Public Comment – Items Not Listed on the Agenda –

## Adjournment

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

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Max Anderson  
Councilmember District 3

CONSENT CALENDAR  
March 24, 2015

To: Honorable Mayor and Members of the City Council  
From: Councilmember Max Anderson, District 3  
Subject: Youth Spirit Artworks: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including up to \$1,000 from Councilmember Anderson, to the Youth Spirit Artworks (YSA) 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.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1,000 is available from Councilmember Anderson's Council Office Budget discretionary account.

BACKGROUND

We are proposing that the City Council make a grant of \$1,000 to YSA for the purpose that funds will be used to support YSA youth stipends for their leadership in planning efforts of Youth Spirit Artwork's new "A Parklet and Artlot for the Lorin" project, creating neighborhood-driven urban micro spaces in South Berkeley that will benefit the whole community.

CONTACT PERSON

Max Anderson, Councilmember, District 3 510 981-7130

Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF COUNCILMEMBER FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Max Anderson has surplus funds in his office expenditure account (budget code 010-0232-410-3510); and

WHEREAS, a California non-profit tax Exempt Corporation Youth Spirit Artworks seeks funds in the amount of \$1,000 to provide the following public services to support YSA youth stipends; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose that funds will be used to support YSA youth stipends for their leadership in planning efforts of Youth Spirit Artwork's new "A Parklet and Artlot for the Lorin" project, creating neighborhood-driven urban micro spaces in South Berkeley that will benefit the whole Berkeley community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$1,000 per office, including up to \$1,000 from Councilmember Anderson, shall be granted to Youth Spirit Artworks to fund services to support YSA youth stipends.





Jesse Arreguin  
City Councilmember, District 4

CONSENT CALENDAR  
March 24, 2015

To: Honorable Mayor and Members of the City Council  
From: Councilmember Jesse Arreguin  
Subject: Scheduling June 23, 2015 Worksession: Homeless Task Force

RECOMMENDATION

Approve the scheduling of a Council Worksession at 5:30 p.m. on Tuesday, June 23, 2015 for presentation from the community Homeless Task Force on its recommendations.

FINANCIAL IMPLICATIONS

Minimal. Staff time associated with publishing and posting agendas, providing staff support at meeting.

BACKGROUND

In response to the community conversation started around Measure S in 2012, Councilmember Arreguin's office initiated a community Homeless Task Force which has been meeting since August 2013. The Berkeley Homeless Task Force is a community-led process bringing together service providers, homeless persons, students, business owners, and the broader community to identify challenges towards addressing homelessness and to develop a plan for improved services, housing opportunities and other programs to serve Berkeley's homeless population. All Berkeley residents are welcome to attend and participate in Task Force meetings.

The goal of the task force is to bring stakeholders together to discuss common goals and to develop a community vision towards addressing homelessness. The task force has met numerous times to discuss a variety of issues related to homelessness in Berkeley including: the LGBT Homeless Youth population; Transition Age Youth; Housing First; Mental Health.

The Task Force is in the process of developing a report with recommendations on improved policies and services for Berkeley's homeless and would like to present its recommendations to the Berkeley City Council and receive feedback at a worksession.

CONTACT PERSON

Councilmember Jesse Arreguin    Council District 4    510-981-714





Jesse Arreguín  
City Councilmember, District 4

CONSENT CALENDAR  
March 24, 2015

To: Honorable Mayor and Members of the City Council  
From: Councilmember Jesse Arreguín  
Subject: Support AB 768 – Tobacco Free Baseball Act

RECOMMENDATION

Adopt a Resolution supporting AB 768, the “Tobacco Free Baseball Act”, introduced by Assemblymember Tony Thurmond. Send copies of the resolution to Assemblymember Thurmond, State Senator Loni Hancock, Governor Jerry Brown, and bill coauthors Assemblymember Richard Bloom and State Senator Mark Leno.

BACKGROUND

While the use of cigarettes has been in decline in the United States over the last few decades, the use of smokeless tobacco has been increasing, especially among young adults. Smokeless tobacco companies spent \$450 million on marketing in 2011, more than three times the amount they spent in 1998.

According to the Center for Disease Control (CDC) in 2013, 14.7% of high school boys and 8.8% of all high school students reported to currently use smokeless tobacco products. It is estimated that 535,000 kids between the ages of 12-17 try smokeless tobacco for the first time each year.

Smokeless tobacco contains at least 28 known carcinogens. Using smokeless tobacco, including but not limited to snuff, dip, and chew, can result in mouth, esophagus, and pancreatic cancer, other mouth diseases, complications with pregnancy, heart disease, and stroke.

The use of smokeless tobacco products has been a prevalent problem in baseball. In June 2014, Hall of Famer Tony Gwynn died at 54 from a long battle with salivary gland cancer. In August 2014, pitching legend Curt Schilling, 47, announced his treatment of oral cancer. Both players attributed these diseases to decades of chewing tobacco.

AB 768 would ban all tobacco products at all baseball games and leagues. This will not only protect the health of players, but of kids, who would otherwise be exposed to watching their favorite players and role models use tobacco products.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

If AB 768 goes into effect, the environmental and health quality of baseball fields and stadiums in California will improve.

CONTACT PERSON

Jesse Arreguin, Councilmember, District 4      510-981-7140

Attachments:

- 1: Resolution
- 2: Text of AB 768
- 3: AB 768 Fact Sheet

RESOLUTION NO. ##,###-N.S.

SUPPORTING AB 768 – TOBACCO FREE BASEBALL ACT

WHEREAS, the use of smokeless tobacco products in the United States has increased in recent years, especially among young adults; and

WHEREAS, 14.7% of high school boys and 8.8% of all high school students reported to currently use smokeless tobacco products; and

WHEREAS, an estimated 535,000 kids between the ages of 12-17 try smokeless tobacco for the first time each year; and

WHEREAS, smokeless tobacco contains at least 28 known carcinogens; and

WHEREAS, using smokeless tobacco can result in mouth, esophagus, and pancreatic cancer, other mouth diseases, complications with pregnancy, heart disease, and stroke; and

WHEREAS, former Major League Baseball players Tony Gwynn and Curt Schilling attributed their cancer to decades of using chewing tobacco; and

WHEREAS, AB 768 would ban all tobacco products at all baseball games and leagues; and

WHEREAS, the passage of AB 768 will not only protect the health of players, but of kids, who would otherwise be exposed to watching their favorite players and role models use tobacco products.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports Assembly Bill 768.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Jerry Brown, State Senators Loni Hancock and Mark Leno, and Assemblymembers Tony Thurmond and Richard Bloom.

**ASSEMBLY BILL****No. 768**

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**Introduced by Assembly Member Thurmond**  
**(Coauthor: Assembly Member Bloom)**  
(Coauthor: Senator Leno)

February 25, 2015

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An act to add Article 1.5 (commencing with Section 118916) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to tobacco.

## LEGISLATIVE COUNSEL'S DIGEST

AB 768, as introduced, Thurmond. Tobacco Free Baseball Act.

Existing law prohibits the smoking of tobacco in every publicly owned building open to the general public for the primary purpose of exhibiting a motion picture, stage drama, music recital, or any other performance, with the exception of any indoor sporting event, except in designated areas.

This bill would prohibit the use of tobacco products, as defined, including smokeless tobacco, in a baseball stadium, which includes the physical area in which a professional, collegiate, high school, or other organized baseball game or practice is occurring. The bill would require a baseball stadium to have posted at every entrance a conspicuous sign clearly communicating that the use of tobacco products, including smokeless tobacco, is prohibited. The bill provides that, if any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Tobacco Free Baseball Act.

3 SEC. 2. Article 1.5 (commencing with Section 118916) is  
4 added to Chapter 4 of Part 15 of Division 104 of the Health and  
5 Safety Code, to read:

6  
7 Article 1.5. Public Spaces  
8

9 118916. (a) The Legislature finds and declares that the  
10 regulation on tobacco products in professional, collegiate, high  
11 school, and other baseball stadiums is a matter of statewide interest  
12 and concern. It is the intent of the Legislature in enacting this  
13 section to prohibit any tobacco product, including smokeless  
14 tobacco, at any time at an event site for professional, collegiate,  
15 high school, or other organized baseball games in all baseball  
16 stadiums in this state, thereby eliminating the need for local  
17 governments to enact tobacco restrictions within their respective  
18 jurisdictions.

19 (b) A person shall not use a tobacco product at any time at a  
20 baseball stadium.

21 (c) For purposes of this section, the following definitions shall  
22 apply:

23 (1) "Baseball stadium" means the physical area in which a  
24 professional, collegiate, high school, or other organized baseball  
25 game or practice is occurring, including all open, semiopen, and  
26 enclosed spaces and structures. A baseball stadium includes, but  
27 is not limited to, playing fields, dugouts, bullpens, training rooms,  
28 locker rooms, team bench areas, spectator seating areas, pedestrian  
29 walkways, bathrooms, dining areas, vendor areas, offices, and  
30 recreational areas.

31 (2) "Organized baseball" means baseball games played in  
32 connection with an established league or other association of  
33 persons.

34 (3) "Smokeless tobacco" means a product that contains cut,  
35 ground, powdered, or leaf tobacco and is intended to be placed in  
36 the oral or nasal cavity, including, but not limited to, snuff, chewing  
37 tobacco, dipping tobacco, dissolvable tobacco products, and sinus.

38 (4) "Tobacco product" includes all of the following:

1 (A) A product made or derived from tobacco or nicotine that is  
2 intended for human consumption, whether smoked, heated, chewed,  
3 absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any  
4 other means, including, but not limited to, cigarettes, cigars, little  
5 cigars, chewing tobacco, pipe tobacco, and snuff.

6 (B) An electronic device that delivers nicotine or other  
7 substances to the person inhaling from the device, including, but  
8 not limited to, an electronic cigarette, cigar, pipe, or hookah.

9 (C) A component, part, or accessory of a tobacco product,  
10 whether or not sold separately.

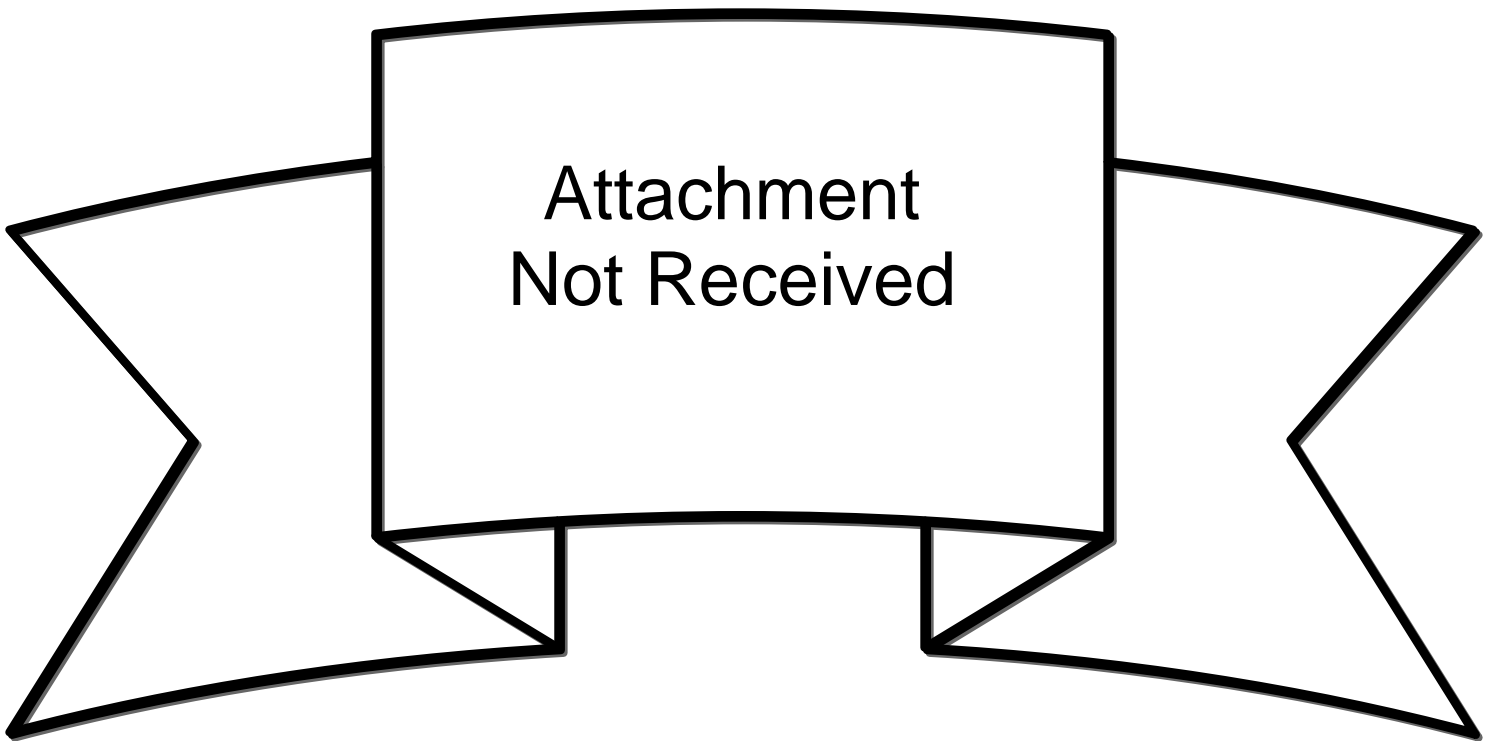
11 (D) “Tobacco product” does not include a product that has been  
12 approved by the United States Food and Drug Administration for  
13 sale as a tobacco cessation product or for other therapeutic purposes  
14 where the product is marketed and sold solely for that approved  
15 purpose.

16 (d) Each baseball stadium shall have posted at every entrance  
17 a conspicuous sign clearly communicating that the use of tobacco  
18 products, including smokeless tobacco, is prohibited. These signs  
19 shall also be posted in all dugouts, bullpens, locker rooms, and  
20 bathrooms.

21 (e) This section shall be construed as supplementing and  
22 imposing prohibitions and requirements in addition to those in  
23 existing law.

24 (f) The provisions of this section are severable. If any provision  
25 of this section or its application is held invalid, that invalidity shall  
26 not affect other provisions or applications that can be given effect  
27 without the invalid provision or application.





Attachment 3 to this report has not been received from the submitting office.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Web site:**  
<http://www.cityofberkeley.info/citycouncil/>





**Jesse Arreguín**  
Councilmember, District 4

CONSENT CALENDAR  
March 24, 2015

To: Honorable Mayor and Members of the City Council  
From: Councilmember Jesse Arreguín  
Subject: Assembly Bill 7: Larry Itliong Day

RECOMMENDATION:

Adopt a Resolution in support of Assembly Bill (AB) 7, authored by Assemblymember Rob Bonta, which would require the Governor to annually proclaim October 25 as Larry Itliong Day and establish special significance in public schools to encourage remembrance.

BACKGROUND:

Larry Itliong, a native of the Philippines, was a prominent leader in the American farm labor movement. He was involved in organizing what famously became known as the Delano grape strike that continued for eight days in which he suffered violence and opposition from the growers'. The strike continued for five years and became one of the most significant victories of the United Farm Workers (UFW). The UFW, formed by Larry Itliong with César Chávez, was one of the greatest unions in the history of the country due to its success in such achievements and the cooperation of its diverse members of all different ethnicities.

Larry Itliong continued to be an important member of the community, becoming the President of the Filipino American Political Alliance, the first national political Filipino American organization and founder of the Pablo Agbayani Village, a retirement home built for retired Filipino Manongs who no longer had families. Larry Itliong passed away in 1977 at the age of 63 leaving behind his wife and seven children.

Assemblymember Rob Bonta (D-Oakland) has recently introduced AB 7 to properly recognize the accomplishments and contributions of Larry Itliong to the United States of America and his numerous sacrifices in the name of justice, specifically in inadequate working conditions.

FINANCIAL IMPLICATIONS:

None.

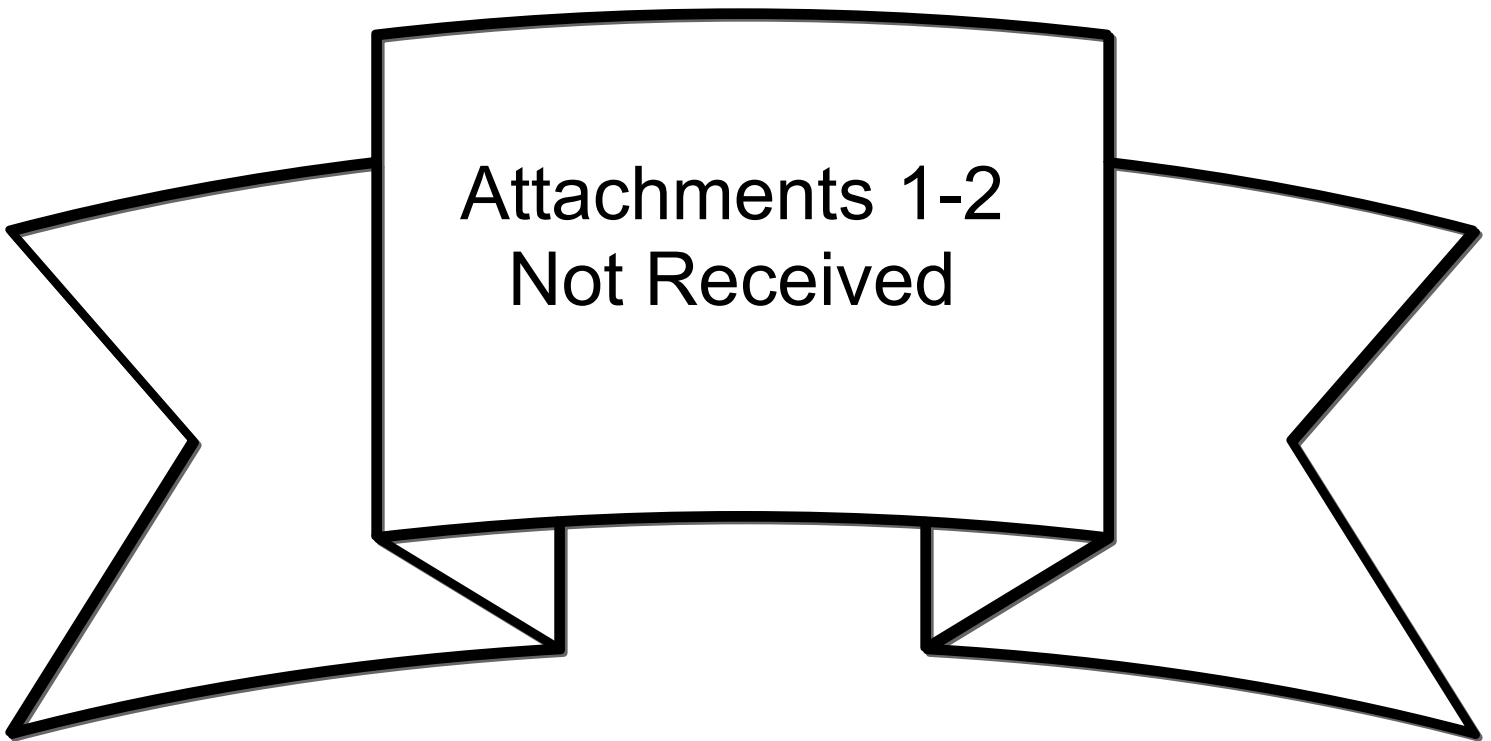
CONTACT PERSON:

Jesse Arreguín, Councilmember, District 4

(510) 981-7140

Attachments:

1. Resolution
2. Copy of Assembly Bill 7



Attachments 1-2 to this report have not been received from the submitting office.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

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<http://www.cityofberkeley.info/citycouncil/>





[Commission Name]

ACTION CALENDAR

March 24, 2015

*(Continued from February 10, 2015)*

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Neil Goldstein, Chairperson, Disaster and Fire Safety Commission

Subject: Establishment of Disaster Council

RECOMMENDATION

1. Establish a Disaster Council, consisting of the City Manager, any of the City senior staff that she believes to be necessary for such a Council, the Mayor and/or such members of the City Council as the City Council deems appropriate, and such members of the public as either the City Manager or City Council deems appropriate with the authority to register, activate, and deploy Disaster Service Workers;
2. Authorize the City Manager to act on behalf of the Disaster Council between meetings of that Council; and
3. Authorize the City Manager to delegate any duties related to the Disaster Council to such members of the City Staff as she deems appropriate.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On December 5, 2014, the Disaster and Fire Safety Commission passed a motion with the following language:

Whereas the establishment of a Disaster Council is required by State Law for the recognition as Disaster Service Workers of any volunteers responding to a disaster under the direction of the City of Berkeley;

Whereas having such recognition is essential for the financial protection of qualified volunteers;

Therefore, the Disaster and Fire Safety Commission recommends to the City Council to take the following actions:

1. Establish a Disaster Council, consisting of the City Manager, any of the City senior staff that she believes to be necessary for such a Council, the Mayor and/or such

members of the City Council as the City Council deems appropriate, and such members of the public as either the City Manager or City Council deems appropriate with the authority to register, activate, and deploy Disaster Service Workers;

2. Authorize the City Manager to act on behalf of the Disaster Council between meetings of that Council; and

3. Authorize the City Manager to delegate any duties related to the Disaster Council to such members of the City Staff as she deems appropriate.

Motion: M. Mitchell, Second: R. Grimes, Vote: (6 Ayes: Grimes, Goldstein, Flasher, Hamm, Zummo, Mitchell; 0 Noes; 1 Absent: Almanza; 0 Abstain:)

#### BACKGROUND

The Disaster Service Worker Volunteer Program (DSWVP) was created as the result of legislation to provide workers' compensation benefits to registered Disaster Service Worker (DSW) volunteers who are injured while participating in authorized disaster-related activities, including pre-approved training. Disaster service, as defined for the Program, is designed to aid in the response and recovery phases in a disaster or emergency. It does not include the day-to-day emergency response activities typically associated with, for example, law enforcement, fire services or emergency medical services. The Program also provides limited immunity from liability.

A city is required to have an Accredited Disaster Council (ADC) that complies with rules and regulations established by Cal OES as stated in Government Code Sections 8585.5, 8610, and 8612 in order to participate in the DSWVP.

#### ENVIRONMENTAL SUSTAINABILITY

No effects.

#### RATIONALE FOR RECOMMENDATION

Establishment of a Disaster Council is a requirement of State Law for the recognition of and financial protection of Disaster Service Worker volunteers responding to a disaster under the direction of the City of Berkeley.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CITY MANAGER

See Companion Report.

#### CONTACT PERSON

Gil Dong, Fire Chief, Berkeley Fire Department, 510-981-5500





## Kriss Worthington

Councilmember, City of Berkeley, District 7  
2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

PHONE 510-981-7170 FAX 510-981-7177 [kworthington@ci.berkeley.ca.us](mailto:kworthington@ci.berkeley.ca.us)

### ACTION CALENDAR

March 24, 2015

*(Continued from February 10, 2015)*

To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington  
Subject: City Manager Referral: Amend the Berkeley Municipal Code to Require City Contractors to submit an Equal Pay Report

### RECOMMENDATION

Refer to the City Manager to amend the Berkeley Municipal Code to require City contractors and subcontractors with 20 more employees to submit a Equal Pay Report.

### BACKGROUND

Throughout the history of the United States, Women have not been paid equally to men for the same type of work. On December 9, 2014, the San Francisco Board of Supervisors unanimously voted for Ordinance 251-14

(<https://sfgov.legistar.com/View.ashx?M=F&ID=3422380&GUID=654B743E-2172-4F96-9FFC-4148E6AD4F65>).

On October 26, 2014, the San Francisco Chronicle reported, "Women in California make on average 84 cents to the \$1 earned by men. California ranks a dismal 19th in the nation for African American women's pay; they earn 63.8 cents for each \$1 earned by white men. And California's pay gap is the worst in the nation for Latina workers, who make just 43.6 cents to every \$1 earned by white men in this state."

The City of Berkeley should follow San Francisco's lead by exploring the feasibility of creating an ordinance similar to that of San Francisco's Ordinance 251-14 which is designed to reduce gender pay differential discrimination the City of Berkeley, as does San Francisco, require companies with more than 20 employees to submit Equal Pay Report. The Equal Pay Report could include a summary of information of compensation paid to employees by sex, race, ethnicity, and specified job categories. Annually, each contractor or subcontractor would file a complete and accurate Equal Pay Report

### FINANCIAL IMPLICATIONS

Minimal.

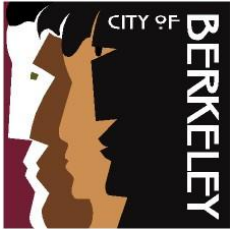
### ENVIRONMENTAL SUSTAINABILITY

Consistent with the Berkeley Climate Action Plan.

### CONTACT PERSON

Councilmember Kriss Worthington 510-981-7170





Office of the Mayor

ACTION CALENDAR

March 24, 2015

TO: Members of the City Council

FROM: Mayor Tom Bates

SUBJECT: Accessory Dwelling Units

RECOMMENDATION:

Request the City Manager incorporate the following requirements to allow Accessory Dwelling Units (ADUs) as-of-right and return to Council with appropriate ordinance language to implement.

ADUs not conforming to these standards may be considered with an Administrative Use Permit.

**Requirements**

**Lot size:** Minimum of 3800 square feet

**Size:** 250 square foot minimum to 750 square foot maximum not to exceed 50% of the size of the main dwelling unit. ADU and main dwelling unit cannot exceed 40% of total lot coverage combined.

**Height:** 14 foot maximum height at peak of roof, 10 foot maximum at eave of roof. Not to exceed 10 feet at property line.

**Setback:** 4 foot minimum side and rear setback from property line. No side or rear setback required if ADU will replace preexisting buildings on the property line

**Parking:** Tandem parking is allowed. If within ¼ mile of North Berkeley or Ashby BART parking may be waived with an AUP. No Residential Parking Permit will be issued to an ADU under this circumstance.

**Other**

Legal property owner shall live in main dwelling unit or ADU.

If ADU is built on property line, doors and windows cannot face neighbors' property.

Should be excluded from use as short term rentals.

ADUs are prohibited in the Environmental Safety Residential (ESR) zone or on lots on streets that do not meet minimum fire access requirements.

ADU may be allowed only if the fire flow and water pressure meet minimum fire safety requirements.

BACKGROUND:

ADUs provide one type of dwelling in a diverse housing market. They are often needed for an aging parent or family member in transition, particularly in Berkeley's tight and expensive housing market.

On April 13, 2013 the City Council requested the Planning and Transportation Commissions investigate the feasibility of reducing barriers to the development of ADUs referring ten specific recommendations for consideration. On September 16, 2014 staff presented proposed zoning ordinance changes to the City Council reflecting modifications to the Council referral after staff analysis and Planning Commission discussion.

The Planning commission recommendations varied slightly from the items originally suggested with regard to lot size, ADU size, setbacks, height, parking, lot coverage, and eligibility in the Hill Overlay, and permit expediting. See attached link:

[http://www.cityofberkeley.info/Clerk/City\\_Council/2014/09\\_Sep/Documents/2014-09-16\\_Item\\_04\\_Zoning\\_Amendments.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2014/09_Sep/Documents/2014-09-16_Item_04_Zoning_Amendments.aspx) for the original City Council report.

Council commented extensively on the proposed ordinance. This recommendation consolidates the input from the Council and the Planning commission.

ENVIRONMENTAL SUSTAINABILITY

The proposed zoning changes are consistent with city Climate Action Plan goals pertaining to increased residential density near transit opportunities to reduce transportation emissions. Additionally, new residential construction is subject to more stringent energy efficiency standards and will therefore assist in reducing per-capita greenhouse gas emissions from building energy use.

FINANCIAL IMPLICATIONS:

None

CONTACT PERSON:

Mayor Tom Bates

510-981-7100

| Upcoming Workshops |                                                                |
|--------------------|----------------------------------------------------------------|
| Scheduled Dates    |                                                                |
| March 10           | Crime Report                                                   |
| March 17           | Sewer Rate Process                                             |
| March 24           | Facilities Assessment/Public Works & Parks Capital Improvement |
| April 7            | Planning Commission Work Plan                                  |
| April 28           | Community Agency Funding                                       |
| May 12             | Budget: FY 2016-2017 Proposed                                  |
| May 26             | OED Update                                                     |
| June 9             | Resilience Strategies                                          |

| Unscheduled Workshops                                  |
|--------------------------------------------------------|
| 1. Mental Health Commission Referral - Crisis Response |

City Council Referrals to the Agenda Committee

1. "Good Government" Package (*October 28, 2014*)

| CITY CLERK DEPARTMENT<br>WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                                         |                   |
|------------------------------------------------------------------------------------------------------|----------------------|-----------------------|-----------------------------------------|-------------------|
| Address                                                                                              | Board/<br>Commission | Appeal Period<br>Ends | Determination<br>on Appeal<br>Submitted | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                                                     |                      |                       |                                         |                   |
| 2295 Shattuck Ave (new signs, Masonic Temple)                                                        | LPC                  | 3/17/2015             |                                         |                   |
| 2409 College Ave (consider designation of Channing Apartments)                                       | LPC                  | 3/17/2015             |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
| <b>Appeals Submitted</b>                                                                             |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
| <b>Public Hearings Scheduled</b>                                                                     |                      |                       |                                         |                   |
| 2135 Roosevelt Ave (single family residence)                                                         | ZAB                  |                       |                                         | 3/24/2015         |
| 524 Cragmont Ave (rebuild home destroyed by fire)                                                    | ZAB                  |                       |                                         | 4/28/2015         |
|                                                                                                      |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
| <b>Remanded to ZAB or LPC</b>                                                                        |                      |                       |                                         |                   |
| 2201-2205 Blake St (deny use permit - Bartlett Houses)                                               | ZAB                  |                       |                                         |                   |
| 2204 Dwight Way (deny use permit to construct new duplex)                                            | ZAB                  |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
| <b>Notes</b>                                                                                         |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |
|                                                                                                      |                      |                       |                                         |                   |

