




Office of the City Manager

CONSENT CALENDAR
May 26, 2015

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 April 7, 2015 (special and regular), and April 28, 2015 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. April 7, 2015–Special City Council Meeting
2. April 7, 2015–Regular City Council Meeting
3. April 28, 2015–Special City Council Meeting
4. April 28, 2015– Regular City Council Meeting

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, APRIL 7, 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: 5:31 p.m.

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

Absent: Councilmembers Anderson, Moore and Worthington.

Councilmember Worthington present at 6:01 p.m.

Worksession:

1. Planning Commission Work Plan Recommendations

From: City Manager

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

Action: 3 speakers. Presentation made and discussion held.

Action: M/S/C (Bates/Arreguin) to accept supplemental material from Councilmember Droste on Items 1 and 2.

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

2. Prioritization of City Council Referrals to Public Works Transportation

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: 6 speakers. Presentation made and discussion held.

Public Comment – Items on this agenda only – Public comment taken with the items.

Adjournment

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

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

Adjourned at 6:55 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of April 7, 2015.

Rose Thomsen, Deputy City Clerk

Communications

- None

Supplemental Communications and Reports 1

Item 1: Planning Commission Work Plan Recommendations

1. Medical Cannabis Commission

Item 2: Prioritization of City Council Referrals to Public Works Transportation

2. Charles Siegel
3. Dave Campbell, on behalf of Bike East Bay
4. Sandra Hamlat, on behalf of the Berkeley Climate Action Coalition
5. Erica Etelson
6. John English

Supplemental Communications and Reports 2

Item 2: Prioritization of City Council Referrals to Public Works Transportation

7. Eric Panzer, on behalf of Livable Berkeley

Supplemental Communications and Reports 3

Item 1: Planning Commission Work Plan Recommendations

8. Presentation, submitted by Planning & Development

Item 2: Prioritization of City Council Referrals to Public Works Transportation

9. Presentation, submitted by Public Works
10. Lori Droste, District 8
11. Unknown

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, APRIL 7, 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

Preliminary Matters

Roll Call: 7:08 p.m.

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

Absent: Councilmembers Droste and Moore.

Councilmember Droste present at 7:10 p.m.

Ceremonial Matters:

1. 100th Anniversary of the Armenian Genocide – April 2015
2. National Public Safety Telecommunicator's Week – April 12 - 18, 2015
3. Honoring Lester Chambers, Local Musician

City Manager Comments:

1. Berkeley Bay Festival, April 11, 2015 11:00 a.m. – 4:00 p.m. at Shorebird Park at the Berkeley Marina

Public Comment on Non-Agenda Matters: 5 speakers.

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

Consent Calendar

Action: M/S/C (Bates/Maio) to accept revised material from staff on Item 8.

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

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

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

Consent Calendar

- 1. Revision to Berkeley Municipal Code Definition of Art; Amending BMC Section 6.14.010**
From: Civic Arts Commission
Recommendation: Adopt second reading of Ordinance No. 7,400-N.S. amending Berkeley Municipal Code Section 6.14.010 ("Definitions") regarding the definition of Art.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Mary Ann Merker, Commission Secretary, 981-7000
Action: Adopted second reading of Ordinance No. 7,400-N.S.
- 2. Council Rules of Procedure and Order**
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to amend the procedure for voting to consider corrections or supplements to items already included in the agenda packet, consistent with recent updates to Berkeley Municipal Code Chapter 2.06 on Open Government, and rescinding Resolution No. 66,912-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 66,965–N.S.
- 3. Elmwood Theater Foundation Loan Modification**
From: City Manager
Recommendation: Adopt a Resolution directing the City Manager to modify the outstanding loan from the Citywide Loan Fund to the Elmwood Theater Foundation to waive outstanding late fees through June 2015, modify the repayment schedule and extend the term of the loan.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: M/S/C (Maio/Worthington) to adopt Adopted Resolution No. 66,966–N.S.
Vote: Ayes – Maio, Anderson, Arreguin, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Moore, Capitelli (Recused).
- 4. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on April 7, 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 - \$4,494,500
Contact: Dee Williams-Ridley, Finance, 981-7300
Action: Approved recommendation.

Consent Calendar

5. **Contract: Premier COMP Medical Group for Medical Examinations and Wellness/Fitness Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Premier COMP Medical Group for occupational health annual and pre-employment medical examinations, as well as a wellness/fitness component for all sworn Fire Department personnel in the amount of \$90,000 per fiscal year for the period May 1, 2015 through April 30, 2017 with an option to extend for two additional two-year terms, for a total not to exceed \$540,000.

Financial Implications: See report

Contact: Gil Dong, Fire, 981-3473

Action: Adopted Resolution No. 66,967–N.S.

6. **Contract: ECMS, Inc. for Turnout Testing, Inspection, and Repair**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with ECMS, Inc. for annual turnout testing, inspection and repair for all fire personnel for the term May 1, 2015 to May 30, 2016 in the amount of \$30,000 per fiscal year with an option to extend for two additional one-year terms for a total cost not to exceed \$90,000.

Financial Implications: See report

Contact: Gil Dong, Fire, 981-3473

Action: Adopted Resolution No. 66,968–N.S.

7. **Shelter Plus Care Program Renewal Grants**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Five Shelter Plus Care grants from U.S. Department of Housing and Urban Development: a) an estimated \$2,274,286 for tenant-based rental assistance for the period May 24, 2015 through May 23, 2016; b) an estimated \$143,395 for sponsor-based rental assistance for the Supportive Housing Network for the period of May 28, 2015 through May 27, 2016, with Resources for Community Development as the project sponsor; c) an estimated \$139,604 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2015 through May 31, 2016, with Bonita House, Inc. as the project sponsor; d) an estimated \$518,038 in tenant-based rental assistance for the COACH Project grant for the period of December 14, 2015 through December 13, 2016; and e) an estimated \$217,428 in tenant-based rental assistance for the HOAP grant for the period of November 1, 2015 through October 31, 2016. 2. One grant from the County of Alameda for an estimated \$298,363 to provide tenant-based rental assistance to individuals who have HIV/AIDS and their families from March 1, 2015 through February 29, 2016.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,969–N.S.

Consent Calendar

- 8. Amendment to BMC Chapter 9.80 - Tobacco Retailers**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Sections 9.80.010, 9.80.020 and 9.80.035, and adding Sections 9.80.037 and 9.80.095, effective January 1, 2016, to: 1. Require a Tobacco Retail License (TRL) to sell Electronic Nicotine Delivery Systems (ENDS); 2. Prohibit sale of all tobacco products within a 1,000 foot buffer zone around schools and public parks, with a grace period of one to two years to minimize economic hardship; and 3. Define violation of Chapter 9.80 as a public nuisance.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Moved to Action Calendar. Revised item held over to May 12, 2015.
- 9. Contract 7645D Amendment: NEOGOV Job Applicant Tracking System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7645D in the amount of \$36,500 with NEOGOV Inc. for a job applicant tracking system and service, for a revised total contract amount not to exceed \$156,500, and extending the term of the contract from May 17, 2015 through May 16, 2018.
Financial Implications: General Fund - \$36,500
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,970–N.S.
- 10. Designating City's Labor Negotiators Under Govt. Code Section 54957.6**
From: City Manager
Recommendation: Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in closed sessions with the City Council to discuss labor negotiations with certain unions and unrepresented employees, and rescinding Resolution No. 66,565-N.S.
Financial Implications: None
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,971–N.S.
Vote: Ayes – Maio, Capitelli, Wengraf, Droste, Bates; Noes – Arreguin, Worthington; Abstain – Anderson; Absent – Moore.
- 11. Contract No. 9627 Amendment: Hubb Systems LLC (dba Data911) Mobile Data Computers for Police and Fire Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 9627 with Hubb Systems LLC for Mobile Data Computer (MDC) hardware and maintenance, increasing the amount by \$371,000, for a total not to exceed \$416,428 for the period April 14, 2014 through June 30, 2017.
Financial Implications: Various Funds - \$371,000
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,972–N.S.

Consent Calendar

- 12. Donation: Berkeley Partners For Parks for Tree Plantings**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$1,860 from Berkeley Partners For Parks for the purchase and planting of City trees.
Financial Implications: \$1,860 (Revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,973–N.S.
- 13. Property Assessed Clean Energy ("PACE") Seismic Financing**
From: City Manager
Recommendation: Adopt a Resolution consenting to the inclusion of properties within the City of Berkeley's jurisdiction in the California Statewide Communities Development Authority (CSCDA) Open PACE program; authorizing the CSCDA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within Berkeley; and authorizing related actions.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,974–N.S.
- 14. East Bay Corridors Initiative Memorandum of Understanding**
From: City Manager
Recommendation: Adopt a Resolution entering into a Memorandum of Understanding with the Association of Bay Area Governments (ABAG) and participating local jurisdictions for the East Bay Corridors Initiative.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,975–N.S.
- 15. Section 106 Consultation: Downtown Berkeley Plaza and Transit Area Improvement Project**
From: City Manager
Recommendation: Consider the Landmarks Preservation Commission comments and adopt a motion concurring with the finding of no adverse effect under Section 106 for the proposed Downtown Berkeley Plaza and Transit Area Improvement Project.
Financial Implications: None
Contact: Andrew Clough, Public Works, 981-6300
Action: Approved recommendation.

Consent Calendar

- 16. Contract: MCK Services Inc. for FY 2015 Street Rehabilitation**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Street Rehabilitation FY 2015 Project, Specification No. 15-10884-C; 2. Accepting the bid of MCK Services Inc. as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$2,624,971.
Financial Implications: Various Funds - \$2,624,971
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,976–N.S.
- 17. Contract: Gallagher & Burk Inc. for FY 2015 Measure M Street Resurfacing and Reconstruction**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the FY 2015 Measure M Street Resurfacing and Reconstruction Project, Specification No. 15-10923-C; 2. Accepting the bid of Gallagher & Burk Inc. as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$5,865,565. 4. Authorizing the City Manager to execute a Reimbursement Agreement with the East Bay Municipal Utility District for the replacement of existing water valve covers.
Financial Implications: Various Funds - \$5,865,565
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,977–N.S.
- 18. Reject Bid for FY 2015 Measure M Street Surface Seal Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to reject the bid and direct staff to re-advertise the FY 2015 Measure M Street Surface Seal Project.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,978–N.S.

Council Consent Items

- 19. Budget Referral: Telegraph Foot Patrol**
From: Mayor Bates
Recommendation: Refer to the FY 2015/2016 budget process establishing a regular, full-time police foot patrol officer on Telegraph Avenue five days a week, contingent upon the University of California Police Department's providing a foot-patrol officer the other two days, dedicated to the current physical boundaries of the C-T Telegraph District Commercial Zone.
Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.
- 20. Council Committee on a More Open Government**
From: Mayor Bates
Recommendation: Confirm the appointment of Councilmembers Jesse Arreguin, Lori Droste, Laurie Capitelli and Susan Wengraf to serve as an ad hoc committee to consider recommendations for more open government and report back to the Council in less than a year.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.
- 21. Berkeley Public Schools Fund: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$170 per councilmember, including \$170 from Councilmember Maio, to the Berkeley Public Schools Fund with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$170
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,979–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$170; Councilmember Anderson - \$170.
- 22. Residential Parking Permit Pilot Program**
From: Councilmember Maio
Recommendation: Refer to the City Manager the implementation of a Residential Permit Parking (RPP) pilot program of 100 blocks to impacted areas, an expansion that is sensitive to the mix of uses that are both residential and commercial, such as exist in West Berkeley.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.

Council Consent Items

- 23. Our Family Coalition's First Annual Night Out: Relinquishment of Council Office Budget**
From: Councilmember Moore
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$300 per Councilmember, including up to \$300 from Councilmember Moore, for attendance at Our Family Coalition's First Annual Night Out, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Moore and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$300
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,980–N.S.
- 24. Co-sponsor the American Cancer Society's 2015 Relay for Life**
From: Councilmember Moore
Recommendation: Co-sponsor the American Cancer Society's 2015 Relay for Life to be held on May 2 through May 3 at the Berkeley High School Track, and that the Council give permission for use of the name of the City of Berkeley and the City's logo in media coverage of the Relay for Life Berkeley.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Councilmember Anderson added as a co-sponsor. Approved recommendation.
- 25. Official City Sponsor of Heart to Heart Health Day**
From: Councilmember Moore
Recommendation: Approve City sponsorship of Heart to Heart Health Day.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Councilmember Anderson added as a co-sponsor. Approved recommendation.
- 26. Official City Sponsor of Walk with a Doc Berkeley**
From: Councilmember Moore
Recommendation: Approve City sponsorship of Walk with a Doc, Berkeley.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Councilmember Anderson added as a co-sponsor. Approved recommendation.
- 27. Recognize Nancy Skinner for Her Service to Berkeley**
From: Councilmember Moore
Recommendation: Adopt a Resolution honoring Nancy Skinner for her service to our Berkeley and East Bay community.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,981–N.S.

Council Consent Items

- 28. Request for Forgiveness of California Department of Housing and Community Development Loan to the Berkeley Housing Authority**
From: Councilmember Moore
Recommendation: Adopt a Resolution requesting the California Department of Housing and Community Development (HCD) to forgive a loan in the amount of \$763,689 made to Berkeley Housing Authority (BHA) in 1982 to help fund construction of 14 units of 3- and 4-bedroom units for low and extremely-low income households. The City Clerk shall send a letter to Governor Jerry Brown, with copies to the Director of the HCD, Claudia Cappio; the Chair of the Berkeley Housing Authority Board of Commissioners, Carole Norris; Berkeley Mayor Tom Bates and Senator Loni Hancock.
Financial Implications: See report
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,982–N.S.
- 29. Refer \$125,000 to the FY 2015-2016 to Provide Housing Support Stipends for Transition Age Youth, Ages 18-25**
From: Councilmember Anderson
Recommendation: Refer \$125,000 in funding for Fiscal Year 2015-2016 to provide housing support stipends for transition age youth, ages 18-25. This funding will be used to help youth move into independent, stable housing.
Financial Implications: \$125,000
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Approved recommendation.
- 30. Encouraging Economic Development and Increasing City Revenue from Business Activity- Amendment to BMC 23E.60.040**
From: Councilmember Capitelli
Recommendation: Extend the deadline set forth in BMC 23E.60.040 C regarding numerical limitations on food service establishments to July 31, 2019.
Financial Implications: Unknown
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.
Vote: Ayes – Maio, Anderson, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – Arreguin; Abstain – None; Absent – Moore.
- 31. Budget Referral: Annual Grant for Sunday Streets Events**
From: Councilmembers Capitelli and Moore
Recommendation: Refer to the FY 2016 & 2017 budget process an annual budget allocation of \$30,000 each year to cover City-related services, materials, permits and fees for two Sunday Streets events in Berkeley. The events will be held on Shattuck Ave and San Pablo Ave.
Financial Implications: \$30,000
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.

Council Consent Items

- 32. Support SB 695: Affirmative Consent Education for High School Students**
From: Councilmember Wengraf
Recommendation: Adopt a Resolution supporting Senate Bill (SB) 695 and write a letter urging our representatives to pass this bill. Letters should be sent to State Senator Loni Hancock, Kevin de Leon, Hannah Beth Jackson and Assemblyman Tony Thurmond.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,983–N.S.
- 33. Budget Referral: Housing Trust Fund Allocation**
From: Councilmembers Worthington, Anderson, and Arreguin
Recommendation: Refer \$1,000,000 to the 2015-2016 budget process to be allocated to the Housing Trust Fund.
Financial Implications: \$1,000,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 34. San Francisco Lesbian-Gay-Bisexual-Transgender Pride Parade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Worthington
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 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 so that the City of Berkeley be represented at the San Francisco Lesbian-Gay-Bisexual-Transgender (LGBT) Pride Parade and for costs of having a contingent in the Parade from Councilmember Worthington's discretionary Council Office Budget 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. 66,984–N.S.

Action Calendar – Old Business

35. Support of CA Senate Bill 277: End California's Vaccine Exemption Loophole
(Continued from March 17, 2015)

From: Councilmember Wengraf

Recommendation: Adopt a Resolution supporting California Senate Bill 277. This legislation proposes to end all vaccination loopholes in California, including exemptions based purely on parents' personal beliefs. Send letters of support to Senators Richard Pan and Ben Allen, Senator Loni Hancock, Assemblymember Tony Thurmond and Governor Jerry Brown.

Financial Implications: See report

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Action: 54 speakers. M/S/C (Wengraf/Anderson) to adopt Resolution No. 66,985–N.S. revised to indicate that the Council supports the concept of California Senate Bill 277.

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

Recess: 9:49 p.m. – 10:01 p.m.

Action Calendar – New Business

36. Sanitary Sewer Program: Rate Structure and Financial Sustainability

From: City Manager

Recommendation:

A. Select Option 1 for the Sanitary Sewer Rates, with phased-in increases over 5 Years of 25% in FY 2016, 24% in FY 2017, 14% in FY 2018, 7% in FY 2019, and 3.6% in FY 2020; and

B. Direct staff to initiate a Proposition 218 protest process, and schedule a Public Hearing for June 9, 2015 for the Sanitary Sewer rate increases.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Item removed from the agenda by the City Manager. Staff to return with an item for the May 12, 2015 City Council meeting.

37. Public Comment and Council Discussion on Significant Community Benefits for New Tall Buildings in the Downtown

From: Mayor Bates and Councilmembers Arreguin, Capitelli, and Moore

Recommendation: Receive public input and hold a Council discussion on April 7 about the "significant community benefits" that are required for development projects over 75 feet in Berkeley's Downtown - for the purpose of considering whether to quantify and further define what constitutes "significant community benefits."

Approaches to consider include financial contributions that a project could make as well as specific community benefits that could be provided by the project directly.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Action: 33 speakers. Discussion held. Item continued to a Special Meeting of the City Council on Tuesday, May 5, 2015 at 7:00 p.m.

Council Action Items

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

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

38. **Extend the Affordable Impact Housing Fee Discount**

From: Mayor Bates

Recommendation: Adopt a Resolution amending Resolution No. 66,809-N.S. to maintain the affordable housing impact fee discount at \$20,000 until such time as the Council decides to amend it.

Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100

Action: 9 speakers. M/S/Failed (Worthington/Arreguin) to table the item until such time that the Nexus study is presented to the City Council for consideration.

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

Action: M/S/C (Bates/Maio) to adopt Resolution No. 66,986–N.S. as published in Revised and Supplemental Materials Packet #1, and revised to indicate that the affordable housing impact fee discount is extended to July 1, 2015.

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

39. **Setting a Fifty Percent Citywide Solar Goal and Establishing a Solar Taskforce** **From:** Councilmember Worthington

Recommendation: Adopt a Resolution setting a citywide solar goal of obtaining fifty percent of the City's energy needs from solar power by 2030 and establishing a solar taskforce to prioritize potential steps to achieve this goal.

Financial Implications: Minimal

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

Action: Moved to the Consent Calendar. Item held over to the April 28, 2015 City Council meeting to be considered as the first item on the Old Business section of the Action Calendar.

Information Reports

40. **Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service** **From:** City Manager

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

Action: Received and filed.

Information Reports

41. **Pedestrian Safety on Sacramento Street between University and Dwight**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
42. **Report of the Alameda County Transportation Commission, January 29, 2015 and February 26, 2015**
From: Councilmember Capitelli
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Received and filed.

Councilmember Capitelli absent 11:13 p.m. – 11:15 p.m.

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

Adjournment

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

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

Adjourned at 11:15 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of April 7, 2015 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

Communications

Item 35: Support of CA Senate Bill 277: End California's Vaccine Exemption Loophole

1. Sumant Ranji
2. Maya Nicholls
3. Jeanette Regalado

Item 37: Public Comment and Council Discussion on Significant Community Benefits for New Tall Buildings in the Downtown

4. Housing Advisory Commission

Cooking and Gardening Programs at BUSD

5. Lisa Handwerker
6. Joshua Room

Communications

7. Michelle Oram
8. Nate Byerley
9. Eileen DeVaney

Off-Leash Area at Cesar Chavez Park

10. Carol Denney

2211 Harold Way

11. Anthony Zueck
12. Richard McBurnie
13. Lisa Songster
14. Richard Rosman
15. LuLu Ortegon
16. Kelly Hammargren (2)
17. Brian Hanlon
18. Patricia Marsh
19. June Hunt

Berkeley Go Solar

20. Cameron Ishee

Hearst Avenue “Complete Streets”

21. Michael Katz

Cell Phone Radiation Documentary

22. Phoebe Sorgen

California Housing

23. Patrick Kennedy

Support for Art Spaces

24. David Davis

Property Matter

25. Calvin Justice

SF Chronicle Article – Roman Catholic Archdiocese

26. W.B.C.

Annual Meetings of Commission Appointees

27. Police Review Commission

Supplemental Communications and Reports 1

Item 35: Support of CA Senate Bill 277: End California's Vaccine Exemption Loophole

28. Katharine Van Dusen
29. Community Health Commission
30. Lydia Bourne

Item 37: Public Comment and Council Discussion on Significant Community Benefits for New Tall Buildings in the Downtown

31. Judith Perlin

Supplemental Communications and Reports 1

- 32. Susan Schweik
- 33. Matt Langione
- 34. Maura Nolan
- 35. Anne-Lise Francois
- 36. Unknown
- 37. Alisha Gard
- 38. Renetia Martin
- 39. Tim Culvahouse
- 40. Lexine Alpert
- 41. Donald Goldmacher
- 42. Save Shattuck Cinemas
- 43. Zoning Adjustments Board

Item 37: Extend the Affordable Impact Housing Fee Discount

- 44. Revised materials, submitted by Mayor Bates

Supplemental Communications and Reports 2

Item 8: Amendment to BMC Chapter 9.80 - Tobacco Retailers

- 45. National Association of Tobacco Outlets, Inc.
- 46. Steven Duffy, on behalf of the National Association of Tobacco Outlets, Inc.

Item 35: Support of CA Senate Bill 277: End California's Vaccine Exemption Loophole

- 47. Elka Karl
- 48. Jennifer Deibler
- 49. Catherine Flores-Martin
- 50. Meaveen O'Connor
- 51. Phoebe Sorgen
- 52. Wendy Bloom
- 53. Roger Newman
- 54. Caroline Yunker
- 55. Soula Culver
- 56. Jessica Damon
- 57. Frank Staggers, Jr., on behalf of the Alameda-Contra Costa Medical Assn.
- 58. Holly Harwood, on behalf of the Berkeley Fellowship of Unitarian Universalist Social Justice Committee
- 59. Karly Kaufman
- 60. L. Darlene Pratt
- 61. E. Sandra Nixon
- 62. Jie Qiao

Item 37: Public Comment and Council Discussion on Significant Community Benefits for New Tall Buildings in the Downtown

- 63. Anne Finger
- 64. Charlene Woodcock
- 65. David Moschler
- 66. Marsha Dalmas
- 67. Matthew Schiffgens

Supplemental Communications and Reports 1

68. Erin Dare

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

Item 38: Extend the Affordable Impact Housing Fee Discount

70. Housing Advisory Commission

71. Therese Fitzpatrick

72. Alicia Carter

Item 39: Setting a Fifty Percent Citywide Solar Goal and Establishing a Solar Taskforce

73. Rob Wrenn

Supplemental Communications and Reports 3

Item 8: Amendment to BMC Chapter 9.80 - Tobacco Retailers

74. Revised materials, submitted by Health, Housing & Community Services

75. Zeaad Handoush

Item 14: East Bay Corridors Initiative Memorandum of Understanding

76. Jacqueline McCormick

Item 35: Support of CA Senate Bill 277: End California's Vaccine Exemption Loophole

77. Kris Calvin

78. Aimee Wells Quin

79. Eileen Karpfinger

80. California Coalition for Health Choice, East Bay Chapter

Item 37: Public Comment and Council Discussion on Significant Community Benefits for New Tall Buildings in the Downtown

81. Erin Lentz

82. Elise Wilks

83. Nicholas Dominguez

84. Unknown

Item 38: Extend the Affordable Impact Housing Fee Discount

85. Unknown (2)

Item 39: Setting a Fifty Percent Citywide Solar Goal and Establishing a Solar Taskforce

86. Corie Radka

Crime

87. Unknown

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

TUESDAY, APRIL 28, 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: 5:32 p.m.

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

Absent: Councilmember Anderson, Arreguin and Worthington.

Councilmember Worthington present at 5:37 p.m. Councilmember Anderson present at 5:41 p.m.

Worksession:

1. Community Agency Funding FY 2016-2017

From: City Manager

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

Action: Presentation made and discussion held.

Public Comment – Items on this agenda only: 47 speakers.

Adjournment

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

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

Adjourned at 6:54 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of April 28, 2015.

Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item 1: Community Agency Funding FY 2016-2017

1. Presentation, submitted by Health, Housing & Community Services
2. Zulma Munoz
3. Marie Hubbard
4. Dorothy Day House
5. United for Health
6. Ashby Community Garden
7. Multicultural Institute
8. Option Recovery Services

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, APRIL 28, 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

Preliminary Matters

Roll Call: 7:07 p.m.

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

Absent: None.

Ceremonial Matters:

1. Recognition of Municipal Clerks Week, May 3 to May 9, 2015
2. Recognition of the 40th Anniversary of the Bay Area Hispano Institute for Advancement (BAHIA)
3. Recognition of Affordable Housing Week, May 9 to May 17, 2015

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 8 speakers.

Public Comment on Consent Calendar and Information Items Only: 14 speakers.

Consent Calendar

Action: M/S/C (Worthington/Maio) to accept revised materials from Councilmember Moore on Item #22.

Vote: All Ayes.

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

Vote: All Ayes.

1. **City Manager Referral: Update Administrative Hearing Procedure Regulations**
From: City Manager

Consent Calendar

Recommendation: Adopt a Resolution authorizing the City Manager to promulgate guidance to City hearing officers for fair hearing procedures and rescinding Resolution No. 47,053-N.S. and Resolution No. 48,354-N.S.

Financial Implications: None

Contact: Zach Cowan, City Attorney, 981-6950

Action: Item held over to the May 26, 2015 City Council meeting.

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of March 9, 2015 (special closed), March 10, 2015 (special and regular), March 17, 2015 (special closed, special and regular), and March 24, 2015 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

3. City Council Rules of Procedure and Order

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to establish a policy for the distribution of, and access to, confidential closed session documents by the Mayor and Members of the City Council, making a minor technical clarification regarding City Council recess periods, and rescinding Resolution No. 66,965-N.S.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,987–N.S.

4. Donation to the Animal Shelter from Every Dog Has Its Day Care

From: City Manager

Recommendation: Adopt a Resolution accepting a donation from Every Dog Has Its Day Care in the sum of \$1,900.

Financial Implications: \$1,900 (Donation)

Contact: Dee Williams-Ridley, City Manager's Office, 981-7000

Action: Adopted Resolution No. 66,988–N.S.

5. Amending BMC Section 14.48.200 Sidewalk Cafe Seating, Benches and Planters

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 14.48.200 to allow for café seating within 25 feet of a fire hydrant or curb return in such cases where City staff has determined that the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating. City staff shall be defined as the Transportation Manager, City Engineer or Fire Marshall.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Action: Adopted first reading of Ordinance No. 7,401–N.S. Second reading scheduled for May 12, 2015.

Consent Calendar

- 6. Write-off of Uncollectible Account Receivable Due From Magik Group**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to write off an uncollectible outstanding accounts receivable for Telegraph/Channing Lease for \$19,888 due from Magik Group. The amount recorded in the City's general ledger by the Finance-Revenue Collection Division is \$19,888.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 66,989–N.S.
- 7. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on April 28, 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 - \$2,890,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 8. Contract No. 9696 Amendment: Bay Area Community Resources for Provision of AmeriCorps Members**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9696 with Bay Area Community Resources (BACR) increasing the not to exceed amount by \$2,000 for a total not to exceed amount of \$86,000 through June 30, 2015, and extending the term of the AmeriCorps member stationed at the Ann Chandler Public Health Clinic to June 30, 2015.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,990–N.S.
- 9. Contract No. 8865B Amendment: Accela, Inc. for Professional Services and Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8865B with Accela, Inc., for professional services and software maintenance, increasing the amount by \$347,040, for a total not to exceed \$1,150,949, from December 12, 2011 to June 30, 2016.
Financial Implications: Various Funds - \$347,040
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,991–N.S.

Consent Calendar

**10. Amendments to Contract No. 9611 with Nichols Consulting Engineers, and Contract No. 9600 with Harrison Engineering, Inc. for Professional Services
From: City Manager**

Recommendation:

1. Adopt a Resolution authorizing the City Manager to amend Contract No. 9611 with Nichols Consulting Engineers, Inc. for on-call engineering services, increasing the contract by \$1 million for a total amount not to exceed \$2.2 million.
2. Adopt a Resolution authorizing the City Manager to amend Contract No. 9600 with Harrison Engineering, Inc. for on-call engineering services, increasing the contract by \$400,000 for a total amount not to exceed \$1 million.

Financial Implications: Measure M Fund - \$1.4 million

Contact: Andrew Clough, Public Works, 981-6300

Action: 1. Adopted Resolution No. 66,992–N.S. 2. Adopted Resolution No. 66,993–N.S.

11. Contract: Express Plumbing, Inc. for Sanitary Sewer Rehabilitation Project on Shattuck Avenue and Addison Street

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Sanitary Sewer Project, 15-10877-C, located on Shattuck Avenue and Addison Street; 2. Accepting the bid of the lowest responsive and responsible bidder, Express Plumbing, Inc.; and 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$1,107,534.

Financial Implications: Sanitary Sewer Operation - \$1,107,534

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,994–N.S.

12. Contract No. 9626 Amendment: Conversion Management Associates, Inc. for the Center Street Garage Replacement Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9626 with Conversion Management Associates, Inc. to: 1. Include phase II, design development and construction documents, continued financing development, and other related services for the Center Street Garage Replacement project; and 2. Increase the contract amount by \$2.6 million, for an amended total not to exceed \$3.6 million, for the existing contract period ending December 31, 2018.

Financial Implications: Off Street Parking Fund - \$2.6 million

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,995–N.S.

Consent Calendar

- 13. Contract: GradeTech, Inc. for Potter Street/Bay Street/Bolivar Drive Paving**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Potter Street/Bay Street/Bolivar Drive Paving Project, Specification No. 15-10920-C; 2. Accepting the bid of GradeTech, Inc. as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$993,904.
Financial Implications: Various Funds - \$993,904
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,996–N.S.
- 14. Contract No. 9488A Amendment: Berry Brothers Towing for Towing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9488A with Berry Brothers Towing to provide towing services for Public Works Equipment Maintenance, increasing the amount of Contract No. 9488 by \$50,000 for an amended total not to exceed \$90,000 and extending the term to June 30, 2017.
Financial Implications: Equipment Maintenance Fund - \$50,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,997–N.S.
- 15. Lease Agreement: Revolution Books at 2444 Durant Avenue**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Everybody's Bookstore, Inc., dba Revolution Books, for an initial term of 5 years with two 5-year options to extend, located at 2444 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. 7,402–N.S. Second reading scheduled for May 12, 2015.
- 16. Board of Library Trustees Reappointment: Julie Holcomb and Jim Novosel**
From: Board of Library Trustees
Recommendation: Adopt a Resolution Approving the Reappointing of Julie Holcomb and Jim Novosel to the Board of Library Trustees ("BOLT") for a second term of four years commencing May 15, 2015 and ending May 15, 2019.
Financial Implications: None
Contact: Jeff Scott, Commission Secretary, 981-6100
Action: Moved to Action Calendar. 7 speakers. M/S/C (Bates/Maio) to hold the item over to the June 9, 2015 City Council meeting.

Council Consent Items

- 17. Budget Referral: Berkeley High School Bridge Program**
From: Mayor Bates
Recommendation: Refer \$54,000 to the FY 2016 and FY 2017 Budget process to support the Berkeley High School Bridge Program.
Financial Implications: \$54,000
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.
- 18. Convey the Berkeley City Council's Support of Assembly Bill 1335 (Atkins) and AB 35 (Chiu and Atkins) to Speaker of the Assembly Toni Atkins**
From: Councilmembers Maio, Capitelli, and Droste
Recommendation: Send a letter of support of Assembly Bill 1335 (Atkins) and AB 35 (Chiu and Atkins) to Speaker of the Assembly Toni Atkins.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 19. Travel Moratorium and Divestment from Indiana in Response to Recent "Religious Freedom Restoration Act"**
From: Councilmembers Moore and Droste
Recommendation: Impose a moratorium on any publicly-funded all non-essential travel to Indiana and, if not repealed, urging the City Manager to refrain from entering into new contracts and consider discontinuing existing contracts with businesses headquartered in Indiana.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Item held over to May 26, 2015 City Council meeting.
- 20. Support AB 101, Ethnic Studies Education for High School Students in the State of California**
From: Councilmembers Moore, Droste, and Anderson
Recommendation: Adopt a Resolution supporting AB 101, State Assembly bill that would require public high schools to offer ethnic studies curriculum to their students. That the City Clerk send a copy of the resolution to Governor Jerry Brown, Senator Loni Hancock, Assemblymember Tony Thurmond, Assemblymember Rob Bonta and Assemblymember Luis Alejo.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,998–N.S.

Council Consent Items

- 21. Refer \$200,000 to the FY 2016/2017 Budget Process for Capital Improvements and Capacity Building for Kala Art Institute**
From: Councilmembers Moore and Capitelli
Recommendation: Refer \$200,000 to the FY 2015/2016 budget process for facility improvements and capacity building for Kala Art Institute.
Financial Implications: \$200,000
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 22. Apply for Alameda County Transportation Commission Funds to Implement Railroad Quiet Zones**
From: Councilmembers Moore and Maio
Recommendation: Direct the City Manager to apply to the Alameda County Transportation Commission for funds from Measure BB in order to take the necessary steps towards planning and implementation of a railroad quiet zone for West Berkeley.
Financial Implications: Staff time
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Councilmember Capitelli added as a co-sponsor. Approved revised recommendation to include California Public Utilities Commission Section 130 and Section 190 funds in addition to Measure BB funds available through the Alameda County Transportation Commission as potential funding sources.
- 23. Supporting Assembly Speaker Atkins' Affordable Housing Package**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Assembly Speaker Toni Atkins' Affordable Housing Package consisting of Assembly Bills (AB) 35, AB 90, AB 1056, and AB 1335, and urging the Speaker and State Legislature to earmark funding in the Affordable Housing Package for student housing at UC and CSU campuses. Copies of the resolution are to be sent to Governor Jerry Brown, Assembly Speaker Toni Atkins, State Senator Loni Hancock, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Councilmember Droste added as a co-sponsor. Adopted Resolution No. 66,999–N.S.
- 24. Referral to Reduce Urban Water Usage by 25%**
From: Councilmember Arreguin
Recommendation: Refer the City Manager and the Public Works and Community Environmental Advisory Commissions to review Governor Brown's Executive Order to reduce urban water usage by 25% of 2013 levels and provide recommendations to meet these requirements.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Approved recommendation.

Council Consent Items

- 25. Proclaiming May 2015 as Mental Health Month**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution proclaiming May 2015 as Mental Health Month in the City of Berkeley.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 67,000–N.S.
- 26. In Support of Banning Clearcutting in California**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution urging the California State Legislature to pass a ban on the use of clearcutting. Send a copy of the resolution to Governor Jerry Brown, State Senator Loni Hancock, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 67,001–N.S. amended to delete the sixth and seventh Whereas clauses.
- 27. Refer to the City Manager to Amend the Municipal Code to Allow for Appointments of Alternates to Serve Temporarily on Commissions**
From: Councilmembers Capitelli, Maio, and Moore
Recommendation: Refer to the City Manager to amend the Berkeley Municipal Code to allow for the appointment of Alternate Commissioners to serve temporarily on commissions.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 28. Letter of Support for Senate Bill 203 (2015) Sugar-Sweetened Beverages: Safety Warning by Senator Monning**
From: Councilmembers Capitelli, Maio, Moore, and Droste
Recommendation: Adopt a Resolution in Support of Senate Bill 203 and send a letter of support to State Senator Loni Hancock and State Assemblymember Tony Thurmond for Senate Bill 203, Sugar-Sweetened Beverage Safety Warning. Send a copy of the resolution and these letters to State Senator Bill Monning, District 17.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 67,002–N.S.
- 29. Letter in Support of State Funding of Adult Education Programs**
From: Councilmember Wengraf
Recommendation: Write a letter to Governor Brown in support of state funding all of Adult Education Programs in California. Send a copy of the letter to State Senator Hancock and State Assembly Member Thurmond.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

Council Consent Items

30. **Berkeley Historical Plaque Project: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Wengraf
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmember Wengraf, to the Berkeley Historical Plaque Project with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Wengraf and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$500
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 67,003–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100.
31. **Proclamation in Honor of Rafael Jesús González**
From: Councilmembers Worthington and Arreguin
Recommendation: Adopt a proclamation honoring Rafael Jesús González with the Lifetime Achievement Award for his years of promoting poetry, literature, literacy, and political consciousness in our communities to be presented at the 13th Annual Berkeley Poetry Festival.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Action Calendar – Old Business

32. Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan From: City Manager

Recommendation: Conduct a Public Hearing on 1) the allocation of funds for community agencies for FY2016 and FY2017 and 2) the 2015-2020 Consolidated Plan, including the Program Year (PY) 2015 Annual Action Plan (AAP), and upon conclusion:

1. Adopt a Resolution: a. Approving proposed funding allocations under the PY2015 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and b. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and c. Allocating 90% of the PY2015 HOME funds to the Housing Trust Fund, and 10% for program administration; and d. Authorizing the City Manager to submit the 2015-2020 Consolidated Plan, including the PY 2015 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD), addressing any public comments; and
2. Adopt a Resolution approving the proposed FY 2016-17 CDBG funding for Biotech Partners, Inc. and authorizing the execution of resultant agreements and amendments with Biotech Partners, Inc.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 18 speakers.
M/S/C (Bates/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Bates/Moore) to 1) adopt Resolution No. 67,004–N.S. (Funding Allocations) amended to remove the condition attached to the Youth Spirit Artworks funding, and reallocate \$43,000 from the Housing Trust Fund to Lifelong Medical Care: Over 60s Improvements, and 2) adopt Resolution No. 67,005–N.S. (Biotech Partners)

Vote: All Ayes.

Action Calendar – Old Business

33. ZAB Appeal: 524 Cragmont Avenue

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) and modifying the conditions of approval to approve Administrative Use Permit No. 2013-0159 to rebuild and expand a home destroyed by fire. The project would add a new third floor, add a three-story addition at the back of the house, and continue the non-conforming setbacks in the front and east side yard setbacks. These additions would add 1,357 square feet to the dwelling, resulting in a 3,054 square-foot residence with 402 square-foot garage.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

M/S/C (Bates/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/Failed (Wengraf/Arreguin) to adopt the staff recommendation revised to reduce shadowing by requiring the roof feature over the deck to be removed.

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

Action: M/S/C (Capitelli/Worthington) to adopt Resolution No. 67,006–N.S. affirming the decision of the Zoning Adjustments Board (ZAB) and modifying the conditions of approval to approve Administrative Use Permit No. 2013-0159 to rebuild and expand a home destroyed by fire. The project would add a new third floor, add a three-story addition at the back of the house, and continue the non-conforming setbacks in the front and east side yard setbacks. These additions would add 1,357 square feet to the dwelling, resulting in a 3,054 square-foot residence with 402 square-foot garage.

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

34. Adoption of the Updated Berkeley Housing Element 2015-2023

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution adopting the Negative Declaration; and
2. Adopt a Resolution amending the General Plan to adopt and incorporate the Berkeley Housing Element 2015-2023, and rescinding Resolution No. 65,067-N.S.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing at 9:54 p.m. 3 speakers.

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

Vote: All Ayes.

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

1. Adopt Resolution No. 67,007–N.S. (Negative Declaration)
2. Adopt Resolution No. 67,008–N.S. (General Plan)

Vote: All Ayes.

Action Calendar – Old Business

35. Setting a Fifty Percent Citywide Solar Goal and Establishing a Solar Taskforce
(Continued from April 7, 2015)

From: Councilmember Worthington

Recommendation: Adopt a Resolution setting a citywide solar goal of obtaining fifty percent of the City's energy needs from solar power by 2030 and establishing a solar taskforce to prioritize potential steps to achieve this goal.

Financial Implications: Minimal

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

Action: 13 speakers. M/S/C (Maio/Worthington) to adopt Resolution No. 67,009–N.S. amended to replace “solar taskforce” with “Energy Commission” in the fifth whereas clause and for the resolved clause to read: “NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby adopts a citywide goal of obtaining fifty percent of our energy needs from solar power by 2030. This resolution is hereby referred to the Energy Commission for implementation.”

Vote: All Ayes.

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

Vote: All Ayes.

36. Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations
(Continued from March 24, 2015)

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

Action: Moved to Consent Calendar and held over to the September 29, 2015 City Council Worksession.

Council Action Calendar

37. City Density Bonus

From: Mayor Bates and Councilmember Capitelli

Recommendation: Request that the City Manager draft an ordinance to implement a City density bonus that would serve as an option to the State density bonus. The City density bonus would mirror the State bonus by allowing housing projects (rental units and condominiums) of five or more units to receive a bonus of up to 35% increased density if the project contributes to the supply of affordable housing. For rental projects, the City bonus fee would be \$10,000 per unit, in addition to the City's affordable housing mitigation fee, which is currently \$20,000 per unit for rental projects. For condominium projects, the City bonus fee would be \$10,000 per unit in addition to any affordable housing mitigation fee that the City Council adopts for condominium projects. Rental and condominium projects opting for the City density bonus would pay the \$10,000 new fee and the affordable housing mitigation fee on the project's base units, not the density bonus units. The City density bonus fee of \$10,000 could be changed by subsequent Council resolution. Projects that already have building permits and are fully entitled for bonus density at the time this ordinance takes effect would be allowed to opt for the City density bonus by paying the fee when the Certificate of Occupancy is issued. After the ordinance is adopted, other future projects would pay the fee when the project's building permit is issued. Request also that the City Manager review the City's Affordable Housing Mitigation Fee ordinance to insure compatibility with the City density bonus and amend if necessary. Request also that the proposed ordinance and any amendment to the Affordable Housing Mitigation Fee ordinance be reviewed by the Housing Advisory and Planning commissions prior to presentation to the City Council for adoption.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Action: M/S/C (Bates/Maio) to accept revised/supplemental material from Mayor Bates on Item 37.

Vote: All Ayes.

Action: 9 speakers. M/S/C (Capitelli/Maio) to adopt the recommendation as submitted plus the supplemental item submitted by the Mayor with the following amendments:

1. The referral to staff will include a request to review adding language related to Project Labor Agreements.
2. Consideration of local concessions and incentives for projects will be considered as part of the referral.

Vote: All Ayes.

38. City Manager Referral: Allow Public Comment to be Submitted Online

From: Councilmember Worthington

Recommendation: Refer to the City Manager to allow public comments to be submitted through an online form to be included in every agenda packet.

Financial Implications: Minimal

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

Action: M/S/C (Worthington/Bates) to hold over Items #38 and #39 to May 12, 2015.

Vote: All Ayes.

Council Action Calendar

39. **Implementing Participatory Budgeting in the City of Berkeley**
From: Councilmember Worthington
Recommendation: Berkeley City Council should implement a participatory budgeting process that allows Berkeley residents to decide how to spend money not in the City Manager's budget and new money that becomes available after the City Manager's proposed budget.
Financial Implications: To be determined
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: M/S/C (Worthington/Bates) to hold over Items #38 and #39 to May 12, 2015.
Vote: All Ayes.
40. **Endorsing and Co-Sponsoring the 2015 Community Resilience Challenge and Refer \$1,000 for the Challenge**
From: Councilmember Worthington
Recommendation: 1. Adopt a Resolution Endorsing the 2015 Community Resilience Challenge; and 2. Co-Sponsor the 2015 Community Resilience Challenge; and 3. Refer to City Manager an Expenditure of \$1,000 for the 2015 Community Resilience Challenge.
Financial Implications: \$1,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Amended second Resolved clause to read "BE IT FURTHER RESOLVED that the City of Berkeley refers \$1,000 to the budget process for the East Bay Community Resilience Challenge." Adopted Resolution No. 67,010–N.S.

Information Reports

41. **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.
42. **LPC-NOD: 2727 Milvia Way**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
43. **Audit Response – Injury Prevention: Better Investigations and Data Use Will Help the Berkeley Police Department and the City (Audit Report)**
From: City Manager
Contact: Michael Meehan, Police, 981-5900
Action: Received and filed.

Information Reports

44. **Status Report: Equipment Replacement Fund - Sustainability and Transparency**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
45. **Update: City Water Conservation and Use Reduction**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300; Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

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

Adjournment in memory of:

1. Jacques Kaswan

Adjourned at 11:30 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of April 28, 2015 as approved by the Berkeley City Council.

Mark Numainville, City Clerk

Communications

Item 32: Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan

1. Erin Chalmers

Item 33: ZAB Appeal: 524 Cragmont Avenue

2. Sara Richardson-Sanders

Item 36: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations

3. Jayden Raye Lapin-Tatman
4. Andrew Hanson
5. John Sweeney
6. Francisco Peralta
7. Keeton Ross

Refuse Collection Fees

8. Judith & Thomas Holland

Communications

West Berkeley Air Quality

9. Hulda Nystrom

Ecology Center Grant

10. Martin Bourque

2013 Second Street

11. Richard & Charlene DeVecchi

Vaccinations

12. Coryl Lassen

Shattuck Cinemas

13. Erin Diehm

Downtown Ambassadors

14. Thomas Lord

15. Rich Jones

16. John Caner, on behalf of the Downtown Berkeley Association

Supplemental Communications and Reports 1

Item 32: Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan

17. Craig Hancock

18. Kaety Byerley

19. Diana Jensen

20. Elise Proulx

21. Julia Drees

22. Lael Gerhart

23. Erica Etelson

24. Nancy Rader

25. Deborah Agre

Item 33: ZAB Appeal: 524 Cragmont Avenue

26. William Smoot

27. Jibu John

Item 36: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations

28. Ivy Hirsch

29. Sara Messina

30. Valentina Baraldi

31. Natalie Perez

32. Jasmine Sanghera

Supplemental Communications and Reports 2

Item 16: Board of Library Trustees Reappointment: Julie Holcomb and Jim Novosel

33. Amy Roth

34. Jennifer Dix

35. Janette Hopkins

Supplemental Communications 2

Item 22: Apply for Alameda County Transportation Commission Funds to Implement Railroad Quiet Zones

36. Benjamin Greenberg (2)

Item 29: Letter in Support of State Funding of Adult Education Programs

37. Burr Guthrie

Item 32: Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan

38. Joel Gerwein

39. Sarah Herbold

40. Dorothea Dorenz

41. Jennifer Curtis

42. Laralynn & Joe Rapoza

43. Pamela Nudel

44. Rani Marx

45. Asa Bradman

46. Randall G.

47. Scott Rasmussen

48. Hagar Scher

49. Susan Burt

50. Michele Mancuso

51. Tracy Ashlock

52. Erica Rosenblum

53. Alexandra Singer

54. Martin Bourque, on behalf of the Ecology Center

55. Carole Bennett-Simmons

56. Mary Lynch

57. Steve Moros

58. Kristin Argue

59. Beebo Turman

Item 36: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations

60. Charles Coleman III, Holland & Knight LLP

61. Nikta Daijavad

62. Eric Gabrielli

63. Rena Rickles

64. Caitlin Quinn

65. Pavan Upadhyayula

66. Abbey Chaver

67. Wes Adrianson

68. Conor Carroll

69. Matthew Orzechowski

70. Audrey Mancini

71. Julia Morse

72. Sophia Perez

Item 37: City Density Bonus

73. Rob Wrenn

Supplemental Communications and Reports 3

Item 16: Board of Library Trustees Reappointment: Julie Holcomb and Jim Novosel

74. Sofia Zander

Item 22: Apply for Alameda County Transportation Commission Funds to Implement Railroad Quiet Zones

75. Revised materials, submitted by Councilmembers Moore & Maio

Item 32: Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan

76. Amy Eden

Item 33: ZAB Appeal: 524 Cragmont Avenue

77. April Weaver and Mike Ryan

Item 36: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations

78. Ruben Lizardo

Item 37: City Density Bonus

79. Supplemental materials, submitted by Mayor Bates and Councilmember Capitelli

Berkeley Rose Garden and Tennis Courts

80. Pil Orbison

Youth Spirit Artworks

81. Unknown

