To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, Interim City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION
Approve the minutes for the Council meetings of September 8, 2015 (special closed), September 14, 2015 (special closed), September 15, 2015 (special and regular) and September 29, 2015 (special and regular).

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments:
1. September 8, 2015–Special Closed City Council Meeting
2. September 14, 2015–Special Closed City Council Meeting
3. September 15, 2015–Special City Council Meeting
4. September 15, 2015–Regular City Council Meeting
5. September 29, 2015–Special City Council Meeting
6. September 29, 2015–Regular City Council Meeting
MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, SEPTEMBER 8, 2015
5:30 P.M.
2180 Milvia Street, Berkeley, 1st Floor – Cypress Room

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 Arreguin, Capitelli, Droste, Wengraf, Worthington and Mayor Bates.

Absent: Councilmembers Anderson, Maio and Moore.

Councilmember Moore present at 5:34 p.m.

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

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

1. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957
   a. Title of position to be filled: Director of Finance
   b. Title of position to be filled: Director of Information Technology

   Action: No reportable action taken.

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

Adjournment
Adjourned at 6:10 p.m.

This is to certify that the foregoing is the true and correct minutes of the special closed meeting of September 8, 2015.

_____________________________________________________
Mark Numainville, City Clerk
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES
MONDAY, SEPTEMBER 14, 2015
5:30 P.M.
2180 Milvia Street, 1st Floor – Cypress Room

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: 5:33 p.m.

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

Absent: Councilmembers Droste and Worthington.

Councilmember Worthington present at 5:37 p.m.

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

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

1. CONFERENCE WITH LABOR NEGOTIATOR; GOVERNMENT CODE SECTION 54957.6:

Negotiators: Dania Torres Wong, Chief Labor Negotiator, Margarita Zamora, Employee Relations Manager, Rebecca Chen, Associate Human Resource Analyst, Eric Angstadt, Director of Planning, James Kelekian, Executive Director Rent Board, Steve Grolnic-McClurg, Manager of Mental Health Services, Mark Numainville, City Clerk, Kelly Wallace, Acting Director of Health Housing and Community Services, David Abel, Acting Director of Human Resources, Teresa Berkeley-Simmons, Budget Manager, Phil Harrington, Acting Director of Public Works.

Employee Organizations: SEIU Local 1021 Community Services & Part-time Recreation Leaders Chapter, Public Employees Union Local 1, International Brotherhood of Electrical Workers Local 1245.

Action: No action taken.

OPEN SESSION:

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

Adjournment

Councilmember Maio absent at 6:24 p.m.
Adjourned at 6:25 p.m.

This is to certify that the foregoing is the true and correct minutes of the special closed meeting of September 14, 2015.

_____________________________________
Mark Numainville, City Clerk
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, SEPTEMBER 15, 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 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 5:34 p.m.

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

Absent: Councilmembers Anderson, Arreguin and Worthington.

Councilmember Arreguin present at 5:47 p.m. Councilmember Worthington present at 6:01 p.m.

Worksession:

1. Mid-year 2015 Crime Report
   From: City Manager
   Contact: Michael Meehan, Police, 981-5900
   Action: Received and filed.

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

Adjournment

Action: M/S/C (Moore/Bates) to adjourn the meeting.
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Bates; Noes – None; Abstain – None; Absent – Anderson, Worthington, Droste.

Councilmember Worthington absent 6:38 p.m. – 6:46 p.m.

Councilmember Droste absent 6:39 p.m. – 6:46 p.m.

Adjourned at 6:46 p.m.
This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of September 15, 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: Mid-year 2015 Crime Report

1. Presentation, submitted by Police Department
MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 15, 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 – KRIS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 7:03 p.m.

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

Absent: None.

Ceremonial Matters

1. Pledge of Allegiance to the Flag
2. September 2015 is Attendance Awareness Month in Berkeley
3. Recognition of Citizens for East Bay Parks
4. Recognition of Bi-Sexual and Bi-Visibility Day, September 23, 2015
5. Recognition of Laura Inserra Day, September 15, 2015

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 4 speakers.

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

Consent Calendar

Action: M/S/C (Worthington/Arreguin) to accept revised materials from Councilmember Capitelli on Item 39.

Vote: All Ayes.

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

Vote: All Ayes.
Recess Items

1. **Contract No. 9880A Amendment: Jackson & Coker for Locums Tenens Psychiatric Services**
   From: City Manager
   **Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 9880A adding $50,000 to the expenditure contract with Jackson & Coker Locums Tenens, LLC, (J&C) for locums tenens psychiatric services for a total contract limit of $99,900 for the period beginning February 1, 2015 and ending on June 30, 2017.
   **Financial Implications:** Health Fund - $50,000
   Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400
   **Action:** Adopted Resolution No. 67,174–N.S.

2. **Amending Purchase Orders: Western States Oil for Fuel for City Vehicles and Equipment**
   From: City Manager
   **Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess amending purchase order nos. 096835 (Public Works) and 097396 (Fire Department) with Western States Oil for the purchase of fuel for City vehicles, increasing the combined amount by $375,000 for a total amount for both purchase orders not to exceed $12,732,809, and extending the term for 3 months through September 30, 2015.
   **Financial Implications:** See report
   Contact: Phillip Harrington, Public Works, 981-6300
   **Action:** Adopted Resolution No. 67,175–N.S.

3. **Contract No. 8389A Amendment: Recology Blossom Valley Organics – North (formerly Recology Grover Environmental Products) for Hauling and Processing of Compostable Materials**
   From: City Manager
   **Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess amending Contract No. 8389A with Recology Blossom Valley Organics - North (formerly Recology Grover Environmental Products) for hauling and processing of compostable materials, increasing the amount by $600,000 for a total amount not to exceed $7,454,818, and extending the term for 6 months through January 31, 2016.
   **Financial Implications:** Zero Waste Fund - $600,000
   Contact: Phillip Harrington, Public Works, 981-6300
   **Action:** Adopted Resolution No. 67,176–N.S.
Consent Calendar

4. Local Amendments to California Building Code and Berkeley Housing Code to Improve Building Safety
   From: City Manager
   Recommendation:
   2. Adopt second reading of Ordinance No. 7,434–N.S. Adding A New Section 19.40.035 To The Berkeley Municipal Code Chapter 19.40 (Berkeley Housing Code) To Require Inspection And Certification Of Weather-Exposed Elevated Elements Every Five Years; and
   First Reading Vote: All Ayes.
   Financial Implications: See report
   Contact: Eric Angstadt, Planning and Development, 981-7400
   Action: Item held over to October 27, 2015.

5. FY 2016 Annual Appropriations Ordinance Correction
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance amending Ordinance No. 7429-N.S. to reflect the correction of a typographical error in Section 1.H.
   Financial Implications: None
   Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

6. Regulation of Off-Street Parking Lots; Adding BMC Chapter 9.92 and Amending BMC Chapter 13.52
   From: City Manager
   Recommendation:
   Financial Implications: See report
   Contact: Zach Cowan, City Attorney, 981-6950
Consent Calendar

7. Amending BMC Chapter 13.44 Regulating Street Events
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance amending Sections 13.44.060 and 13.44.090, and adding Section 13.44.150 of the Berkeley Municipal Code, regulating street events.
   Financial Implications: None
   Contact: Zach Cowan, City Attorney, 981-6950

8. Minutes for Approval
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of June 9, 2015 (special and regular), June 23, 2015 (special and regular), June 30, 2015 (special closed and regular), July 14, 2015 (special closed, special and regular), and August 3, 2015 (special closed).
   Financial Implications: None
   Contact: Mark Numainville, City Clerk, 981-6900
   Action: Approved minutes as submitted.

9. Establish 2016 City Council Meeting Schedule
   From: City Manager
   Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for 2016, with starting times of 7:00 p.m.
   Financial Implications: None
   Contact: Mark Numainville, City Clerk, 981-6900
   Action: Adopted Resolution No. 67,177–N.S.

10. City Council Rules of Procedure and Order
    From: City Manager
    Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to require that revised Council reports submitted for consideration at the Council meeting reflect a comparison to the original item using track changes, making minor clarifications regarding procedures for public comment relating to Information items on Council agendas, and rescinding Resolution No. 66,987-N.S.
    Financial Implications: None
    Contact: Mark Numainville, City Clerk, 981-6900
    Action: Adopted Resolution No. 67,178–N.S.
11. **Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on September 15, 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 - $14,260,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.

12. **Contract No. 9620 Amendment: Focus Strategies for Consulting Services to Implement Berkeley's Homeless Coordinated Entry System**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9620 with Focus Strategies, a consulting firm that will assist the City in establishing a homeless Coordinated Entry System, adding $74,667 for a total contract amount not to exceed $139,667 through June 30, 2016.  
**Financial Implications:** General Fund - $74,667  
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400  
**Action:** Item removed from the Agenda by the City Manager.

13. **Regulatory Agreement: Brown Shingle Mutual Housing, 2550 Ellsworth Street**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution approving a Regulatory Agreement and Declaration of Restrictive Covenants with Brown Shingle Mutual Housing at 2550 Ellsworth Street. This agreement will restrict the occupancy and rents for low-income households while the Bay Area Community Land Trust operates the property as affordable rental housing, and once it is converted into a non-equity housing cooperative.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 67,179–N.S.
14. **2500 Hillegass Avenue Housing Enabled by Local Partnerships (HELP) Loan Modification**

   From: City Manager

   **Recommendation:** Adopt a Resolution: 1. Approving an amendment to Satellite Affordable Housing Associate's HELP loan on 2500 Hillegass Avenue including: a. Acceptance of a partial repayment equal to the City's obligation to the California Housing Finance Agency (approximately $550,000) b. Amending the terms as follows: i. The loan amount will be equal to the remaining balance on the HELP loan, after the partial repayment to the City (approximately $120,000). ii. The loan term will be 55 years. iii. The loan will accrue 3% simple interest. 2. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.

   **Financial Implications:** See report

   Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400

   **Action:** Adopted Resolution No. 67,180–N.S.

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15. **Contract: Bartel Associates, LLC for Actuarial Consulting Services**

   From: City Manager

   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Bartel Associates, LLC (hereinafter "Bartel") for actuarial consulting services in an amount not to exceed $150,000 effective November 1, 2015 through June 30, 2017.

   **Financial Implications:** Various Funds - $150,000

   Contact: David Abel, Human Resources, 981-6800

   **Action:** Adopted Resolution No. 67,181–N.S.

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16. **Contract No. 9649 Amendment: Renne Sloan Holtzman Sakai LLP for Chief Labor Negotiator Services**

   From: City Manager

   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9649 in the amount of $50,000 with Renne Sloan Holtzman Sakai LLP for Chief Labor Negotiator services, for a revised total contract amount not to exceed $95,000.

   **Financial Implications:** See report

   Contact: David Abel, Human Resources, 981-6800

   **Action:** Adopted Resolution No. 67,182–N.S.

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17. **Contract No. 9105C Amendment: Meyers Nave for Chief Labor Negotiation Services**

   From: City Manager

   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9105C in the amount of $20,000 with Meyers Nave for Chief Labor Negotiator services, for a revised total contract amount not to exceed $170,000.

   **Financial Implications:** Various Funds - $20,000

   Contact: David Abel, Human Resources, 981-6800

   **Action:** Adopted Resolution No. 67,183–N.S.
Consent Calendar

18. **Memorandum Agreement: Service Employees International Union Local 1021 Maintenance and Clerical Chapters**
   From: City Manager
   **Recommendation:** Adopt two Resolutions:
   1. Approving a new three-year Memorandum Agreement (hereafter referred to as the "MA") with the Service Employees International Union Local 1021 Maintenance and Clerical Chapters (hereafter referred to as the "Union") with a term of July 5, 2015 through June 16, 2018, and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new labor agreement; and
   2. Approving a new salary resolution for Representation Units D, J, K-1, and K-2 that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 65,375-N.S.
   **Financial Implications:** See report
   Contact: David Abel, Human Resources, 981-6800
   **Action:** Adopted Resolution No. 67,184–N.S. (Memorandum Agreement), and Resolution No. 67,185–N.S. (Salary).

19. **Memorandum of Understanding: Berkeley Police Association**
   From: City Manager
   **Recommendation:** Adopt two Resolutions:
   1. Approving a new three (3) year Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Police Association (hereafter referred to as the "Union") with a term of July 6, 2014 through June 30, 2017 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU; and
   2. Approving a new salary resolution for Representation Units E and F that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 63,961-N.S.
   **Financial Implications:** See report
   Contact: David Abel, Human Resources, 981-6800
   **Action:** Adopted Resolution No. 67,186–N.S. (Memorandum of Understanding), and Resolution No. 67,187–N.S. (Salary).

20. **Contract: Saboo, Inc. for Hot Water Riser Replacement Project at 1947 Center Street**
    From: City Manager
    **Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Hot Water Riser Replacement Project, Specification No. 16-10966-C; and 2. Accepting the bid of Saboo, 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 with Saboo, Inc. for the Hot Water Riser Replacement Project at 1947 Center Street in an amount not to exceed $342,360.
    **Financial Implications:** Permit Service Center Fund - $342,360
    Contact: Phillip Harrington, Public Works, 981-6300
    **Action:** Adopted Resolution No. 67,188–N.S.

From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to purchase three Pierce fire engines and one Pierce hazardous materials spill response vehicle by executing: 1. Purchase Agreement with Pierce Manufacturing, Inc. in an amount not to exceed $3,218,567 that includes sales tax, and a contingency of $164,347; and 2. Increase the Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp. by $2,939,329 for an amended total amount not to exceed $11,618,358, with the current financing to be paid over 7 years at an interest rate of 1.94% and a first payment commencing no later than April 1, 2016; and 3. Purchase Order for direct payment of sales tax in an amount not to exceed $279,238.

Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,189–N.S.

22. Contract: Berkeley Touchless Carwash for Vehicle Washing Services

From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Berkeley Touchless Carwash, in an amount not to exceed $80,000 for the period of July 1, 2015 through June 30, 2017.

Financial Implications: Equipment Maintenance Fund - $80,000
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,190–N.S.

23. Contract No. 9470 Amendment: City CarShare for City of Berkeley Fleet Car Share Program

From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9470 with City CarShare to continue the City of Berkeley fleet car share program, increasing the contract by $150,000 for a total contract amount not to exceed $390,000 through August 15, 2017.

Financial Implications: Equipment Replacement Fund - $150,000
Contact: Phillip Harrington, Public Works, 981-6300
Action: Adopted Resolution No. 67,191–N.S.
24. **Amending Purchase Orders: Western States Oil for Fuel for City Vehicles and Equipment**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an extension to purchase order nos. 096835 (Public Works) and 097396 (Fire Department) with Western States Oil for the purchase of fuel for City vehicles, increasing the combined amount by $500,000 for a total amount for both purchase orders not to exceed $13,232,809 and extending the term for 4 months through January 31, 2016.  
**Financial Implications:** Various Funds - $500,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,192–N.S.

25. **Purchase Order Amendment: Altec Industries, Inc. for One Articulating Aerial Bucket Truck**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the purchase order with Altec Industries, Inc. for one articulating aerial bucket truck to increase the amount by $2,775 for a total not to exceed $254,875.  
**Financial Implications:** Equipment Replacement Fund - $2,775  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,193–N.S.  
**Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – Droste.

26. **Contract No. 8857A Amendment: TEC Accutite, Inc. for Tank Maintenance and Certification Services**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8857A with TEC Accutite, Inc. for the provision of tank maintenance and certification services, extending the term to July 31, 2017 and increasing the contract by $25,000 for a total contract amount not to exceed $150,000.  
**Financial Implications:** Various Funds - $25,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,194–N.S.

27. **Purchase Orders: Bruce’s Tire, Inc. for New Automobile and Truck Tires**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute annual purchase orders for new tires for City owned vehicles and equipment with Bruce’s Tire, Inc. in an amount not to exceed $875,000 for FY 2016 through FY 2020.  
**Financial Implications:** Equipment Maintenance Fund - $875,000  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,195–N.S.
28. **Contract: Don’s Tire Service, Inc. for Tire Repair Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a 5-year contract and any amendments and extensions with Don’s Tire Service, Inc. for tire repair services, in an amount not to exceed $150,000 for the period September 25, 2015 to June 30, 2020.  
   **Financial Implications:** Equipment Maintenance Fund - $150,000  
   **Contact:** Phillip Harrington, Public Works, 981-6300.  
   **Action:** Adopted Resolution No. 67,196–N.S.

29. **Easement Agreement: LBA RIV-CO XII LLC c/o LBA Realty for Portion of City-Owned Real Property on Folger Avenue, APN 052-1512-010-02**  
   **From:** City Manager  
   **Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute an easement agreement and any amendments with LBA RIV-CO XII LLC c/o LBA Realty for a portion of vacant City-owned real property on Folger Avenue (APN 052-1512-010-02) for construction and maintenance of a stormwater treatment facility and related improvements.  
   **Financial Implications:** None  
   **Contact:** Phillip Harrington, Public Works, 981-6300  

30. **Purchase Order: Cal-Line Equipment, Inc. for 3 Bandit 250XP Brush Chippers**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order for 3 Bandit 250XP Brush Chippers with Cal-Line Equipment, Inc. in an amount not to exceed $151,000.  
   **Financial Implications:** Equipment Replacement Fund - $151,000  
   **Contact:** Phillip Harrington, Public Works, 981-6300  
   **Action:** Adopted Resolution No. 67,197–N.S.

31. **Support UC Low Wage Workers and Senate Bill 376**  
   **From:** Commission on Labor  
   **Recommendation:** 1. Support the passage of SB 376 and send letter of support for SB 376 to members of the California Assembly. 2. Endorse the community/labor coalition’s petition to UC Berkeley Chancellor Nicholas Dirks urging him to hire currently contracted employees as regular employees; and to cease from entering into contracts with vendors whose employment practices promote payment of low wages and undercut wages and benefits of regular UC employees.  
   **Financial Implications:** None  
   **Contact:** Delfina Geiken, Commission Secretary, 981-5400  
   **Action:** Approved recommendation revised to send the letter to Governor Jerry Brown only.
Consent Calendar

32. **City Co-sponsor and Co-host a Screening of Documentary Film Addressing Rape and Sexual Assault on College Campuses**
   **From:** Commission on the Status of Women
   **Recommendation:** Adopt a Resolution stating that the City of Berkeley officially co-sponsors and co-hosts a fall screening of The Hunting Ground with relevant community partners and authorizing the Commission on the Status of Women to use the City's name and logo in the event's promotional materials and signage naming the City of Berkeley as a co-sponsor for the purpose of the City indicating its policy endorsement of the event.
   **Financial Implications:** Minimal
   **Contact:** Manuel Ramirez, Acting Commission Secretary, 981-5400
   **Action:** Adopted Resolution No. 67,198–N.S.

33. **Proclamation of Emergency Preparedness Month**
   **From:** Disaster and Fire Safety Commission
   **Recommendation:** Endorse a proclamation to support October 2015 as Emergency Preparedness Month in Berkeley.
   **Financial Implications:** None
   **Contact:** David Brannigan, Commission Secretary, 981-3473
   **Action:** Adopted proclamation.

34. **Additional Homeless Commission Meeting in 2015**
   **From:** Homeless Commission
   **Recommendation:** Adopt a Resolution approving the request from the Homeless Commission to hold one additional meeting in calendar year 2015.
   **Financial Implications:** See report
   **Contact:** Andrew Wicker, Commission Secretary, 981-5400
   **Action:** Adopted Resolution No. 67,199–N.S.

35. **Appointment of Jenne King to Mental Health Commission**
   **From:** Mental Health Commission
   **Recommendation:** Adopt a Resolution approving the appointment of Jenne King to the Mental Health Commission, as a representative of the special public interest category, for a three year term beginning September 16, 2015 and ending September 15, 2018.
   **Financial Implications:** None
   **Contact:** Carol Patterson, Commission Secretary, 981-5400
   **Action:** Adopted Resolution No. 67,200–N.S.
Consent Calendar

36. **In Support of the People of Okinawa**  
   **From:** Peace and Justice Commission  
   **Recommendation:** Adopt a Resolution supporting the people of Okinawa in their opposition to the U.S. Marine Base under construction at Henoko, Okinawa (also known as the Futenma Replacement Facility or “FRF”). The Resolution should also call on: 1. the U.S. Department of Defense to undertake an appropriate and sufficient “take into account” process as ordered by the Court under the National Historic Preservation Act (NHPA); 2. the U.S. Marine Mammal Commission to review and comment on this analysis. 3. Congress to review the environmental impacts of the construction; 4. Congress to address the lack of democratic means employed in the construction of this base in Okinawa. Council should send a copy of this resolution to Representative Barbara Lee, and Senators Dianne Feinstein and Barbara Boxer as well as to Secretary of Defense Ashton Carter, Secretary of State John Kerry, President Obama, and to the Okinawan activists who signed the attached statement.  
   **Financial Implications:** Unknown  
   **Contact:** Manuel Ramirez, Acting Commission Secretary, 981-5400  
   **Action:** Adopted Resolution No. 67,201–N.S.  
   **Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Worthington, Droste; Noes – None; Abstain – Capitelli, Wengraf, Bates.

37. **Convention on the Rights of Persons with Disabilities**  
   **From:** Peace and Justice Commission  
   **Recommendation:** Adopt a Resolution calling on the U.S. Senate to ratify the Convention on the Rights of Persons with Disabilities without delay; and send a copy to elected officials, and listed parties.  
   **Financial Implications:** Unknown  
   **Contact:** Manuel Ramirez, Acting Commission Secretary, 981-5400  
   **Action:** Adopted Resolution No. 67,202–N.S.

Council Consent Items

38. **Support AB 101 – Ethnic Studies for California High Schools and Creation of an Ethnic Studies Advisory Committee**  
   **From:** Councilmember Arreguin  
   **Recommendation:** Adopt a Resolution: 1. Supporting Assembly Bill (AB) 101, the “Ethnic Studies for California High School”, introduced by Assemblymember Luis A. Alejo; and 2. Urging the Berkeley Unified School District Board of Education to create an Ethnic Studies Advisory Committee to oversee establishing Ethnic Studies coursework as a requirement for graduation in Berkeley public schools. Copies of the Resolution are to be sent to the Berkeley Unified School District Board of Education, BUSD Superintendent Donald Evans, Assemblymember Luis Alejo, Senator Loni Hancock, Assemblymember Tony Thurmond and Governor Jerry Brown.  
   **Financial Implications:** None  
   **Contact:** Jesse Arreguin, Councilmember, District 4, 981-7140  
   **Action:** Item held over to September 29, 2015.
39. **Mandatory Green Stormwater Infrastructure in New Developments**  
   **From: Councilmember Arreguin**  
   **Recommendation:** Refer to the City Manager and Planning and Community Environmental Advisory Commissions to develop an ordinance requiring large residential developments of 100 units or more or commercial developments that result in 5,000 square feet of new or replaced impervious surface, to incorporate Green Stormwater Infrastructure (GSI) and water conservation features into new projects.  
   **Financial Implications:** Staff time  
   **Contact:** Jesse Arreguin, Councilmember, District 4, 981-7140  
   **Action:** Approved recommendation revised as follows: *Refer to the City Manager, Planning and CEAC to develop an ordinance requiring building projects to incorporate Green Stormwater Infrastructure (GSI) and water conservation features in new projects including strategies to employ at the municipal, neighborhood and site scale acknowledging the benefits of smart growth and infill development.*

40. **Letter to AC Transit Regarding Aligning Bus Schedules with Berkeley High School Class Schedule**  
   **From: Councilmember Arreguin**  
   **Recommendation:** Send the proposed letter to the AC Transit Board of Directors and General Manager requesting that it align its bus schedules for Lines 1, 1R, 7, 12, 17, 18, 25A, 25B, 49A, 49B, 51, 51B, 52, 65, 67, 88, and F, with the Berkeley High School class schedule so high school students can travel to and from campus safely, independently and on time.  
   **Financial Implications:** None  
   **Contact:** Jesse Arreguin, Councilmember, District 4, 981-7140  
   **Action:** Approved recommendation.

41. **Proclamation Declaring Latino Heritage Month in the City of Berkeley**  
   **From: Councilmembers Arreguin and Worthington**  
   **Recommendation:** Adopt a proclamation declaring the period of September 15, 2015 to October 15, 2015 as Latino Heritage Month in the City of Berkeley.  
   **Financial Implications:** None  
   **Contact:** Jesse Arreguin, Councilmember, District 4, 981-7140  
   **Action:** Councilmember Droste and Councilmember Moore added as co-sponsors. Adopted proclamation.

42. **Supporting Senate Bill 350 - The Clean Energy and Pollution Reduction Act of 2015**  
   **From: Councilmembers Arreguin, Worthington, and Anderson**  
   **Recommendation:** Adopt a Resolution supporting Senate Bill (SB) 350 - the Clean Energy and Pollution Reduction Act of 2015, authored by State Senators Mark Leno and Kevin de León. Send a copy of the resolution to Governor Jerry Brown, State Senators Loni Hancock, Mark Leno, and Kevin de León, and Assemblymember Tony Thurmond.  
   **Financial Implications:** None  
   **Contact:** Jesse Arreguin, Councilmember, District 4, 981-7140  
   **Action:** Item removed from the Agenda.
Council Consent Items

43. **Prohibit Sales of Tobacco Products to Persons Under the Age of 21**  
   From: Councilmember Arreguin  
   Recommendation: Direct the City Manager and Community Health Commission to draft an ordinance amending Berkeley Municipal Code Chapter 9.80 "Tobacco Retailers" to prohibit the sales of tobacco products and smoking paraphernalia to persons under the age of 21.  
   Financial Implications: Staff time  
   Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
   **Action:** Item removed from the Agenda.

44. **Raising the Minimum Age for Purchasing Tobacco Products to 21**  
   From: Councilmembers Capitelli and Moore  
   Recommendation: Referral to the Community Health Commission to investigate the advisability and impact of raising the minimum age for purchasing tobacco and tobacco products, including electronic cigarettes, to 21 years of age.  
   Financial Implications: Staff time  
   Contact: Laurie Capitelli, Councilmember, District 5, 981-7150  
   **Action:** Councilmember Arreguin added as a co-sponsor. 7 speakers. Moved to Action Calendar. M/S/C (Worthington/Moore) to approve the recommendation.  
   **Vote:** All Ayes.

45. **Donation of Urns and Installment Costs at a Value of $9,000 to the City of Berkeley from the Thousand Oaks Neighborhood Association**  
   From: Councilmember Capitelli  
   Recommendation: Adopt a Resolution accepting a donation of urns and installment costs from the Thousand Oaks Neighborhood Association at a value of $9,000.  
   Financial Implications: See report  
   Contact: Laurie Capitelli, Councilmember, District 5, 981-7150  
   **Action:** Adopted Resolution No. 67,203–N.S.

46. **Installment of Urns in the Thousand Oaks Neighborhood: Relinquishment of Funds to Cover Permit Fees**  
   From: Councilmember Capitelli  
   Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $1100 per Councilmember including up to $1100 from Councilmember Capitelli to the Thousand Oaks Urn Project to cover permit fees from the city in order to install two new urns, with funds relinquished to the City's general fund for this purpose from the Council Office Budgets of Councilmember Capitelli and any other Councilmembers who would like to contribute.  
   Financial Implications: Councilmember's Discretionary Fund - $1,100  
   Contact: Laurie Capitelli, Councilmember, District 5, 981-7150  
   **Action:** Adopted Resolution No. 67,204–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - $150; Councilmember Maio - $100; Mayor Bates - $100; Councilmember Moore - $100.
Council Consent Items

47. Referral to City Manager to Amend BMC to Prohibit Possession of High Capacity Magazines in Berkeley and Require Residents to Turn Them in to the Police Department
From: Councilmember Wengraf
Recommendation: Request that the City Manager in cooperation with the Attorney's Office and Berkeley Police Department return to Council with a draft amendment to the Berkeley Municipal Code prohibiting Berkeley residents from possessing high capacity magazines.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

From: Councilmember Worthington
Recommendation: Support House Resolution 364 and send a letter to U.S. Senators Dianne Feinstein and Barbara Boxer requesting support for H.Res. 364 which urge FIFA to eliminate gender pay inequity between women and men in professional soccer.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

49. Refer to the City Manager, Disability Commission, and Planning Commission to Develop an Ordinance Requiring New Residential Buildings to Provide Auto-door Openers and Roll-in Showers
From: Councilmember Worthington
Recommendation: Refer to the City Manager, Disability Commission, and Planning Commission to require new residential buildings in Berkeley to include essential wheelchair-accessible modifications such as auto door openers and roll-in showers.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Arreguin added as a co-sponsor. Approved recommendation revised as follows:

Refer to the City Manager, Disability Commission, and Planning Commission to require a percentage of units in new residential buildings in Berkeley to include essential wheelchair-accessible modifications such as auto door openers and roll-in showers.
Council Consent Items

50. **Send a Letter to California Public Utilities Commission Opposing the Attack on Rooftop Solar by Big Utilities**  
*From: Councilmember Worthington*  
**Recommendation:** Send a letter to the California Public Utilities Commission urging them to reject big utilities proposed unfair new fees and reduce credit rates to customers that install rooftop solar or make energy upgrades to their homes.  
**Financial Implications:** Minimal  
*Contact: Kriss Worthington, Councilmember, District 7, 981-7170*  
*Action:* Councilmember Arreguin added as a co-sponsor. Item removed from the Agenda.

51. **Referral to Sugar Sweetened Beverage Panel of Experts: Consider Creating an Ordinance, Establishing Healthy Default Beverages with Children’s Meals**  
*From: Councilmember Worthington*  
**Recommendation:** Refer to the Sugar Sweetened Beverage Panel of Experts to consider creating an ordinance establishing healthy default beverages offered with children's meals. The main goals are to promote awareness of the increasing rate of obesity-related health problems among children and help to establish healthier eating habits in order to achieve balanced caloric intake and energy expenditure.  
**Financial Implications:** Unknown  
*Contact: Kriss Worthington, Councilmember, District 7, 981-7170*  
*Action:* Approved recommendation revised to refer the item to the Community Health Commission only.

52. **Oppose House Resolution 3009 “Enforce the Law for Sanctuary Cities Act” and Send a Letter to U.S. Senators Feinstein and Boxer**  
*From: Councilmember Worthington*  
**Recommendation:** Oppose House Resolution 3009 and request U.S. Senators Feinstein and Boxer to oppose this anti-immigrant federal legislation.  
**Financial Implications:** Minimal  
*Contact: Kriss Worthington, Councilmember, District 7, 981-7170*  
*Action:* Councilmember Arreguin and Councilmember Droste added as co-sponsors. Approved recommendation.

53. **Support Senate Bill 658 and Send a Letter to Governor Jerry Brown Requesting More Automated External Defibrillators (AEDs) Available and Accessible**  
*From: Councilmember Worthington*  
**Recommendation:** Support SB 658 and send a letter to Governor Jerry Brown requesting more Automated External Defibrillators (AEDs) available and accessible.  
**Financial Implications:** Minimal  
*Contact: Kriss Worthington, Councilmember, District 7, 981-7170*  
*Action:* Item removed from the Agenda.
Council Consent Items

54. **City Manager Referral: Consider Adding Ygrene as the Fourth Property Assessed Clean Energy Program**

*From: Councilmember Worthington*

**Recommendation:** Refer to the City Manager to consider adding Ygrene as the fourth property assessed clean energy program.

**Financial Implications:** None

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

**Action:** Approved recommendation.

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

55. **Referral to the Community Environmental Advisory Commission to Install 1.8 GPM Showerheads in All New Housing Projects or Any Renovation Over $50,000**

*From: Councilmember Worthington*

**Recommendation:** Refer to the Community Environmental Advisory Commission to explore requiring a maximum of 1.8 GPM low flow showerheads in new housing projects and all housing renovations exceeding $50,000 throughout Berkeley.

**Financial Implications:** Minimal

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

**Action:** Approved recommendation.

Action Calendar – Old Business

56. **Retail Incentives in Commercial Districts** *(Continued from July 14, 2015)*

*From: City Manager*

*Contact: Michael Caplan, Economic Development, 981-7530*

**Action:** Item held over to October 6, 2015.

57. **City Manager Referral: Reinstate Inviting Community Agencies to Make Presentations During the Commission Funding Process** *(Continued from June 30, 2015)*

*From: Councilmember Worthington*

**Recommendation:** Refer to the City Manager to increase transparency by reinstating a practice of inviting community agencies to present to city commissions on proposals during the funding allocation process.

**Financial Implications:** Minimal

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

**Action:** Item held over to October 27, 2015.
58. **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, 9.80.030 and 9.80.035, and adding Section 9.80.037 to:  
1. Require a Tobacco Retail License (TRL) to sell Electronic Nicotine Delivery Systems (ENDS) and e-liquids;  
2. Implement a buffer zone around schools and public parks, with a grace period of three years to minimize economic hardship for qualifying retailers, that would:  
   a. Prohibit the sale of ENDS, e-liquids, and flavored (including menthol) tobacco products within 1,000 feet of schools and parks, effective January 1, 2017 (Option 1);  
   -OR-  
   b. Prohibit the sale of all tobacco products (conventional and electronic) within 600 feet of schools and parks, effective immediately for new retailers and January 1, 2019 for existing retailers (Option 2).  
**Financial Implications:** See report  
*Contact:* Kelly Wallace, Health, Housing and Community Services, 981-5400  
**Action:** 10 speakers. M/S/C (Moore/Arreguin) to adopt first reading of Ordinance No. 7,441–N.S. amending Berkeley Municipal Code Sections 9.80.010, 9.80.020, 9.80.030 and 9.80.035, and adding Section 9.80.037 to:  
1. Require a Tobacco Retail License (TRL) to sell Electronic Nicotine Delivery Systems (ENDS) and e-liquids;  
2. Implement a buffer zone around schools only, with a grace period of three years to minimize economic hardship for qualifying retailers, that would:  
   a. Prohibit the sale of ENDS, e-liquids, and flavored (including menthol) tobacco products within 600 feet (reduced from 1000 feet) of schools only, effective January 1, 2017.  
3. Add a provision to prohibit the issuance of new TRLs within the 600 foot buffer zone.  
Second reading scheduled for September 29, 2015  
**Vote:** All Ayes.

Recess 9:35 p.m. – 9:48 p.m.

*From: Commission on Labor*  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99 that will ensure the Berkeley Minimum Wage Ordinance is successful in promoting and protecting the rights and the individual self-reliance of working people in Berkeley by raising the minimum wage to a living wage, adding an annual cost of living adjustment, and granting adequate paid sick leave to all workers.  
**Financial Implications:** None  
*Contact:* Delfina Geiken, Commission Secretary, 981-5400

**b. Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99**  
*From: City Manager*  
**Recommendation:** Review and consider information regarding the activities and costs associated with implementing and enforcing the Commission on Labor’s proposed amendments to the Minimum Wage Ordinance (MWO), including the potential impact of the proposed amendments on the City’s minimum wage employees, employers, non-profit organizations and community-based organizations, on-call workers and youth training program workers, and either:  
1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, which includes staff-recommended revisions to the Commission’s proposed Ordinance;  
2. Refer the MWO back to the City Manager for further analysis and revisions.  
**Financial Implications:** Staff time  
*Contact:* Kelly Wallace, Health, Housing and Community Services, 981-5400

**Action:** M/S/C (Maio/Moore) to suspend the rules and extend the meeting to 11:30 p.m.  
**Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – Capitelli.

**Action:** 61 speakers. M/S/Failed (Worthington/Anderson) to 1) Refer to the City Manager to create a plan to bring the minimum wage in line with the living wage, 2) raise the minimum wage to $13/hr. on 10/1/16, 3) raise the minimum wage to $14.50/hr. on 10/1/17, 4) raise the minimum wage to $15/her. on 10/1/18, 5) include a COLA escalator on the minimum wage, and 6) direct staff to bring back proposals for adding sick leave to the minimum wage ordinance on November 10, 2015.

**Action:** M/S/Failed (Worthington/Anderson) to raise the minimum wage to $13/hr. on 10/1/16.  
**Vote:** Ayes – Moore, Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Capitelli, Wengraf, Droste, Bates.
Action Calendar – New Business

**Action:** M/S/Failed (Worthington/Anderson) to raise the minimum wage to $14.50/hr. on 10/1/17.
**Vote:** Ayes – Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Moore, Capitelli, Wengraf, Droste, Bates.

**Action:** M/S/Failed (Worthington/Anderson) to raise the minimum wage to $15/hr. on 10/1/18.
**Vote:** Ayes – Moore, Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Capitelli, Wengraf, Droste, Bates.

**Action:** M/S/Failed (Worthington/Anderson) to Refer to the City Manager to create a plan to bring the minimum wage in line with the living wage, and direct staff to bring back proposals for adding sick leave to the minimum wage ordinance on November 10, 2015.
**Vote:** Ayes – Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Moore, Capitelli, Wengraf, Droste, Bates.

**Action:** 61 speakers. M/S/C (Bates/Maio) to schedule the item for a special meeting to be held on November 10, 2015 and direct staff to bring back proposals for adding sick leave to the minimum wage ordinance on November 10, 2015.
**Vote:** Ayes – Maio, Moore, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – Anderson, Arreguin.

60. **Berkeley Fair Elections Public Campaign Financing Ballot Measure**

From: Fair Campaign Practices Commission

**Recommendation:** Consider the public funding proposal from MapLight and the League of Women Voters (dated January 5, 2015) for possible further consideration for the November 2016 ballot.

**Financial Implications:** None

Contact: Savith Iyengar, Commission Secretary, 981-6950

**Action:** Moved to Consent Calendar to be scheduled for a Special Meeting on November 10, 2015.
Action Calendar – New Business

61. **In Support of BHS Stop Harassing**  
From: Peace and Justice Commission  
**Recommendation:** Adopt a Resolution supporting BHS Stop Harassing and its efforts to better the climate at Berkeley High School and throughout the school district to proactively prevent sexual harassment through modeling, education, training and availability of relevant resources as well as a comprehensive plan to resolve the types of numerous incidents of sexual harassment within the school district that have taken place if and when they continue to take place. Copies of the resolution are to be sent to BUSD Superintendent Dr. Donald Evans, and to each of the BUSD School Board Directors, and to each school principal in the Berkeley Unified School District.  
**Financial Implications:** Unknown  
Contact: Manuel Ramirez, Acting Commission Secretary, 981-5400  
**Action:** Moved to Consent Calendar and revised to refer the item to the Berkeley Unified School District.

Information Reports

62. **Establishment of a Code Enforcement Prioritization Policy**  
From: City Manager  
Contact: Gil Dong, City Manager’s Office, 981-7000  
**Action:** Received and filed.

63. **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.

64. **Bike Share Public Outreach and Agreements**  
From: City Manager  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Received and filed.

65. **Community Environmental Advisory Commission 2015 Work Plan**  
From: Community Environmental Advisory Commission  
Contact: Nabil Al-Hadithy, Commission Secretary, 981-7400  
**Action:** Received and filed.

66. **Mid-year Update from Energy Commission**  
From: Energy Commission  
Contact: Neal DeSnoo, Commission Secretary, 981-7400  
**Action:** Received and filed.
Information Reports

67. Recommended Changes to Berkeley Police Department General Order N-17, Suspicious Activity Reporting and Relationship With the Northern California Regional Intelligence Center
From: Police Review Commission
Contact: Katherine Lee, Commission Secretary, 981-4950
Action: Moved to Consent Calendar and held over to October 27, 2015.

From: Councilmember Capitelli
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Received and filed.

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

Adjournment:

Action: M/S/C (Bates/Wengraf) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:22 p.m. in memory of:

1. Chuck Teller, Local Activist

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of September 15, 2015 as approved by the Berkeley City Council.

_______________________________
Mark Numainville, City Clerk

Communications

Item 36: In Support of the People of Okinawa
1. Keith Barton

Item 52: Oppose House Resolution 3009 “Enforce the Law for Sanctuary Cities Act” and Send a Letter to U.S. Senators Feinstein and Boxer
2. Diana Bohn

Life Long Acupuncture Clinic
3. Chrystal Rose

Housing Dispute Mediation
4. Gregory Harper
Communications

Water Usage
5. Kelly Hammargren
6. Robert Gaustad

Homelessness
7. Liz Ozol
8. Kelly Hammargren

Berkeley Honda's Community Giving
9. Ali Kashani

Sidewalk Litter & Loitering
10. Linda Wadley

Affordable Housing
11. Carol Sawdey
12. David Lerman

NY Times Article
13. Genevieve Wilson

Campanile Way
14. Kelly Hammargren (2)
15. Steven Finacom
16. Joanne De Phillips

Mini-Dorms/Frat Activity
17. Paul Ghysels (2)

Farmers Market
18. Elizabeth Mackenzie
19. Judith Nakadegawa

Clear Cutting
20. Dorothea Dorenz

Sustainability Checklist
21. Kelly Hammargren

Adeline Corridor Development
22. Community Health Commission

Fracking
23. Leanna Parsons

Center Street Garage
24. Kelly Hammargren

Tree Trimming
25. Ken Johnson

Housing Voucher Program
26. Charlene Woodcock

Harassment Complaint
27. Charles & Kikuko Jackson
Communications

Leasing Fees
28. Rafael Paschoal

824 University Avenue
29. Morgan Read

Food Carts on College/Bancroft
30. Daryl Ross

Ace Hardware Relocation
31. Frank Binder

Support of Veterans Day Event
32. Shelley Rideout, on behalf of the Berkeley Historical Society

CNA Newsletter
33. Ted Edlin

2211 Harold Way/Shattuck Cinemas
34. David Weinstein
35. Caren Quay
36. Jim Quay
37. Charlene Woodcock (2)
38. Lynda Luisa
39. Hal Gelb
40. Patrick Sheehan
41. Diego Aguilar-Canabal
42. Erin Diehm (9)

Zero Net Energy
43. Kelly Hammargren

Poison Bait Boxes
44. Tom & Jane Kelly

Berkeley Public Library Practices
45. Dorothea Dorenz (4)
46. Arthur Boone
47. Soula Culver
48. Peace & Justice Commission
49. Margot Smith
50. Donald Goldmacher
51. Karen Eisenstadt
52. Roya Arasteh
53. Ivan Arguelles
54. Keith Barton
55. Jean Peters
56. Charlotte Shoemaker
57. Barry Lefsky
58. David Wallace
59. Rosemary Vimont
60. R’Sue Caron
Communications

61. Leonard Pitt
62. Marilyn Simons
63. Timothy Burgess
64. Guy Wohlford

Commissioner Recusal
65. Daniel Moore, on behalf of Berkeley Tenants Union

Council Concerns
66. Tree Fitzpatrick (16)

Supplemental Communications and Reports 1

Item 36: In Support of the People of Okinawa
67. Isao Moriya
68. Ryuji Teruya
69. Satoko Kato
70. Tamaki Yoshida
71. Unknown (2)

Item 58: Amendment to BMC Chapter 9.80 - Tobacco Retailers
72. Cassie Ray, on behalf of the American Cancer Society Cancer Action Network

Item 59a: Revisions to Minimum Wage Ordinance B.M.C 13.99
Item 59b: Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99
73. Elon Khelif & Gabe Duran
74. Ruth Maguire
75. Helen Dickey
76. Benita Smith
77. Judith Grether
78. Diana Bohn
79. Vincent Casalaina
80. Carolyn Scarr

Supplemental Communications and Reports 2

Item 36: In Support of the People of Okinawa
81. Senaga Osamu
82. Yoko Kumano
83. Saemi Wollny
84. Ryoko Shinzato
85. Diana Bohn (2)
86. Hideki Yoshikawa

Item 43: Prohibit Sales of Tobacco Products to Persons Under the Age of 21
Item 44: Raising the Minimum Age for Purchasing Tobacco Products to 21
87. Jaime Varela
88. Lynda Barbour, on behalf of the American Cancer Society Cancer Action Network
Supplemental Communications and Reports 2

Item 49: Refer to the City Manager, Disability Commission, and Planning Commission to Develop an Ordinance Requiring New Residential Buildings to Provide Auto-door Openers and Roll-in Showers
89. Margie Cochran

Item 52: Oppose House Resolution 3009 “Enforce the Law for Sanctuary Cities Act” and Send a Letter to U.S. Senators Feinstein and Boxer
90. Peace & Justice Commission

Item 58: Amendment to BMC Chapter 9.80 - Tobacco Retailers
91. Henry Philofsky (2)
92. Zeaad Handoush
93. Steve Duffy, on behalf of the National Association of Tobacco Outlets, Inc.
94. Berkeley Tobacco Retailers
95. Lynda Barbour, on behalf of the American Cancer Society Cancer Action Network

Item 59a: Revisions to Minimum Wage Ordinance B.M.C 13.99
Item 59b: Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99
96. Jessica LaMaack, on behalf of the California Restaurant Association
97. Nancy Bickel, on behalf of the League of Women Voters of Berkeley, Albany, Emeryville
98. Julianna Dickey
99. Robert Gaustad
100. Ty Hudson
101. Polly Armstrong
102. John Paluska
103. Diana Gordon
104. Phoebe Sorgen
105. Chimney Lee
106. Sheila Goldmacher
107. Kellen Gauthier
108. Susan Grant
109. Michael Donaldson
110. Claudia Castro
111. Mary Canales

Supplemental Communications and Reports 3

Item 21: Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 8068A Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for 3 Fire Engines and 1 Hazardous Materials Spill Response Vehicle
112. Doug Feldman

Item 36: In Support of the People of Okinawa
113. Diana Bohn

Item 39: Mandatory Green Stormwater Infrastructure in New Developments
114. Laurie Capitelli, District 5
Item 57: City Manager Referral: Reinstate Inviting Community Agencies to Make Presentations During the Commission Funding Process
   115. Pil Orbison

Item 58: Amendment to BMC Chapter 9.80 - Tobacco Retailers
   116. Presentation, submitted by Health, Housing & Community Services
   117. Angie Manetti, on behalf of the California Retailers Association

Item 59a: Revisions to Minimum Wage Ordinance B.M.C 13.99
   Item 59b: Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99
   118. Presentation, submitted by Commission on Labor
   119. Presentation, submitted by Health, Housing & Community Services
   120. Elmwood Business District
   121. Lynn Riordan
   122. Gar Smith
   123. Douglas Miller
   124. Unknown (2)

Item 60: Berkeley Fair Elections Public Campaign Financing Ballot Measure
   125. Nancy Bickel, on behalf of the League of Women Voters Berkeley, Albany, Emeryville

30th Anniversary Citizens for East Shore Parks
   126. Unknown
MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, SEPTEMBER 29, 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, Moore, Wengraf, Worthington and Mayor Bates.

Absent: Councilmember Anderson.

Worksession:

1. Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations (GLAs)

   From: City Manager
   Contact: Eric Angstadt, Planning and Development, 981-7400; Gil Dong, City Manager’s Office, 981-7000
   Action: Presentation made and discussion held.

Public Comment – Items on this agenda only - 93 speakers.

Adjournment

Action: M/S/Failed (Worthington/Arreguin) to continue public comment for 30 minutes.
Vote: Ayes – Arreguin, Worthington, Droste; Noes – Maio, Capitelli, Bates; Abstain – Moore, Wengraf; Absent – Anderson.

Action: M/S/C (Worthington/Arreguin) to allow the ASUC representative time at public comment.
Vote: Ayes – Moore, Arreguin, Wengraf, Worthington, Droste; Noes – Bates; Abstain – Maio, Capitelli; Absent – Anderson.
Action: M/S/C (Arreguin/Wengraf) to refer the item to the Agenda Committee and recommend that a single-subject special meeting be scheduled either at UC Berkeley or at Willard Middle School.

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

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

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

Adjourned at 7:23 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of September 29, 2015.

__________________________________
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

Item 1: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations (GLAs)

1. Dean Metzger for BNC (Berkeley Neighborhoods Council)

Supplemental Communications and Reports 2

Item 1: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations (GLAs)

2. David Shiver, on behalf of the Southside Neighborhood Consortium
3. Shirley Dean, on behalf of the Berkeley Safe Neighborhoods Committee
4. Doris Willingham
5. Phyllis Fox
6. Berkeley Tenants Union

Supplemental Communications and Reports 3

Item 1: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations (GLAs)

7. Presentation, submitted by Planning & Development/City Manager’s Office
MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 29, 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: 7:39 p.m.

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

Absent: Councilmember Anderson.

Ceremonial Matters: None.

City Manager Comments:

1. Citywide Emergency Exercise on October 17 – register online at www.cityofberkeley.info/getready
2. Movies in the Park at Willard Park on October 2 at 7:30 p.m.

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

Consent Calendar

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

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

1. FY 2016 Annual Appropriations Ordinance Correction
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,436-N.S. amending Ordinance No. 7429-N.S. to reflect the correction of a typographical error in Section 1.H.
   First Reading Vote: All Ayes.
   Financial Implications: None
   Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Consent Calendar

Action: Adopted second reading of Ordinance No. 7,436-N.S.

2. Regulation of Off-Street Parking Lots; Adding BMC Chapter 9.92 and Amending BMC Chapter 13.52
   From: City Manager
   Recommendation:
   First Reading Vote: All Ayes.
   Financial Implications: See report
   Contact: Zach Cowan, City Attorney, 981-6950
   Action: Item removed from the agenda by the City Manager.

3. Amending BMC Chapter 13.44 Regulating Street Events
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,439-N.S. amending Sections 13.44.060 and 13.44.090, and adding Section 13.44.150 of the Berkeley Municipal Code, regulating street events.
   First Reading Vote: All Ayes.
   Financial Implications: None
   Contact: Zach Cowan, City Attorney, 981-6950
   Action: Adopted second reading of Ordinance No. 7,439-N.S.

4. Easement Agreement: LBA RIV-CO XII LLC c/o LBA Realty for Portion of City-Owned Real Property on Folger Avenue, APN 052-1512-010-02
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,440-N.S. authorizing the City Manager to execute an easement agreement and any amendments with LBA RIV-CO XII LLC c/o LBA Realty for a portion of vacant City-owned real property on Folger Avenue (APN 052-1512-010-02) for construction and maintenance of a stormwater treatment facility and related improvements.
   First Reading Vote: All Ayes.
   Financial Implications: None
   Contact: Phillip Harrington, Public Works, 981-6300
   Action: Adopted second reading of Ordinance No. 7,440-N.S.
5. Amendment to BMC Chapter 9.80 - Tobacco Retailers
   From: City Manager
   1. Require a Tobacco Retail License (TRL) to sell Electronic Nicotine Delivery Systems (ENDS) and e-liquids;
   2. Implement a buffer zone around schools only, with a grace period of three years to minimize economic hardship for qualifying retailers, that would:
      a. Prohibit the sale of ENDS, e-liquids, and flavored (including menthol) tobacco products within 600 feet (reduced from 1000 feet) of schools only, effective January 1, 2017.
   3. Add a provision to prohibit the issuance of new TRLs within the 600 foot buffer zone.
   Second reading scheduled for September 29, 2015
   Vote: All Ayes.
   Financial Implications: See report
   Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400
   Action: Adopted second reading of Ordinance No. 7,441-N.S.

6. Berkeley Municipal Code Chapter 3.02 Amendment Related to Alternate Commissioners
   From: City Manager
   Recommendation:
   1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 3.02 to allow for Councilmembers and the Mayor to appoint a pool of Alternate Commissioners to serve on designated commissions when their regular appointee is on an authorized leave of absence; and
   2. Adopt a Resolution specifying the commissions to which an Alternate Commissioner may be appointed and specifying the applicability of certain regulations regarding Alternate Commissioners.
   Financial Implications: See report
   Contact: Mark Numainville, City Clerk, 981-6900

7. Donation to the Animal Shelter from the Estate of Lisa Devlin
   From: City Manager
   Recommendation: Adopt a Resolution accepting a donation in the amount of $9,082 from the estate of Lisa Devlin.
   Financial Implications: $9,082 (Donation)
   Contact: Gil Dong, City Manager’s Office, 981-7000
   Action: Adopted Resolution No. 67,206–N.S.
8. Contract No. 9081 Amendment: University Veterinary Hospital for Veterinary Services  
   From: City Manager  
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9081 with University Veterinary Hospital for veterinary services to increase the amount by $45,000, for a total not to exceed $90,000, and to extend the term of the contract to June 30, 2019.  
   Financial Implications: Animal Shelter Fund - $45,000  
   Contact: Gil Dong, City Manager’s Office, 981-7000  
   Action: Adopted Resolution No. 67,207–N.S.

   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 - $6,900,000  
   Contact: Henry Oyekanmi, Finance, 981-7300  
   Action: Approved recommendation.

10. Revenue Agreement Between the State of California Board of Equalization (BOE) and the City of Berkeley for Collection of the Local Charges on Prepaid Telephony Services  
    From: City Manager  
    Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement with the California State Board of Equalization (BOE) for the collection of the local charges on prepaid mobile telephony services (MTS).  
    Financial Implications: Unknown  
    Contact: Henry Oyekanmi, Finance, 981-7300  
    Action: Adopted Resolution No. 67,208–N.S.
   From: City Manager
   Recommendation: Adopt two Resolutions:
   1. Approving a new two (2) year Memorandum of Understanding (hereafter referred to as "MOU") with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 (hereafter referred to as the "Association") with a term of July 1, 2015 through June 17, 2017 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU; and
   2. Approving a new salary resolution for Representation Unit B to implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 66,566-N.S.
   Financial Implications: See report
   Contact: David Abel, Human Resources, 981-6800
   Action: Adopted Resolution No. 67,209–N.S. (MOU) and Resolution No. 67,210–N.S. (Salary)

12. Appointment of Director of Finance
   From: City Manager
   Recommendation: Adopt a Resolution confirming the appointment of Henry Oyekanmi as Director of Finance effective September 30, 2015.
   Financial Implications: See report
   Contact: David Abel, Human Resources, 981-6800
   Action: Adopted Resolution No. 67,211–N.S.

13. Appointment of Director of Information Technology
   From: City Manager
   Recommendation: Adopt a Resolution confirming the appointment of Savita Chaudhary as Director of Information Technology effective no later than October 30, 2015.
   Financial Implications: See report
   Contact: David Abel, Human Resources, 981-6800
   Action: Adopted Resolution No. 67,212–N.S.

   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Freitas Landscaping for an amount not to exceed $119,000 for the first contract year, from September 30, 2015 to June 30, 2016, with an option to renew for two additional years, for a total contract amount not to exceed $447,000, contingent upon annual budget appropriation.
   Financial Implications: Various Funds - $447,000
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
   Action: Adopted Resolution No. 67,213–N.S.
15. **Donation of Fire Equipment to the Berkeley Unified School District**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution approving the donation of surplus Fire Apparatus Auto 1995 VIN No. 1FVACWCS34HM90411 to the Berkeley Unified School District.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,214–N.S.

16. **Contract No. 8758B Amendment: LAZ Parking California LLC for Additional Garage Management Services**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8758B with LAZ Parking California LLC, increasing the amount by $908,990, for a total not-to-exceed amount of $6,307,652 through the existing term of the contract ending August 7, 2016.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,215–N.S.

17. **Grant Application: MTC Climate Initiatives - goBerkeley Residential Shared Parking Pilot**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the Metropolitan Transportation Commission (MTC) Climate Initiatives Program to undertake a residential shared parking pilot as a next step in the goBerkeley program for an amount up to $1,000,000; and accept the grants awarded, and execute any resultant agreements and amendments.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,216–N.S.

18. **Contract: GECO, Inc. for Fire Station No. 1 Renovation**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for Fire Station No.1 Renovation, Specification No. 15-10907-C; and 2. Accepting the bid of GECO, 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 with GECO, Inc. for the Fire Station No. 1 Renovation, in an amount not to exceed $938,400.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,217–N.S.
Consent Calendar

   From: Sugar Sweetened Beverage Products Panel of Experts
   **Recommendation:** Adopt a Resolution approving two additional meetings of the SSBPPE Commission in calendar year 2015.
   **Financial Implications:** See report
   **Contact:** Janet Berreman, Commission Secretary, 981-5400
   **Action:** Adopted Resolution No. 67,218–N.S.

Council Consent Items

20. **Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
    From: Mayor Bates
    **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Bates to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Bates and any other Councilmembers who would like to contribute.
    **Financial Implications:** Mayor's Discretionary Fund - $500
    **Contact:** Tom Bates, Mayor, 981-7100
    **Action:** Adopted Resolution No. 67,219–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - $250; Councilmember Wengraf - $100.

21. **Berkeley Food and Housing Project 45th Anniversary Tribute, October 1: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
    From: Councilmembers Maio and Wengraf
    **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $100 per councilmember, including $100 from Councilmember Maio and up to $100 from Councilmember Wengraf, to the Berkeley Food and Housing Project with funds relinquished to the city's general fund for this purpose from the discretionary council office budgets of Councilmembers Maio and Wengraf, and any other councilmembers who would like to contribute.
    **Financial Implications:** Councilmembers' Discretionary Funds - $100
    **Contact:** Linda Maio, Councilmember, District 1, 981-7110
    **Action:** Adopted Resolution No. 67,220–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Mayor Bates - $100; Councilmember Maio - $100; Councilmember Wengraf - $100; Councilmember Moore - $100; Councilmember Capitelli - $100; Councilmember Arreguin - $100.
Council Consent Items

22. Proclamation Declaring October 10, 2015 as Indigenous Peoples Day and Approving City Co-Sponsorship
From: Councilmember Arreguin
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted proclamation.

23. Support Justice for Port Chicago Workers by Sending a Letter to President Obama
From: Councilmembers Worthington and Anderson
Recommendation: Send a letter to President Obama to support justice for 50 Port Chicago workers.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

24. Endorse Fight for $15’s Campaign for McDonald’s Workers to Receive a Minimum Wage of $15 an Hour and Send a Letter to McDonald’s CEO
From: Councilmember Worthington
Recommendation: Endorse Fight for $15’s Campaign to raise the minimum wage of McDonald's fast food workers to $15 an hour and send a letter to McDonald's CEO Steve Easterbrook.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Action Calendar. 3 speakers. M/S/C (Arreguin/Worthington) Approved recommendation with letter amended to add the following sentence at the beginning of the letter: “The City of Berkeley is working towards increasing the minimum wage and ultimately working toward a living wage for all employees. And we endorse the fight for $15.”
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.

25. City Manager Referral: Create a Pathway for City Employees to Earn a Living Wage Within Two Years
From: Councilmember Worthington
Recommendation: Refer to the City Manager to create a pathway for City full-time and part-time employees to earn a living wage within two years.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Action Calendar. 0 speakers. M/S/C (Worthington/Arreguin) to accept revised material from Councilmembers Worthington, Arreguin, and Moore on Item 25.
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.
Council Consent Items

Action: M/S/C (Arreguin/Moore) to hold over the item to November 17, 2015 with staff to provide information on a pathway for City employees to earn a living wage, financial and policy implications, the classifications not covered by the represented bargaining unit, and exemptions for youth employment and interns.
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste; Noes – None; Abstain – Bates; Absent – Anderson.

26. Send Letter to Governor Brown Encouraging Him to Sign AB 953 to Facilitate Local and Statewide Data Gathering on Racial Profiling Statistics
From: Councilmembers Worthington, Anderson, Moore, and Arreguin
Recommendation: Send letter to Governor Brown encouraging him to sign AB 953 to facilitate statewide data gathering on racial profiling statistics.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Old Business

27. a. Support for Recommendations as to Implementation of AB 1421 Alternatives Developed by Alameda County Behavioral Health Services Stakeholder's Group (Continued from June 9, 2015)
From: Mental Health Commission
Recommendation: Adopt a Resolution directing the City Manager to send a letter of support to the Alameda County Board of Supervisors from the City of Berkeley for the recommendations developed by the AB 1421 stakeholder group reviewing the programs identified as addressing the needs of persons with serious mental illness not currently engaged in mental health treatment. These recommendations were submitted by Alex Briscoe, Director, Health Care Services Agency to the Alameda County Board of Supervisors on January 13, 2015.
Financial Implications: None
Contact: Carol Patterson, Commission Secretary, 981-5400

b. Support for Recommendations as to Implementation of AB 1421 Alternatives Developed by Alameda County Behavioral Health Services Stakeholder's Group (Continued from June 9, 2015)
From: City Manager
Recommendation: Review additional background information related to the Mental Health Commission’s recommendations regarding implementation of AB 1421 alternatives developed by Alameda County Behavioral Health Services stakeholder’s group.
Financial Implications: None
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400

Action: M/S/C (Bates/Maio) to accept revised material from Councilmember Maio on Item 27.
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.
Action Calendar – Old Business

**Action:** M/S/C (Wengraf/Maio) to call the question on Item 27.

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

**Action:** 15 speakers. M/S/C (Maio/Capitelli) to communicate the following to the Alameda County Board of Supervisors:

“The Berkeley City Council acknowledges the value of increased mental health services for those who voluntarily enter services, as proposed by the Alameda County Behavioral Health staff, and supports expeditious implementation of all 11 proposals as soon as possible.

However, the staff proposal does not go far enough as it does not provide for intervention on behalf of those whose severe mental condition is so disabling that they **cannot and will not** voluntarily enter services. Such persons are often homeless on our streets, in serious, deteriorated condition, and are often subject to police intervention and criminal punishment, not to mention death. No civilized society should allow this situation to go unaddressed.

Therefore, the Berkeley City Council reiterates its request to the Board of Supervisors to initiate a meaningful pilot of **Assisted Outpatient Treatment, AB 1421,** which specifically addresses this population and has been successful elsewhere. Many counties have adopted AB 1421, most notably in our region, San Francisco, and Contra Costa.

In addition, request staff to acquire, for Council review, the most recent evaluations of County Behavioral Health services that show outcomes for their clients and in particular for our most severely mentally ill persons.

*does not mandate or force medication, as has been alleged by opponents; provides for the court to direct persons who are seriously ill to enter community-based housing and wraparound services."

**Vote:** Ayes – Maio, Moore, Capitelli, Wengraf, Droste, Bates; Noes – Worthington; Abstain – Arreguin; Absent – Anderson.
a. City Council Referral to Develop a Comprehensive Plan for the Funding of the Undergrounding of Utility Wires on All Major and Collector Streets in Berkeley (Continued from July 14, 2015)

From: Public Works Commission, Transportation Commission, and Disaster and Fire Safety Commission

Recommendation:
1. Approve a work plan, as attached to the report, to develop a comprehensive plan (the "Undergrounding Plan") for the funding of the undergrounding of utility wires for all streets in Berkeley. The Undergrounding Plan would be developed in coordination with the City’s existing related plans and activities, including the City’s Resiliency Program.
2. Establish a Utility Undergrounding Special Commission consisting of the Public Works Commission, Transportation Commission, the Disaster and Fire Safety Commission representatives, and subject matter experts as needed to oversee the preparation of the Undergrounding Plan. The Special Commission shall be a manageable size and composed similar to the commission that developed the downtown Street and Open Space Improvement Plan.

Financial Implications: See report

Contact: Sean Rose, Secretary to the Public Works Commission, 981-6300; Farid Javandel, Secretary to the Transportation Commission, 981-6300; David Brannigan, Secretary to the Disaster and Fire Safety Commission, 981-3473

b. City Council Referral to Develop a Comprehensive Plan for Funding the Undergrounding of Utility Wires on All Major and Collector Streets in Berkeley (Continued from July 14, 2015)

From: City Manager

Recommendation: Postpone implementation of a Utility Undergrounding Work Plan and direct the City Manager to return to Council in Fall 2015 with a report detailing the budget and staffing required to implement a Utility Undergrounding Work Plan and Special Commission. The report would also identify projects in the City’s adopted Work Plan that would be delayed in order to implement the Commissions’ recommendations.

Financial Implications: See report

Contact: Phillip Harrington, Public Works, 981-6300

Action: 5 speakers. M/S/C (Wengraf/Worthingon) to approve the staff recommendation in 28b and Phase 1 of the commission recommendation in 28a.

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

29. **Support AB 101 – Ethnic Studies for California High Schools and Creation of an Ethnic Studies Advisory Committee (Continued from September 15, 2015)**
From: Councilmember Arreguin

**Recommendation:** Adopt a Resolution: 1. Supporting Assembly Bill (AB) 101, the "Ethnic Studies for California High School", introduced by Assemblymember Luis A. Alejo; and 2. Urging the Berkeley Unified School District Board of Education to create an Ethnic Studies Advisory Committee to oversee establishing Ethnic Studies coursework as a requirement for graduation in Berkeley public schools. Copies of the Resolution are to be sent to the Berkeley Unified School District Board of Education, BUSD Superintendent Donald Evans, Assemblymember Luis Alejo, Senator Loni Hancock, Assemblymember Tony Thurmond and Governor Jerry Brown.

**Financial Implications:** None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

**Action:** Item removed from the agenda by Councilmember Arreguin.

Action Calendar – New Business

30. **Report on the Process Currently Underway to Select the City’s Fourth Authorized Cannabis Dispensary**
From: City Manager

**Recommendation:**
1. Review the selection process to date;
2. Consider the letter from Community Partnership 4 Health regarding the status of its dispensary application; and
3. Adopt a Resolution amending Resolution No. 66,711-N.S. to alter the selection process to allow the Council to consider all of the applicants currently deemed complete.

**Financial Implications:** None
Contact: Eric Angstadt, Planning and Development, 981-7400

**Action:** M/S/C (Worthington/Moore) to adopt Resolution No. 67,221–N.S. amending Resolution No. 66,711-N.S. to alter the selection process to allow the Council to consider all of the applicants currently deemed complete.

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

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

**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Abstain – Droste; Absent – Anderson.
31. a. Amendments to Accessory Dwelling Unit Ordinance 23.D.10
   From: Councilmembers Droste, Moore, and Worthington
   Recommendation: Accessory Dwelling Unit Ordinance 23.D.10 is a great step towards increasing Berkeley’s housing stock and adding subtle density to residential neighborhoods. The following amendments will support density in walkable neighborhoods, and streamline parking waivers for neighborhoods without RPP zones that are close proximity to BART. Amend the following sections: 23.D.10.040 5. The Subject lot shall provide one off-street parking space for the Accessory Dwelling Unit in conformance with Chapter 23D.12, except as provided in the report.
   Financial Implications: Staff time
   Contact: Lori Droste, Councilmember, District 8, 981-7180

   b. Zoning Amendments to Encourage Accessory Dwelling Units (ADUs);
   Amending BMC Chapter 23D.10
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 23D.10 to modify the existing regulation of Accessory Dwelling Units (ADUs) to improve readability and correct a technical error.
   Financial Implications: None
   Contact: Eric Angstadt, Planning and Development, 981-7400

   Action: Item 31a to be held over to November 3, 2015. Item 31b to be resubmitted by staff for the November 3, 2015 meeting.

32. Report Regarding Citizens Redistricting Commission Charter Amendment and Ordinance Amendment
   From: Open Government Commission
   Recommendation: Approve the Citizens Redistricting Commission Charter Amendment and Ordinance Amendment as accepted by the Open Government Commission.
   Financial Implications: None
   Contact: Savith Iyengar, Commission Secretary, 981-6950
   Action: Moved to Consent Calendar. Approved recommendation.

Council Action Items

33. Match All National Housing Trust Fund Grants Awarded to Recipient Projects in Berkeley
   From: Councilmember Worthington
   Recommendation: Adopt a Resolution to match all National Housing Trust Fund (NHTF) grants awarded to recipient projects in Berkeley.
   Financial Implications: Unknown
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   Action: Item held over to October 27, 2015.
Council Action Items

34. **Send a Letter to Governor Jerry Brown Requesting the Creation of a Statewide Allocation Process to Receive Grants from the National Housing Trust Fund**
   From: Councilmember Worthington
   **Recommendation:** Send a letter to Governor Jerry Brown requesting the creation of a statewide allocation process to receive grants from the National Housing Trust Fund when funding is awarded to states.
   **Financial Implications:** See report
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   **Action:** Item removed from the agenda by Councilmember Worthington.

35. **Housing Trust Fund Loan for $1,000,000**
   From: Councilmembers Worthington and Anderson
   **Recommendation:** Loan $1,000,000 to the Housing Trust Fund.
   **Financial Implications:** $1,000,000
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   **Action:** Item held over to October 27, 2015.

36. **City Manager Referral: Creating an Animal Friendly Menu Policy for the Berkeley Animal Care Shelter at Official Sponsored Events**
   From: Councilmember Worthington
   **Recommendation:** Refer to the City Manager to examine the feasibility of creating an animal friendly menu policy for the Berkeley Animal Care Shelter at official sponsored events.
   **Financial Implications:** Minimal
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   **Action:** 8 speakers. M/S/Failed (Worthington/Droste) to refer to the City Manager to examine the feasibility of creating an animal friendly menu policy for the Berkeley Animal Care Shelter at official sponsored events.
   **Vote:** Ayes – Arreguin, Worthington, Droste, Bates; Noes – Wengraf; Abstain – Maio, Moore, Capitelli; Absent – Anderson.

   **Action:** M/S/C (Wengraf/Moore) to refer the item to the Animal Care Commission.
   **Vote:** Ayes – Maio, Moore, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – Arreguin; Absent – Anderson.

37. **Schedule a City Council Worksession on Berkeley Community Media’s New Community Based App and Website Called MediaPhile**
   From: Councilmember Worthington
   **Recommendation:** Schedule a City Council Work Session on Berkeley Community Media’s new community based app and website called MediaPhile.
   **Financial Implications:** Minimal
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   **Action:** Moved to Consent Calendar. Item scheduled for a special meeting on October 13, 2015 at 6:30 p.m.
Information Reports

38. **Public Health Priorities: Community Engagement Report**
   **From:** City Manager
   **Contact:** Kelly Wallace, Health, Housing and Community Services, 981-5400
   **Action:** Received and filed.

39. **LPC-NOD: 1952 University Avenue**
   **From:** City Manager
   **Contact:** Eric Angstadt, Planning and Development, 981-7400
   **Action:** Received and filed.

40. ****Removed from Agenda by City Manager** Consolidated Status Update on 3 Audits:**
    **Purchase Order Audit – Select Public Works Divisions at the Corporation Yard;**
    **Public Works Contract Monitoring: Risk of Overpayment/Lack of Inventory Controls;**
    **City Fuel Operations Need Improvement**
   **From:** City Manager
   **Contact:** Phillip Harrington, Public Works, 981-6300

41. **University Avenue Improvements in Downtown Streets and Open Space Improvement Plan**
   **From:** City Manager
   **Contact:** Phillip Harrington, Public Works, 981-6300
   **Action:** Moved to Action Calendar. Moved to Consent Calendar and referred to the Transportation Commission.

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

Adjournment

**Action:** M/S/C (Moore/Worthington) to adjourn the meeting.
**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Anderson.

Adjourned at 11:07 p.m. in memory of:

1. George Cleve, Conductor
2. Martha Colburn, Local Activist

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of September 29, 2015 as approved by the Berkeley City Council.

Mark Numainville, City Clerk
Communications

Library Concerns
1. Stevanne Auerbach
2. Dorothea Dorenz
3. Margaret Goodman

Drought/Rainwater Capture
4. Kelly Hammargren

2211 Harold Way/Shattuck Cinemas
5. Ron Heglin
6. Charlene Woodcock (3)
7. William Woodcock (2)
8. Steve Martinot
9. Andreas Cluver, on behalf of the Building & Construction Trades Council of Alameda County

Illegal Dumping
10. Eric Friedman
11. Charlene Washington

Supplemental Communications and Reports 1

Item 27a and 27b: Support for Recommendations as to Implementation of AB 1421 Alternatives Developed by Alameda County Behavioral Health Services Stakeholder’s Group
12. Shirley Dean on behalf of Berkeley Safe Neighborhoods Committee

Item 30: Report on the Process Currently Underway to Select the City’s Fourth Authorized Cannabis Dispensary
13. Viv Fanlady
14. Terri McGinnis
15. Anh Solis (2)

Item 31a: Amendments to Accessory Dwelling Unit Ordinance 23.D.10
Item 31b: Zoning Amendments to Encourage Accessory Dwelling Units (ADUs); Amending BMC Chapter 23D.10
16. Andy and Becky Donohoe

Item 33: Match All National Housing Trust Fund Grants Awarded to Recipient Projects in Berkeley
Item 35: Housing Trust Fund Loan for $1,000,000
17. Matthew Dintenfass

Item 33: Match All National Housing Trust Fund Grants Awarded to Recipient Projects in Berkeley
Supplemental Communications and Reports 1

Item 34: Send a Letter to Governor Jerry Brown Requesting the Creation of a Statewide Allocation Process to Receive Grants from the National Housing Trust Fund

Item 35: Housing Trust Fund Loan for $1,000,000

18. Kelly Hammargren

Supplemental Communications and Reports 2

Item 12: Appointment of Director of Finance

20. Anon B

Item 22: Proclamation Declaring October 10, 2015 as Indigenous Peoples Day and Approving City Co-Sponsorship

21. Crystal Gonzales

Item 27: Support for Recommendations as to Implementation of AB 1421 Alternatives Developed by Alameda County Behavioral Health Services Stakeholder’s Group

22. Linda Maio, District 1 (2)

Item 28: City Council Referral to Develop a Comprehensive Plan for the Funding of the Undergrounding of Utility Wires on All Major and Collector Streets in Berkeley

23. Sharon Rudnick
24. Linda and Terry Kanat
25. Julia A. Miller
26. Xiaoyan Wang and Kevin Ching
27. Susan Thomakos
28. Cornelia Levine
29. Charlotte DeVito
30. Bonnie Wade
31. Barbara Lewis
32. Barbara Bibel
33. Elaine Chan
34. Don Meyer
35. Ethan Karp
36. Paul Newacheck
37. Victoria Leonard
38. Robin Kibby and Brian Donaldson
39. Michael and Jane Hausauer
40. Linda Deaktor
41. Blaine Devine and Nancy Lemon
42. Colleen Busch
43. Susan Brand
44. Mark Miller
45. Karen Kaufman
Supplemental Communications and Reports 2

46. Tom Guarino, on behalf of PG&E
47. Pamela Doolan
48. Susan Halpern
49. Stefano De Santis
50. Deborah Machta
51. Winston Rhodes
52. Edward Lammer

Item 30: Report on the Process Currently Underway to Select the City’s Fourth Authorized Cannabis Dispensary
53. Robert Price
54. Mark Weiman
55. Albert Neiman
56. Michael Aldrich
57. Debbie Klein
58. Shona Gochenaur
59. Ellen Komp
60. Raymond Gamley

Item 32: Report Regarding Citizens Redistricting Commission Charter Amendment and Ordinance Amendment
61. Nancy Bickel, on behalf of the League of Women Voters, Berkeley, Albany, Emeryville

Item 36: City Manager Referral: Creating an Animal Friendly Menu Policy for the Berkeley Animal Care Shelter at Official Sponsored Events
62. Jennifer L. McKenzie
63. Molly Flanagan
64. Isabella La Rocca
65. Amy Walthall
66. Maryam Kamali
67. David Tenenbaum
68. Karin Nelson
69. Hope Bohanec
70. Michael Goldberg
71. Jonathan Hussain
72. Milena Esherick
73. Lindsay Vurek
74. Diana Navon
75. Dafni Lustig
76. Pat Huey
77. Jacinda Virgin
78. Andrea Gung
79. Billy Lovci
80. Jackie Lawrence
81. Jason Andreas
Supplemental Communications and Reports 3

Item 24: Endorse Fight for $15’s Campaign for McDonald’s Workers to Receive a Minimum Wage of $15 an Hour and Send a Letter to McDonald’s CEO
82. Denis Drew

Item 25: City Manager Referral: Create a Pathway for City Employees to Earn a Living Wage Within Two Years
83. Revised materials, submitted by Councilmember Worthington

Item 26: Send Letter to Governor Brown Encouraging Him to Sign AB 953 to Facilitate Local and Statewide Data Gathering on Racial Profiling Statistics
84. Mark Chow

Item 27: Support for Recommendations as to Implementation of AB 1421 Alternatives Developed by Alameda County Behavioral Health Services Stakeholder’s Group
85. Supplemental communication, submitted by Councilmember Maio
86. Unknown

Item 36: City Manager Referral: Creating an Animal Friendly Menu Policy for the Berkeley Animal Care Shelter at Official Sponsored Events
87. Yvonne Emanuel
88. Sherisa A
89. Pat Cuviello