Preliminary Matters

Roll Call: 7:22 p.m.

Present: Anderson, Capitelli, Droste, Maio, Moore, Wengraf, Worthington, Bates

Absent: Arreguin

Councilmember Arreguin present at 7:23 p.m.

Ceremonial Matters:
1. Recognition of Sally Streets, Berkeley Ballet Dancer and Instructor

City Manager Comments:
1. Berkeley Youth Alternatives Crab Feed: February 25, 6pm, at BYA
2. BikeShare Informational Meeting: February 25, 6pm and 7pm, at Ed Roberts Campus
3. Grand Opening of Harper Crossing held February 23 – 42 Units of Affordable Senior Housing

Public Comment on Non-Agenda Matters: 5 speakers.

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

Consent Calendar

Action: M/S/C (Bates/Maio) to accept supplemental materials from Mayor Bates on Item 3.
Vote: All Ayes.

Action: M/S/C (Maio/Arreguin) to accept supplemental materials from Councilmember Worthington on Item 17.
Vote: All Ayes.

Action: M/S/C (Wengraf/Maio) to accept supplemental materials from Councilmember Wengraf on Item 29.
Vote: All Ayes.
Consent Calendar

**Action:** M/S/C (Maio/Worthington) to accept supplemental materials from Councilmember Maio Item 13.
**Vote:** All Ayes.

**Action:** M/S/C (Moore/Bates) to adopt the Consent Calendar in one motion except as indicated.
**Vote:** All Ayes.

1. **Amending the Relocation Ordinance, Chapter 13.84 of the Berkeley Municipal Code**
   **From:** City Manager
   **Recommendation:** Adopt second reading of Ordinance No. 7,456-N.S. amending the Relocation Ordinance, Berkeley Municipal Code Chapter 13.84, to add clarifying language to Section 13.84.020.C to define "Natural Disaster"; and Section 13.84.070.A to include households specified in Section 13.84.040.B.
   **First Reading Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Wengraf.
   **Financial Implications:** See report
   **Contact:** Kelly Wallace, Health, Housing and Community Services, 981-5400
   **Action:** Adopted second reading of Ordinance No. 7,456-N.S.

2. **Lease Agreement: Berkeley Rowing Club for the Property at 2851 W. Bolivar Drive, Aquatic Park**
   **From:** City Manager
   **Recommendation:** Adopt second reading of Ordinance No. 7,457-N.S. authorizing the City Manager to execute a lease agreement with the Berkeley Rowing Club for the use and management of the City's property at 2851 W. Bolivar Drive in Aquatic Park for a term of fifteen years.
   **First Reading Vote:** All Ayes.
   **Financial Implications:** See report
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, 981-6700
   **Action:** Adopted second reading of Ordinance No. 7,457-N.S.

3. **Zoning Amendments to B.M.C. Chapter 23C.08 - Demolition and Dwelling Unit Controls**
   **From:** Councilmember Arreguin
   **Recommendation:** Adopt second reading of Ordinance No. 7,458-N.S. (as developed by staff) repealing and re-enacting Berkeley Municipal Code Sections 23C.08.010, 23C.08.020 and 23C.08.030, and adding Section 23C.08.035 to modify and clarify the conditions under which dwelling units may be demolished.
   **First Reading Vote:** All Ayes.
   **Financial Implications:** See report
   **Contact:** Jesse Arreguin, Councilmember, District 4, 981-7140
23C.08.030 Elimination of Dwelling Units and Accessory Dwelling Units through Conversion and Change of Use

A. The Board may approve a Use Permit for the elimination of a dwelling unit through combination with another dwelling unit for purposes of occupancy by a single household if it finds that:

1. The existing number of dwelling units exceeds the number permitted by the maximum residential density applicable to the District where the subject building is located; and

2. One of the affected dwelling units has been occupied by the applicant’s household as its principal place of residence for no less than two years prior to the date of the application and none of the affected units is currently occupied by a tenant, or all dwelling units that would be affected by the elimination are being sold by an estate and the decedent occupied the units as his or her principal residence for no less than two years prior to the date of his or her death.

4. Minutes for Approval

From: City Manager
Recommendation: Approve the minutes for the Council meetings of January 5, 2016 (special closed), January 19, 2016 (special and regular) and January 26, 2016 (special and regular).

Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.

5. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on February 23, 2016

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: Bayer (Miles Lab) Fund - $75,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.


From: City Manager

Financial Implications: None
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
7. **Community Resilience Center (CRC) Pilot Program**  
   **From:** City Manager  
   **Recommendation:** Accept the recommendations of the Housing Advisory Commission and the Disaster and Fire Safety Commission that the two year Community Resilience Center pilot program fulfills the February 24, 2015 referral from Council to develop Community Emergency Response Training for Multi-unit Residential Buildings and Emergency Cache Program Tailored to the Needs of Large Multi-unit Residential Buildings. In addition, reallocate a portion of the Gas Shutoff program budget from Measure GG to supplement the purchase of disaster equipment for CRCs. This will expand disaster preparedness outreach to vulnerable populations in the community by bringing CERT and other preparedness classes as well as disaster supplies to key community organizations, their constituents, and the surrounding neighborhoods throughout Berkeley.  
   **Financial Implications:** See report  
   **Contact:** Gil Dong, Fire, 981-3473  
   **Action:** Approved recommendation.

8. **Contract Amendments: Community Agencies for Expanded Winter Shelter Activities**  
   **From:** City Manager  
   **Recommendation:** Adopt two Resolutions:  
   1. Authorizing the City Manager to execute an amendment to Contract No. 9990 with Berkeley Food and Housing Project (BFHP) in the amount of $21,600 to expand daytime shelter hours at its Women's Overnight Shelter (WOS) and Men's Housing Program (MHP); and  
   2. Authorizing the City Manager to execute an amendment to Contract No. 10000 with Dorothy Day House (DDH) in the amount of $20,000 to add up to 20 nights of overnight shelter at the Berkeley Emergency Storm Shelter (BESS).  
   **Financial Implications:** General Fund - $41,600  
   **Contact:** Paul Buddenhagen, Health, Housing and Community Services, 981-5400  
   **Action:** Adopted Resolution No. 67,375–N.S. (BFHP); Resolution No. 67,376–N.S. (DDH)

9. **Contract: Alameda County Network of Mental Health Clients for Peer Leadership Training**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with Alameda County Network of Mental Health Clients for the provision of Peer Leadership Training in an amount not to exceed $42,240 for the period of July 1, 2016 through June 30, 2018.  
   **Financial Implications:** Mental Health Service Act Fund - $42,240  
   **Contact:** Paul Buddenhagen, Health, Housing and Community Services, 981-5400  
   **Action:** Adopted Resolution No. 67,377–N.S.
10. **Contract No. 7911 Amendment**:
   **The Lipman Company, Inc. for Retiree Health Premium Assistance Plan Third-Party Administrator**
   From: City Manager
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7911 with The Lipman Company, Inc. (TLC) for administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police, increasing the amount of the contract by $234,000 for a revised total contract amount not to exceed $942,000.
   **Financial Implications:** Various Funds - $234,000
   Contact: Sarah Reynoso, Human Resources, 981-6800
   **Action:** Adopted Resolution No. 67,378–N.S.

11. **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 $145,000.
   **Financial Implications:** Various Funds - $50,000
   Contact: Sarah Reynoso, Human Resources, 981-6800
   **Action:** Adopted Resolution No. 67,379–N.S.

12. **Contract No. 10036A Amendment**:
   **Truepoint Software Solutions for Accela Professional Services**
   From: City Manager
   **Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10036A with Truepoint Software Solutions for professional services, increasing the amount by $50,000, for a total not to exceed of $99,950 from June 1, 2015 to June 30, 2018.
   **Financial Implications:** Sanitary Sewer Operation Fund - $50,000
   Contact: Savita Chaudhary, Information Technology, 981-6500
   **Action:** Adopted Resolution No. 67,380–N.S.
13. **Contract: Redwood Engineering Construction for Ohlone Dog Park Renovation**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for Ohlone Dog Park Renovation project, Specification No. 15-10962-C; and 2. Accepting the bid of Redwood Engineering Construction as the lowest responsive and responsible bidder for $274,000; 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 Redwood Engineering Construction, for the Ohlone Dog Park Renovation project at 1801 Hearst Avenue, in an amount not to exceed $328,800, which includes a contract amount of $274,000 and a 20% contingency in the amount of $54,800.  
**Financial Implications:** Measure WW Park Bond/Grant - $328,000  
*Contact:* Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Moved to Action Calendar. 9 speakers. M/S/C (Maio/Bates) to adopt Resolution No. 67,381–N.S. and direct staff to work with the Friends of Ohlone Park, and the Dog Park Association, to ensure that there is adequate signage (whatever is needed), timed locked gate on the east entry, review the placement of benches on the north side, how to discourage visitors parking in neighbor driveways, and any other suggestions that can be reasonably accomplished.  
**Vote:** Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – Anderson.

14. **Grant Award: Metropolitan Transportation Commission’s Climate Initiatives Parking and TDM Grant Program**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager or Designee to file an application for $950,000 of funding assigned to the Metropolitan Transportation Commission and committing any necessary matching funds equivalent to 33% of the total project costs and stating assurance to complete the project known as the goBerkeley Residential Shared Parking Pilot.  
**Financial Implications:** See report  
*Contact:* Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,382–N.S.
15. **Approve Waiver of the Nuclear Free Berkeley Act (NFBA) per BMC Section 12.90.070 (A) to Enter into a Real Property Services Agreement with the County of Contra Costa**

   **From:** City Manager

   **Recommendation:** Adopt a Resolution 1. Waiving the contract requirements of the Nuclear Free Berkeley Act, pursuant to Resolution No. 60,840-N.S. and Chapter 12.90 of the Berkeley Municipal Code, in order to contract with County of Contra Costa Public Works Department; and 2. Authorizing the City Manager to execute a contract with County of Contra Costa Public Works Department in an amount not to exceed $50,000 for various real estate services.

   **Financial Implications:** Building Maintenance Fund - $50,000

   **Contact:** Phillip Harrington, Public Works, 981-6300

   **Action:** Adopted Resolution No. 67,383–N.S.


   **From:** City Manager

   **Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the FY 2015 Measure M Surface Seals Project, Specification No. 16-10999-C; 2. Accepting the bid of Telfer Pavement Technologies, LLC as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed $2,319,149.

   **Financial Implications:** Measure M GO Streets & Water Improvement Fund - $2,319,149

   **Contact:** Phillip Harrington, Public Works, 981-6300

   **Action:** Adopted Resolution No. 67,384–N.S.

---

**Council Consent Items**

17. **Revise the Affordable Housing Mitigation Fee Program and Fee**

   **From:** Mayor Bates

   **Recommendation:** Request that the City Manager return to the Council with a revised Affordable Housing Mitigation Fee ordinance and a Council resolution to 1. increase the percentage of affordable units -- to 20% of market-rate units from the current 10% -- that can be provided in lieu of the Mitigation Fee, 2. expand the level of affordability for such units, and 3. increase the Fee, which is due at Certificate of Occupancy, to $34,000 from the current $28,000, and add an alternative option to pay $28,000 if paid early, when the Building Permit is issued. It is recommended that the revisions take into consideration the findings in the most recent Nexus Study, the input from the Feb. 16, 2016 Special City Council Meeting on housing and the Suggested Revisions section below.

   **Financial Implications:** See report

   **Contact:** Tom Bates, Mayor, 981-7100

   **Action:** Item held over to April 5, 2016. Supplemental information submitted by Councilmember Worthington held over to April 5, 2016.
18. **City Manager Referral: Implement Standardized Construction Hours for Developers in Berkeley**  
*From: Councilmember Maio*  
**Recommendation:** Refer to the City Manager to implement City-wide standard "hours of operation" for large construction projects that establish reasonable work hours of 8 AM to 5 PM, Monday to Friday, with some minimally invasive work on Saturdays, except for unusual circumstances. Also establish "stop work" orders as penalty for multiple infractions.  
**Financial Implications:** Minimal  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Item removed from the agenda by Councilmember Maio.

19. **Co-sponsorship of a Racial Awareness Panel Discussion and Concert, featuring Ensemble Mik Nawooj**  
*From: Councilmember Moore*  
**Recommendation:** Cosponsor a racial awareness panel discussion and concert to discuss the state of race relations in Berkeley.  
**Financial Implications:** None  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Added Councilmember Worthington as a co-sponsor. Approved recommendation.

20. **Our Family Coalition and Downtown Berkeley YMCA 18th Annual LGBT YMCA Family Night: Co-sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
*From: Councilmembers Moore, Worthington, and Droste*  
**Recommendation:** Adopt a Resolution co-sponsoring the 18th Annual Lesbian, Gay, Bisexual and Transgender (LGBT) YMCA Family Night and approving the expenditure of an amount not to exceed $1,000 per Councilmember with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Moore and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - $1,000  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 67,385–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - $200; Councilmember Maio - $200; Councilmember Droste - $100; Councilmember Anderson - $250; Councilmember Moore - $100; Councilmember Capitelli - $100; Councilmember Arreguin - $100.
21. **Amending Housing Trust Fund Guidelines Regarding Prevailing Wage Requirements**  
*From: Councilmember Arreguin*  
**Recommendation:** Amend the Housing Trust Fund Guidelines to include the language outlined in the report to amend: Section VI. D. Threshold Criteria and Other Conditions; Section VI. C. 1.e. Project Consideration / Funding Criteria: Community Objectives: Impact on the Community; and Section VI. C. 3. Project Consideration / Funding Criteria: Applicant Qualifications and Experience.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Item held over to March 29, 2016.

22. **Public Restrooms in City Parks**  
*From: Councilmember Arreguin*  
**Recommendation:** Refer to the City Manager and the Parks and Waterfront Commission the idea of constructing permanent public restrooms in all parks with one or more acres that are maintained by the City of Berkeley and ensure that existing permanent public restrooms are maintained to an adequate standard.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Approved the recommendation revised to read as follows:  

*Refer to the City Manager and the Parks and Waterfront Commission to consider the idea of constructing permanent public restrooms in all parks with one or more acres that are maintained by the City of Berkeley and ensure that existing permanent public restrooms are maintained to an adequate standard and include staff analysis on costs.*

23. **City Co-Sponsorship of the Persian New Year Festival**  
*From: Councilmember Arreguin*  
**Recommendation:** Adopt a Resolution approving city co-sponsorship of the Persian New Year Festival which will take place on Tuesday, March 15, 2016.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 67,386–N.S.

24. **The Persian Center for the Persian New Year Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
*From: Councilmember Arreguin*  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember to the Persian Center for the Persian New Year Festival with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Jesse Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - $250  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 67,387–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf -
Council Consent Items

$100; Councilmember Arreguin - $250; Councilmember Anderson - $250; Councilmember Capitelli - $100.

25. Letter to Federal Aviation Administration Concerning the Metroplex Flight Plan
   From: Councilmembers Arreguin and Wengraf
   Recommendation: Send a Letter to the Federal Aviation Administration (FAA) Requesting Changes to the Northern California Metroplex, Regarding Flight Patterns over Berkeley.
   Financial Implications: None
   Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
   Action: Approved recommendation.

26. Refer $50,000 to the FY 2016/2017 Budget Process to Install Beacon Lights at Oxford Street and Addison Street, Near the Berkeley Art Museum and Pacific Film Archive
   From: Councilmembers Arreguin and Worthington
   Recommendation: Refer $50,000 to the FY 2016/2017 mid-biennial budget process to improve the pedestrian safety at Oxford Street and Addison Street by installing beacon lights at the cross walks.
   Financial Implications: General Fund - $50,000
   Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
   Action: Approved recommendation.

   From: Councilmembers Arreguin, Capitelli, Droste, and Wengraf
   Recommendation: Authorize the Ad-Hoc Committee on a More Open Government to continue to meet until July 20, 2016.
   Financial Implications: None
   Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
   Action: Approved recommendation revised to include direction that the subcommittee notice their meetings in accordance with the Brown Act.

28. Referral: Use of Eminent Domain on Vacant and Blighted Properties
   From: Councilmembers Capitelli and Moore
   Recommendation: Referral to the City Manager to report back to Council on the feasibility of using eminent domain on vacant and/or blighted properties (both residential and commercial properties, and on vacant lands). The report should identify the scope of public use, including but not limited to: the development of affordable housing, public open space, and/or providing city services for our homeless population.
   Financial Implications: Staff time
   Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
   Action: Moved to Action Calendar. Councilmember Droste added as a co-sponsor. Item held over to March 15, 2016.
29. **Amending the Berkeley Municipal Code Chapter 3.80 to Prohibit City Employees from Serving on Boards**  
*From: Councilmembers Wengraf, Arreguin, Droste, and Capitelli*  
**Recommendation:** Adopt first reading of an Ordinance amending the Berkeley Municipal Code, Chapter 3.80 to prohibit City employees from serving on boards and commissions, as outlined in the report.  
**Financial Implications:** See report  
*Contact:* Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Moved to Action Calendar. 5 speakers. M/S/Failed (Worthington/Anderson) to refer the item to the School Board and the City employee unions for consideration.  
**Vote:** Ayes – Anderson, Arreguin, Worthington; Noes – Wengraf, Droste, Bates; Abstain – Maio, Moore, Capitelli.

**Action:** M/S/C (Wengraf/Droste) to adopt the first reading of Ordinance No. 7,460–N.S. amended in section 3.80.030 as written below and adding a section to have an effective date of December 1, 2016. Second reading scheduled for March 8, 2016.

**3.80.030 City employees sitting on boards and commissions prohibited**  
*Except as provided in the City Charter or City Ordinance, City employees, including those that are elected officials, may not be appointed to, and are prohibited from serving on, non-elected Boards and Commissions in the City of Berkeley.*

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

30. **Honor Local Pastor, Reverend Doctor Ambrose Carroll**  
*From: Councilmember Worthington*  
**Recommendation:** Adopt the proclamation honoring Reverend Doctor Ambrose Carroll, Senior Pastor of the Church by the Side of the Road, for his vast array of achievements, including his National Campaign, “Green the Church.”  
**Financial Implications:** None  
*Contact:* Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted proclamation.

31. **Revision of Demolition Ordinance for Long Time Residents**  
*From: Councilmember Worthington*  
**Recommendation:** That the City of Berkeley revises and amends Section 23C.08.030 of the Berkeley Municipal Code (Demolition Ordinance).  
**Financial Implications:** None  
*Contact:* Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.
Council Consent Items

32. Raising the Tibetan Flag in Solidarity with the Tibetan People for 57 Years in Exile
From: Councilmember Worthington
Recommendation: Allow the Tibetan flag to be raised on the city flag pole on Tuesday March 10, 2016 to show solidarity with the people of Tibet and Tibetan support groups in commemoration of the Tibetan National Uprising Day.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

33. Referral to the City Manager to Co-Sponsor the “Shared Street” Pilot Program on Addison Street for Community Events with BAM/PFA
From: Councilmembers Worthington, Arreguin, Wengraf, and Capitelli
Recommendation: Referral to the City Manager to Co-sponsor the "Shared Street" pilot program on Addison Street for Community events hosted by BAM/PFA.
Financial Implications: Staff time
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Old Business

34. Discussion and Direction Regarding Potential Ballot Measures for the November 2016 General Municipal Election (Continued from February 9, 2016)
From: City Manager
Recommendation: Discuss possible ballot measures for November 2016, and provide direction to the City Manager about which issues to include in a community survey.
Financial Implications: See report
Contact: Matthai Chakko, City Manager’s Office, 981-7000
Action: M/S/C (Bates/Capitelli) to accept supplemental materials from staff on Item 34.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Droste, Bates; Noes – None; Abstain – None; Absent – Worthington.

Councilmember Worthington absent 9:30 p.m. – 10:25 p.m.

Action: 7 speakers. M/S/C (Bates/Capitelli) to include the following items in the community poll:
1. Business License Tax for Affordable Housing
2. Public Financing of Elections
3. The impact of the BSEP measure on the ballot
4. Parks Facilities Bond
5. Care and Shelter Facilities Bond
6. Polling for the bond measures in an amount up to $100 million.
Vote: All Ayes.
Action Calendar – Old Business

35. **Filling Vacancies Among the Elected Representatives for the Poor (Continued from December 15, 2015)**
   
   From: Human Welfare and Community Action Commission

   **Recommendation:** Adopt a Resolution confirming the appointment of Ms. Cheryl Davila, as an elected representative for the poor (District 1) on the Human Welfare and Community Action Commission (HWCAC), having been selected by the remaining elected representatives for the poor at the HWCAC November 18, 2015 meeting, and that her term expires November 16, 2016.

   **Financial Implications:** None
   
   Contact: Wing Wong, Commission Secretary, 981-5400
   
   Action: Item held over to March 29, 2016.

36. **Referral to City Manager: Donation of Unsold Food to Charities (Continued from January 26, 2016)**

   From: Councilmember Arreguin

   **Recommendation:** Refer to the City Manager and Zero Waste Commission to develop an ordinance for Council consideration requiring supermarkets in Berkeley to donate their unsold food to charity. If no longer edible for human consumption require that it be donated for animal feed or compost.

   **Financial Implications:**
   
   Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
   
   Action: Item held over to March 15, 2016.

Action Calendar – New Business


   From: City Manager

   **Recommendation:** Adopt first reading of an Ordinance amending Section 3.24.300 of the Berkeley Municipal Code to revise the Landmark Preservation Ordinance appeal process to mirror the Zoning Ordinance appeal process for Use Permits.

   **Financial Implications:** None
   
   Contact: Zach Cowan, City Attorney, 981-6950
   
   
   Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Droste, Bates; Noes – Anderson, Worthington.

38. **Tenant Buyout Ordinance; Amending Berkeley Municipal Code Chapter 13.79**

   From: City Manager

   **Recommendation:** Adopt first reading of an Ordinance amending the title of Chapter 13.79 and adding a new section 13.79.050 to the Berkeley Municipal Code, regulating tenant buyout agreements.

   **Financial Implications:** Minimal
   
   Contact: Zach Cowan, City Attorney, 981-6950
   
   Action: Item held over to March 15, 2016.
39. **FY 2016 Mid-Year Budget Update**  
**From:** City Manager  
**Recommendation:**  
1. Allocate $300,000 of General Fund as follows: $150,000 to the Berkeley Music Group (UC Theater project) for capital improvements, $100,000 to the Kala Art Institute for capital improvements, and $50,000 to the Berkeley Book festival.  
2. Direct the City Manager to develop a competitive bidding process for personnel policy development and best practices around selection and hiring.  
**Financial Implications:** See report  
**Contact:** Teresa Berkeley-Simmons, Budget Manager, 981-7000  
**Action:** 15 speakers. M/S/Failed (Worthington/Arreguin) to approve the staff recommendation and request that staff return on March 15, 2016 with an item for YEAH’s year-round funding proposal as well as funding for the youth warming center.  
**Vote:** Ayes – Anderson, Arreguin, Worthington, Droste; Noes – Bates; Abstain – Maio, Moore, Capitelli, Wengraf.  

**Action:** M/S/C (Maio/Moore) to approve the staff recommendation and request that staff return on March 15, 2016 with an item for YEAH’s year-round funding proposal.  
**Vote:** All Ayes.

40. **Mental Health Adult Clinic Relocation**  
**From:** City Manager  
**Recommendation:** Adopt an urgency Ordinance suspending applicable provisions of Title 23 of the Berkeley Municipal Code to allow relocation of the Adult Mental Health Clinic and authorizing the City Manager to enter into a lease for 1521 and 1535 University Avenue.  
**Financial Implications:** See report  
**Contact:** Paul Buddenhagen, Health, Housing and Community Services, 981-5400  
**Action:** Moved to Consent Calendar. Adopted Ordinance No. 7,459-N.S.

41. **Amendments to Berkeley Housing Code and Berkeley Municipal Code Chapters 19.40 and 12.48 Regarding Inspections of Exterior Elevated Elements**  
**From:** City Manager  
**Recommendation:** Adopt first reading of two Ordinances:  
1. Amending Section 19.40.035 of the Berkeley Municipal Code Chapter 19.40 (Berkeley Housing Code), and  
2. Amending Section 12.48.055 of the Berkeley Municipal Code Chapter 12.48 (Residential Rental Housing Safety Program), to clarify the conditions and frequency of inspection and certification requirements for the Exterior Elevated Elements (E3) program as recommended by the E3 Task Force.  
**Financial Implications:** See report  
**Contact:** Eric Angstadt, Planning and Development, 981-7400  
42. **Zoning Ordinance Amendments to BMC Section 23E.72.040 Regarding Medical Cannabis Cultivation in the Manufacturing (M) District**
   
   From: City Manager
   
   **Recommendation:** Adopt first reading of an Ordinance amending the existing medical cannabis cultivation ordinance, Berkeley Municipal Code Section 23E.72.040, in response to new State regulations.

   **Financial Implications:** None

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


43. **a. Medical Cannabis Ordinance Revisions and Dispensary Selection Process; Amending BMC Title 12**
   
   From: Medical Cannabis Commission
   
   **Recommendation:**
   1. Adopt first reading of an Ordinance amending the Berkeley Municipal Code (BMC) by creating a new Chapter 12.25: Medical Cannabis Cultivation;
   2. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.23: Medical Cannabis General Regulations, including MCC recommendations (Alternative A);
   3. Adopt first reading of an Ordinance amending BMC Section 12.26.030: Patients Access to Medical Cannabis Act of 2008, Definitions; and
   4. Adopt first reading of an Ordinance amending the BMC by amending BMC Chapter 12.27: Medical Cannabis Dispensaries and Collectives.

   **Financial Implications:** See report

   **Contact:** Beth Greene, Commission Secretary, 981-7400

   **b. Medical Cannabis Cultivation Ordinance Revisions; Amending BMC Title 12**
   
   From: City Manager
   
   **Recommendation:**
   1. Adopt first reading of an Ordinance amending the Berkeley Municipal Code (BMC) by creating a new Chapter 12.25: Medical Cannabis Cultivation;
   2. Adopt first reading of an Ordinance amending the BMC by creating a new Chapter 12.23: Medical Cannabis General Regulations, including staff recommendations (Alternative B);
   3. Adopt first reading of an Ordinance amending BMC Section 12.26.030: Patients Access to Medical Cannabis Act of 2008, Definitions; and
   4. Adopt first reading of an Ordinance amending the BMC by amending BMC Chapter 12.27: Medical Cannabis Dispensaries and Collectives.

   **Financial Implications:** See report

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

   **Action:** Item held over to March 15, 2016.
44. a. Designate Surplus Transfer Tax Funds for Parks Capital Projects for Budget Years 2017-2019
   From: Parks and Waterfront Commission
   Recommendation: Designate surplus Transfer Tax funds for previous, current, and upcoming years to fund parks capital improvement projects for budget years 2017 - 2019 at the rate of $2M per year using the following project list: Grove Park ballfield phase 2; James Kenney Park basketball and tennis courts; Ohlone Park basketball court and picnic area; Rose Garden improvements (trellis phase 2, tennis courts, pathways); San Pablo Park tennis courts; Skate Park improvements; Strawberry Creek Park courts phase 2; Willard basketball courts/play structure/picnic area.
   Financial Implications: See report
   Contact: Roger Miller, Commission Secretary, 981-6700

   b. Designate Surplus Transfer Tax Funds for Parks Capital Projects for Budget Years 2017-2019
   From: City Manager
   Recommendation: Accept the Parks and Waterfront Commission's report called "Designate Surplus Transfer Tax funds for parks capital projects for budget years 2017 - 2019" and add the list of projects in the report to the City's Capital Improvement Program for its annual budget discussions.
   Financial Implications: See report
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

   Action: Item 44.b. moved to the Consent Calendar.
Action Calendar – New Business

45. Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure
   From: Fair Campaign Practices Commission
   Recommendation: Adopt the public funding proposal from MapLight and the League of Women Voters (dated January 5, 2015), with the four amendments presented to the City Council on November 10, 2015, and recommend that Council direct staff to merge the amendments with the proposal and make clearer which changes are charter amendments and which changes are ordinance amendments.
   Financial Implications: General Fund - $2,000,000
   Contact: Savith Iyengar, Commission Secretary, 981-6950
   Action: Item held over to March 15, 2016.

46. Audit Report: General Fund Reserve Policy Fails to Convey that Maintaining the Reserve is a Priority
   From: Auditor
   Recommendation: Request that City Council agree to implement our recommendation to amend the general fund reserve policy, and that City Council request that the City Manager report back by November 29, 2016, and every six months thereafter, regarding the status of all four of our audit recommendations, until fully implemented.
   Financial Implications: See report
   Contact: Ann-Marie Hogan, Auditor, 981-6750
   Action: Item held over to March 15, 2016.

Information Reports

47. LPC-NOD: 2556 Telegraph Avenue
   From: City Manager
   Contact: Eric Angstadt, Planning and Development, 981-7400
   Action: Moved to the Consent Calendar and set the matter for a public hearing.

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

Adjournment

Action: M/S/C (Bates/Moore) to adjourn the meeting in memory of:

1. Lewis Suzuki, Local Artist

Vote: All Ayes.

Adjourned at 10:57 p.m.
Communications

Item 22: Public Restrooms in City Parks
  1. Andrew Blundell

Item 42: Zoning Ordinance Amendments to BMC Section 23E.72.040 Regarding Medical Cannabis Cultivation in the Manufacturing (M) District
  2. Medical Cannabis Commission

Housing Production in Berkeley
  3. Mark Rhoades

Ashby Community Garden
  4. Bonnie Borucki, on behalf of We Bee Gardeners
  5. Lindsay Vurek
  6. Phoebe Sorgen
  7. Linda Franklin, on behalf of Berkeley Citizens Action
  8. Melissa Mcclure
  9. Diana Rossi
  10. Diana Bohn

Berkeley Honda
  11. Jack Kurzweil

Homeless at the Post Office
  12. Maureen Clearfield

Poet Laureate Nominee
  13. Deborah Green

Red Cross Month Proclamation
  14. Harry Hartman

Mitigation of UC Impacts
  15. Barbara Gilbert

Pipe Replacement/Water Distribution
  16. David Lerman

National Security Surveillance and Technology
  17. Blair Beekman

Cell Tower
  18. Laurie Freeman

Crude Oil Trains Proposal
  19. Cynthia Papermaster

Housing Concerns
  20. Angie Siver
Supplemental Communications and Reports 1

Item 45: Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure
21. Carol Hirth
22. Martin Washington
23. Arlene Merryman
24. Martin Friedman
25. Joshua Reichek and Arlene Baker

Supplemental Communications and Reports 2

Item 13: Contract: Redwood Engineering Construction for Ohlone Dog Park Renovation
26. Tom Nigman
27. Elsa Monroe
28. Michael Wisniewski
29. Friends of Ohlone Park
30. Joseph Goglio, on behalf of the Ohlone Dog Park Association

Item 17: Revise the Affordable Housing Mitigation Fee Program and Fee
31. East Bay Housing Organizations
32. Sarah O’Connor
33. Berkeley Tenants Union

Item 29: Amending the Berkeley Municipal Code Chapter 3.80 to Prohibit City Employees from Serving on Boards
34. Nancy Bickel, on behalf of the League of Women Voters, Berkeley, Albany Emeryville
35. Rent Stabilization Board
36. Jose Camacho, on behalf of the Alameda Labor Council

Item 35: Filling Vacancies Among the Elected Representatives for the Poor
37. Cathy Orozco

Item 38: Tenant Buyout Ordinance; Amending Berkeley Municipal Code Chapter 13.79
38. Rent Stabilization Board
39. Berkeley Tenants Union
40. Krista Gulbransen, on behalf of the Berkeley Rental Housing Coalition

Item 39: FY 2016 Mid-Year Budget Update
41. Animal Care Commission
42. Jaclyn Grant
43. Hannah Flanery
44. Diana Bohn
45. Mark Wieder
46. Shauna Haines
47. Genevieve Wilson
48. Julia Cato

Item 41: Amendments to Berkeley Housing Code and Berkeley Municipal Code Chapters 19.40 and 12.48 Regarding Inspections of Exterior Elevated Elements
49. Exterior Elevated Elements Coalition Task Force
50. Berkeley Tenants Union

Item 44: Designate Surplus Transfer Tax Funds for Parks Capital Projects for Budget Years 2017-2019
51. Caitlin Brostrom

Item 45: Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure
52. Robert Reich
53. Raghav Bhandari
54. Rob Wrenn
55. Valerie Herr
56. Ailen Vega
57. Brad Smith
58. Robert Flasher
59. Diego Aguilar-Canabal
60. Nancy Bickel
61. Cynthia Papermaster

Item 46: Audit Report: General Fund Reserve Policy Fails to Convey that Maintaining the Reserve is a Priority
63. Helen Burke
64. Erica Nietfeld

Supplemental Communications and Reports 3

Item 3: Zoning Amendments to B.M.C. Chapter 23C.08 - Demolition and Dwelling Unit Controls
65. Tom Bates, Mayor

Item 13: Contract: Redwood Engineering Construction for Ohlone Dog Park Renovation
66. Linda Maio, District 1
67. Joe Goglio
68. Friends of Ohlone Park

Item 17: Revise the Affordable Housing Mitigation Fee Program and Fee
69. Kriss Worthington, District 7
70. Sierra Club, Northern Alameda County Group
71. Kelly Hammargren

Item 21: Amending Housing Trust Fund Guidelines Regarding Prevailing Wage Requirements
72. Scott Littlehale

Item 23: City Co-Sponsorship of the Persian New Year Festival
73. Unknown

Item 29: Amending the Berkeley Municipal Code Chapter 3.80 to Prohibit City Employees from Serving on Boards
74. Supplemental materials, submitted by Council Ad-Hoc Committee on a More Open Government
75. Igor Tregub

Item 34: Discussion and Direction Regarding Potential Ballot Measures for the November 2016 General Municipal Election
76. Presentation and supplemental materials, submitted by the City Manager’s Office
77. Vika Tamaradze

Item 39: FY 2016 Mid-Year Budget Update
78. Alan Bern (2)
79. Sally Hindman
80. Kathryn Roszak

Item 43: Medical Cannabis Ordinance Revisions and Dispensary Selection Process; Amending BMC Title 12
81. Planning Commission

Item 45: Report Regarding Berkeley Fair Elections Public Campaign Financing Ballot Measure
82. Maiya Moncino
83. 4 Form Letters, submitted by Morgan Prentice, Josie Ygnatowiz, Johanna Bankston, Elie Katzenson

Meet Me Downtown Day
84. Unknown