ANNOTATED AGENDA BERKELEY CITY COUNCIL MEETING TUESDAY, FEBRUARY 19, 2013 7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

Tom Bates, Mayor Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 5 – LAURIE CAPITELLI

DISTRICT 2 – DARRYL MOORE

DISTRICT 3 – MAX ANDERSON

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 4 – JESSE ARREGUIN

DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:37 p.m. Councilmember Moore absent. Councilmember Anderson absent.

Ceremonial Matters:

1. boona cheema Day in Berkeley - February 23, 2013

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 2 speakers.

Public Comment on Consent Calendar and Information Items Only: 2 speakers.

Consent Calendar

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

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

1. Cleanup Amendment to Taxi Ordinance (BMC Chapter 9.52)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,277–N.S. amending Berkeley Municipal Code Section 9.52.050.B.1.f to correct an inadvertent omission.

First Reading Vote: All Ayes Financial Implications: None

Contact: Zach Cowan, City Attorney, 981-6950

Action: Adopted second reading of Ordinance No. 7,277–N.S.;

Consent Calendar

2. Enact Chapter 13.79, Automatically Renewing Leases

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,278–N.S. enacting Berkeley Municipal Code Chapter 13.79 Automatically Renewing Leases Ordinance.

First Reading Vote: All Ayes Financial Implications: Unknown

Contact: Zach Cowan, City Attorney, 981-6950

Action: Adopted second reading of Ordinance No. 7,278-N.S.;

3. Option Agreement - 3135 Harper Street

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,279–N.S. approving an Option Agreement between the City of Berkeley and Satellite AHA Development, Inc. (SAHAD) for the disposition and development of the City-owned property at 3135 Harper Street in Berkeley.

First Reading Vote: All Ayes Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,279–N.S.;

4. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of January 22, 2013 (special and regular) and January 29, 2013 (special closed and regular).

Financial Implications: None

Contact: Mark Numainville, Acting City Clerk, 981-6900

Action: Approved minutes as submitted.

5. Appointment of City Clerk

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Mark Numainville

as the City Clerk to be effective March 3, 2013.

Financial Implications: See report

Contact: Christine Daniel, City Manager, 981-7000 **Action:** Adopted Resolution No. 66,006–N.S.:

6. Donations to the Animal Shelter: The Stephen and Mary Birch Foundation and

Every Dog Has Its Day Care

From: City Manager

Recommendation: Adopt a Resolution approving donations to the Animal Shelter in the sum of \$10,000 from the Stephen and Mary Birch Foundation and \$2,000 from Every Dog Has Its Day Care.

Financial Implications: Animal Shelter Fund - \$12,000 (donation)

Contact: William Rogers, City Manager's Office, 981-7000

Action: Adopted Resolution No. 66,007–N.S.

Consent Calendar

7. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on February 19, 2013

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 - \$7,792,034

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

8. Lease: Women's Daytime Drop-In Center at 2218 Acton Street

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a five-year lease agreement of 2218 Acton Street to the Women's Daytime Drop-In Center (WDDC) for use as a drop-in center and social service site for homeless women and families.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400 **Action:** Adopted first reading of Ordinance No. 7,280–N.S. Second reading

scheduled for March 5, 2013.;

9. Revenue Contract: Community Services Block Grant Contract for Calendar Year 2013 From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 13F-3001 for the initial amount of \$67,445, and execute any resultant agreements and amendments including amendments that increase the contract amount to provide low-income services for the period January 1, 2013 to December 31, 2013.

Financial Implications: See report

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

Action: Adopted Resolution No. 66.008–N.S.

10. Donation: Memorial Bench at Glendale La Loma Park

From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 from the family of Bernard G. Harvey for a memorial bench to be placed in Glendale La Loma Park.

Financial Implications: Parks Tax Funds - \$3,400 (donation) Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 66,009-N.S.

11. Memorandum of Understanding with the County of Alameda for the Regional Renewable Energy Procurement Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a memorandum of understanding with Alameda County authorizing the County to conduct solicitations for aggregated renewable energy procurement for the period from the execution until June 30, 2015.

Consent Calendar

Financial Implications: See report

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

Action: Adopted Resolution No. 66,010–N.S.

12. Lease Amendment: International Computer Science Institute at 1947 Center Street From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to the City's lease (Contract No. R7593) with International Computer Science Institute to provide for an adjustment in rent for the first five-year option period.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted first reading of Ordinance No. 7,281–N.S. Second reading

scheduled for March 5, 2013.

13. Board of Library Trustees Reappointment: Winston Burton

From: Board of Library Trustees

Recommendation: Adopt a Resolution approving the reappointing of Winston Burton to the Board of Library Trustees ("BOLT") for a second term of four years

commencing March 23, 2013. **Financial Implications:** None

Contact: Donna Corbeil, Commission Secretary, 981-6195

Action: Adopted Resolution No. 66,011–N.S.

Council Consent Items

14. Declaring March 1, 2013 as 'College and Career Day 2013' in the City of Berkeley From: Mayor Bates

Recommendation: Adopt a Resolution declaring March 1, 2013 as 'College and

Career Day 2013' in the City of Berkeley.

Financial Implications: None

Contact: Tom Bates, Mayor, 981-7100

Action: Adopted Resolution No. 66,012–N.S.

15. Sunday Streets Berkeley: 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 \$5,000 per Councilmember including up to \$5,000 from the Mayor's Office to sponsor the proposed "Sunday Streets Berkeley" to be held in October of 2013, with funds relinquished to the City's general fund for this purpose from the discretionary office budget of Mayor Bates and any other Councilmembers who would like to contribute.

Financial Implications: Mayor's Discretionary Fund - \$5,000

Contact: Tom Bates, Mayor, 981-7100

Action: Adopted Resolution No. 66,013–N.S. amended to include contributions from the following Councilmembers up to amounts listed: Councilmember Maio - \$500, Councilmember Worthington - \$50, Councilmember Arreguin - \$1,000, Councilmember Wozniak - \$1,000, Councilmember Wengraf - \$1,000,

Councilmember Capitelli - \$1,000.

Council Consent Items

16. Naming Berkeley's Public Health Clinic for Ann Chandler

From: Councilmembers Maio, Arreguin, Wozniak, and Mayor Bates

Recommendation: Refer the attached request to the Public Works Commission to name the Public Health Clinic at University/San Pablo for former Councilmember Ann Chandler and convey Council's support.

Financial Implications: Minimal

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

Action: Approved recommendation.

17. Building Opportunities for Self Sufficiency: 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 \$125 per Councilmember including \$125 from Councilmember Arreguin to Building Opportunities for Self Sufficiency with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Fund - \$125

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

Action: Adopted Resolution No. 66,014–N.S. amended to include contributions from the following Councilmembers up to amounts listed: Councilmember Maio - \$125, Councilmember Worthington - \$125, Councilmember Arreguin - \$125.

Action Calendar

18. Council Referral: Discounted Affordable Housing Impact Fee for Existing Projects From: City Manager

Recommendation: Adopt a Resolution reducing by 50% the Affordable Housing Impact Fee for projects that had submitted applications prior to October 16, 2012 and who complete those applications within two years and receive initial project approvals prior to October 16, 2014.

Financial Implications: See report

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

Action: 5 speakers. M/S/C (Capitelli/Maio) to adopt Resolution No. 66,015–N.S. as amended to reduce by \$8,000 the Affordable Housing Impact Fee for projects that submit applications prior to October 16, 2014 and who complete those applications and receive initial project approvals prior to October 16, 2016.

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

19. Driving Under the Influence (DUI) Policy Recommendations

From: Peace and Justice Commission

Recommendation: Instruct the Mental Health, Community Health, Transportation, and Police Review Commissions to research and submit recommendations to the Peace and Justice Commission's DUI Subcommittee within six (6) months of referral. Research and recommendations should focus on improvements to Harm Reduction and Minimization policies with respect to DUI in Berkeley.

Financial Implications: Minimal

Action Calendar

Contact: Eric Brenman, Commission Secretary, 981-5114

Action: 0 speakers. No action taken.

Councilmember Maio absent 9:13 p.m. – 9:16 p.m.

Information Reports

20. Multiple Administrative Citation Penalties for Single Taxicab Violations

From: City Manager

Contact: William Rogers, City Manager's Office, 981-7000

Action: Received and filed.

21. Scholarship from the American Society of Prevention of Cruelty to Animals (ASPCA) to Berkeley Animal Care Services (BACS) to Attend the Humane Society of the United States (HSUS) Animal Care Expo

From: City Manager

Contact: William Rogers, City Manager's Office, 981-7000

Action: Received and filed.

22. Status Report: Equipment Replacement Fund - Sustainability and

Transparency

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

23. 2012 Peer Review: Audit of the City of Berkeley Auditor's Office

From: City Auditor

Contact: Ann-Marie Hogan, Auditor, 981-6750

Action: Received and filed.

24. City Auditor's Budget Report

From: City Auditor

Contact: Ann-Marie Hogan, Auditor, 981-6750

Action: Received and filed.

25. Report on Regional Bodies Representation: Oakland Airport-Community Noise Management Forum

From: Councilmember Arrequin

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

Action: Received and filed.

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

Adjournment

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

Vote: Ayes – Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None;

Abstain – None; Absent – Maio, Moore, Anderson

Adjourned at 9:16 p.m.

Communications

Senior Concerns

1. Seyed Banitaba

Bike Signal at Hillegass/Ashby

- 2. Alethea Brown
- 3. Charles Siegel
- 4. Deb Janes

Traffic Signs at Marin Circle

5. Bill Weber

Sunday Streets

6. Erin Rhoades, on behalf of Sunday Streets Berkeley Coalition

21st Century Trade Agreement and Market Access Act

7. Diana Bohn

Supplemental Communications and Reports 1

-None

Supplemental Communications and Reports 2

Item 18: Council Referral: Discounted Affordable Housing Impact Fee for Existing Projects

- 8. Rick Lewis, on behalf of the Bay Area Community Land Trust
- 9. Rent Stabilization Board

Supplemental Communications and Reports 3

Item 18: Council Referral: Discounted Affordable Housing Impact Fee for Existing Projects

- Presentation, submitted by Planning & Development (see agenda item)
- 10. Kent Lewandowski, on behalf of the Sierra Club, SF Bay Chapter
- 11. Igor Tregub
- 12. Housing Advisory Committee