

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, MARCH 5, 2013
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 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:00 p.m. All present.

Ceremonial Matters:

1. Ashkenaz 40th Anniversary
2. Recognition of K to College
3. Red Cross Month in Berkeley
4. Mark Ketchum Day in Berkeley – March 5, 2013

City Manager Comments:

1. Youth Empowerment Conference, March 23 at YAP on Oregon Street

Public Comment on Non-Agenda Matters: 3

Public Comment on Consent Calendar and Information Items Only: 3

Consent Calendar

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

Vote: All Ayes.

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,280–N.S. 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.

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

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,280–N.S.

Consent Calendar

- 2. Lease Amendment: International Computer Science Institute at 1947 Center Street**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,281–N.S. 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.
First Reading Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Absent – Moore, Anderson
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,281–N.S.
- 3. City Council Rules of Procedure and Order**
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify the procedures for public comment relating to appeals on Council agendas and rescinding Resolution No. 65,910–N.S.
Financial Implications: None
Contact: Mark Numainville, Acting City Clerk, 981-6900
Action: Adopted Resolution No. 66,016–N.S.
- 4. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on March 5, 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 - \$1,550,000
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
- 5. Contract No. 7394B Amendment: New World Systems, Inc. for Public Safety Computer System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7394B with New World Systems, Inc., increasing the amount by \$441,329, for a total not to exceed \$3,078,929 for the period September 1, 2006 to June 30, 2015.
Financial Implications: General Fund - \$441,329
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,017–N.S.

Consent Calendar

6. **Grant Application: FY 2012/13 Alameda County Coordinated Funding Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit funding proposals to the Alameda County Transportation Commission for the FY 2012/13 Alameda County Coordinated Funding Program for an amount not to exceed \$12.65 million for transportation capital investments for three related projects:
1. BART Plaza & Transit Area Improvement Project
 2. Downtown Shattuck Reconfiguration & Pedestrian Safety Improvements
 3. Hearst Avenue Complete Streets Project
- Financial Implications:** See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,018–N.S.
7. **Contract No. 9091 Amendment: EVRA Construction, Inc. for Fire Station No. 5 Renovation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9091 with EVRA Construction, Inc. for the provision of construction services, increasing the amount by \$69,000 for a total revised contract amount not to exceed \$544,200.
Financial Implications: Measure G Fire Seismic Bond Fund - \$69,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,019–N.S.

Council Consent Items

8. **Reappoint Valerie Agostino to the Berkeley Housing Authority**
From: Mayor Bates
Recommendation: Adopt a Resolution reappointing Valerie Agostino to the Berkeley Housing Authority.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,020–N.S.
9. **Support SCA 3, Investing in Public Education**
From: Councilmember Moore
Recommendation: Adopt a Resolution supporting SCA 3 for education funding, which would lower the voter threshold for local parcel taxes from two-thirds to 55 percent and would conform more closely with the vote requirement for local school bonds. That the City Clerk sends a copy of the Council action with the resolution to Senators Mark Leno, Jerry Hill, Fran Pavley, Ellen Corbett, Lois Wolk, Kevin de León, Mark DeSaulnier, Noreen Evans, Curren Price, Leland Yee, Darrell Steinberg and Loni Hancock and Assemblymembers Tom Ammiano, Joan Buchanan, Richard Gordon, John Pérez, Nancy Skinner and Rob Bonta.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,021–N.S.

Council Consent Items

- 10. Refer \$25,000 to the FY 2013/2014 Budget Process to Expand K to College Service in Berkeley**
From: Councilmembers Moore and Arreguín
Recommendation: Refer the following to the budget process: A request for \$25,000 to expand K to College's service in Berkeley.
Financial Implications: Budget Referral - \$25,000
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Added Councilmembers Anderson and Wozniak as co-sponsors. Approved recommendation.
- 11. 2013 Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Councilmember Anderson to the 2013 Berkeley Juneteenth Festival with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$500
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 66,022–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Anderson - \$500; Councilmember Worthington - \$500; Councilmember Arreguin - \$250; Councilmember Moore - \$250; Councilmember Wengraf - \$250.
- 12. 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 Arreguín
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 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 Arreguín and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$500
Contact: Jesse Arreguín, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 66,023–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Arreguin - \$500; Councilmember Anderson - \$250.

Council Consent Items

13. **Support for Senate Bill SB59 (Evans) and Assembly Bill AB65 (Achadjian) to Amend the California Penal Code to Expand the Definition of Rape**
From: Councilmembers Wengraf and Capitelli
Recommendation: Adopt a Resolution supporting Senate Bill SB 59 and Assembly Bill AB 65 which would amend Penal Code Section 261 (a) (5) to expand the definition of rape to include a sexually intimate partner. If adopted, send copies of the signed resolutions to Senator Loni Hancock, President ProTem Senator Darrell Steinberg, Assemblymember Nancy Skinner and to the Senate and Assembly Committees on Public Safety.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Added Councilmember Anderson as a co-sponsor. Adopted Resolution No. 66,024–N.S.

Action Calendar - Appeals

14. **ZAB Appeal: 1861 Solano Avenue**
From: City Manager
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to uphold the Zoning Adjustments Board's decision to approve Use Permit No. 11-10000032 to establish a new wireless telecommunication facility for AT&T including twelve antennas on the façade of the Oaks Theatre and related equipment in an outdoor lease area.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Appeal withdrawn. Item removed from the agenda.

Council Action Items

15. **Opposing the Sale of the Berkeley Main Post Office**
From: Mayor Bates and Councilmembers Arreguin, Capitelli, and Wengraf
Recommendation: Adopt a Resolution opposing the sale of the Berkeley Main Post Office and submit to USPS prior to the close of their public comment period on the potential sale of the facility. Send Resolution to the attention of: Diana Alvarado, Facilities Implementation – Pacific Area, U.S. Postal Service.
Financial Implications: Minimal
Contact: Tom Bates, Mayor, 981-7100
Action: 6 speakers. M/S/C (Capitelli/Maio) to adopt Resolution No. 66,025–N.S., as revised below, opposing the sale of the Berkeley Main Post Office and submit to USPS prior to the close of their public comment period on the potential sale of the facility. Send Resolution to the attention of: Diana Alvarado, Facilities Implementation – Pacific Area, U.S. Postal Service.
- Delete the seventh, eighth, ninth, tenth, and eleventh Whereas clauses
 - In the first Resolved clause, add “Historic” before “Berkeley Main Post Office” and replace the word “demands” with “requests”
 - Delete the second Resolved clause

Council Action Items

- Insert the following new text as the second Resolved clause: “BE IT FURTHER RESOLVED that the USPS suspend for one year efforts to sell the Berkeley Main Post Office building and work with the City of Berkeley with the goal of continuing the USPS’s ownership of the building, and the leasing of the rear portion of the building to provide an ongoing income stream to the USPS.”
- Amend the last resolved clause to read “BE IT FURTHER RESOLVED that a copy of this resolution will be sent to the USPS, Congress members Lee and Speier, Senators Feinstein and Boxer and President Obama prior to the expiration of public comment period on March 13, 2013.”

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

Councilmember Worthington absent 8:09 p.m. – 8:45 p.m.

16. **Bringing the Peace & Justice Commission into Compliance with the Fair Representation Ordinance**
From: Councilmembers Wozniak, Moore, and Capitelli
Recommendation: Direct the City Manager to prepare enabling legislation that revises the relevant Municipal Code Section or Resolution to bring the Peace & Justice Commission into compliance with Berkeley’s Fair Representation Ordinance (FRO) by restricting appointments to City Councilmembers.
Financial Implications: See report
Contact: Gordon Wozniak, Councilmember, District 8, 981-7180
Action: Moved to Consent Calendar. Referred to the 2 x 2 Committee for consideration.

Information Reports

17. **Quarterly Economic Development Report**
From: City Manager
Contact: Michael Caplan, Economic Development, 981-7530
Action: Moved to Action Calendar. Discussion held.
18. **Berkeley Transportation Action Plan: Update on Parking and Transportation Demand Activities**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
19. **Commission Recommendations Based on Review of Complaint Filed Under Open Government Ordinance**
From: Open Government Commission
Contact: Kristy van Herick, Commission Secretary, 981-6950
Action: Moved to Consent Calendar. Referred to Agenda Committee.

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

Adjournment in Memory of:

1. Donald Glaser, Nobel Laureate and Berkeley Resident

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

Adjourned at 8:45 p.m.

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

Councilmember Arreguin absent 8:35 p.m. – 8:45 p.m.

Councilmember Moore absent 8:44 p.m. – 8:45 p.m.

Communications

Item 12: The Persian Center for the Persian New Year Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

1. Lisa Bullwinkel

North of Vine Street Improvements

2. Steve Martinot
3. Susan Grossman
4. Margot Smith, on behalf of the North Shattuck Community Action Committee

Vietnamese Food Truck at UC Berkeley

5. Ann Vu – referred to the City Manager by Councilmember Worthington

Berkeley Housing

6. Nikki Choi – referred to the City Manager by Councilmember Maio

Residential Parking Permits

7. Dianne Hamm

Post Office Subcommittee Feedback

8. Sally Nelson

Supplemental Communications and Reports 1

Item 15: Opposing the Sale of the Berkeley Main Post Office

9. Anthony Bruce, on behalf of the Berkeley Architectural Heritage Association

Supplemental Communications and Reports 2

Item 16: Bringing the Peace & Justice Commission into Compliance with the Fair Representation Ordinance

10. Jane Welford
11. Glen Hauer
12. Carol Sanders
13. Anne Crute
14. Katherine Harr
15. Igor Tregub

Supplemental Communications and Reports 3

Item 11: 2013 Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

16. Unknown

Item 12: The Persian Center for the Persian New Year Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

17. Unknown

Ashkenaz Events

18. Unknown