ANNOTATED AGENDA BERKELEY CITY COUNCIL MEETING TUESDAY, MARCH 19, 2013

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY Teleconference Location – 6257 Knox Avenue, Fontana, CA 92336

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: 7:16 p.m. Councilmember Maio absent. Councilmember Moore absent. Councilmember Wengraf absent. Councilmember Wengraf present at 7:17 p.m. Councilmember Maio present at 7:18 p.m.

Ceremonial Matters:

1. Centennial Anniversary of the United States Department of Labor

City Manager Comments:

- 1. City of Berkeley Awarded an A- Rating for City's Open Government Ordinance
- 2. Store Fronts of South Berkeley Art Show: A Dog's Journey as Man's Best Friend, March 24, 2013, 3271 Adeline Street
- 3. Spring Egg Hunt Extravaganza at Willard Park, Saturday, March 30, 2013

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 11 speakers.

Consent Calendar

Action: M/S/C (Worthington/Maio) to accept revised material from Councilmember Worthington on Item 30.

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

Action: M/S/C (Maio/Worthington) to accept revised material from Councilmember Worthington on Item 33.

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

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

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

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of February 5,

2013 (special and regular) and February 19, 2013 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

2. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on March 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 - \$1,601,478

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

3. Revenue Contract: County of Alameda for Shelter Plus Care Program From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute any resultant agreements or amendments with the County of Alameda for Shelter Plus Care in an amount not to exceed \$241,057 to provide tenant-based rental assistance for people living with HIV/AIDS for the 12-month period of March 1, 2013 through February 28, 2014.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,026–N.S.

4. Classification: Assistant Human Resources Analyst

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 65,376-N.S., Classification and Salary Resolution for Unrepresented Employees, to establish the classification of Assistant Human Resources Analyst with a monthly salary range of \$5,590 to \$6,800 effective March 20, 2013.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800 **Action:** Adopted Resolution No. 66,027–N.S.

Page 2

5. Classification: Associate Human Resources Analyst

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 65,376-N.S., Classification and Salary Resolution for Unrepresented Employees, to designate the Associate Human Resources Analyst classification as exempt from the overtime provisions of the Fair Labor Standards Act effective March 20, 2013.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800 **Action:** Adopted Resolution No. 66,028–N.S.

6. Classification: Employee Relations Manager

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 65,376-N.S., Classification and Salary Resolution for Unrepresented Employees, to re-title the Employee Relations Officer to Employee Relations Manager effective March 20, 2013.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800 **Action:** Adopted Resolution No. 66,029–N.S.

7. Donation: Replacement of Main Sign at Berkeley Marina from California Department of Boating and Waterways

From: City Manager

Recommendation: Adopt a Resolution approving a donation of a new sign from the California Department of Boating and Waterways to replace the existing sign at the Berkeley Marina, with a value up to \$30,000.

Financial Implications: None

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 66,030–N.S.

8. Grant Applications: California Department of Boating and Waterways - Abandoned Watercraft Abatement Fund and Vessel Turn-In Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit grant applications to the California Department of Boating and Waterways for the Abandoned Watercraft Abatement Fund in the amount of \$25,000 and the Vessel Turn-in Program in the amount of \$20,000; to accept the grants and execute any resultant revenue agreements and amendments; and authorizing the implementation of projects and appropriation of funding for related expenses, subject to securing the grants.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 66,031–N.S.

9. Memorandum of Understanding between the Cities of Berkeley, Oakland and Emeryville for 6701 San Pablo Avenue

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a memorandum of understanding (MOU) between the Cities of Berkeley, Oakland and Emeryville to designate the City of Berkeley as the agency to process zoning entitlements and building permits for 6701 San Pablo Avenue

Financial Implications: See report

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

Action: Adopted Resolution No. 66,032-N.S.

10. StopWaste.Org Energy Council Joint Powers Agreement

From: City Manager

Recommendation: Adopt a Resolution approving the Joint Exercise of Powers Agreement creating the Energy Council and agreeing to become a member of the Energy Council.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,033–N.S.

11. Zoning Amendments to Allow Later Hours of Operation on Telegraph Avenue; BMC Section 23E.56.060

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 23E.56.060 of the Zoning Ordinance to extend the allowable hours of operation for businesses in the Commercial Telegraph (C-T) District to include 24/7 hours north of Dwight Way and a required closing time of 12:00 a.m. south of Dwight Way.

Financial Implications: See report

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

Action: Moved to Action Calendar. 1 speaker. M/S/C (Capitelli/Worthington) to:

- 1. Adopt first reading of Ordinance No. 7,282–N.S. revised as follows. Second reading scheduled for April 2, 2013.
 - Amend Section 1, Paragraph A.1 to read "After January 1, 2016 the Planning Commission shall review the allowable operating hours north of Dwight Way."
 - Amend Section 1, Paragraph A.2 to read "Commercial uses located between the south side of Dwight Way and Parker Street may operate from 7:00 a.m. to 12:00 a.m. seven days per week, unless later hours are specified by an Administrative Use Permit under Section 23E.56.090.C."
 - Amend Section 1, Paragraph B to read "An establishment that sells alcohol for offsite consumption may not stay open past midnight unless its ABC license requires sales of alcohol for offsite consumption to cease by midnight, provided that the ZAB may approve a Use Permit to stay open later if the ABC license does not contain such a condition, if it makes the findings in Section 23E.56.090.C."
- 2. Direct that Police Department crime reports shall include statistics for alcohol related crimes in the Commercial Telegraph District.

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

12. Accepting Funds from Property Owners for Street Improvements to West Street From: City Manager

Recommendation: Adopt a Resolution:

- 1. Accepting funds in the amount of \$17,500 from property owners on West Street for street improvements to West Street from Addison Street, south to the cul de sac;
- 2. Accepting West Street, from Addison Street south to the cul de sac, into the City's street system subsequent to completion of the improvements; and
- 3. Assuming future maintenance responsibility for this additional portion of West Street.

Financial Implications: Capital Improvement Fund - \$51,358

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,034–N.S.

13. Contract No. 7766C Amendment: Kappe + Du Architects for Architectural Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7766C with Kappe + Du Architects to provide on-call architectural services for upgrades to the Civic Center Building and Public Safety Building Data Centers, increasing the contract amount by \$15,000 for a revised not-to-exceed contract amount of \$249,289 and a contract term ending September 30, 2013.

Financial Implications: Various Funds - \$15,000 Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,035–N.S.

14. Contract No. 8219B Amendment: Ecology Center for Vehicle Purchase to Collect Additional Recyclable Materials

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8219B with the Ecology Center to:

- 1. Amend the scope of services to include collecting other plastic containers; and
- 2. Increase the contract by \$863,940 for purchase of an additional collection vehicle for an amended not-to-exceed amount of \$35,582,679.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,036–N.S.

15. Contract No. 9027 Amendment: IPS Group, Inc. for Parking Meters From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9027 with IPS Group, Inc. to purchase and install an additional 569 IPS "smart" meters in the Berkeley Transportation Action Plan pilot areas, increasing the amount by \$412,774 for a revised contract total not to exceed \$1,412,774; and authorizing funding for this amendment from the Parking Meter Revenue Fund.

Financial Implications: Parking Meter Fund - \$412,774

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,037–N.S.

16. Contract No. 9069 Amendment: AMEC Environment & Infrastructure, Inc. for On-Call Environmental Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9069 with AMEC Environmental & Infrastructure, Inc. to provide on-call environmental consulting services, increasing the amount by \$40,000 for a total revised authorization and contract amount not to exceed \$65,000 for the same contract term.

Financial Implications: Various Funds - \$40,000 Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,038–N.S.

17. Contract No. 9116 Amendment: AJW Construction for Construction Services From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9116 with AJW Construction for construction services for the Alcatraz/Baker and Alcatraz/Idaho Valley Gutter Project, increasing the amount by \$76,440 for a revised total contract not to exceed \$490,902.

Financial Implications: Various Funds - \$76,440 Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,039–N.S.

18. Contract: Smith, Fause & McDonald, Inc. for Peer Review and Commissioning Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Smith, Fause & McDonald, Inc. to provide peer review and commissioning services for upgrades to the data centers in the Civic Center Building and Public Safety Building, for a contract total not to exceed \$75,460 for the period April 1, 2013 through September 30, 2013.

Financial Implications: Various Funds - \$75,460 Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,040–N.S.

19. Declaration of Intent: FY 2014 Street Light Assessment

From: City Manager

Recommendation: Adopt a Resolution:

- 1. Approving the Engineer's Report, Street Lighting Assessment District 1982-1, dated January 2013;
- 2. Setting a public hearing to be held before Council at its May 7, 2013 meeting; and
- 3. Authorizing the City Clerk to publish the notice of the public hearing for FY 2014 Levy of Assessments of Street Lighting Assessment District No. 1982-1.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,041–N.S.

20. Funding Applications: Bay Area Air Quality Management District - Transportation Fund for Clean Air

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit two applications to the Bay Area Air Quality Management District's Transportation Fund for Clean Air program, to accept the funds awarded, and execute any resultant agreements and amendments:

1. Up to \$155,000 for the Citywide Bicycle Parking Installation Project (Allocation 1); and

2. Up to \$180,000 for the Citywide Bicycle Parking Installation Project (Allocation 2).

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,042–N.S.

21. Funding for East Bay Communities and EBMUD Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to make payments for the East Bay Communities and EBMUD Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses for the 5 year period FY 2013 - FY 2017 for a total not to exceed amount of \$900,000.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,043–N.S.

22. Reappointment of Shirley Posey to Mental Health Commission From: Mental Health Commission

Recommendation: Adopt a Resolution approving the re-appointment of Shirley Posey as a representative of the Special Public Interest category to the Mental Health Commission, to a second term beginning March 20, 2013 and ending March 19, 2016.

Financial Implications: None

Contact: Carol Patterson, Commission Secretary, 981-7721

Action: Adopted Resolution No. 66,044–N.S.

23. Follow-up Report on Outstanding Audit Recommendations

From: Auditor

Recommendation: Request the City Manager to notify Council if any of these outstanding recommendations cannot be implemented, or cannot be implemented timely. Request that, in such cases, the report clearly state:

- a. Reasons, such as staff shortages or lack of funds for new software; including anticipated timeline for resolution.
- b. Budget alternatives for Council to address staff shortages and lack of funds.
- c. Mitigating procedures to be implemented as an alternative.
- d. Risks associated with not implementing the recommendations or any residual risk from implementing mitigating procedures.

Financial Implications: See report

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

Action: Approved recommendation.

Council Consent Items

24. Signage, Cesar Chavez Park, On- and Off-Leash & Protected Areas From: Councilmember Maio

Recommendation: Refer to the City Manager a request to evaluate and improve signage at Cesar Chavez Park to delineate more clearly On- and Off-Leash, and Protected Areas, and involve the appropriate commissions.

Financial Implications: Unknown

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

Action: Approved recommendation.

25. Official City Sponsor of Heart to Heart Health Day

From: Councilmember Moore

Recommendation: Approve City sponsorship of Heart to Heart Health Day.

Financial Implications: Unknown

Contact: Darryl Moore, Councilmember, District 2, 981-7120

Action: Added Councilmember Anderson as co-sponsor. Approved

recommendation.

26. Heart to Heart: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Moore

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including up to \$250 from Councilmember Moore to Lifelong Medical Care for their Heart to Heart program's Health Day with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Moore and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Fund - \$250

Contact: Darryl Moore, Councilmember, District 2, 981-7120

Action: Adopted Resolution No. 66,045–N.S. amended to include a contribution

from Councilmember Anderson up to the amount of \$250.

27. Support Assembly Bill 187, Ammunition Tax

From: Councilmember Arreguin

Recommendation: Adopt a Resolution supporting Assembly Bill 187, introduced by Assemblymember Rob Bonta, which levies a tax on all ammunition sold in retail stores and gun shows to fund crime prevention in high-crime areas. Copies of the Resolution should be sent to Senate President Pro Tem Darrell Steinberg, State Senator Loni Hancock, Assembly Speaker John A. Perez, and Assemblymembers Nancy Skinner and Rob Bonta.

Financial Implications: None

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

Action: Item held over to April 2, 2013

Council Consent Items

28. Support Assembly Bill 218, "Banning the Box"

From: Councilmember Arreguin

Recommendation: Adopt a Resolution supporting Assembly Bill 218, introduced by Assemblymember Roger Dickinson, which postpones the criminal background check of a job applicant to the State or local agency until after the first screening for qualifications has found the applicant qualified. Copies of the Resolution should be sent to Senate President Pro Tem Darrell Steinberg, State Senator Loni Hancock, Assembly Speaker John A. Perez, and Assemblymembers Nancy Skinner and Roger Dickinson.

Financial Implications: None

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

Action: Adopted Resolution No. 66,046–N.S.

29. Supporting Earth Hour and Participating in the Earth Hour City Challenge From: Councilmember Worthington

Recommendation: Adopt a Resolution supporting Earth Hour on Saturday, March 23 at 8:30 p.m. local time and apply to formally participate in the Earth Hour City Challenge 2014.

Financial Implications: Minimal

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

Action: Adopted Resolution No. 66,047–N.S.

30. Bring Rodrigo Home – Kids for Kids Resolution

From: Councilmembers Worthington, Arreguin and Anderson

Recommendation: Adopt the Bring Rodrigo Home – Kids for Kids Resolution. This is a request for humanitarian support for Rodrigo Diaz Guzman, Reyna Diaz Mayida and Javier Ponce Guzman and to send letters of support to President Barack Obama, Senator Dianne Feinstein and Congresswoman Barbara Lee.

Financial Implications: None

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

Action: Adopted Resolution No. 66,048–N.S.

31. City Manager Referral: Notifying Applicants and Appellants of ZAB Appeal Dates From: Councilmember Worthington

Recommendation: Refer to the City Manager to create a policy for applicants and appellants to be notified when the hearing dates are held at the ZAB and City Council.

Financial Implications: Minimal

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

Action: Approved recommendation.

Council Consent Items

32. Pacific Center for Human Growth: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmembers Worthington, Moore and Arreguin

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Councilmember Worthington to Pacific Center for Human Growth with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Worthington and any other Councilmembers who would like to contribute.

Financial Implications: Councilmembers' Discretionary Funds - \$1,000

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

Action: Item held over to April 2, 2013.

33. Proclamation to Honor Cecelia Hurwich

From: Councilmember Worthington

Recommendation: Adopt a proclamation to honor Cecelia Hurwich, Ph.D.

Financial Implications: None

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

Action: Approved proclamation.

34. Proclamation in Honor of Shen Yun Performing Arts 2013 World Tour

From: Councilmember Worthington

Recommendation: Adopt a proclamation honoring Shen Yun Performing Arts 2013

World Tour.

Financial Implications: None

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

Action: Approved proclamation.

35. Proclamation in Honor of the 11th Annual Holocaust Remembrance Day Event

From: Councilmembers Worthington and Wengraf

Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the

11th Annual Holocaust Remembrance Day event.

Financial Implications: None

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

Action: Added Councilmember Anderson as co-sponsor. Approved proclamation.

36. Budget Referral for Funding The Berkeley Project

From: Councilmember Wozniak

Recommendation: Refer to the budget process a request of annual funding of

\$17,000 per year for The Berkeley Project.

Financial Implications: Budget Referral - \$17,000

Contact: Gordon Wozniak, Councilmember, District 8, 981-7180

Action: Added Councilmember Anderson as co-sponsor. Approved

recommendation.

Action Calendar – Appeals

37. ZAB Appeal: 245 Tunnel Road

From: City Manager

a. Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve a Modification of Use Permit No. 12-70000007 to establish an eight-car parking lot for Bentley School faculty and staff at the Headmaster's house property located at 245 Tunnel Road.

Financial Implications: None

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

b. Appellant

1. Navjot S. Athway (on behalf of David Teece)

c. Communications

1. Ann E. Mudge

Action: 0 speakers. M/S/C (Capitelli/Maio) to adopt Resolution No. 66,049–N.S. affirming the decision of the Zoning Adjustments Board (ZAB) to approve a Modification of Use Permit No. 12-70000007 to establish an eight-car parking lot for Bentley School faculty and staff at the Headmaster's house property located at 245 Tunnel Road.

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

Recess 9:06 p.m. - 9:20 p.m.

38. LPC Appeal: 2517 Regent Street

From: City Manager

a. Recommendation: Adopt a Resolution remanding the decision of the Landmarks Preservation Commission (Commission) to approve Landmark Application LM No. 12-40000013 to designate the building located at 2517 Regent Street a Landmark, Structure of Merit back to the Commission to ensure that the owner is accorded a fair hearing and for further consideration of the character defining features to be preserved.

Financial Implications: None

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

b. Appellant

1. Thomas Richman (on behalf of 2517 Regent LLC)

c. Communications

1. BAHA

Action: 3 speakers. M/S/C (Wengraf/Capitelli) to set the matter for a public hearing. **Vote:** Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – Worthington; Abstain – None; Absent – Moore.

Action Calendar – Public Hearing

39. Rescind West Berkeley Plan Amendments, Adopted 2011

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution changing the language of the West Berkeley Plan to remove the language added in 2011.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

Action: M/S/C (Capitelli/Maio) to close the public hearing.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak,

Bates; Noes – None; Abstain – None; Absent – Moore.

Action: M/S/C (Bates/Worthington) to adopt Resolution No. 66,050–N.S. changing the language of the West Berkeley Plan to remove the language added in 2011.

Vote: Ayes - Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak,

Bates: Noes – None: Abstain – None: Absent – Moore.

Action Calendar – New Business

40. Measure M Expenditure Plan

40.a. Watershed Management Plan and Measure M Recommendations From: Community Environmental Advisory Commission

Recommendation: Authorize the City Manager to prioritize the expenditure of Measure M funds as follows:

- 1. Use scenario-based planning to guide allocation of Measure M funds that treat street and watershed objectives equitably, and that includes key stakeholders in the process, including the Community Environmental Advisory and Public Works Commissions.
- 2. Dedicate a portion of bond revenues toward staff to leverage Measure M funds and seek outside grants.
- 3. Implement cost effective green infrastructure (GI) and low impact development (LID) projects from Watershed Management Plan. It is not cost effective to allocate funds for large capital projects to maintain Aquatic Park.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7461

40.b. Measure M Expenditure Plan

From: Public Works Commission

Recommendation: Approve the use of a programmatic approach to develop a clear program for the implementation of Measure M. The program should be based on scenario planning that would provide the outcome of an open public process to balance the needs of street surfacingand storm watershed management. The program would be based on Council Resolutions, including the Paving Policy, Watershed Management Plan, and Measure M, as well as adopted area plans such as the SOSIP.

Financial Implications: See report

Contact: Jeffrey Egeberg, Commission Secretary, 981-6400

Action Calendar – New Business

40.c. Measure M Expenditure Plan: Development and Implementation From: City Manager

Recommendation: Direct the City Manager to have Public Works staff and the Public Works Commission update the City's Street Rehabilitation and Repair Policy to reflect the objectives of Measure M, and draft an accelerated 5-Year Street Repair Plan that integrates green infrastructure to the extent feasible. As recommended by the Public Works and Community Environmental Advisory Commissions, staff should use a scenario based scoping process, and include input from the public and other relevant Commissions.

Financial Implications: No direct fiscal impacts from this recommendation Contact: Andrew Clough, Public Works, 981-6300; Eric Angstadt, Planning and Development, 981-7400

Action: 0 speakers. M/S/F (Worthington/Anderson) to revise the City Manager's recommendation to include the following language "An additional option shall be offered that maximizes watershed objectives to the extent legally allowed."

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

Action: M/S/C (Worthington/Anderson) to approve the following:

c. The City Manager's recommendation to direct the City Manager to have Public Works staff and the Public Works Commission update the City's Street Rehabilitation and Repair Policy to reflect the objectives of Measure M, and draft an accelerated 5-Year Street Repair Plan that integrates green infrastructure to the extent feasible. As recommended by the Public Works and Community Environmental Advisory Commissions, staff should use a scenario based scoping process, and include input from the public and other relevant Commissions.

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

Council Action Items

41. City Manager Referral: Helping Food Cart Vendors Reinstatement or Relocation From: Councilmember Worthington

Recommendation: Refer to the City Manager to create a policy that would prevent food vendors from being closed out of business and reinstate the food carts that are not within the construction fencing and find temporary alternative locations for the other food carts.

Financial Implications: Minimal

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

Action: Moved to Consent Calendar. Approved Councilmember Worthington's recommendation to refer to the City Manager to find temporary alternative locations for the food carts.

Information Reports

42. Status Report: City Fuel Operations Need Improvement

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

Public Comment - Including Items Not Listed on the Agenda - 1 speaker.

Adjournment in memory of:

1. The troops who have died and the families affected by the Iraq War.

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

Vote: Ayes - Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak,

Bates; Noes – None; Abstain – None; Absent – Moore.

Adjourned at 10:14 p.m.

Communications

New Pension Accounting Rules

- 1. Barbara Gilbert
- 2. Elizabeth Scherer

Zoning Permits Roadblocks

3. David Trachtenberg – referred to City Manager by Councilmember Capitelli.

Refuse Collection

4. Barbara Gilbert

Management Audit

5. Berkeley NAACP

Council of Neighborhood Associations Newsletter

6. Ted Edlin

Supplemental Communications and Reports 1

-None

Supplemental Communications and Reports 2

-None

Supplemental Communications and Reports 3

Item 25: Official City Sponsor of Heart to Heart Health Day

7. Kelly Moor

Item 30: Bring Rodrigo Home – Kids for Kids Resolution

Revised materials, submitted by Councilmember Worthington (see agenda item)

Item 33: Proclamation to Honor Cecelia Hurwich

• Revised materials, submitted by Councilmember Worthington (see agenda item)

Item 38: LPC Appeal: 2517 Regent Street

8. Berkeley Architectural Heritage Association

Memorial at Ashby & Adeline

9. Dan McMullan