ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, OCTOBER 1, 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. Councilmember Anderson absent. Councilmember Arreguin absent. Councilmember Arreguin present at 7:03 p.m.

Ceremonial Matters:

1. Perry and Stier Day – October 1, 2013.
2. Indigenous People's Day – October 5, 2013.
3. Berkeley Half Marathon - November 24, 2013.
4. Recognition of Zeke Gerwein.

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 2 speakers.

Public Comment on Consent Calendar and Information Items Only: 1 speaker.

Consent Calendar

Action: M/S/C (Moore/Maio) to accept revised material on Item 7 from Councilmember Moore.
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent - Anderson.

Action: M/S/C (Capitelli/Worthington) to adopt the Consent Calendar in one motion except as indicated:
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent - Anderson.

Consent Calendar

1. **Grant: Maddie's Fund, Pet Rescue Foundation to the Animal Care Shelter**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant agreement and any amendments with Maddie's Fund, Pet Rescue Foundation to accept $14,000 to support Berkeley Animal Care Services in its programs and services to homeless animals.
   Financial Implications: Animal Shelter Fund - $14,000 (revenue)
   Contact: William Rogers, City Manager's Office, 981-7000
   Action: Adopted Resolution No. 66,316–N.S.

2. **Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on October 1, 2013**
   From: City Manager
   Recommendation: Approve the request for proposals or invitation for bids 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 - $3,378,000
   Contact: Robert Hicks, Finance, 981-7300
   Action: Approved recommendation.

3. **Ground Lease: UACH, LP for 1450 University Avenue ("University Avenue Cooperative Housing")**
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a 67-year Ground Lease with UACH, LP, a California limited partnership ("UACH"), in which a wholly controlled affiliate of Resources for Community Development ("RCD") is the general partner, for the purpose of rehabilitating and operating 47 units of affordable family rental housing and one commercial space at 1450 University Avenue, commonly known as "University Avenue Cooperative Housing".
   Financial Implications: See report
   Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
   Action: Adopted first reading of Ordinance No. 7,310–N.S. Second reading scheduled for October 15, 2013.

4. **Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation Project on Woolsey Street**
   From: City Manager
   Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Sanitary Sewer Project, 13-10637-C-REBID, located on Woolsey Street; and 2. Accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and 3. Authorizing the execution of 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 $1,088,489.
   Financial Implications: Sanitary Sewer Operation - $1,088,489
   Contact: Andrew Clough, Public Works, 981-6300
   Action: Adopted Resolution No. 66,317–N.S.

Consent Calendar

5. Annual Report on Gifts Received in Excess of $1,000 Aggregate Value
From: Board of Library Trustees
Recommendation: Adopt a Resolution accepting the Library's annual gift report.
Financial Implications: None
Contact: Donna Corbeil, Commission Secretary, 981-6100
Action: Adopted Resolution No. 66,318–N.S.

Council Consent Items

6. Public Discussion, Gun Violence in Berkeley
From: Councilmembers Maio and Moore
Recommendation: Request that the City Council hold a public discussion, at either a regular or special session, on Gun Violence in the City of Berkeley and to plan the event with several council members, including the Mayor, along with key community leaders who have some knowledge of the gun culture and how it manifests in our city.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Referred to the Agenda Committee with the request to schedule a worksession in January 2014.

7. Closing the City of Berkeley's Domestic Partnership Registry and to Declare Marriage Equality Day
From: Councilmember Moore
Recommendation: Adopt a Resolution directing the City Manager to officially close the City of Berkeley's Domestic Partnership Registry on October 11, 2013 in celebration of its twenty-second anniversary, and marriage equality in the State of California that has made the registry unnecessary. October 11, 2013 shall also be declared Marriage Equality Day in the City of Berkeley.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted revised Resolution No. 66,319–N.S. Celebrating the 22nd Anniversary of Berkeley's Domestic Partnership Registry and to Declare Marriage Equality Day.

8. Proclamation in Honor of Transgender Law Center and its 11th Annual Celebration "SPARK!"
From: Councilmember Worthington
Recommendation: Adopt a proclamation honoring Transgender Law Center and its 11th Annual Celebration "SPARK!"
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Action Calendar – Old Business

9. City Manager Referral: Inform the Public of Updates and Modifications to Council Agenda After the Completion of the Consent Calendar *(Continued from September 10, 2013)*
From: Councilmember Worthington
Recommendation: City Manager Referral: That the Council inform the public of any updates or modifications to the Council agenda after the completion of the consent calendar.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Held over to October 29, 2013.

Action Calendar – New Business

10. Tobacco Free Multi-Unit Housing: Amending Berkeley Municipal Code Chapter 12.70
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.70 to make tobacco smoking, which exposes neighbors to secondhand smoke in all multi-unit residences in the City, subject to private right of action; to require that all new leases include a non-smoking clause; to require offering voluntary non-smoking lease addenda to all existing leases; and to permit any tenant who is involuntarily exposed to tobacco smoke to terminate his or her lease without penalty if the landlord fails to include or enforce the non-smoking clause. Proposed ordinance revisions also include routine cleanup language to aid enforcement in workplaces and to clarify that smoking is banned in all commercial zones.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: 10 speakers. M/S/C (Bates/Capitelli) to direct staff to draft an ordinance that bans smoking in all multi-unit housing effective March 1, 2014, to require landlords to notify tenants of the new regulations in January 2014, and to include a warning process and enforcement procedure similar to that used for barking dogs.
Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin; Abstain – None; Absent – Anderson, Worthington.

Councilmember Worthington absent 7:48 p.m. – 9:46 p.m.

Action Calendar – New Business

11. Section 106 Consultation: Berkeley Main Post Office, 2000 Allston Way
From: City Manager
Recommendation: Send a letter to the State Historic Preservation Officer (SHPO) commenting on the proposed United States Post Office finding of "No Adverse Effect" under Section 106 of the National Historic Preservation Act (NHPA) including comments on the proposed preservation covenant.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: M/S/C (Bates/Arreguin) to accept supplemental material from staff for Item 11.
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Anderson, Worthington.

Action: 7 speakers. Item held over to October 15, 2013.

Recess 9:13 p.m. – 9:20 p.m.

Information Reports

12. Alameda County Mandatory Recycling Ordinance and Cost Impacts and New Household Hazardous Waste Fees
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Moved to Action Calendar and held over to October 15, 2013.

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

Adjournment

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

Councilmember Moore absent 9:28 p.m. – 9:46 p.m.

Adjourned at 9:46 p.m.

Communications

Demolition Ordinance Petition
1. Nicola Bourne

Tuolumne Camp
2. Richard Thomason – referred to City Manager by Councilmember Wengraf

Eminent Domain
3. Laura Petracek

Downtown Santa Monica
4. Ted Edlin

Council of Neighborhood Associations Newsletter
5. Ted Edlin

Supplemental Communications and Reports 1

Item 3: Ground Lease: UACH, LP for 1450 University Avenue ("University Avenue Cooperative Housing")
6. Daniel Sawislak, on behalf of Resources for Community Development

Supplemental Communications and Reports 2

Item 7: Closing the City of Berkeley's Domestic Partnership Registry and to Declare Marriage Equality Day
7. Karen Anderson and Gwendolyn Booze

Item 10: Tobacco Free Multi-Unit Housing: Amending Berkeley Municipal Code Chapter 12.70
8. Serena Chen, on behalf of the American Lung Association in California
9. Bruce Fiedler
10. Rent Stabilization Board
11. Tom & Jane Kelly

Item 11: Section 106 Consultation: Berkeley Main Post Office, 2000 Allston Way
12. Anthony Bruzzone, on behalf of Berkeley Design Advocates
13. Eric Panzer, on behalf of Livable Berkeley

Supplemental Communications and Reports 3

Item 7: Closing the City of Berkeley's Domestic Partnership Registry and to Declare Marriage Equality Day
14. Revised materials, submitted by Councilmember Moore
15. Lisa Stephens
16. Nancy Carleton

Item 10: Tobacco Free Multi-Unit Housing: Amending Berkeley Municipal Code Chapter 12.70
17. Presentation, submitted by Health, Housing & Community Services
18. Gordon Wozniak, District 8
19. Sasha Fultran
20. Liz Williams, on behalf of Americans for Nonsmokers' Rights

Item 11: Section 106 Consultation: Berkeley Main Post Office, 2000 Allston Way
21. Supplemental materials, submitted by Planning & Development
22. Tom Russell, on behalf of the United States Postal Service

Berkeley Half Marathon
23. Unknown