

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
TUESDAY, DECEMBER 3, 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:** 7:06 p.m. Councilmember Moore absent. Councilmember Capitelli absent. Councilmember Wengraf absent. Councilmember Moore present at 7:08 p.m. Councilmember Capitelli present at 7:08 p.m. Councilmember Wengraf present at 7:08 p.m.

### **Ceremonial Matters:**

1. John Toki Day
2. City Awarded the Rockefeller Foundation Resilient City Grant.

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 1 speaker.

**Public Comment on Consent Calendar and Information Items Only:** 9 speakers.

## **Consent Calendar**

**Action:** M/S/C (Maio/Moore) to adopt the Consent Calendar in one motion except as indicated:

**Vote:** All Ayes.

1. **Condominium Conversion Program - Annual Report and Amending BMC Chapter 21.28**  
**From:** City Manager  
**Recommendation:** Adopt second reading of Ordinance No. 7,316-N.S. amending Berkeley Municipal Code (BMC) section 21.28.030.G to clarify the definition of a resident tenant.  
**First reading vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,316-N.S.

## Consent Calendar

- 2. Establish the Elmwood Business Improvement District, Levy Assessments in the District for 2014**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,317-N.S. establishing the Elmwood Business Improvement District, including an Advisory Board to make recommendations to the Council on the District, adding Chapter 7.84 of the Berkeley Municipal Code (BMC); and repealing Chapter 7.84 of the BMC originally adopted by Ordinance No. 6,164-N.S.  
**First reading vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Michael Caplan, Economic Development, 981-7530  
**Action:** Adopted second reading of Ordinance No. 7,317-N.S.
- 3. Ordinance to Require the Retrofit of Soft, Weak or Open Front Buildings; Amending BMC Chapter 19.39**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,318-N.S. amending Chapter 19.39 of the Berkeley Municipal Code adopting mandatory seismic retrofit requirements for wood-frame buildings with five or more residential units containing soft, weak or open front stories.  
**First reading vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,318-N.S.
- 4. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on December 3, 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:** General Fund - \$80,000  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Approved recommendation.
- 5. FY 2014 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2014 tax rate for Business License Tax on large non-profits at \$0.5330 (53.30 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,319–N.S. Second reading scheduled for December 17, 2013.

## Consent Calendar

**6. Revenue Grant: FEMA Assistance to Firefighters Grant Program to Fund Acquisition of a Transport Ambulance**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Grant (AFG) program in the amount of \$225,250 and authorizing the use of \$39,750 in local matching funds, to purchase one transport ambulance and equipment.

**Financial Implications:** See report

Contact: Gil Dong, Fire, 981-3473

**Action:** Adopted Resolution No. 66,387–N.S.

**7. Revenue Agreement: California DHCS for Ground Emergency Medical Transportation Services Reimbursement Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a revenue agreement with the California Department of Health Care Services (DHCS), and any amendments and/or supplemental agreements thereto, including any changes to the projected annual revenue amount, for the supplemental reimbursement of Ground Emergency Medical Transportation (GEMT) services to Medi-Cal beneficiaries, for the period commencing retroactively on January 30, 2010 until the agreement is terminated or the GEMT program ends pursuant to the repeal of State or federal statutory authority to make payments or claim federal reimbursement.

**Financial Implications:** See report

Contact: Gil Dong, Fire, 981-3473

**Action:** Adopted Resolution No. 66,388–N.S.

**8. Community Workforce Agreement: Recommendation to Extend the Term to January 18, 2015**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to extend the term of the Community Workforce Agreement with the Alameda County Building and Construction Trades Council through January 18, 2015 and to work with the Building and Construction Trades to revise and strengthen the Agreement based on the lessons learned in the first three years.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 66,389–N.S.

## Consent Calendar

- 9. Mills Act Contracts - 18 Alvarado Street and 1542-1544 La Loma Avenue**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions directing the City Manager to enter into Mills Act contracts for the 18 Alvarado Street and 1542-1544 La Loma Avenue properties.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 66,390–N.S. (18 Alvarado) and Resolution No. 66,391–N.S. (1542-1544 La Loma).
- 10. Contract: Conversion Management Associates, Inc. for Center Street Garage Reconstruction Project Planning and Management**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments for Project Planning and Project Management Services for the reconstruction of the City's Center Street Parking Garage with Conversion Management Associates, Inc. for an amount not to exceed \$1,000,000 for the period December 1, 2013 through December 31, 2018.  
**Financial Implications:** Off Street Parking Fund - \$1,000,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,392–N.S.
- 11. Contract: Xerox for Automated Data Collection and Enforcement System (goBerkeley)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Xerox to perform System Integrator services for the Automated Data Collection and Enforcement pilot portion of the goBerkeley program, for an amount not to exceed \$500,000 for the period December 1, 2013 through June 30, 2015.  
**Financial Implications:** CALTRANS - \$500,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,393–N.S.
- 12. Support of the Affordable Care Act and Open Enrollment in the Covered California Exchange**  
**From: Community Health Commission**  
**Recommendation:** Adopt a Resolution to: 1. Support the Affordable Care Act and open enrollment in the Covered California Exchange; and 2. Work proactively with partners to encourage enrollment and connect exchange-eligible Berkeley residents to available community resources; and 3. Monitor enrollment figures and solicit data as needed from Covered California, health plans and other sources to determine whether they are reaching targeted populations in Berkeley.  
**Financial Implications:** Unknown  
Contact: Gail Feldman, Commission Secretary, 981-5232  
**Action:** Adopted Resolution No. 66,394–N.S. amended to replace the word “targeted” with the word “underserved” in the second resolved clause.

## Consent Calendar

- 13. Appointment of Neal Adams to Mental Health Commission**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution approving the appointment of Neal Adams to the Mental Health Commission, as a representative of the General Public Interest Category for the three year term beginning December 4, 2013 and ending December 3, 2016.  
**Financial Implications:** None  
Contact: Carol Patterson, Commission Secretary, 981-7721  
**Action:** Adopted Resolution No. 66,395–N.S.

## Council Consent Items

- 14. Berkeley Chamber Foundation for Leadership East Bay: 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 \$300 per Councilmember including up to \$300 from Mayor Bates to the Berkeley Chamber Foundation for Leadership East Bay with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Tom Bates and any other Councilmembers who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Funds - \$300  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Adopted Resolution No. 66,396–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100.
- 15. Support Commercial Property Tax Reform**  
**From: Mayor Bates**  
**Recommendation:** Adopt a Resolution urging California state legislators to amend the state constitution to allow commercial property values to be reassessed regularly for tax purposes.  
**Financial Implications:** Minimal  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Adopted Resolution No. 66,397–N.S.
- 16. Permitting the Civic Arts Commission to Conduct an Eleventh Meeting for 2013**  
**From: Councilmember Moore**  
**Recommendation:** Grant the Civic Arts Commission permission to conduct an eleventh meeting for 2013.  
**Financial Implications:** Unknown  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Approved recommendation.

## Council Consent Items

17. **Berkeley Junior Bears: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Moore and Anderson**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember to Berkeley Junior Bears to assist with costs associated with competing in the National Cheer & Dance Championships with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$250  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 66,398–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Maio - \$100; Councilmember Moore - \$250; Councilmember Wozniak - \$200; Councilmember Anderson - \$250; Councilmember Arreguin - \$100.
18. **City Sponsorship for the First Annual Black History Month Celebration**  
**From: Councilmember Anderson**  
**Recommendation:** Adopt a Resolution approving sponsorship for the First Annual Black History Month Celebration hosted by the Berkeley Juneteenth Association, Inc. and request funding by the City Manager.  
**Financial Implications:** \$4,250  
Contact: Max Anderson, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 66,399–N.S.
19. **La Peña: 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 \$1,000 per Councilmember including \$1,000 from Councilmember Anderson to La Peña's Building Our Future Campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Max Anderson and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$1,000  
Contact: Max Anderson, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 66,400–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Arreguin - \$100; Councilmember Moore - \$100; Councilmember Anderson - \$1000; Councilmember Worthington - \$1000; Councilmember Wengraf - \$100.
20. **Implementing Urban Agriculture Incentive Zones**  
**From: Councilmember Arreguin**  
**Recommendation:** Direct the City Manager to review the recently signed law, Assembly Bill 551 (Urban Agriculture Incentive Zone Act) and develop legislation for possible implementation of an Urban Agriculture Incentive Zone in the City of Berkeley. The City Manager when providing a report back to the City Council should

## Council Consent Items

provide an analysis of the law and the legal requirements that have to be met, the feasibility of implementation in Berkeley, and the potential benefits and financial implications of implementing an Urban Agriculture Incentive Zone.

**Financial Implications:** Unknown

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

**Action:** Approved recommendation.

**21. June Budget Referral: \$40,000 to \$50,000 for Comprehensive 311 Mobile Application Upgrades**

**From: Councilmembers Worthington and Wozniak**

**Recommendation:** Refer comprehensive 311 mobile and web application system upgrades to the June budget process.

**Financial Implications:** Approximately \$40,000 to \$50,000 and a minimal annual fee

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

**Action:** Approved recommendation.

**22. Pacific Center for Human Growth for Covered Berkeley Brigade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Worthington**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,500 per Councilmember including up to \$1,500 from Councilmember Worthington to the 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:** Councilmember's Discretionary Fund - \$1,500

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

**Action:** Adopted Resolution No. 66,401–N.S. with the third whereas clause amended to read, “WHEREAS, the provision of such services would fulfill the following municipal public purpose to train people to go door-to-door in Berkeley to educate highly eligible populations for health enrollment understand about their options.”

**23. Proclamation in Honor of End Child Sexual Abuse Now! National Day of Awareness**

**From: Councilmember Worthington**

**Recommendation:** Adopt a proclamation honoring and sponsoring End Child Sexual Abuse (CSA) Now! National Day of Awareness in Berkeley.

**Financial Implications:** Minimal

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

**Action:** Adopted proclamation.

## Council Consent Items

24. **Sponsorship of the 30th Annual Telegraph Avenue Holiday Street Fair**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a Resolution co-sponsoring the 30th Annual Telegraph Avenue Holiday Street Fair.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted Resolution No. 66,402–N.S.

## Action Calendar – Public Hearing

25. **Adoption of the 2013 California Fire Code with Local Amendments - Second Reading**  
**From: City Manager**  
**Recommendation:**
1. Conduct a public hearing and upon conclusion adopt second reading of Ordinance No. 7,314-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, and K published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.
  2. Adopt a Resolution rescinding Resolution No. 65,081-N.S. which set forth findings of local conditions that require more stringent regulations than those provided by the 2010 California Fire Code.
- First reading vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.  
**Financial Implications:** See report  
Contact: Gil Dong, Fire, 981-3473
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
**Action:** M/S/C (Maio/Moore) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Maio/Worthington) to:
1. Adopt second reading of Ordinance No. 7,314-N.S.
  2. Adopt Resolution No. 66,403–N.S. rescinding Resolution No. 65,081-N.S. which set forth findings of local conditions that require more stringent regulations than those provided by the 2010 California Fire Code.
- Vote:** All Ayes.



## Action Calendar – Public Hearing

### 26. Adoption of Berkeley Building Codes - Second Reading

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt second reading of Ordinance No. 7,315-N.S. repealing and reenacting the Berkeley Building Code including Appendix J, Residential Code including Appendix H, Electrical, Mechanical, Plumbing including Appendices A, B, D, I, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

**First reading vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Moore) to adopt second reading of Ordinance No.7,315-N.S.

**Vote:** All Ayes.

## Action Calendar – Old Business

### 27. Create Introductory Project for Sustainable Seafood Labeling *(Continued from November 19, 2013)*

**a. From: Community Environmental Advisory Commission**

**Recommendation:** Adopt a Resolution authorizing the City Manager to: 1. Support the policy of sustainable seafood; 2. Develop a nine-month introductory project with limited funding to Berkeley fresh seafood retailers to provide point of sale information on sustainable seafood; assess the introductory sustainable seafood labeling project at the end of the 9-months; and provide CEAC with this assessment. 3. Based on the results of the introductory project evaluation, develop an ordinance to require point of sale sustainable seafood labeling by January 1, 2015.

**Financial Implications:** See report

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

**b. From: City Manager**

**Recommendation:** The City Manager recommends that Council refer the timing and funding for the project to be considered as part of the City Work Plan and the budget process.

**Financial Implications:** See report

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

**Action:** 0 speakers. M/S/C (Maio/Capitelli) to adopt Item 27.b. from the City Manager.

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

## Action Calendar – Old Business

**28. Referral to City Manager: Amendments to Tobacco-Free Multi-Unit Housing Ordinance** *(Continued from November 19, 2013)*

**From: Councilmember Arreguin**

**Recommendation:** Refer to the City Manager for incorporation in a draft Tobacco-Free Multi-Unit Housing Ordinance the following proposals: 1. Delay the effective date of the ordinance to May 1, 2014, rather than March 1, 2014 as previously directed by the City Council, so that staff has adequate time to draft amendments based on this referral and bring back a final ordinance for Council adoption. Also delay the requirement that landlords notify tenants effective January 1, 2014. A delayed implementation date would also provide enough time for the city to conduct outreach to owners and tenants of the new requirements and increase smoking cessation resources before the ordinance goes into effect. 2. All initial leases or rental agreements signed on or after May 1, 2014 shall include language expressly prohibiting smoking in the units or in any common areas of a multi-unit residence. 3. That all initial leases or rental agreements signed after May 1, 2014, also notify tenants which units in the building do not have leases which expressly prohibit smoking. 4. Failure to provide either of the lease provisions noted above will allow the new tenant to break the lease without penalty. (the language proposed by the Manager on October 1st along with the modifications proposed by the Rent Board on October 1st suffices). 5. That the City or Rent Board actively encourage and try to get tenants to sign voluntary lease addendums which prohibit smoking. Any voluntary lease addendum should be on a City/Rent Board developed form. 6. That the Rent Board establish and maintain a registry of all rental units in multi-unit housing indicating which units have leases that expressly prohibit smoking & require owners to notify the Rent Stabilization Board of lease provisions prohibiting smoking, and that the city require that owners of units registered with the Rent Board and those that aren't registered provide information on which units have no-smoking lease clauses. 7. That owners be required to post signs in common areas of all multi-unit housing indicating smoking is prohibited. 8. That the City allocate staff to enforce violations of this ordinance through an initial investigation, written warning and followed by progressively increasing fines of \$250, \$500, \$1000 and \$1,500 for each infraction. Consistent with the previous staff drafted ordinance, there should be a cap on the number of private right of actions that any individual resident may file in a year against another smoking resident. 9. Includes the private right of action but strengthen it by allowing each resident to collect no more than \$1,000 in a calendar year through private right of action. Doing this allows us to show that we are not tolerating or condoning smoking but believe that real financial penalties (rather than an unequal risk of lost housing) should be an appropriate penalty that can be applied in a more uniform way. Also making a violation the ordinance an infraction does not give an owner automatic grounds to evict a tenant. Also include the mandatory mediation provisions included in the ordinance proposed by the Manager on October 1, 10. Warnings be required by landlords and by the City before any enforcement action can be taken. The City Council should authorize sufficient staff and a funding source for proper enforcement and outreach. Previously, the City Manager indicated such a program would cost in the neighborhood of \$120,000 annually to implement. Councilmember Maio indicated that the inspectors associated with the Rental

## Action Calendar – Old Business

Housing Safety Program be charged with implementing the Ordinance. If the RHSP fee were increased by \$5 per unit, there would be sufficient resources to fund the necessary staff to implement the provisions of the Tobacco-Free Multi-Family Housing Ordinance I am proposing. If there needs to be a specific nexus between a no smoking ordinance and the RHSP program, City staff should explore amending the housing code so that smoking is a violation that can be cited and enforced by RHSP Housing code inspectors.

**Financial Implications:** Staff time

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

**Action:** Item withdrawn by Councilmember Arreguin.

## Action Calendar – New Business

### 29. City Council Redistricting Ordinance

**From:** City Manager

**Recommendation:**

1. Adopt first reading of an Ordinance created from the Berkeley Student District Campaign Plan adjusting the City Council district boundaries pursuant to Section 9, Article V of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2010 Decennial Federal Census.

-OR-

2. Adopt first reading of an Ordinance created from the United Student District Amendment Plan adjusting the City Council district boundaries pursuant to Section 9, Article V of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2010 Decennial Federal Census.

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 41 speakers. M/S/C (Maio/Moore) to call the previous question.

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

**Action:** M/S/Failed (Worthington/Anderson) to adopt first reading of the United Student District Amendment Redistricting Plan ordinance.

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

**Action:** M/S/C (Bates/Wengraf) to adopt first reading of the Berkeley Student District Campaign Redistricting Plan, Ordinance No. 7,320–N.S. Second reading scheduled for December 17, 2013.

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

Recess: 9:23 p.m. – 9:33 p.m.

## Action Calendar – New Business

**30. Tobacco Free Multi-Unit Housing Ordinance; 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 prohibit smoking in all units of multi-unit residences and all common areas of multi-unit residences enforced by the City; to require that all leases for initial occupancy include a non-smoking clause; and to require landlords to offer voluntary non-smoking lease addenda to all existing leases. 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 adopt first reading of Ordinance No. 7,321–N.S. and to advise the City Manager of the Council’s preference for the use of the administrative citation as the primary enforcement mechanism. Second reading scheduled for December 17, 2013.

**Vote:** All Ayes.

**31. Zoning Amendments for Homeless Shelters and Compliance with SB2**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance adding BMC Chapter 23C.10 and amending BMC Titles 23D and 23E, and Chapter 23F.10 as recommended by the Planning Commission containing zoning amendments that include: 1. Year-round emergency homeless shelters allowed as-of-right in all commercial zoning districts, except the C-N (Neighborhood Commercial); 2. Standards for new shelter facilities and operations; 3. Revised definitions of Emergency Shelter, Transitional Housing, and Supportive Housing; and 4. Winter season only shelters allowed in high-density residential districts.

**Financial Implications:** None

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

**Action:** 4 speakers. M/S/C (Worthington/Arreguin) to adopt first reading of Ordinance No. 7,322–N.S. and refer the addition of the R-S and R-SMU districts to the ordinance to the City Manager. Second reading scheduled for December 17, 2013.

**Vote:** All Ayes.

## Council Action Items

- 32. Supporting City of Richmond's Home Loan Principle Reduction Program**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution 1) recognizing the devastating effects of foreclosures on local Communities; 2) supporting the City of Richmond's CARES program to reduce loan principle reduction to keep homeowners at risk of foreclosure in their homes; 3) directing the City Manager to provide an analysis of Richmond's program and the legal and financial implications of joining a Joint Powers Authority with the City of Richmond to implement the Richmond CARES program in Berkeley.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** 2 speakers. M/S/C (Arreguin/Capitelli) to adopt Resolution No. 66,404–N.S. as written in the Supplemental Reports and Communications Packet #1 with the eighth and ninth Whereas clauses deleted and the final Resolved clause deleted.  
**Vote:** Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – Moore.
- 33. City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to apply for Telegraph Ave pedestrian safety funds and to produce a preliminary plan for Telegraph pedestrian safety improvements as requested by the Telegraph Merchants Association.  
**Financial Implications:** \$5,000 to 10,000  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item held over to December 17, 2013.
- 34. Support UAW Local 5810 Efforts to Secure Healthcare Cost Reimbursements from the University of California**  
**From: Councilmember Worthington**  
**Recommendation:** Support UAW Local 5810 efforts to secure healthcare cost reimbursements from the University of California and send a letter to Janet Napolitano, President of the University of California and the UC Board of Regents requesting that the University reimburse postdoctoral researchers for necessary out-of-pocket healthcare expenses.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Item held over to December 17, 2013.

**Action:** M/S/C (Maio/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.

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

Councilmember Wengraf absent at 10:56 p.m.

## Council Action Items

### 35. End U.S. Support for Construction of the Jeju Naval Base

**From: Councilmember Worthington**

**Recommendation:** Adopt a Resolution urging the United States to cease its support for the construction of Jeju Naval Base in South Korea to preserve the island's fragile biodiversity and honor the island's past history of bloodshed. Copies of the resolution to be sent to Congresswoman Barbara Lee and Senator Dianne Feinstein and Senator Barbara Boxer, President Barack Obama, Secretary of State John Kerry, and U.S. Defense Secretary Chuck Hagel, and Republic of Korea President Park Geun-hye.

**Financial Implications:** None

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

**Action:** 12 speakers. M/S/C (Worthington/Arreguin) to adopt Resolution No. 66,405 –N.S. amended to delete the fifth and seventh Whereas clauses.

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

**Action:** M/S/Failed (Worthington/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.

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

### 36. Reduce Fukushima Daiichi Nuclear Dangers

**From: Councilmember Worthington**

**Recommendation:** Adopt a Resolution urging the United Nations to form an International Independent Commission of Experts (IICE) to formulate a plan to reduce the radiation being released from the crippled Fukushima Daiichi Nuclear Power Plant, and instructing the City's Health Department to research and inform the public regarding elevated risk from seafood and other Pacific basin products, and to educate the population of Berkeley regarding specific treatments for radiation exposure and have in place emergency procedures to administer treatment, if necessary, to mitigate radiation exposure. Copies of the resolution to be sent to the U.N. General Assembly, U.N. Secretary-General Ban Ki-moon, U.S. Ambassador to the U.N. Samantha Power, President Barack Obama Senator Dianne Feinstein, Senator Barbara Boxer, Congresswoman and Representative to the 68th Session of the U.N. General Assembly Barbara Lee, and Governor Jerry Brown.

**Financial Implications:** None

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

**Action:** 5 speakers. No action taken. Item held over to December 17, 2013.

## Information Reports

### 37. Berkeley Animal Shelter Lost Pet Photographs

**From: City Manager**

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

**Action:** Received and filed.

## Information Reports

38. **1820-1822 Hearst Avenue, Berkeley - Review of Planning Commission Approval of Tentative Tract Map 8066**  
**From: City Manager**  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Received and filed.
39. **Status Report: Property and Evidence Room POST Study Follow-Up Audit**  
**From: City Manager**  
Contact: Michael Meehan, Police, 981-5900  
**Action:** Received and filed.
40. **Status Report: Failing Streets: Time to Change Direction to Achieve Sustainability**  
**From: City Manager**  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Received and filed.
41. **Report of the Alameda County Transportation Commission**  
**From: Councilmember Capitelli**  
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150  
**Action:** Received and filed.

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

## Adjournment

In memory of Anita Thede, Community Activist

Adjourned at 11:15 p.m.

## Communications

### **Item 15: Support Commercial Property Tax Reform**

1. Zipporah Collins

### **Item 35: End U.S. Support for Construction of the Jeju Naval Base**

2. Joanne Magruder

### **Demolition Ordinance Petition**

3. Sarah Hawley
4. Unknown

### **Community Services**

5. Richard Berkeley

### **Alameda County Grand Jury Report/Rent Stabilization Board**

6. Nancy Bickel, on behalf of the League of Women Voters of Berkeley, Albany, Emeryville

### **Philippines Typhoon**

7. Vincent Canlas

### **Disclosures to Potential Buyers of Post Office**

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

### **Traverse Rumble Strips**

9. Transportation Commission

## **Supplemental Communications and Reports 1**

### **Item 28: Referral to City Manager: Amendments to Tobacco-Free Multi-Unit Housing Ordinance**

10. Revised materials, submitted by Councilmember Arreguin

### **Item 32: Supporting City of Richmond's Home Loan Principle Reduction Program**

11. Revised materials, submitted by Councilmember Arreguin

## **Supplemental Communications and Reports 2**

### **Item 28: Referral to City Manager: Amendments to Tobacco-Free Multi-Unit Housing Ordinance**

12. Aigul Seidekova

13. Yesenia Molinar

### **Item 29: City Council Redistricting Ordinance**

14. Vincent Canlas, on behalf of the Residence Hall Assembly

### **Item 32: Supporting City of Richmond's Home Loan Principle Reduction Program**

15. Bill Falik

### **Item 36: Reduce Fukushima Daiichi Nuclear Dangers**

16. Nick Thabit

17. Romi Elnagar

18. Susan Bahl

19. Lucymarie Ruth

20. Phoebe Sorgen (2)

21. Chizu Hamada

22. Soula Culver

23. Jenny Miller

24. Pedro Garcia

25. Carol Wolman

26. Jordan Van Voast

27. Monica Willard

28. Diana Bohn

29. Martha Smythe

30. Gordon Wozniak

31. Stephanie Thomas



## **Supplemental Communications and Reports 3**

### **Item 30: Tobacco Free Multi-Unit Housing Ordinance; Amending Berkeley Municipal Code Chapter 12.70**

- 32. Presentation, submitted by Health, Housing & Community Services
- 33. Rent Stabilization Board

### **Item 35: End U.S. Support for Construction of the Jeju Naval Base**

- 34. Christine Ahn
- 35. Steph Lee
- 36. Cynthia Papermaster
- 37. Isabel Kang
- 38. Unknown

### **Item 36: Reduce Fukushima Daiichi Nuclear Dangers**

- 39. Cynthia Papermaster
- 40. Val Eisman (2)

### **Eid's TV**

- 41. M. Eid Abdallah