

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, DECEMBER 17, 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: 7:33 p.m. All present.

Ceremonial Matters: None.

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 12 speakers.

Consent Calendar

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

Vote: All Ayes.

1. **FY 2014 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,319-N.S. 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.
First reading vote: All ayes.
Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted second reading of Ordinance No. 7,319-N.S.

Consent Calendar

2. **City Council Redistricting Ordinance**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,320-N.S. 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.

First reading vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: 13 speakers. Moved to Action Calendar. M/S/C (Bates/Maio) to adopt the second reading of Ordinance No. 7,320-N.S.

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

3. **Tobacco Free Multi-Unit Housing Ordinance; Amending Berkeley Municipal Code Chapter 12.70**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,321-N.S. 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.

First reading vote: All ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,321-N.S.

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,322-N.S. 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.

First reading vote: All ayes.

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,322-N.S.

Consent Calendar

- 5. Settlement of Freddia Smith v. City of Berkeley, ACSC No. RG 11 595053**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 11 595053 entitled Smith v. City of Berkeley, in the amount of \$71,000.
Financial Implications: Public Liability Fund - \$71,000
Contact: Zach Cowan, City Attorney, 981-6950
Action: Adopted Resolution No. 66,406–N.S.
- 6. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of November 12, 2013 (special and regular) and November 19, 2013 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 7. Emergency Standby Officers for the Mayor and Councilmembers**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 66,311-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 66,407–N.S.
- 8. Annual Commission Attendance and Meeting Frequency Report**
From: City Manager
Recommendation: Adopt a Resolution approving a revised commission meeting frequency schedule to add the Children, Youth, and Recreation Commission and the Parks and Waterfront Commission; to remove the Commission on Early Childhood Education, the Elmwood Advisory Board, the Parks and Recreation Commission, and the Waterfront Commission; and accept the annual attendance report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 66,408–N.S.

Consent Calendar

9. **Berkeley Tourism Business Improvement District Annual Report**

From: City Manager

Recommendation: Adopt two Resolutions:

1. Accepting the Berkeley Tourism Business Improvement District (BTBID) Owners' Association recommendation that Council approve the Annual Report and preliminary budget on proposed activities in the District for the PBID's FY 2014.
2. Authorizing the City Manager to execute a sole source contract and any amendments with Visit Berkeley for \$455,000 of BTBID funds to support tourism marketing and promotion for the period of January 1, 2014 to December 31, 2014.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Action: Adopted Resolution No. 66,409–N.S. (Annual Report); Resolution No. 66,410–N.S. (Visit Berkeley).

10. **Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on December 17, 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 - \$665,000

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

11. **Contract: DataProse Inc. for Bill Printing and Mailing Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a three year contract with DataProse to provide printing and mailing services for the period of July 1, 2013 through June 30, 2016 in the amount of \$255,000, with the option for two 1-year extensions through June 30, 2018, for a total five year amount not to exceed \$425,000 subject to the City's annual budget appropriation process.

Financial Implications: Various Funds - \$425,000

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted Resolution No. 66,411–N.S.

Consent Calendar

- 12. Second Option Agreement for 3135 Harper Street and Extension of Housing Trust Fund Reservations**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving a Second Option Agreement between the City of Berkeley and Satellite AHA Development, Inc., related to the disposition and development of the City-owned property at 3135 Harper Street in Berkeley; and 2. Extending the expiration date for the Housing Trust Fund reservation of \$2,300,000 for 3135 Harper Street from December 31, 2013 to June 30, 2014; and 3. Revising the date by which the alternate Housing Trust Fund reservations approved by Council in Resolution No. 65,962-N.S. are approved if financing for 3135 Harper Street is not secured from December 31, 2013 to June 30, 2014.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,412–N.S.
- 13. Donation: Alameda County Meals on Wheels Agency for the Berkeley Meals on Wheels Program**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$26,101 donation to the Berkeley Meals on Wheels Program from the Alameda County Meals on Wheels Agency.
Financial Implications: \$26,101 (Donation)
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,413–N.S.
- 14. Contract No. 4073D Amendment: Delta Dental Plan Rate Renewal**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 4073D with Delta Dental Plan, approving a 0.0% increase in dental premiums for calendar year 2013, a 2.45% increase for calendar year 2014, and 0.0% increase for calendar year 2015; and renewing the contract for an additional three years at a cost of \$6,770,000 for all coverage groups effective January 1, 2013, through December 31, 2015, for a total contract amount of \$11,960,000.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,414–N.S.

Consent Calendar

15. 2014 Health Plan Changes

From: City Manager

Recommendation: Adopt two Resolutions:

1. Adding a new Kaiser Foundation (Kaiser) group plan, the HSA-Qualified Deductible HMO Plan; and approving rate increases for the Kaiser Health Maintenance Organization (HMO) health plans as follows: 2.34% increase for Active Employees; 7.9% increase for Pre-Medicare Eligible Retirees; 4.0% increase for Senior Advantage (Medicare Supplement) Retirees; and
2. Approving rate increases for the Health Net health plans as follows: 12.22% for HMO plan Active Employees; 12.22% for Point of Service (POS) plan Active Employees; 12.22% for Pre-Medicare HMO plan Eligible Retirees; 12.22% for Pre-Medicare POS plan Eligible Retirees; 3.0% for Seniority Plus (Medicare Supplement) Retirees; 12.22% for Health Net POS Post-65 Retirees.

Financial Implications: See report

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,415–N.S. (Kaiser); Resolution No. 66,416–N.S. (Health Net).

16. Fee Assessment for Fiscal Year 2014 - State of California Self-Insurance Fund

From: City Manager

Recommendation: Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2014 for administering the Workers' Compensation Program, in an amount not to exceed \$205,652.

Financial Implications: Workers' Compensation Fund - \$206,652.

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,417–N.S.

17. Contract No. 7575 Amendment: Alpine Software, Incorporated for Fire Operations Software Support

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend contract No. 7575 with Alpine Software, Inc., increasing the amount by \$8,200, for a total not to exceed \$208,200 from April 21, 2008 through June 30, 2015.

Financial Implications: General Fund - \$8,200

Contact: Donna LaSala, Information Technology, 981-6500

Action: Adopted Resolution No. 66,418–N.S.

18. California Emergency Management Authority - Application for Disaster Relief at the Berkeley Tuolumne Camp

From: City Manager

Recommendation: Adopt a Resolution designating the City Manager as the authorized agent for the purpose of obtaining certain state and federal financial assistance for the fire damage at Berkeley Tuolumne Camp.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,419–N.S.

Consent Calendar

19. **Contract: Gibson & Associates for Quality Assurance Program for Community Agency Contracts**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager and her designee to execute a contract and any amendments with Gibson & Associates for evaluation and technical assistance support in developing a quality assurance program for youth-serving contractors receiving City funds in an amount not to exceed \$150,000 over a period of two years, beginning January 1, 2014.
Financial Implications: General Fund - \$150,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,420–N.S.
20. **California Energy Commission Energy Partnership Program Technical Assistance Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for the California Energy Commission (CEC) Energy Partnership Program technical assistance grant to identify priority efficiency projects and financing to reduce energy use in municipal buildings.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,421–N.S.
21. **Contract: Fidelity National Technology Imaging for Microfiche Digital Image Conversion**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Fidelity National Technology Imaging (FNTI) for microfiche digital imaging conversion of Planning and Development Department records for a total contract amount not to exceed \$138,000.
Financial Implications: Permit Service Center Fund - \$138,000
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,422–N.S.
22. **Technical Corrections to the Zoning Ordinance, Amending BMC Sub-Titles 23A, 23D and 23E**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Sub-Titles 23A, 23D and 23E to make non-substantive technical corrections to the Zoning Ordinance.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance No. 7,323–N.S. Second reading scheduled for January 21, 2014.

Consent Calendar

- 23. Contract: Rodan Builders, Inc. for Civic Center Building and Public Safety Building Data Center Upgrades Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Civic Center Building and Public Safety Building Data Center Upgrades Project, Specification Number 13-10730-C; 2. Accepting the price negotiated with Rodan Builders, Inc. in accordance with Article XI, Public Works and Supplies, Section 67(a.) of the City Charter as authorized by Resolution No. 66,229-N.S., and 3. Authorizing the City Manager to execute a contract and any extensions or change orders with Rodan Builders, Inc. until completion of the project in accordance with the approved plans and specification, in an amount not to exceed \$2,000,000.
Financial Implications: Various Funds - \$2,000,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,423–N.S.
- 24. Contract No. 8488 Amendment: R&S Erection of Richmond for Roll-Up Door Repairs and Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8488 with R&S Erection of Richmond, Inc., increasing the amount by \$15,000 for a total not to exceed \$65,000; and extending the contract through June 30, 2014.
Financial Implications: Building Maintenance Fund - \$15,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,424–N.S.
- 25. Contract No. 7441B Amendment: Direct Line Tele Response for After Hours Answering Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with Direct Line Tele Response for after-hours answering services for the City of Berkeley, increasing the amount by \$12,000 for a new total not to exceed \$107,000 and extending the termination date 6 months from December 31, 2013 to June 30, 2014.
Financial Implications: Various Funds - \$12,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,425–N.S.
- 26. Contract No. 7903C Amendment: ThyssenKrupp Elevator Corporation for Elevator and Lift Maintenance and Repair Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7903C with ThyssenKrupp Elevator Corporation to increase the contract by \$50,000 for a total not to exceed amount of \$478,027 and extend the contract through June 30, 2014.
Financial Implications: Various Funds - \$50,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,426–N.S.

Consent Calendar

- 27. Contracts: Consultants for On-Call Transportation Planning Services**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to execute individual contracts and any amendments, each for the period February 3, 2014 through February 1, 2019 for a total amount of all contracts not to exceed \$1,000,000 with the following consultants for On-call Transportation Planning Services:
1. Alta Planning + Design, for an amount not to exceed \$450,000.
 2. Community Design + Architecture, for an amount not to exceed \$250,000.
 3. Nelson\Nygaard Consulting Associates, for an amount not to exceed \$100,000.
 4. Fehr Peers, for an amount not to exceed \$200,000.
- Financial Implications:** See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,427–N.S. (Alta Planning); Resolution No. 66,428–N.S. (Community Design); Resolution No. 66,429–N.S. (Nelson/Nygaard); Resolution No. 66,430–N.S. (Fehr Peers).
- 28. Contract No. 9364 Amendment: Kitchell CEM, Inc. for Inspection and Assessment of City-Owned Buildings**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment with Kitchell CEM, Inc., increasing the amount by \$50,000 for a total not to exceed \$150,000 for the existing contract term ending June 30, 2014.
Financial Implications: Marina Operations & Maintenance Fund - \$50,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,431–N.S.
- 29. Contract: Traffic Development Services for Electronic Traffic Calming Devices Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Electronic Traffic Calming Devices Replacement Project, Specification No. 14-10802-C and accepting the bid proposal of Traffic Development Services; and 2. Authorizing the City Manager to execute a contract and any amendments with Traffic Development Services for the replacement of non-operational electronic traffic calming devices for the period January 15, 2014 to January 14, 2016 for an amount not to exceed \$178,257.
Financial Implications: Various Funds - \$178,257
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,432–N.S.

Consent Calendar

- 30. Purchase Order: National Auto Fleet Group for One Mechanics Truck with Service Body**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with National Auto Fleet Group for one mechanics truck with service body for an amount not to exceed \$151,739.
Financial Implications: Equipment Replacement Fund - \$151,739
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,433–N.S.
- 31. Implementation of 15 MPH Speed Signs Around Elementary Schools**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to implement installation of 15 mph speed signs around preschools and elementary schools in the City of Berkeley.
Financial Implications: Measure B - Local St & Road - \$48,600
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,434–N.S.
- 32. Board of Library Trustees Reappointment: Abigail Franklin**
From: Board of Library Trustees
Recommendation: Adopt a Resolution reappointing Abigail Franklin to the Board of Library Trustees ("BOLT") for a second term of four years commencing January 3, 2014.
Financial Implications: None
Contact: Donna Corbeil, Commission Secretary, 981-6100
Action: Adopted Resolution No. 66,435–N.S.

Council Consent Items

- 33. Council Appointments to Regional Committees and Commissions**
From: Mayor Bates
Recommendation: Adopt a Resolution for the appointments of Councilmembers to their current committees, commissions, and regional bodies for the years 2014-2015. Please see the attached resolution for committee and committee names and the pertinent appointed councilmember.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,436–N.S.
- 34. Appointment of Mental Health Commission City Council Liaison**
From: Mayor Bates
Recommendation: Adopt a Resolution re-appointing Councilmember Arreguin as the City Council Liaison to the Mental Health Commission for one calendar year.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,437–N.S.

Council Consent Items

- 35. Expanding the City of Berkeley's Park Bench Donation Policy**
From: Councilmember Moore
Recommendation: Direct the City Manager to explore other options for memorial/commemorative donations from residents.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 36. Revising the Berkeley Municipal Code to More Effectively Address Illegal Dumping**
From: Councilmember Moore
Recommendation: Direct the City Manager to propose potential revisions to the Berkeley Municipal Code to better address illegal dumping in the city.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation. Councilmember Anderson added as a co-sponsor.
- 37. Support the Strong Start for America's Children Act of 2013**
From: Councilmembers Capitelli and Moore
Recommendation:
1. Adopt a Resolution supporting Strong Start for America's Children Act of 2013 that would expand access to high-quality early childhood education for children ages 0-5; and
2. Request the City Clerk's office write a letter on behalf of the Berkeley City Council to our United States Senators and copy to Arne Duncan, US Secretary of Education, in support of the Strong Start for Children Act of 2013.
Financial Implications: Staff time
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: 1. Adopted Resolution No. 66,438–N.S.; 2. Approved recommendation.
- 38. Scheduling a Ten Minute Presentation by the Berkeley Art Center**
From: Councilmember Capitelli
Recommendation: Recommend that the City Council allow 10 minutes at its January 21, 2014 regular meeting for a brief introduction to the new Executive Director and Board President of the Berkeley Art Center.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.

Council Consent Items

- 39. Support IGNITE, End the School-to-Prison Pipeline, and Send a Letter to UC President Janet Napolitano**
From: Councilmember Worthington
Recommendation: Adopt a Resolution supporting IGNITE (Invest in Graduation Not Incarceration, Transform Education), a campaign aimed at prioritizing California spending on education instead of prisons. Send a letter to the UC President Janet Napolitano asking to support the UCSA (University of California Student Association) by increasing student retention rates through the creation of academic preparation and retention programs.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,439–N.S.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – Bates.
- 40. Letter to Director of Montana Fish, Wildlife and Parks to Support Option B for Montana’s Plan to Protect the Nation’s Last Native Bison in Yellowstone Park**
From: Councilmember Worthington
Recommendation: Send a letter to the Director of Montana Fish, Wildlife and Parks to support option B in the Joint Environmental Assessment for Year-Round Habitat for Yellowstone Bison, which is supported by the Yellowstone Bison Citizens Working Group, the National Wildlife Federation, the Sierra Club, and various Native American tribes such as the Confederated Salish and Kootenai Tribes.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: No Action taken.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates.
- 41. City Manager Referral: Establishment of Code Enforcement Prioritization Policy and Possible Fee Adjustments**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to review the creation of a prioritization policy for code enforcement policy
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: No Action taken.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates.

Council Consent Items

42. **Commend Sally Jewell and Interior Department's Efforts to Encourage Veterans Families to Enjoy Our Public Lands**
From: Councilmember Worthington
Recommendation: Send a letter to Sally Jewell of the Secretary of the Department of the Interior commending the department's efforts to increase veterans' accessibility to the great outdoors.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
43. **City Manager Referral: Updating a Mandated Reporting Policy Under the California Child Abuse and Reporting Act**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to review the California Child Abuse Reporting Act to consider updating a Mandated Reporting Policy so that all appropriate city employees and volunteers are aware of their obligations in reporting abuse.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
44. **Proclamation for January as National Slavery and Human Trafficking Prevention Month**
From: Councilmember Worthington
Recommendation: Adopt a proclamation for January as National Slavery and Human Trafficking Prevention Month in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Action Calendar - Appeals

45. **Structural Alteration Permit Appeal Hearing: 2201-2205 Blake Street**
From: City Manager
Recommendation: Adopt a Resolution affirming the Landmarks Preservation Commission's approval of Structural Alteration Permit No. 2013-0005 for the construction of three dwelling units at the rear of the Bartlett Houses (2201-2205 Blake Street), a City of Berkeley Landmark, and affirming all of the findings and conditions.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
- a. Appeal**
1. Lozeau Drury LLP on behalf of Gale Garcia

Action Calendar – Appeals

Action: 3 speakers. M/S/C (Maio/Wozniak) to adopt Resolution No. 66,440–N.S. affirming the Landmarks Preservation Commission's approval of Structural Alteration Permit No. 2013-0005 for the construction of three dwelling units at the rear of the Bartlett Houses (2201-2205 Blake Street), a City of Berkeley Landmark, and affirming all of the findings and conditions.

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

Action Calendar – Public Hearing

46. General Plan Re-designation and Rezone: 1011-1025 Gilman and Portion of 1000-1010 Gilman

From: City Manager

Recommendation: Conduct a Public Hearing for the purpose of considering an amendment to the General Plan, re-designating the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100). And upon conclusion of the hearing, consider the re-designation and re-zone of the parcels identified for the Public Hearing.

1. Adopt a Resolution amending the Berkeley General Plan to re-designate the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from Industrial to Commercial.
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 23 (zoning), official zoning map, to rezone the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from MU-LI to C-W.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 10 speakers. M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Capitelli/Moore) to:

1. Adopt Resolution No. 66,441–N.S. amending the Berkeley General Plan to re-designate the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from Industrial to Commercial.
2. Adopt first reading of Ordinance No. 7,324–N.S. amending Berkeley Municipal Code Title 23 (zoning), official zoning map, to rezone the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from MU-LI to C-W. Second reading scheduled for January 21, 2014.

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

Action Calendar – Old Business

47. **Support UFW Efforts to Improve Worker Health and Safety Practices at Darigold Inc. Dairy Company** *(Continued from November 19, 2013)*
From: Councilmember Worthington
Recommendation: Send a letter to Darigold, Inc. dairy company requesting a change in worker health and safety practices at their dairy factories and respond to the United Farm Workers (UFW) request for dialogue.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Approved recommendation amended to send the letter as it appears in Supplemental Reports #1.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – Moore, Bates.
48. **City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds** *(Continued from December 3, 2013)*
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 January 21, 2014.
49. **Support UAW Local 5810 Efforts to Secure Healthcare Cost Reimbursements from the University of California** *(Continued from December 3, 2013)*
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: 0 speakers. M/S/Failed (Worthington/Arreguin) to 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.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – Maio, Bates; Abstain – Moore, Capitelli, Wengraf, Wozniak.

Action Calendar – Old Business

50. **Reduce Fukushima Daiichi Nuclear Dangers** *(Continued from December 3, 2013)*

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: 20 speakers. M/S/C (Maio/Wengraf) to adopt Resolution No. 66,442–N.S. with the second Resolved clause amended to read: "BE IT FURTHER RESOLVED that the Council of the City of Berkeley requests that the California Department of Health 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."

Vote: All Ayes.

Action Calendar – New Business

51. **a. Chevron Refinery Fire Follow-Up: Emergency Public Information and Warning**

From: Community Environmental Advisory Commission

Recommendation: Direct the City Manager to: 1. To prepare a report over the next three to six months on the best fast, timely, flexible city-wide or section-wide notification of emergencies and submit the report to Community Environmental Advisory Commission (CEAC) and Disaster and Fire Safety Commission (DFSC) to get their final input on recommendations to the Council for implementing; 2. Immediately ensure that all nearby governmental warning agencies including FEMA have or will adopt specific methods for (a) timely contact with Berkeley officials to warn of incidents such as fire or release of toxic smoke or chemicals that might endanger Berkeley residents and (b) frequent (such as hourly) ongoing updates as long as the danger persists; 3. Contact major chemical (including petroleum) facilities within a radius of the City determined by the BAAQMD that can impact air quality and/or seriously harm one or more people located in the City of Berkeley, and ask them to reply on their plans for 24/7 warning City emergency responders as to releases or threatened releases of toxics, and then report to CEAC and the Council as to compliance or the lack; 4. Make sure local, reliable, real-time meteorological data from sites not blocked or affected by nearby structures is available 24/7 for emergency responders and on the City website; if these do not exist, then invest in small-scale internet connected units that can be sited around the city.

Financial Implications: Staff time

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

b. City Council Referral on the Impact of the Richmond Fire of August 21, 2012 on Berkeley Residents

From: Community Health Commission

Recommendation: Direct the City Manager to convene a task force within the next three months, comprised of leaders from the various emergency agencies within the City (Fire, Office of Emergency Services (OES), CERT leaders, and other like agencies) to assess, evaluate and make recommendations as to exactly how the citizenry of Berkeley will be effectively and systematically alerted in the event of emergencies, like toxic emissions, earthquakes or other natural or human-made disasters if and when it befalls the City.

Financial Implications: Staff time

Contact: Gail Feldman, Commission Secretary, 981-5232

Action Calendar – New Business

51. c. Chevron Refinery Fire Follow-Up: Emergency Public Information and Warning

From: City Manager

Recommendation: Request the City Manager to direct the City's existing Emergency Public Information and Warning Steering Committee to: 1. Coordinate with the Alameda County Operational Area to optimize information-sharing during emergency events. 2. Coordinate with the Bay Area Air Quality Management District (BAAQMD) to clarify the District's roles and responsibilities for monitoring air quality and sharing information during emergency events. 3. Further develop community outreach about the capabilities and limitations of the City's emergency public information and warning systems, and the interdepartmental coordination and procedures guiding their use.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400; Eric Angstadt, Planning and Development, 981-7400; Gil Dong, Fire, 981-3473

Action: Item 51.c. moved to Consent Calendar amended to include referral of the item to the Disaster and Fire Safety Commission and with the direction to the City Manager to coordinate with Contra Costa County.

Council Action Items

52. Referral to City Manager: Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee

From: Councilmember Arreguin

Recommendation: Refer to the City Manager and Housing Advisory Commission (HAC) the issue of amending Resolution No. 65,920-N.S. to clarify and change the criteria for exempting buildings destroyed by fire from the Affordable Housing Mitigation Fee.

Financial Implications: Staff time

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

Action: 2 speakers. Item held over to January 21, 2014. Councilmembers Worthington and Anderson added as co-sponsors.

53. City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints

From: Councilmember Worthington

Recommendation: Refer to the City Manager to designate non-sworn (civilian) employees to investigate after-hour noise complaints.

Financial Implications: See report

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

Action: Item held over to January 21, 2014.

Council Action Items

54. **City Manager Referral: Require 10-year Long Life Batteries in Smoke Alarms (and Carbon Monoxide Detectors) in All Rental Units**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to review the legality of requiring all rental properties in Berkeley to install a 10-year life battery for smoke alarms and carbon monoxide detectors and send letters to the City's representatives in the State Legislature urging them to introduce a 10-year long life batteries state bill.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Amended the referral to strike the existing language and replace it with a referral to inquire about grants for assistance with implementation of the new state requirements.

Information Reports

55. **Update: Implementation of Citywide Payroll Audit Recommendations**
From: City Manager
Contact: David Abel, Human Resources, 981-6800
Action: Received and filed.
56. **Taxi Cab Waiting List**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
57. **Video Screen Advertisements in Taxi Cabs**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
58. **Administrative Citations for "Pirate" Taxis**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
59. **Increasing the Number of Accessible Taxi's in Berkeley**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.
60. **Berkeley Taxi Cab Association**
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.

Information Reports

61. **Affordable Housing Mitigation Fee Collection Update**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
62. **Telegraph Channing Mall: Follow-up on Tenants Issues and Management**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: 4 Speakers. Moved to Consent Calendar and held over to January 21, 2014.
63. **Public Art Plan for FY 2014-15**
From: Civic Arts Commission
Contact: Mary Ann Merker, Commission Secretary, 981-7533
Action: Received and filed.

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

Adjournment

Adjourned in memory of Barbara George.

Action: M/S/C (Moore/Maio) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 10:55 p.m.

Communications

AC Transit Line 51 – Corridor Delay Reduction & Sustainability Project

1. University Avenue Association

Human Rights Compliance Reports

2. Carol Denney
3. Bernadette Rabuy, on behalf of Human Rights of the Incarcerated at Cal
4. Rita Maran, on behalf of the United Nations Association, USA East Bay Chapter
5. Mansour Id-Deen, on behalf of the Berkeley NAACP
6. Edith Hallberg, on behalf of the East Bay Gray Panthers
7. Charlotte Kates, on behalf of the National Lawyers Guild's International Committee
8. JoAnn Ward, on behalf of the Human Rights in the U.S. Project @ Columbia Law School
9. Birte Scholz, on behalf of Human Rights Advocates

Recommendations Raised by the NAACP, Berkeley Chapter

10. Commission on Labor

Open Data Policy

11. Seamus Kraft, on behalf of OpenGov Foundation

Second Response Ordinance

12. Victoria Peirotes

CNA Newsletter

13. Ted Edlin

Supplemental Communications and Reports 1

Item 45: Structural Alteration Permit Appeal Hearing: 2201-2205 Blake Street

14. Karl Reeh

Item 47: Support UFW Efforts to Improve Worker Health and Safety Practices at Darigold Inc. Dairy Company

15. Revised materials, submitted by Councilmember Worthington

Item 50: Reduce Fukushima Daiichi Nuclear Dangers

16. Gordon Wozniak, District 8 (2)

17. Soula Culver (2)

18. Nick Thabit

Supplemental Communications and Reports 2

Item 3: Tobacco Free Multi-Unit Housing Ordinance; Amending Berkeley Municipal Code Chapter 12.70

19. Toni Cox

Item 31: Implementation of 15 MPH Speed Signs Around Elementary Schools

20. Michael Katz

21. Nova Blazej

22. Michael Jerrett

23. Terry Roberts, on behalf of the Transportation Commission

Item 50: Reduce Fukushima Daiichi Nuclear Dangers

24. Craig Daniels

25. Nancy Lemon

26. Phoebe Sorgen (2)

27. L. Darlene Pratt

28. Lucymarie Ruth

29. Ruth Maguire

30. Val Eisman (2)

31. Jordan Van Voast

32. Karen Katsanes

33. Marcia Slatkin

34. Rosa Johnson

35. Sarah Kotzamani

36. The Tamaki Family

37. Soula Culver

38. Chizu Hamada

39. Tobias Beckwith

40. Rich Raffals
41. Jeanne LaDeaux
42. Dale Komai
43. Kimberly Theurich
44. Stephanie Thomas
45. Mary Beth Brangan
46. Romi Elnagar
47. Nick Thabit

Item 52: Referral to City Manager: Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee

48. Phoebe Sorgen
49. Linda Franklin
50. Norma Harrison

Item 53: City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints

51. Janelle Detten
52. Jeannie Battagin
53. Phyllis Fox
54. George Beier
55. Jacquelyn McCormick
56. Michelle Pellegrin
57. Isobel Schneider
58. Carole Pertofsky

Supplemental Communications and Reports 3

Item 31: Implementation of 15 MPH Speed Signs Around Elementary Schools

59. Julie Sinai
60. Alameda County Safe Routes to Schools

Item 45: Structural Alteration Permit Appeal Hearing: 2201-2205 Blake Street

61. Lozeau Drury LLP, on behalf of Gale Garcia and No Mini-Dorm Village for LeConte Neighborhood
62. Unknown

Item 50: Reduce Fukushima Daiichi Nuclear Dangers

63. Marc Pilisuk
64. Marc Sapir
65. Gar Smith
66. Phoebe Sorgen

Item 52: Referral to City Manager: Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee

67. Olempia Castillo

Item 53: City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints

68. Doris Willingham

Item 62: Telegraph Channing Mall: Follow-up on Tenants Issues and Management

69. Unknown (2)

Jeju Naval Base

70. Kang Dong-Kyun

Global Warming

71. M. Eid Abdallah