

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, APRIL 29, 2014**

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: 7:04 p.m. Councilmember Maio absent.

Ceremonial Matters:

1. Recognition of Belle Owens 106th Birthday
2. Youth Art Contest Winners

City Manager Comments:

1. Fire Academy Graduation - 2pm, Friday May 2 at the Freight and Salvage

Public Comment on Non-Agenda Matters: 4 speakers.

Public Comment on Consent Calendar and Information Items Only: 8 speakers.

Consent Calendar

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

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

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

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

Recess Items

1. **Contract: Focus Strategies for Homeless Coordinated Entry System Planning**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to enter into a contract for \$74,667 with Focus Strategies, a consulting firm that will assist the City in planning for a homeless Coordinated Entry System.
Financial Implications: General Fund - \$74,667
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,532–N.S.
2. **Grant Application: Planning Process for the Adeline Corridor**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during the recess authorizing the submission of a grant application to the Metropolitan Transportation Commission (MTC) for Priority Development Area (PDA) planning and PDA staff assistance.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,533–N.S.

Consent Calendar

3. **Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of March 11, 2014 (special closed and regular) and March 25, 2014 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Moved to Action Calendar. 0 speakers. M/S/C (Wozniak/Bates) to approve the minutes for the Council meetings of March 11, 2014 (special closed and regular) and March 25, 2014 (special and regular).
Vote: Ayes – Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Anderson, Arreguin, Worthington; Abstain – None; Absent – Maio.
4. **Assessments: North Shattuck Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the FY 2014 Annual Report of the North Shattuck Business Improvement District (NSBID); 2. Declaring Council's intention to levy an annual assessment for the NSBID for FY 2015; and 3. Scheduling a public hearing for June 10, 2014.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 66,534–N.S.

Consent Calendar

- 5. Assessment: Telegraph Property and Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the Annual Report for the Telegraph Property and Business Improvement District (hereafter "TBID" or "the District") for FY 2014 and proposed budget for 2015; 2. Declaring an intention to levy annual assessments in the District for FY 2015; and 3. Setting a public hearing on the levy of assessments for June 10, 2014.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 66,535–N.S.
- 6. Assessment: Downtown Property and Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution 1. Approving the Annual Report for the Downtown Property and Business Improvement District (DPBID) for Fiscal Year 2014 and proposed budget for 2015; 2. Declaring an intention to levy annual assessments in the District for Fiscal Year 2015; and 3. Setting a public hearing on the levy of assessments for June 10, 2014.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 66,536–N.S.
- 7. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on April 29, 2014**
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 - \$2,721,900
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
- 8. Disaster and Fire Safety Commission Accreditation; Amending BMC Chapter 2.88**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Chapter 2.88 of the Berkeley Municipal Code to include a statement of compliance with the California Emergency Services Act and a section on the City's emergency plan for the purposes of accreditation of the City's Disaster Council.
Financial Implications: None
Contact: Gil Dong, Fire, 981-3473
Action: Adopted first reading of Ordinance No. 7,332–N.S. Second reading scheduled for May 20, 2014.

Consent Calendar

- 9. 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. 66,537–N.S.
- 10. Donation: Senior Nutrition Program from Three Berkeley Residents**
From: City Manager
Recommendation: Adopt a Resolution accepting three \$1,000 donations (total \$3,000) to the Berkeley Senior Nutrition Program from three Berkeley residents that responded to the annual appeal letter in November 2013.
Financial Implications: \$3,000 (Donation)
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,538–N.S.
- 11. Contract No. 6335A Amendment: University of California School of Optometry for Safety Glasses and VDT Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 6335A with the University of California (UC) School of Optometry to provide safety glasses and Video Display Terminal (VDT) services, increasing the contract amount by an additional \$47,001 for a total contract amount not to exceed \$97,000, and extending the term of the contract for five (5) years, from July 1, 2014 through June 30, 2019.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,539–N.S.
- 12. Personnel Rules and Regulations Amendment**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 60,776-N.S., the Personnel Rules and Regulations, Section 9.03 - Promotion Through a Non-Competitive Personnel Action - to add the unlicensed classification of Behavioral Health Clinician I and the licensed classification of Behavioral Health Clinician II; remove the unlicensed classifications of Mental Health Clinician I and Psychiatric Social Worker I; and remove the licensed classifications of Mental Health Clinician II and Psychiatric Social Worker II.
Financial Implications: None
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,540–N.S.

Consent Calendar

- 13. Contract No. 9105 Amendment: Meyers Nave for Chief Labor Negotiation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9105 in the amount of \$75,000 with Meyers Nave for Chief Labor Negotiation Services, for a revised total contract amount not to exceed \$150,000.
Financial Implications: General Fund - \$75,000
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,541–N.S.

Vote: Ayes – Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson; Absent – Maio.
- 14. Classification Series: Behavioral Health Clinician I/II/Senior**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 66,298-N.S., Classification and Salary Resolution for Service Employees International Union Local 1021 (Community Services & PTRLA Chapter), to establish the classifications of Behavioral Health Clinician I with a monthly salary range of \$5,795 - \$6,797, Behavioral Health Clinician II with a monthly salary range of \$6,382 - \$7,454, and Senior Behavioral Health Clinician with a monthly salary range of \$6,966 - \$8,132, effective April 30, 2014; and abolish the Mental Health Clinician I/II/Senior and the Psychiatric Social Worker I/II/Senior classification series, effective May 31, 2014.
Financial Implications: None
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,542–N.S.
- 15. Contract No. 7658 Amendment: Kronos, Inc. Fire Station Staffing Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7658 with Kronos, Inc. for a software system upgrade and maintenance for TeleStaff Fire Station Staffing Software, increasing the amount by \$39,000, for a total not to exceed \$109,000, from May 1, 2008 through June 30, 2016.
Financial Implications: General Fund - \$39,000
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,543–N.S.
- 16. Waiver of Annual Marina Berth Fees for Non-Profits - Updated Policy**
From: City Manager
Recommendation: Adopt a Resolution establishing an updated policy for the use of berths at the Berkeley Marina by non-profit organizations that provide community service, and rescinding Resolution No. 58,859-N.S.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,544–N.S.

Consent Calendar

17. **Donation: Reebok for Adventure Playground**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from Reebok in the amount of \$1,800 for the City of Berkeley Adventure Playground.
Financial Implications: \$1,800 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,545–N.S.
18. **Grant Application: The Metropolitan Transportation Commission PCA Grant Program for the Bay Trail Shoreline Access Staging Area Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager/designee to submit a funding application to the Metropolitan Transportation Commission (MTC) Priority Conservation Area (PCA) grant program for \$500,000 in federal funds for the Bay Trail Shoreline Access Staging Area Project; 2. Committing any necessary matching funds; and 3. Stating the City's assurance as to its ability and intent to complete the project.
Financial Implications: \$500,000 (Revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,546–N.S.
19. **Contract: Berkeley Unified School District for Bus Transportation for Berkeley Day Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Berkeley Unified School District for bus transportation for day Berkeley Day Camp and Community Center fieldtrips in an amount not to exceed \$376,380 over a five-year period, beginning July 1, 2014 and ending June 30, 2019.
Financial Implications: Various Funds - \$376,380
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,547–N.S.
20. **Contract: Silverado Stages for Bus Service for Echo Lake and Teen Camp**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Silverado Stages, Inc. to provide bus transportation for Echo Lake and Teen Camp programs for a not-to-exceed total amount of \$135,000 over a five year period, beginning July 1, 2014 and ending June 30, 2019, contingent upon annual budget appropriations.
Financial Implications: Various Funds - \$135,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,548–N.S.

Consent Calendar

21. **Contract: Sysco Sacramento, Inc. Food Services for Echo Lake Camp Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Sysco Sacramento, Inc. for food services at City of Berkeley Echo Lake Camp for a five-year period, beginning July 1, 2014 and ending June 30, 2019, in an amount not to exceed \$1,055,000, subject to the City's annual budget appropriation process.
Financial Implications: Playground Camp Fund - \$1,055,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,549–N.S.
22. **Contract: Serological Research Institute for DNA Testing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with Serological Research Institute to provide evidence testing services through deoxyribonucleic acid (DNA) analysis for the period of April 1, 2014 to June 30, 2017, in an amount not to exceed \$300,000, with an option for two one-year extensions for a total five-year contract, for an amount not to exceed \$500,000, subject to the City's annual budget appropriation process.
Financial Implications: See report
Contact: Michael Meehan, Police, 981-5900
Action: Adopted Resolution No. 66,550–N.S.
23. **Contract No. 9069A Amendment: AMEC Environment & Infrastructure, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9069A with AMEC Environment & Infrastructure, Inc., increasing the amount by \$75,000 for a total not to exceed \$140,000 and extending the contract to June 30, 2017.
Financial Implications: Zero Waste Fund - \$75,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,551–N.S.

Consent Calendar

- 24. Coordinated Enforcement of Berkeley's Tax Relief Action to Cut Commuter Carbon Ordinance with the Bay Area Commuter Benefits Program**
From: City Manager
Recommendation:
1. Adopt a Resolution recognizing that compliance with Bay Area Air Quality Management District Regulation 14: Mobile Source Emissions Reduction Measures, Rule 1: Bay Area Commuter Benefits Program satisfies Berkeley Municipal Code Chapter 9.88 Commuter Benefit Program (Tax Relief Action to Cut Commuter Carbon).
2. Direct the City Manager to execute an Agreement between the City of Berkeley, the Bay Area Air Quality Management District, and the Metropolitan Transportation Commission to coordinate implementation of the City's employer-provided Commuter Benefits Program with the Bay Area Commuter Benefits Program.
Financial Implications: None
Contact: Andrew Clough, Public Works, 981-6300
Action: 1. Adopted Resolution No. 66,552–N.S. 2. Approved recommendation.
- 25. Updated Sewer System Management Plan**
From: City Manager
Recommendation: Adopt a Resolution approving Berkeley's updated Sewer System Management Plan, as mandated by the State Water Resources Control Board.
Financial Implications: No direct fiscal impact
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,553–N.S.
- 26. Contract No. 9361 Amendment: Pakpour Consulting Group, Inc. for On-Call Design Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9361 with Pakpour Consulting Group, Inc. for on-call design services, increasing the contract by \$100,000 for a total amount not to exceed \$400,000.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,554–N.S.
- 27. Donation: Bequest from Estate and Trust of Mary Jo Pace to the Berkeley Public Library**
From: Board of Library Trustees
Recommendation: Adopt a Resolution accepting a donation from the Estate and Trust of Mary Jo Pace (passed through the Berkeley Public Library Foundation) in the sum of \$686,250.34.
Financial Implications: \$686,250 (Donation)
Contact: Donna Corbeil, Commission Secretary, 981-6100
Action: Adopted Resolution No. 66,555–N.S.

Consent Calendar

28. Appointment of Jennifer Fazio to the Mental Health Commission

From: Mental Health Commission

Recommendation: Adopt a Resolution approving the appointment of Jennifer Fazio to the Mental Health Commission, as a representative of the special public interest category, for a three year term beginning April 30, 2014 and ending April 29, 2017.

Financial Implications: None

Contact: Carol Patterson, Commission Secretary, 981-5100

Action: Adopted Resolution No. 66,556–N.S.

29. Ratifying Actions Taken on March 11, 2014 to Place Ordinance No. 7,320 on the November 4, 2014 Ballot and File an Action to Determine the District Boundaries to be Used for the November 2014 General Municipal Election

From: Mayor Bates

Recommendation: Ratify the following actions taken on March 11, 2014:

1. Place Ordinance No. 7,320 on the November 4, 2014 ballot pursuant to provisions for a Referendum in the City Charter and the Elections Code; and
2. File an action in court to determine the district boundaries to be used for the November 2014 General Municipal Election.

Financial Implications: None

Contact: Tom Bates, Mayor, 981-7100

Action: Moved to Action Calendar. 13 speakers.

Action: M/S/Failed (Worthington/Arreguin) to delay consideration of this item until after the other items on the agenda related to redistricting have been heard.

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

Action: M/S/C (Bates/Wozniak) to ratify the following actions taken on March 11, 2014:

1. Place Ordinance No. 7,320 on the November 4, 2014 ballot pursuant to provisions for a Referendum in the City Charter and the Elections Code; and
2. File an action in court to determine the district boundaries to be used for the November 2014 General Municipal Election.

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

Recess 8:35 p.m. – 8:41 p.m.

30. Parking Management on Private Property

From: Councilmember Moore

Recommendation: Direct the City Manager to draft ordinance language that would allow private property owners to manage parking on their property.

Financial Implications: Unknown

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

Action: Added Councilmember Capitelli as a co-sponsor. Approved revised recommendation.

Council Consent Items

- 31. Supporting Assembly Bill 2591, the Basic Material Needs for Homeless Children Act**
From: Councilmembers Moore, Capitelli, and Wozniak
Recommendation: Adopt a Resolution supporting Assembly Bill 2591, the Basic Material Needs for Homeless Children Act. The City Clerk is to send a copy of the Council action with the resolution to Assemblymembers Shirley Weber, Nancy Skinner, the Speaker of the Assembly, Senator Loni Hancock, and Senate President pro Tem Darrell Steinberg.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,557–N.S.
- 32. Request that the City Manager Amend Section 14.72.030 of the Berkeley Municipal Code**
From: Councilmember Wengraf
Recommendation: Request that the City Manager draft an amendment to the BMC to better define the term "Motor Vehicle" with the goal of regulating the parking of large campers and trailers on residential streets in RPP zones.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.
- 33. In Support of AB 1951 (Gomez) to Require the California State Department of Public Health to Modify Birth Certificates to Recognize Same-Sex Parents**
From: Councilmember Wengraf
Recommendation: Adopt a Resolution supporting AB1951 to require the California State Department of Public Health to modify birth certificates to recognize same sex families. AB 1951 would allow birth certificates to reflect two mothers and two fathers, as well as a gender-neutral parent option. Request that the City Clerk send signed copies to Governor Brown, Senator Loni Hancock and Assemblymember Nancy Skinner.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmember Moore added as a co-sponsor. Adopted Resolution No. 66,558–N.S.
- 34. City Manager Referral: Write to CrimeMapping.com Requesting They Help Create a Permanent and Up-To-Date Joint Map of Both BPD and UCPD Crime Data**
From: Councilmember Worthington
Recommendation: That the City Manager send CrimeMapping.com a letter requesting they work with BPD and UCPD to make it easier for users to include both departments' crime data into one map, and to explore the feasibility of making joint data maps available permanently.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Council Consent Items

35. **City Manger Referral: Policy for Companies Such as Airbnb to Pay Transient Occupancy Tax, as Currently Paid by Other Small Local Businesses**
From: Councilmember Worthington
Recommendation: Refer to the City Manager creation of a policy for companies such as Airbnb to pay the Transient Occupancy Tax, as currently paid by other small local businesses.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
36. **Supporting CALPIRG's Proposed November City Ballot Measure to End Corporate Personhood**
From: Councilmembers Worthington, Moore, and Arreguin
Recommendation: Adopt a Resolution to begin consideration of placing a measure on the November 4, 2014 election ballot asking whether the people of Berkeley support a constitutional amendment to abolish corporate personhood and the doctrine of money as speech, thereby allowing voters to express their opinion on the proposition.
Financial Implications: \$9,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Held over to May 6, 2014
37. **Protection of Citizens' Privacy in Online City Records**
From: Councilmembers Wozniak and Capitelli
Recommendation: Refer to the City Manager a request for an information report from the City Clerk about changing the City's policy of posting communications between private individuals and City staff online on the City's website. The intent is to better protect individual residents' privacy and online reputations.
Financial Implications: Staff time
Contact: Gordon Wozniak, Councilmember, District 8, 981-7180
Action: Approved recommendation.
38. **Request for City of Berkeley Support for the 2014 Elmwood Street Festival**
From: Councilmember Wozniak
Recommendation: Refer to the budget process a request from Elmwood merchants for the City of Berkeley to contribute \$5,000 toward the 2nd annual Elmwood Street Fair, which will take place on Sept. 21, 2014.
Financial Implications: \$5,000
Contact: Gordon Wozniak, Councilmember, District 8, 981-7180
Action: Approved recommendation.

Action Calendar – Public Hearing

39. **Zoning Ordinance and General Plan Amendments Regarding Floor Area Ratio (FAR) Increases in the Telegraph Avenue Commercial (C-T) District**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt a Resolution adopting amendments to the General Plan text; and

Action Calendar – Public Hearing

2. Adopt first reading of an Ordinance amending the Zoning Ordinance (BMC Chapter 23) by amending the existing requirements for the Telegraph Commercial District ((C-T, 23E.56) related to Floor Area Ratio (FAR).

Financial Implications: None

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

Action: M/S/Failed (Capitelli/Wengraf) to accept revised material from staff on Item 39.

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

Public Testimony: The Mayor opened the public hearing. 11 speakers.

Action: M/S/C (Worthington/Bates) to accept revised material from staff on Item 39.

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

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

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

Action: M/S/C (Capitelli/Bates) to adopt Resolution No. 66,559–N.S. adopting amendments to the General Plan text as revised in the supplemental material provided by staff to change the Floor Area Ratio in the C-T district from 3-3.5 to 3-5.

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

Action: M/S/C (Capitelli/Worthington) to revise Section 23E.56.070.A.2 of the Ordinance to state that a FAR shall not exceed 5 in the area North of Dwight Way in the C-T District.

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

Action: M/S/Failed (Arreguin/Worthington) to revise Section 23E.56.070.A.2. to state that the FAR shall not exceed 4 for the area South of Dwight Way in the C-T District; and revise 23E.56.070.D.1. to change “may be required” to “shall be required” for setbacks on the 4th or higher story to minimize shade impacts.

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

Action: M/S/C (Capitelli/Moore) to adopt the first reading of Ordinance No. 7,333-N.S., with revision to Section 23E.56.070.A.2. of the Ordinance to state that the FAR shall not exceed 4.5 for the area South of Dwight Way in the C-T District; and revision to Section 23E.56.070.D.1. to change “may be required” to “shall be required” for setbacks on the 4th or higher story to minimize shade impacts. Second Reading scheduled for May 20, 2014.

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

Councilmember Anderson absent 9:40 p.m. – 9:45 p.m.

Action Calendar – Public Hearing

40. a. Submission of the PY2014 Annual Action Plan Including Allocations of Federal Funds

From: Housing Advisory Commission

Recommendation: Adopt the Housing Advisory Commission's funding recommendations for FY2015 for Community Development Block Grant, Emergency Solutions Grant and HOME Investment Partnership funds and approve the submission of the PY2014 (FY2015) Annual Action Plan as attachments to the City Manager's Council Report of April 29, 2014.

Financial Implications: See report

Contact: Kristen Lee, Commission Secretary, 981-5400

40. b. Submission of the PY2014 Annual Action Plan Including Allocations of Federal Funds

From: City Manager

Recommendation: Conduct a public hearing on the federal Program Year (PY) 2014 Annual Action Plan (AAP) for federal funds, including the allocation of federal funding for community agencies for FY2015, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the FY2015 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 90% of the FY2015 HOME funds to the Housing Trust Fund, and 10% for program administration; and 4. Authorizing the City Manager to submit the PY 2014 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 5 speakers.

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

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

Councilmember Arreguin absent 9:46 p.m. – 9:56 p.m.

Councilmember Capitelli absent 9:52 p.m. – 9:57 p.m.

Action: M/S/C (Bates/Worthington) to adopt item 40.b. containing Resolution No. 66,560–N.S. except the funding for BioTech Partners.

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

Action: M/S/C (Bates/Worthington) to adopt the funding for BioTech Partners contained in Resolution No. 66,560–N.S.

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

Action Calendar – Old Business

- 41. Amendments to BMC Chapter 13.42 - Operating Standards for Mini-Dorms**
(Continued from April 1, 2014)
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.42 to change the definition of mini-dorm, expand the zones in which the mini-dorm rules apply to coincide with the zones where the City has discretionary review of additional bedrooms and define what constitutes an unruly gathering.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Moved to Consent Calendar. Held over to May 20, 2014.
- 42. Assembly Bill 2405: Ellis Act Reform** *(Continued from March 25, 2014)*
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Assembly Bill (AB) 2405, authored by Assemblymember Tom Ammiano, which would amend the Ellis Act to allow local jurisdictions to impose moratoriums on Ellis Act evictions under specified conditions. Copies of the Resolution are to be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Senator Loni Hancock, Assembly Speaker John A. Perez, and Assemblymembers Nancy Skinner and Tom Ammiano.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Removed from agenda by Councilmember Arreguin.
- 43. City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints** *(Continued from March 11, 2014)*
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: Removed from agenda by Councilmember Worthington.

Action Calendar – New Business

44. Berkeley Way Development Opportunity: Request for Qualifications

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to release a Request for Qualifications ("RFQ") to solicit statements from development teams (comprised of developers, service providers, and architects) regarding their capacity, experience, and interest in developing the City-owned property located at 2012 Berkeley Way ("Berkeley Way").

Financial Implications: See report

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

Action: Moved to Consent Calendar. Revised the fourth bullet of the fifth Whereas clause to read "Sustainable building elements that exceed the LEED Gold or equivalent or higher standard and pursue zero-net energy usage." Adopted Resolution No. 66,561–N.S. authorizing the City Manager to release a Request for Qualifications ("RFQ") to solicit statements from development teams (comprised of developers, service providers, and architects) regarding their capacity, experience, and interest in developing the City-owned property located at 2012 Berkeley Way ("Berkeley Way").

45. a. Sweatshop Free Procurement Ordinance-Lowering the Purchasing Threshold

From: Commission on Labor

Recommendation: That the City of Berkeley Sweatshop Free Procurement Ordinance be amended to lower the purchasing threshold from \$10,000 to \$2,000 effective July 1, 2014 and to lower the threshold to \$0 effective January 1, 2015.

Financial Implications: Unknown

Contact: Delfina Geiken, Commission Secretary, 981-5400

b. Enforcement of Ordinance No. 7,099-N.S. Sweatshop - Free Procurement Ordinance

From: City Manager

Recommendation: Direct the City Manager to return to Council with an ordinance to lower the current established threshold of \$25,000 to \$1,000 for the Sweatshop-Free Procurement Ordinance No. 7,099-N.S. effective July 1, 2014.

Financial Implications: None

Contact: Robert Hicks, Finance, 981-7300

Action: Item 45.b. moved to Consent Calendar. Directed the City Manager to return to Council with an ordinance to lower the current established threshold of \$25,000 to \$1,000 for the Sweatshop-Free Procurement Ordinance No. 7,099-N.S. effective July 1, 2014.

Action Calendar – New Business

46. a. Allston Way Permeable Paver Demonstration Project

From: Public Works Commission

Recommendation: Approve the lowest responsive bid for construction of the Allston Way Permeable Paver Demonstration Project.

Financial Implications: See report

Contact: Sean Rose, Commission Secretary, 981-6300

b. Allston Way Permeable Paver Demonstration Project

From: City Manager

Recommendation:

1. Select Option A or B:

A. Approve construction of the Allston Way Permeable Paver Demonstration Project.

-OR-

B. Reject all bids and re-allocate the project funds into the paving program, where it will be implemented in FY 2015 for traditional asphalt restoration and maintenance.

2. If Council adopts Option A, the following additional actions are required:

a. Approve plans and specifications for the Allston Way Permeable Paver Demonstration Project, Specification No. 14-10826-C; and

b. Accept the bid of Ghilotti Construction Company as the lowest responsive and responsible bidder, and adopt a Resolution authorizing the City Manager to execute a contract with Ghilotti Construction and any amendments, extensions or change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$1,444,214; and

c. Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9211 with URS Corporation for design services for the Permeable Paver Demonstration Project, increasing the amount by \$62,840 for a total not to exceed amount of \$295,710; and

d. Authorize the City Manager to execute a Reimbursement Agreement with the East Bay Municipal Utility District for the construction of their water line.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: 0 speakers. M/S/C (Worthington/Capitelli) to:

1. Approve construction of the Allston Way Permeable Paver Demonstration Project.

2a. Approve plans and specifications for the Allston Way Permeable Paver Demonstration Project, Specification No. 14-10826-C.

2b. Adopt Resolution No. 66,562–N.S. authorizing the City Manager to execute a contract with Ghilotti Construction and any amendments, extensions or change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$1,444,214.

2c. Adopt Resolution No. 66,563–N.S. authorizing the City Manager to execute an amendment to Contract No. 9211 with URS Corporation for design services for the Permeable Paver Demonstration Project, increasing the amount by \$62,840 for a total not to exceed amount of \$295,710.

2d. Authorize the City Manager to execute a Reimbursement Agreement with the East Bay Municipal Utility District for the construction of their water line.

Action Calendar – New Business

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

Council Action Items

47. Redistricting Referendum Petition: Repeal Ordinance No. 7,320; and Adopt the First Reading of an Ordinance to Amend City Council District Boundaries from the United Student District Amendment

From: Councilmembers Worthington, Arreguin, and Anderson

Recommendation:

1. Adopt an Ordinance rescinding in its entirety Ordinance No. 7,320 N.S. "Authorizing the Adjustment of Berkeley 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.", adopted by the Berkeley City Council on December 17, 2013; AND
2. Adopt first reading or a statement of intent to adopt 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: See report

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

Action: Item 47 and 48 taken up concurrently. 5 speakers. M/S/Failed (Worthington/Arreguin) to adopt the Beier Compromise Plan (Version 6).

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

Action: M/S/Failed (Worthington/Anderson) to adopt the Minimum Deviation Plan.

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

Council Action Items

48. Consider Redistricting Compromises, Adopt First Reading of Minimum Deviation Plan Ordinance, and/or Review 11 Other Possible Temporary or Permanent Compromise Maps

From: Councilmember Worthington

Recommendation:

1. Adopt first reading of an Ordinance created from the Minimum Deviation 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.

AND/OR

2. Select a preferred compromise map that could be used permanently, or as a temporary map just for the 2014 election, and send immediately to the Alameda County Office of the Registrar on April 30, 2014 at 8 a.m. Request the City Manager to prepare any required noticing to expedite a possible adoption of a compromise map. If the selected compromise has not yet been reviewed for consistency with state and local requirements, request City Manager to return to Council with a proposed ordinance to allow adoption of the preferred compromise map as soon as possible.

Financial Implications: Staff time

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

Action: See Item 47.

Information Reports

49. goBerkeley Parking and Transportation Demand Management Pilot: Interim Results and Recommended Adjustments

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

50. Status of the Sidewalk Repair Program

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

51. Amendment to Fiscal Year 2014 Audit Plan

From: Auditor

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

Action: Received and filed.

52. Update on Measure FF Public Art Projects

From: Board of Library Trustees

Contact: Donna Corbeil, Commission Secretary, 981-6100

Action: Received and filed.

Information Reports

53. **Report of the Alameda County Transportation Commission, February 2014 and March 2014**
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:

1. Margaret (Ginger) Alafi
2. Herbert Wong

Action: M/S/C (Moore/Wozniak) to adjourn the meeting.

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

Adjourned at 10:24 p.m.

Communications

Item 39: Zoning Ordinance and General Plan Amendments Regarding Floor Area Ratio (FAR) Increases in the Telegraph Avenue Commercial (C-T) District

1. Charles Tu

Item 48: Consider Redistricting Compromises, Review New Minimum Deviation Map, and 10 Other Possible Temporary or Permanent Compromise Maps

2. George Beier

Business License Tax

3. Loran & Elisabeth Mebine
4. Benn Karne
5. 46 form letters in opposition to raising the business license tax (Available for viewing in the City Clerk's Office)

City Employee Compensation

6. Barbara Gilbert

Refuse Rates

7. Curtis Manning

Gophers/Squirrels at Cesar Chavez Park

8. Anja Heister, on behalf of In Defense of Animals
9. Jamie Ray

Fukushima

10. Chimey Lee

Opposition to Rail Transport of Hazardous Crude Oil through Berkeley and the East Bay

11. Rand Wrobel, on behalf of 350 Bay Area

Honey Bees

12. Fred Dodsworth

Off-Leash Dogs in Cesar Chavez Park

13. Carol Denney

Tuolumne Camp

14. Kim Rubin

Parking Citation at BHS

15. Sandra Henneman

Extended Parking Hours

16. Vincent Casalaina

Supplemental Communications and Reports 1

Item 44: Berkeley Way Development Opportunity: Request for Qualifications

17. Genevieve Wilson

18. Olga Bolotina, on behalf of the Sierra Club, Northern Alameda County Group

Item 49: goBerkeley Parking and Transportation Demand Management Pilot: Interim Results and Recommended Adjustments

19. John Caner, on behalf of the Downtown Berkeley Association

Supplemental Communications and Reports 2

Item 34: City Manager Referral: Write to CrimeMapping.com Requesting They Help Create a Permanent and Up-To-Date Joint Map of Both BPD and UCPD Crime Data

3. Shirley Dean

Item 39: Zoning Ordinance and General Plan Amendments Regarding Floor Area Ratio (FAR) Increases in the Telegraph Avenue Commercial (C-T) District

4. Ali Kashani

5. Berkeley Neighborhoods Council

Item 43: City Manager Referral: Have Non-sworn (civilian) Employees Investigate After-hour Noise Complaints

6. Claremont Elmwood Neighborhood Association

7. South/East Berkeley Neighbors

Item 44: Berkeley Way Development Opportunity: Request for Qualifications

8. Nancy Hall

Item 48: Consider Redistricting Compromises, Adopt First Reading of Minimum Deviation Plan Ordinance, and/or Review 11 Other Possible Temporary or Permanent Compromise Maps

9. George Beier (5)

Supplemental Communications and Reports 3

Item 30: Parking Management on Private Property

- 10. Revised materials, submitted by Councilmember Moore
- 11. Barbara Gilbert

Item 39: Zoning Ordinance and General Plan Amendments Regarding Floor Area Ratio (FAR) Increases in the Telegraph Avenue Commercial (C-T) District

- 12. Revised materials, submitted by Planning & Development

Item 40a: Submission of the PY2014 Annual Action Plan Including Allocations of Federal Funds

- 13. Presentation, submitted by Housing Advisory Commission

Item 44: Berkeley Way Development Opportunity: Request for Qualifications

- 14. Eric Panzer, on behalf of Livable Berkeley

Tasers

- 15. Carole Marasovic

Vacant Retail Space at Durant/Channing Mall

- 16. M. Eid Abdallah