

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, MAY 20, 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 WOZNAK

Preliminary Matters

Roll Call: 7:02 p.m. Councilmember Moore absent. Councilmember Moore present at 7:08 p.m.

Ceremonial Matters

1. Historic Preservation Month – May 2014
2. Arlene Blum Day – May 20, 2014

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

Consent Calendar

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

Vote: All Ayes.

1. Disaster and Fire Safety Commission Accreditation; Amending BMC Chapter 2.88

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,332-N.S. 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.

First Reading Vote: All Ayes

Financial Implications: None

Contact: Gil Dong, Fire, 981-3473

Action: Item removed from the agenda by the City Manager.

Consent Calendar

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,333-N.S. 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).

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

Financial Implications: None

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

Action: Adopted second reading of Ordinance No. 7,333-N.S.

3. Amendment: FY 2014 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,334-N.S. amending the FY 2014 Annual Appropriations Ordinance No. 7,312–N.S. for fiscal year 2014 based upon other adjustments in the amount of \$16,162,081 (gross) and \$11,171,414 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: Adopted second reading of Ordinance No. 7,334-N.S.

4. Minimum Wage Ordinance – BMC Chapter 13.99

From: Councilmember Capitelli

Recommendation: Adopt second reading of Ordinance No. 7,335-N.S. adopting the Minimum Wage Ordinance and adding Berkeley Municipal Code Chapter 13.99.

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

Financial Implications: See report

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: Moved to Action Calendar. 40 speakers.

Action: M/S/C (Worthington/Arreguin) to accept supplemental material from Mayor Bates on Item 4 including the chart below.

Current	\$8.00	
7/1/2014	\$9.00	12.50%
10/1/2014	\$10.00	11.11%
10/1/2015	\$11.20	12.00%
10/1/2016	\$12.53	11.88%
10/1/2017	\$13.10	4.55%
10/1/2018	\$13.70	4.58%
10/1/2019	\$14.30	4.38%
10/1/2020	\$14.90	4.20%
10/1/2021	\$15.50	4.03%

Consent Calendar

Vote: All Ayes.

Action: M/S/Failed (Anderson/Moore) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Full Chart of minimum wage rate increases submitted by the Mayor (2014 – 2021) amended to change the 10/1/2015 amount to \$11.25/hour.
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training

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

Action: M/S/Failed (Moore/Arreguin) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Chart of minimum wage rate increase submitted by the Mayor through 10/1/18 (\$13.70).
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training

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

Action: M/S/Failed (Worthington/Moore) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Chart of minimum wage rate increase submitted by the Mayor through 10/1/17 (\$13.10).
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training

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

Action: M/S/C (Capitelli/Maio) to direct the City Manager to prepare an ordinance for first reading on June 10, 2014 that includes the items below:

1. Minimum wage rate increases to \$10.00 on 10/1/14, \$11.00 on 10/1/15, and \$12.53 on 10/1/16.
2. Exemption for Non-Profits from 10/1/14 – 10/1/15.
3. Permanent exemption for Non-Profit & Governmental Youth Job Training.

Vote: All Ayes.

Consent Calendar

5. **Calling for a Consolidated General Municipal Election for November 4, 2014**

From: City Manager

Recommendation:

1) Adopt a Resolution:

a) Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 4, 2014;

b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election;

c) Authorizing certain procedural and contractual actions; and

d) Establishing policies for the filing of candidate statements of qualification.

2) Adopt a Resolution establishing policies and timelines for filing ballot measure arguments.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, 981-6900

Action:

1. Adopted Resolution No. 66,578–N.S. (Calling Election)

2. Adopted Resolution No. 66,579–N.S. (Policies)

6. **Contract: FileTrail, Inc. for Records Management Software System**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with FileTrail, Inc. for software licensing, implementation, maintenance, and related services for a records management software system, for an amount not to exceed \$83,636 from July 1, 2014 to June 30, 2019.

Financial Implications: General Fund - \$83,636

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,580–N.S.

7. **Contract No. 6268B Amendment: ImageSource, Inc. for Annual Maintenance and Software Assurance for an Enterprise Content Management System**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 6268B with ImageSource, Inc. for payment of annual maintenance and software assurance for an Enterprise Content Management System, increasing the amount of the contract by \$46,000 for a new total not to exceed of \$886,000 and extending the term of the contract to June 30, 2015.

Financial Implications: General Fund - \$46,000

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,581–N.S.

8. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the Council meetings of April 1, 2014 (special and regular), April 3, 2014 (special closed), and April 29, 2014 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

Consent Calendar

9. Amending Berkeley Municipal Code Chapter 9.52 Taxicabs and Automobiles for Hire

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 9.52 (Taxi Ordinance) to allow video advertising within taxicabs and automobiles for hire; and to create new accessible taxi regulations for accessible taxi service.
2. Adopt a Resolution increasing the number of accessible taxi cabs from five (5) to ten (10); and rescind Resolution Nos. 62,299-N.S., 65,461-N.S., 65,523-N.S.

Financial Implications: None

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

Action:

1. Adopted first reading of Ordinance No. 7,336–N.S. Second reading scheduled for June 3, 2014.
2. Adopted Resolution No. 66,582–N.S.

10. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on May 20, 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: Playground Camp Fund - \$250,000

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

11. Revenue Grant: FEMA Port Security Grant to Fund Acquisition of a Public Safety Response Boat

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) Port Security Grant Program (PSGP) in the amount of \$450,000, and authorizing the use of \$150,000 in local matching funds to purchase a public safety response boat for public safety, emergency response, and environmental protection.

Financial Implications: See report

Contact: Gil Dong, Fire, 981-3473; Michael Meehan, Police, 981-5900

Action: Adopted Resolution No. 66,583–N.S.

Consent Calendar

12. **Contract: North Oakland Pharmacy for Mental Health Pharmacy Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with North Oakland Pharmacy for the provision of prescription medications for uninsured and underinsured Berkeley Mental Health clients, not to exceed \$60,000 for the period July 1, 2014 through June 30, 2017, with an option to renew annually for up to five years and not to exceed \$20,000 per year, for up to a total period not to exceed 8 years, ending June 30, 2022.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,584–N.S.
13. **Contract: Muir/Diablo Occupational Medicine for Occupational Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Muir/Diablo Occupational Medicine for occupational health medical examinations that include pre-employment and annual physical exams, advice, education, and consultation for the period of July 1, 2014 through June 30, 2019, in an amount not to exceed \$910,000.
Financial Implications: Various Funds - \$910,000
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,585–N.S.
14. **Contract: Direct Line Tele Response for Citywide Answering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments or extensions with Direct Line Tele Response for a total not to exceed \$75,000 for the period of July 1, 2014 through June 30, 2017 with two 1-year extension options.
Financial Implications: Various Funds - \$75,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,586–N.S.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – Worthington.

Consent Calendar

- 15. Contract: Grade Tech, Inc. for FY 2014 Green Infrastructure Projects**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving plans and specifications for the FY 2014 Green Infrastructure Projects, Specification No. 14-10851-C;
2. Accepting the bid of Grade Tech, Inc. as the lowest responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$807,757.
Financial Implications: Measure M General Obligation Street and Watershed Improvement Bond Fund - \$807,757
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,587–N.S.
- 16. Grant Application: Active Transportation Program/Safe Routes to School**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the Caltrans Active Transportation Program for Safe Routes to School traffic safety improvements around Berkeley public schools for an amount up to \$1,231,000.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,588–N.S.
- 17. Proposition 41, California Veterans Housing and Homeless Prevention Bond Act**
From: Housing Advisory Commission
Recommendation: Adopt a Resolution expressing Council's support for Proposition 41, California Veterans Housing and Homeless Prevention Bond Act, urging Berkeley voters to cast their ballots on June 3, 2014 in support of Proposition 41, and send letters expressing this support to State Senator Hancock, Assemblymember Skinner, and Governor Brown to communicate the City of Berkeley's support for Proposition 41.
Financial Implications: Staff time
Contact: Kristen Lee, Commission Secretary, 981-5427
Action: Adopted Resolution No. 66,589–N.S.

Council Consent Items

18. **Berkeley Food and Housing Project: Relinquishment of Council Office Budget Fund to General and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Maio, to the Berkeley Food and Housing Project with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$1,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,590–N.S.
19. **Berkeley Free Clinic: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$100 per councilmember, including \$100 from Councilmember Maio, to the Berkeley Free Clinic with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$100
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,591–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Anderson - \$200.
20. **Options Recovery Services: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Maio, to Options Recovery Services with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,592–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$200.

Council Consent Items

21. **Resources for Community Development: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Maio, to Resources for Community Development with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,593–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Anderson - \$250.
22. **Women's Daytime Drop-in Center: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$2,000 per council member, including \$2,000 from Councilmember Maio, to the Women's Daytime Drop-in Center with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$2,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,594–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Anderson - \$250.
23. **Official City Sponsorship of Berkeley-East Bay Humane Society's "Pints for Paws" Event**
From: Councilmember Moore
Recommendation: Approve City sponsorship of Berkeley-East Bay Humane Society's "Pints for Paws" Event.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
24. **2014 Berkeley Juneteenth Festival: 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 \$500 per Councilmember including \$250 from Councilmember Anderson to the 2014 Berkeley Juneteenth Festival with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$250

Council Consent Items

Contact: Max Anderson, Councilmember, District 3, 981-7130

Action: Adopted Resolution No. 66,595–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Worthington - \$500; Councilmember Wengraf - \$100; Councilmember Moore - \$150; Councilmember Anderson - \$500; Councilmember Capitelli - \$100.

25. Proclaiming May as Mental Health Month

From: Councilmember Arreguin

Recommendation: Adopt a Resolution proclaiming May 2014 as Mental Health Month in the City of Berkeley.

Financial Implications: None

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

Action: Adopted Resolution No. 66,596–N.S.

Action Calendar – Public Hearing

26. Public Hearing: FY 2015 City Fees

From: City Manager

Recommendation: Conduct a public hearing on the following fees and upon conclusion adopt Resolutions setting fees for the following:

a. Ambulance User Fee Adjustment

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:

1. Adjusting the Ambulance User Fee to match the Alameda County's ambulance user fee schedule approved by the Alameda County Board of Supervisors on October 15, 2013 and January 28, 2014, for the Paramedics Plus (the County's contract ambulance provider) and the Cities of Alameda, Albany and Piedmont, respectively. The increase would be included as an updated addendum to the Ambulance Provider Agreement; and
2. Rescinding Resolution No. 64,769-N.S.

Financial Implications: See report

Contact: Gil Dong, Fire, 981-3473

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

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

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to adopt Resolution No. 66,597–N.S.

Vote: All Ayes.

Action Calendar – Old Business

b. Changes to the Planning & Development Department's Master Fee Schedule From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:

1. Approving the revised master fee schedule of the Planning and Development Department to increase fees associated with the Certified Unified Program Agency and the inclusion of the Rental Housing Safety Program, and
2. Rescinding Resolution No. 62,230-N.S., Resolution No. 62,990-N.S. Resolution No. 63,773-N.S., Resolution No. 64,455-N.S., and Resolution No. 66,177-N.S.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to adopt Resolution No. 66,598-N.S.

Vote: All Ayes.

26. c. Transfer Station Unsecured Load Fee

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new Transfer Station Unsecured Load Fee in the amount of \$15.

Financial Implications: \$162,750 (Estimated revenue)

Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Maio/Moore) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to adopt Resolution No. 66,599-N.S.

Vote: All Ayes.

27. Zero Waste Residential and Commercial Refuse Collection Rate Increases

From: City Manager

Recommendation: Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution:

1. Setting rates for residential and commercial refuse collection, increasing rates as of FY 2015 by 24.7% for residential customers, and 2.5% for commercial customers;
2. Authorizing an annual inflator in future years to be the greater of 3% or the Bay Area Consumer Price Index; and
3. Rescinding Resolution No. 66,205-N.S. effective July 1, 2014.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 4 speakers.
M/S/C (Moore/Capitelli) to close the public hearing.

Action Calendar – Old Business

Vote: All Ayes.

Recess: 8:19 p.m. – 8:25 p.m.

Action: M/S/C (Worthington/Arreguin) to re-open the Public Hearing for the purpose of accepting protests from property owners.

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

Action: M/S/C (Wengraf/Arreguin) to close the Public Hearing.

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

Councilmember Moore absent 8:25 p.m. – 8:27 p.m.

Councilmember Anderson absent 8:25 p.m. – 8:28 p.m.

Action: M/S/C (Maio/Wozniak) to adopt Resolution No. 66,600–N.S., 1) Setting rates for residential and commercial refuse collection, increasing rates as of FY 2015 by 24.7% for residential customers, and 2.5% for commercial customers; 2) Authorizing an annual inflator in future years to be the greater of 3% or the Bay Area Consumer Price Index; and 3) Rescinding Resolution No. 66,205-N.S. effective July 1, 2014, with a revision to the second resolved clause to read, “BE IT FURTHER RESOLVED that an annual inflator on all residential and commercial rates and charges to be the greater of the Bay Area Consumer Price Index or 3% is authorized through Fiscal Year 2019.”

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

Councilmember Worthington absent 10:28 p.m. – 10:52 p.m.

28. Fiscal Year 2015 City Budget and Citywide Work Plan

a. FY 2015 Budget - Public Hearing #1

From: City Manager

Recommendation: Conduct a public hearing regarding the FY 2015 proposed budget.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Public Testimony: The Mayor opened the public hearing. 14 speakers.

M/S/C (Moore/Arreguin) to close the public hearing.

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

Councilmember Worthington absent 8:02 p.m. – 8:17 p.m.

Action: Discussion held.

Action Calendar – Old Business

28. b. Citywide Work Plan

From: City Manager

Recommendation: Discuss comments from Council on the Fiscal Year 2015 Citywide Work Plan.

Financial Implications: See Work Plan

Contact: William Rogers, Deputy City Manager, 981-7000

Action: 0 speakers. Discussion held.

29. Extend Residential Preferential Parking Program on Specified Blocks Along Eunice Street and Martin Luther King, Jr. Way

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Sections 25H and 25E of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on specified blocks along Eunice Street and Martin Luther King, Jr. Way.

Financial Implications: General Fund - \$1,050

Contact: Andrew Clough, Public Works, 981-6300

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

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

Vote: All Ayes.

Action: M/S/C (Wengraf/Arreguin) to adopt Resolution No. 66,601–N.S. amending Sections 25H and 25E of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on specified blocks along Eunice Street and Martin Luther King, Jr. Way.

Vote: All Ayes.

Action Calendar – Old Business

30. Amendments to BMC Chapter 13.42 - Operating Standards for Mini-Dorms

(Continued from April 29, 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: 0 speakers. Moved the first reading of the Ordinance, as amended in Supplemental Reports and Communications #1, to the Consent Calendar. Adopted first reading of Ordinance No. 7,337–N.S. Second reading scheduled for June 3, 2014.

Action Calendar – Old Business

31. **New Location for City Council Meetings** *(Continued from May 6, 2014)*
From: City Manager
Contact: Mark Numainville, City Clerk, 981-6900
Action: 0 speakers. Moved to the Consent Calendar with the direction to the City Manager to provide an analysis of 1947 Center Street as a potential location for the Council Chambers.
32. **Sacramento Street Median Garden Pilot Project** *(Continued from May 6, 2014)*
From: Councilmember Arreguin
Recommendation: Request that the City Manager to work with stakeholders to explore the possibility of a garden within one of the medians located on Sacramento Street between University Avenue and Dwight Way beginning as soon as 2015 with limited preparation work in the interim that includes testing soil samples and growth methods.
Financial Implications: See report
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Held over to June 10, 2014 by Councilmember Arreguin.

Action Calendar – New Business

33. **Ballot Measures Nov. 2014: Discussion and Possible Action**
From: City Manager
Recommendation: Provide direction to the City Manager regarding language for possible ballot measures on the November 2014 Ballot.
Financial Implications: See report
Contact: William Rogers, City Manager's Office, 981-7000
Action: Hold over the discussion on the Sugar Sweetened Beverage Tax to June 3, 2014.
Action: 7 speakers. M/S/C (Moore/Arreguin) to move forward with both the 16% increase in the Parks Tax and the Mello-Roos Community Facilities District.
Vote: Ayes – Moore, Anderson, Arreguin, Worthington, Wozniak; Noes – Capitelli, Bates; Abstain – Maio, Wengraf.
Action: M/S/C (Worthington/Arreguin) to hold over the corporate personhood ballot question to June 3, 2014.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington; Noes – Capitelli, Bates; Abstain – Wozniak.
34. **Possible Ballot Measure for November 2014 Election - City Parks**
From: City Manager
Recommendation:
1. Initiate possible Mello-Roos Community Facilities District for Parks by adopting:
a. Resolution of Intention to Form a Community Facilities District and to authorize the levy of a Special Tax within the proposed District.
b. Resolution of Intention to Incur Bonded Indebtedness within the District.

Council Action Items

- c. Set Public Hearing date of June 24, 2014.
2. Direction on preferred capital and operational limits for possible Community Facilities District.

Financial Implications: See report

Contact: William Rogers, Deputy City Manager, 981-7000

Action: M/S/C (Worthington/Arreguin) to:

1. a. Adopt Resolution No. 66,602–N.S. Resolution of Intention to Form a Community Facilities District and to authorize the levy of a Special Tax within the proposed District revised to remove “Such mailing shall be completed not less than 15 days before the date of the public hearing.” From the 12th resolved clause;
- b. Resolution No. 66,603–N.S. Resolution of Intention to Incur Bonded Indebtedness within the District;
- c. Set Public Hearing date of June 24, 2014.

Vote: All Ayes.

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

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

Council Action Items

35. Citizens Redistricting Commission Charter Amendment

From: Councilmembers Arreguin and Capitelli

Recommendation:

1. Adopt a motion expressing the City Council’s intent to submit to the voters at the November 4, 2014 General Municipal Election, the attached amendment to the City Charter to establish an independent Citizens Redistricting Commission; and
2. Direct the City Manager to request that the City Attorney write the ballot question and analysis of the proposed measure as required by Elections Code Section 9280, and bring back to the City Council as soon as possible a resolution to submit the Charter Amendment to the voters along with the City Attorney’s analysis and ballot question.

Financial Implications: See report

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

Action: Item held over to June 3, 2014.

36. City Manager Referral; Berkeley Publicly Financed Elections Measure on November Ballot

From: Councilmember Worthington

Recommendation: Refer to the City Manager to place Berkeley Publicly Financed Elections Measure on November Ballot.

Financial Implications: See report

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

Council Action Items

Action: M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:25 p.m.
Vote: All Ayes.

Action: M/S/C (Bates/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: All Ayes.

Action: M/S/C (Maio/Arreguin) to suspend the rules and extend the meeting to 11:35 p.m.
Vote: All Ayes.

Action: 11 speakers. M/S/C (Bates/Wozniak) to refer the draft ballot measure to the Fair Campaign Practices Commission for review and recommendation for the November 2016 ballot.

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

Information Reports

37. Urban Agriculture Incentive Zones

From: City Manager

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

Action: Moved to the Consent Calendar and held over to the Action Calendar on June 10, 2014.

38. LPC-NOD: 2081 Center Street

From: City Manager

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

Action: Received and filed.

39. LPC-NOD: 2517 Regent Street

From: City Manager

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

Action: Received and filed.

40. Metropolitan Transportation Commission Approval on April 23, 2014 of Bike Share and Bay Trail Improvements for Berkeley

From: Mayor Bates

Contact: Tom Bates, Mayor, 981-7100

Action: Received and filed.

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

Adjournment

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

Vote: All Ayes.

Adjournment In Memory of:

1. George Yoshida, Musician
2. Judge Jennie Rhine

Adjourned at 11:31 p.m.

Communications

Item 34: Possible Ballot Measure for November 2014 Election - City Parks

1. Nancy Carleton

Item 36: City Manager Referral; Berkeley Publicly Financed Elections Measure on November Ballot

2. Michelle Romero, on behalf of the Greenlining Institute

Squirrels at Cesar Chavez

3. Claudia Reed

2635 Ashby Avenue

4. Stuart Flashman

CNA Newsletter

5. Ted Edlin

Supplemental Communications and Reports 1

Item 4: Minimum Wage Ordinance – BMC Chapter 13.99

6. Mary Ann Brewin

Item 28: Fiscal Year 2015 City Budget and Citywide Work Plan

7. Julie Saltzman, on behalf of the Berkeley Cultural Trust

Item 29: Extend Residential Preferential Parking Program on Specified Blocks Along Eunice Street and Martin Luther King, Jr. Way

8. Sonja Mackenzie

Item 30: Amendments to BMC Chapter 13.42 - Operating Standards for Mini-Dorms

9. Supplemental materials, submitted by City Attorney

Item 33: Ballot Measures Nov. 2014: Discussion and Possible Action

10. Revised materials, submitted by City Manager
11. Supplemental materials, submitted by City Attorney
12. Community Health Commission
13. Carolyn Alexander
14. Larry Butler

Item 34: Possible Ballot Measure for November 2014 Election - City Parks

15. Igor Tregub

Supplemental Communications and Reports 2

Item 4: Minimum Wage Ordinance – BMC Chapter 13.99

- 16. Carla Woodworth, on behalf of Berkeley Citizens for a Fair Minimum Wage
- 17. Robert Flasher
- 18. Judy Bertelsen
- 19. James McFadden
- 20. David & Stacey Aucella
- 21. Gary Gendel
- 22. La Tour Salon
- 23. Bonnie Stack
- 24. Nancy Mueller
- 25. Gay & Alan Auerbach
- 26. Jason Kwon
- 27. Alda Morgan
- 28. Doris Nassiry
- 29. Larry Baack
- 30. Shang-Mei Lee
- 31. Monica Rocchino

Item 28a: FY 2015 Budget - Public Hearing #1

- 32. Claudia Kawczynska
- 33. David de Souza
- 34. Eleni Sotos, on behalf of Berkeley Animal Care Services

Item 36: City Manager Referral; Berkeley Publicly Financed Elections Measure on November Ballot

- 35. Jay Costa
- 36. Nancy Bickel, on behalf of the League of Women Voters

Supplemental Communications and Reports 3

Item 4: Minimum Wage Ordinance – BMC Chapter 13.99

- 37. Tom Bates, Mayor
- 38. Lynn Nice
- 39. Dan Thornton
- 40. Jonatan Martinez
- 41. Claremont Elmwood Neighborhood Association Board of Directors
- 42. Sierra Club Northern Alameda County Group
- 43. Denise Handwerker
- 44. Cal Berkeley Democrats
- 45. Associated Students of the University of California

Item 33: Ballot Measures Nov. 2014: Discussion and Possible Action

- 46. Presentation, submitted by City Manager

Item 34: Possible Ballot Measure for November 2014 Election - City Parks

- 47. Presentation, submitted by City Manager