

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
TUESDAY, JUNE 10, 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:** 7:03 p.m. All present.

### **Ceremonial Matters:**

1. Berkeley World Music Festival, June 22, 2014
2. Berkeley Fire Department, BFFA 1227 Fire Science Program

### **City Manager Comments:**

1. Juneteenth Festival: June 15, 2014, 10am – 6pm

**Public Comment on Non-Agenda Matters:** 0 speakers.

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

## **Consent Calendar**

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

**Vote:** All Ayes.

### **1. Minutes for Approval**

**From:** City Manager

**Recommendation:** Approve the minutes for the Council meetings of May 6, 2014 (special, special closed and regular) and May 20, 2014 (special and regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Approved minutes as submitted.

## Consent Calendar

### 2. Oakland/Berkeley Recycling Market Development Zone Renewal

**From: City Manager**

**Recommendation:** Adopt a Resolution renewing the Oakland/Berkeley Recycling Market Development Zone (RMDZ) and authorizing the City of Oakland to submit a renewal application to the California Department of Resources Recycling and Recovery (CalRecycle) for the Cities of Berkeley and Oakland.

**Financial Implications:** No direct fiscal impact

Contact: Michael Caplan, Economic Development, 981-7530

**Action:** Adopted Resolution No. 66,620–N.S.

### 3. Temporary Appropriations FY 2015

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2014, until the effective date of the FY 2015 Annual Appropriations Ordinance.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300

**Action:** Adopted Resolution No. 66,621–N.S.

### 4. Amending BMC Chapter 9.04: Business Licenses

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 9.04 to define the term subcontractor and the intent of allowing subcontractor deductions from business license gross receipts for the Construction Contractor and Professional Semi-Professional business classification, clarify the interest calculation as simple interest, clarify assessment of penalties and interest when closing/amending a business license, clarify that Finance places property tax liens annually with the county Auditor-Controller, does not place recorded liens with the county Assessor, and set an administrative lien fee by Council Resolution.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300

**Action:** Adopted first reading of Ordinance No. 7,338–N.S. Second reading scheduled for June 24, 2014.

### 5. FY 2015 Special Tax Rate: Fund the Provision of Library Services

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.1856 (18.56 cents) per square foot for dwelling units and \$0.2806 (28.06 cents) per square foot for industrial, commercial, and institutional buildings.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300; Donna Corbeil, Library, 981-6100

**Action:** Adopted first reading of Ordinance No. 7,339–N.S. Second reading scheduled for June 24, 2014.

## Consent Calendar

- 6. FY 2015 Tax Rate: Fund Emergency Services for the Severely Disabled**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the provision of emergency services for the disabled at \$0.01339 (1.339 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,340–N.S. Second reading scheduled for June 24, 2014.
- 7. FY 2015 Tax Rate: Fund the Provision of Emergency Medical Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0336 (3.36 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,341–N.S. Second reading scheduled for June 24, 2014.
- 8. FY 2015 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1256 (12.56 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,342–N.S. Second reading scheduled for June 24, 2014.
- 9. FY 2015 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for Business License Tax on large non-profits at \$0.5479 (54.79 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,343–N.S. Second reading scheduled for June 24, 2014.

## Consent Calendar

- 10. FY 2015 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds-Election of November 2008**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008) at 0.0100%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,344–N.S. Second reading scheduled for June 24, 2014.
- 11. FY 2015 Tax Rate: Fund Debt Service on Fire Seismic General Obligation Bonds-Election of 1992 (Measure G, 2002 and 2007 General Obligation Refunding Bonds)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the debt service on the Fire Seismic General Obligation Bonds (Measure G, 2002 and 2007 General Obligation Refunding Bonds) at 0.0125%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,345–N.S. Second reading scheduled for June 24, 2014.
- 12. FY 2015 Tax Rate: Fund Debt Service on Measure S General Obligation Bonds, Election of 1996 (2007 Refunding Bonds)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the debt service on the Measure S General Obligation Bonds (Election of 1996, 2007 Refunding Bonds) at 0.019%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,346–N.S. Second reading scheduled for June 24, 2014.
- 13. FY 2015 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.007%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,347–N.S. Second reading scheduled for June 24, 2014.

## Consent Calendar

- 14. FY 2015 Tax Rate: Fund Disaster Fire Protection (Measure Q)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,348–N.S. Second reading scheduled for June 24, 2014.
- 15. FY 2015 Tax Rate: Fund Debt Service on Animal Shelter General Obligation Bonds (Measure I, November 2002 Election)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding the debt service on the Animal Shelter General Obligation Bonds (Measure I, November 2002) at 0.0020%.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted first reading of Ordinance No. 7,349–N.S. Second reading scheduled for June 24, 2014.
- 16. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Promotion, Protection, and Prevention Services**  
**From: City Manager**  
**Recommendation:** Adopt seven Resolutions authorizing the City Manager to submit grant applications to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following revenue agreements:
1. Child Health and Disability Prevention (CHDP) Program in the projected amount of \$419,078 for Fiscal Year 2015.
  2. Maternal, Child and Adolescent Health (MCAH) and Black Infant Health (BIH) Program, in the projected amount of \$307,000 for Fiscal Year 2015.
  3. Public Health Emergency Preparedness Program in the projected amount of \$252,215 for Fiscal Year 2015.
  4. State Lead Poisoning Prevention Program in the projected amount of \$61,935 per year for 3 years for a total of \$185,805 for Fiscal Year 2015 – Fiscal Year 2017.
  5. Tobacco Trust Fund in the projected amount of \$150,000 for Fiscal Year 2015.
  6. Tuberculosis Control Program in the projected amount of \$6,000 for Fiscal Year 2015.
  7. Women, infant and Children (WIC) Program in the projected amount of \$470,713 for Federal Fiscal Year 2015.
- Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 66,622–N.S. (CHDP); Resolution No. 66,623–N.S. (MCAH & BIH); Resolution No. 66,624–N.S. (Emergency Prep); Resolution No. 66,625–N.S. (Lead); Resolution No. 66,626–N.S. (Tobacco); Resolution No. 66,627–N.S. (Tuberculosis); and Resolution No. 66,628–N.S. (WIC).

## Consent Calendar

**17. Revenue Grant Agreements: Funding Support from the Partner Organizations to Conduct Public Health Promotion, Protection, and Prevention Services  
From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to submit grant applications to First 5 Alameda County, YMCA of the Central Bay Area and Berkeley Development Group, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following revenue agreements:

1. California Family Health Council, in the projected amount of \$155,014 for Calendar Year 2015.
2. YMCA of the Central Bay Area, in the projected amount of \$10,000 for Fiscal Year 2015.
3. Berkeley Development Group, in the projected amount of \$15,000 for Fiscal Year 2015.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 66,629–N.S. (Family Health); Resolution No. 66,630–N.S. (YMCA); and Resolution No. 66,631–N.S. (Development Group).

**18. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Promotion, Protection, and Prevention Services  
From: City Manager**

**Recommendation:** Adopt six Resolutions authorizing the City Manager to submit grant applications to Alameda County, to accept the grants, and to execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following revenue agreements for Fiscal Year 2015:

1. Public Health Infrastructure Program in the projected amount of \$32,080.
2. Foster Care Program in the projected amount of \$90,000.
3. Lead Poisoning Prevention Program in the projected amount of \$24,750.
4. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$155,000.
5. School Linked Health Services Program (Measure A Funding) in the projected amount of \$172,125.
6. Tobacco Prevention Program in the projected amount of \$69,000.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 66,632–N.S. (Infrastructure); Resolution No. 66,633–N.S. (Foster Care); Resolution No. 66,634–N.S. (Lead); Resolution No. 66,635–N.S. (BHS); Resolution No. 66,636–N.S. (Linked Health); and Resolution No. 66,637–N.S. (Tobacco).

## Consent Calendar

- 19. Contract: Bay Area Community Resources for the Placement of AmeriCorps Interns**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with Bay Area Community Resources for the placement of AmeriCorps interns in an amount not to exceed \$84,000 for the period July 1, 2014 through June 30, 2015.  
**Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 66,638–N.S.
- 20. Grant: Alameda County Transportation Commission for Measure B Paratransit Revenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments with the Alameda County Transportation Commission (Alameda CTC) for the renewal of Measure B annual pass-through funds estimated to be in the amount of \$257,396 for use during FY 2015.  
**Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 66,639–N.S.
- 21. Contract No. 6893E Amendment: Nexus IS for Extended Telephone Equipment Warranty**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 6893E with Nexus IS for an extended telephone equipment warranty, increasing the amount by \$55,000, for a total contract amount not to exceed \$520,000 for the term January 1, 2006 through June 30, 2015.  
**Financial Implications:** General Fund - \$55,000  
Contact: Donna LaSala, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 66,640–N.S.
- 22. Grant Contract: Lumina Foundation Community Partnership for Attainment Grant Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a grant contract and any amendments with the Lumina Foundation to support 2020 Vision College and Career Readiness and Success efforts; and authorizing the implementation of the projects and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** \$20,000 (Revenue)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 66,641–N.S.

## Consent Calendar

- 23. Waiver of Annual Marina Berth Fees for Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Affirming the determination by City staff and the Parks and Waterfront Commission that three non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and 2. Approving the annual waiver of berth fees for the three groups for FY 2015.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 66,642–N.S.
- 24. Contract No. 9169 Amendment: Townsend Management, Inc. for Additional Construction Management and Support Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9169 in an amount not to exceed \$60,000 for a total contract amount not to exceed \$191,096 for construction management and project management services for parks capital improvement projects, and extending the term through December 31, 2015.  
**Financial Implications:** Capital Improvement Fund - \$60,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 66,643–N.S.
- 25. Contract No. 9537 Amendment: Dillingham Associates for On-Call Landscape Architecture Services for Live Oak and Ohlone Parks Basketball Court Renovations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9537 with Dillingham Associates in an amount not to exceed \$92,000 for a total contract amount not to exceed \$192,000 for on-call landscape architecture services at Live Oak and Ohlone Park basketball courts.  
**Financial Implications:** Various Funds - \$92,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 66,644–N.S.
- 26. Contract No. 7009 Amendment: 2M Associates for Segment Three of the Bay Trail Extension Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7009 with 2M Associates of Berkeley to prepare the design and National Environmental Policy Act environmental review documents for segment three of the Bay Trail Shoreline Access Staging Area Project in an amount not to exceed \$77,000 for a total contract amount not to exceed \$327,184, and extending the term through December 31, 2015.  
**Financial Implications:** Various Funds - \$77,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 66,645–N.S.



## Consent Calendar

- 27. Grant Agreement: Rockefeller Philanthropy Advisors, Inc. to Advance Community Resilience**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Rockefeller Philanthropy Advisors, Inc. on behalf of the 100 Resilient Cities Initiative for the approximate period of June 17, 2014 through December 31, 2017 in the approximate amount of \$582,000 and additional non-monetary assistance in the form of technical consultants and other service providers for development and implementation of a community resilience strategy.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 66,646–N.S.
- 28. Amending Berkeley City Council Procedures on ZAB Appeals; BMC Chapters 23B.28 and 23B.32**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 23B.28.060 (Appeals of Decisions of the Zoning Officer to the Board) and Chapter 23B.32.060 (Council Consideration and Action on Appeals) to allow automatic public hearings on any appeal of a Board decision.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted first reading of Ordinance No. 7,350–N.S. Second reading scheduled for June 24, 2014.
- 29. Soft Story Ordinance Accelerated Deadlines; Amending BMC Subsection 19.39.110.B**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Subsection 19.39.110.B to eliminate language inadvertently added pertaining to the acceleration of deadlines in the Soft Story Ordinance.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted first reading of Ordinance No. 7,351–N.S. Second reading scheduled for June 24, 2014.
- 30. Contract No. 9118 Amendment: Steer Davies Gleave for Marketing and Public Outreach Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9118 with Steer Davies Gleave for marketing and public outreach services to increase the contract amount by \$18,200 for a total contract amount not to exceed \$163,200.  
**Financial Implications:** MTC Fund - \$18,200  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,647–N.S.

## Consent Calendar

- 31. Contract: ThyssenKrupp Elevator Americas for Citywide Elevator and Lift Maintenance and Repair**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with ThyssenKrupp Elevator Americas for Citywide elevator and lift maintenance and repair in an amount not to exceed \$1,140,000 for the period July 1, 2014 through June 30, 2019 with options for two 2-year extensions.  
**Financial Implications:** Various Funds - \$1,140,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,648–N.S.
- 32. Contract No. 9102 Amendment: CDM Smith for Project Planning and Project Management Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9102 with CDM Smith for project planning and project management services to increase the contract amount by \$185,000 for a total contract amount not to exceed \$385,000.  
**Financial Implications:** CalTrans Fund - \$185,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,649–N.S.
- 33. Contract No. 9400 Amendment: HF&H Consultants, LLC for a Sustainable Refuse Rate Study**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9400 with HF&H Consultants, LLC for a Sustainable Refuse Services Rate Study to increase the contract amount by \$15,000 for a total contract amount not to exceed \$155,000; and extending the term of the contract to September 30, 2014.  
**Financial Implications:** Refuse Collect Disposal Fund - \$15,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,650–N.S.
- 34. Support SB 1381: Genetically Modified Organisms Labeling**  
**From: Community Health Commission**  
**Recommendation:** Adopt a Resolution and send a letter to the California Legislature asking them to support SB 1381, as currently written, requiring genetically modified organisms to be labeled in the State of California. The letter should mention the environmental impacts associated with genetically modified organisms.  
**Financial Implications:** None  
Contact: Gail Feldman, Commission Secretary, 981-5400  
**Action:** No action taken.

## Council Consent Items

35. **K to College 5<sup>th</sup> Anniversary Reception: 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 \$250 per councilmember, including \$250 from Councilmember Maio, to K to College 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 - \$250  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 66,651–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Anderson - \$250.
36. **Official City Sponsor of Berkeley-East Bay Humane Society's "Bark Around The Block"**  
**From: Councilmember Moore**  
**Recommendation:** Approve City sponsorship of Berkeley-East Bay Humane Society's "Bark Around The Block".  
**Financial Implications:** Unknown  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Approved recommendation.
37. **Support of Assembly Bill (AB) 1756: 'Starting Over Strong'**  
**From: Councilmembers Arreguin and Anderson**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill (AB) 1756, the 'Starting Over Strong' bill, introduced by Assemblymember Nancy Skinner. AB 1756 eliminates the fees associated with sealing court records for juveniles age 18 or under at the time of offense, and who have successfully rehabilitated by age 26. Copies of the Resolution are to be sent to Assemblymember Skinner, as well as Governor Jerry Brown, State Senator Loni Hancock, and bill coauthors Assemblymembers Cheryl Brown, Reginald Jones-Sawyer, and Shirley Weber.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Councilmember Moore added as a co-sponsor. Adopted Resolution No. 66,652–N.S.
38. **Assembly Bill 2372, Proposition 13: Change of Ownership**  
**From: Councilmembers Arreguin and Capitelli**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill (AB) 2372, authored by Assemblymembers Tom Ammiano and Raul Bocanegra, which would update the definition of "change of ownership" for Proposition 13, thereby closing a loophole that has allowed certain property transactions to evade tax reassessment. Copies of the Resolution are to be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Senator Loni Hancock, Assembly Speaker Toni Atkins, and Assemblymembers Nancy Skinner, Tom Ammiano and Raul Bocanegra.  
**Financial Implications:** None

## Council Consent Items

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

**Action:** Adopted Resolution No. 66,653–N.S.

**39. Referral to Fire and Disaster Commission and Parks and Waterfront Commission Regarding a Ban on New Planting of Certain Tree Species**  
**From: Councilmember Wengraf**

**Recommendation:** Refer to the Fire and Disaster Commission and the Parks and Waterfront Commission establishing a ban on the new planting of certain species of trees including Monterey Pine, Monterey Cypress, Red Gum Eucalyptus or Blue Gum Eucalyptus within the City of Berkeley and report back to Council with a recommendation after evaluation.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

**Action:** Approved recommendation.

**40. Proclamation in Honor of Volti**  
**From: Councilmember Worthington**

**Recommendation:** Adopt a proclamation honoring Volti for 35 years of vocal ensemble performance.

**Financial Implications:** None

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

**Action:** Adopted proclamation.

**41. Ashkenaz Music & Dance Center: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Worthington**

**Recommendation:** Adopt a Resolution approving the expenditure of up to \$500 per council member to the Ashkenaz Music & Dance Center with funds relinquished to the City's general fund for this purpose from Councilmember Worthington's discretionary Council Office Budget and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Fund - \$500

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

**Action:** Adopted Resolution No. 66,654–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Wengraf - \$100; Councilmember Anderson - \$100.

**42. Support Alameda County Residents' Fracking Ban Petition**  
**From: Councilmembers Worthington, Arreguin, and Wengraf**

**Recommendation:** Support Alameda County residents' petition to Ban Fracking and Other Extreme Oil Extraction Methods within the county.

**Financial Implications:** Minimal

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

**Action:** Councilmember Moore added as a co-sponsor. Approved recommendation.

## Action Calendar – Appeals

### 43. ZAB Appeal: 404 Vermont Avenue

**From:** City Manager

**Recommendation:** Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Administrative Use Permit No. 13-20000075 to approve a four hundred square foot addition to the lower level for a new bedroom, bathroom, and stairway, and a four hundred square foot addition to the upper/main level for a new bedroom, bathroom and stairway, for a total 800 sq. ft. major residential addition, resulting in a 2,436 sq. ft. residence, maintaining the existing maximum height of 26' at the west elevation and 28'6" at the south elevation.

**Financial Implications:** None

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

- a. Appeal
  - 1. Sherry Zalabak
  - 2. Nancie Kester and Charles Irwin
- b. Communications
  - 1. Nancie Kester and Charles Irwin
  - 2. Sherry Zalabak

**Action:** 1 speaker. Agreement of applicant and appellant read into record as follows: applicant Douglas Oliver agrees to remove from the ZAB approved application the privacy screen located on the upper floor at the northwest corner of the building. Further, the applicant will not build any structure on the roof in that area of the privacy screen, nor will planting be used on the roof area to create a screening element, nor will any railings nor other structures in that area be constructed so that the previously referenced roof area would remain as an unobstructed view corridor. Applicant Douglas Oliver accepts a condition containing that language. Said condition will continue as long as appellants own 402 Vermont.

M/S/C (Capitelli/Moore) to adopt Resolution No. 66,655–N.S. affirming the decision of the Zoning Adjustments Board (ZAB) to approve Administrative Use Permit No. 13-20000075 to approve a four hundred square foot addition to the lower level for a new bedroom, bathroom, and stairway, and a four hundred square foot addition to the upper/main level for a new bedroom, bathroom and stairway, for a total 800 sq. ft. major residential addition, resulting in a 2,436 sq. ft. residence, maintaining the existing maximum height of 26' at the west elevation and 28'6" at the south elevation.

**Vote:** All Ayes.

## Action Calendar – Public Hearing

### 44. Assessments: Telegraph Property and Business Improvement District

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, if no majority protests exists, adopt a Resolution confirming the Annual Report on the Telegraph Property and Business Improvement District (hereafter, the TBID or "the District") for FY 2014 and levying assessments in the District for FY 2015.

**Financial Implications:** See report

Contact: Michael Caplan, Economic Development, 981-7530

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

M/S/C (Capitelli/Anderson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Worthington/Moore) to adopt Resolution No. 66,656–N.S. confirming the Annual Report on the Telegraph Property and Business Improvement District (hereafter, the TBID or "the District") for FY 2014 and levying assessments in the District for FY 2015.

**Vote:** All Ayes.

### 45. Assessments: Downtown Property and Business Improvement District

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, if no majority protests exist, adopt two Resolutions:

1. Confirming the Annual Report for the Downtown Property and Business Improvement District (DPBID) for FY 2014 and levying assessments in the area for FY 2015.

2. Authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association (DBA) to implement the Management District Plan for the DPBID.

**Financial Implications:** See report

Contact: Michael Caplan, Economic Development, 981-7530

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Moore) to:

1. Adopt Resolution No. 66,657–N.S. (DPBID) confirming the Annual Report for the Downtown Property and Business Improvement District (DPBID) for FY 2014 and levying assessments in the area for FY 2015.; and

2. Adopt Resolution No. 66,658–N.S. (DBA) Authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association (DBA) to implement the Management District Plan for the DPBID.

**Vote:** All Ayes.

## Action Calendar – Public Hearing

### 46. **Assessment: North Shattuck Business Improvement District**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, if no majority protest exists, adopt two Resolutions:

1. Confirming the Annual Report for the North Shattuck Business Improvement District (NSBID) for FY 2014 and levying assessments in the area for FY 2015.
2. Authorizing the City Manager to execute a sole source contract and any amendments with the North Shattuck Association to implement the Management District Plan for the NSBID.

**Financial Implications:** See report

Contact: Michael Caplan, Economic Development, 981-7530

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

**Vote:** All Ayes.

**Action:** M/S/C (Wengraf/Arreguin) to:

1. Adopt Resolution No. 66,659–N.S. (NSBID) confirming the Annual Report for the North Shattuck Business Improvement District (NSBID) for FY 2014 and levying assessments in the area for FY 2015.; and
2. Resolution No. 66,660–N.S. (NSA) authorizing the City Manager to execute a sole source contract and any amendments with the North Shattuck Association to implement the Management District Plan for the NSBID.

**Vote:** All Ayes.

### 47. **Business License Administrative Lien Fee**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution increasing the delinquent business license administrative lien fee from \$50 to \$125 effective August 1, 2014 for each delinquent account sent to the County for collection.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300

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

**Vote:** All Ayes.

**Action:** M/S/C (Moore/Maio) to adopt Resolution No. 66,661–N.S. increasing the delinquent business license administrative lien fee from \$50 to \$125 effective August 1, 2014 for each delinquent account sent to the County for collection.

**Vote:** All Ayes.

## Action Calendar – Continued Business

**A. a. Ballot Measures Nov. 2014: Discussion and Possible Action** *(Continued from June 3, 2014)*

**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:** M/S/C (Maio/Moore) to accept supplemental material on Item A.a. (sugar-sweetened beverage tax) from Councilmember Capitelli.

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

Councilmember Worthington absent 8:37 p.m. – 8:42 p.m.

Councilmember Arreguin absent 8:38 p.m. – 8:43 p.m.

**Action:** 13 speakers. M/S/C (Maio/Moore) to direct staff to bring back all necessary resolutions and actions at the July 1, 2014 City Council meeting to place the sugar-sweetened beverage tax measure on the ballot.

**Vote:** All Ayes.

**Action:** M/S/C (Capitelli/Maio) to direct staff to submit a supplemental item at the June 24, 2014 meeting that includes the list of projects and dollar amounts for the Community Facilities District as stated in the record, and to have the agenda item to place the measure on the ballot agendized for July 1, 2014.

Capital Project	Funded by CFD Bond	Funded by Transfer Tax
Rose Garden	\$ 1,300,000	
Basketball Courts	\$ 1,200,000	\$ 1,000,000
Tennis Courts	\$ 1,400,000	\$ 1,000,000
Ball Fields	\$ 950,000	\$ 750,000
Aquatic Park	\$ 2,250,000	
San Pablo Park		\$ 1,000,000
James Kenney	\$ 1,500,000	\$ 800,000
Ohlone Park	\$ 300,000	
West Campus Pool	\$ 2,000,000	
King Pool	\$ 2,250,000	
Santa Fe ROW	\$ 1,240,000	
Willard Pool	\$ 4,500,000	
<b>Capital Bond Total</b>	<b>\$ 18,890,000</b>	
<b>Operations Total</b>	<b>\$ 1,100,000</b>	
<b>CFD Measure Total</b>	<b>\$ 19,990,000</b>	
<b>Transfer Tax Total</b>		<b>\$ 4,550,000</b>

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



## Action Calendar – Continued Business

**A. b. Ballot Measures Nov. 2014: Discussion and Possible Action** *(Continued from June 3, 2014)*

**From: City Manager**

**Recommendation:** Consider the draft ballot label for the “corporate personhood” advisory measure.

**Financial Implications:** None

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** 5 speakers. M/S/C (Worthington/Anderson) to revise the draft ballot question with the language provided in Communication #25 as follows “Should the United States Constitution be amended to abolish the legal concept that corporations are persons that are entitled to constitutional rights, and the doctrine that the expenditure of money may be treated as free speech?”; and include that language with the item agenda for June 24, 2014.

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

**B. Citizens Redistricting Commission Charter Amendment** *(Continued from June 3, 2014)*

**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 24, 2014.

## Action Calendar – Old Business

**48. Sacramento Street Median Garden Pilot Project** *(Continued from May 20, 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:** 3 speakers. M/S/C (Maio/Arreguin) to request the sponsoring group to examine the Santa Fe Right of Way and other locations as alternatives; to hold the

## Action Calendar – Old Business

item over to a future meeting; and to incorporate the Lose Your Lawn program administered by stopwaste.org

**Vote:** All Ayes.

### 49. **Urban Agriculture Incentive Zones** *(Continued from May 20, 2014)*

**From:** City Manager

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

**Action:** 1 speaker. M/S/C (Arreguin/Bates) to direct the City Manager to proceed with the next steps for implementing an Urban Agriculture Incentive Zone in Berkeley and to refer the matter to the Planning Commission.

**Vote:** All Ayes.

## Action Calendar – New Business

### 50. **City Council Comments on the FY 2015 Proposed Budget Update**

**From:** City Manager

**Recommendation:** Provide comments on the FY 2015 Proposed Budget Update.

**Financial Implications:** See report

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

**Action:** M/S/C (Maio/Wozniak) to accept supplemental material from Mayor Bates on Item 50.

**Vote:** All Ayes.

**Action:** 4 speakers. M/S/C (Maio/Capitelli) to approve the Mayor's recommendations and include the allocations in the items for Budget Adoption and the Annual Appropriations Ordinance on June 24, 2014.

**Vote:** All Ayes.

### 51. **Minimum Wage Ordinance – Adding BMC Chapter 13.99**

**From:** City Manager

**Recommendation:** Adopt first reading of an Ordinance adopting the Minimum Wage Ordinance and adding Berkeley Municipal Code Chapter 13.99.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Amended to correct the dates for posting and notification from January 1 to October 1 throughout the ordinance. Adopted first reading of Ordinance No. 7,352–N.S. Second reading scheduled for June 24, 2014.

### 52. **a. Annual Adjustment of Measure GG Tax Rate**

**From:** Disaster and Fire Safety Commission

**Recommendation:** Increase the rate of tax imposed under Measure GG in Fiscal Year 2015 at a rate of the lesser of the Consumer Price Index (CPI) or the Personal Income Growth (PIG) with a minimum of 2%.

**Financial Implications:** See report

Contact: Aaron Lee, Commission Secretary, 981-3473

## Action Calendar – New Business

**52. b. FY 2015 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance setting the FY 2015 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.04752 (4.752 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.07192 (7.192 cents) per square foot of improvements.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300; Gil Dong, Fire, 981-3473

**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,353–N.S. Second reading scheduled for June 24, 2014.

## Council Action Items

**53. City Manager Referral: Ordinance to Ban Hydraulic Fracturing and Oil Extraction in Berkeley**

**From: Councilmember Worthington**

**Recommendation:** That the City of Berkeley begins the process to set in place a ban on hydraulic fracturing and oil extraction in Berkeley.

**Financial Implications:** Minimal

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

**Action:** 5 speakers. M/S/Failed (Worthington/Anderson) to approve recommendation.

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

## Information Reports

**54. Public Health Priorities and Budgeting**

**From: City Manager**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda – 3 speakers.**

## Adjournment in memory of:

**Action:** M/S/C (Maio/Worthington) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned in memory of:

1. UC Santa Barbara Students
  - Cheng Yuan Hong, 20, of San Jose, Calif.
  - George Chen, 19, of San Jose, Calif.
  - Weihan Wang, 20, of Fremont, Calif.
  - Katherine Breann Cooper, 22, of Chino Hills, Calif.
  - Veronika Elizabeth Weiss, 19, of Westlake Village, Calif.
  - Christopher Ross Michaels-Martinez, 20, of Los Osos, Calif.
2. Peggy Thompson, Mayor of Albany

Adjourned at 10:15 p.m.

## **Communications**

### **Tasers**

1. Shirley Dean, on behalf of the Berkeley Safe Neighborhoods Committee

### **Landlord Issue**

2. Michael Degnan

## **Supplemental Communications and Reports 1**

### **Item 26: Contract No. 7009 Amendment: 2M Associates for Segment Three of the Bay Trail Extension Project**

3. Revised materials, submitted by Parks, Recreation & Waterfront

### **Item 43: ZAB Appeal: 404 Vermont Avenue**

4. Douglas Oliver and Jenny Ma
5. Sherry Zalabak

### **Item 51: Minimum Wage Ordinance – Adding BMC Chapter 13.99**

6. Shauna Haines

## **Supplemental Communications and Reports 2**

### **Item 43: ZAB Appeal: 404 Vermont Avenue**

7. Sherry Zalabak
8. Rena Rickles, on behalf of Sherry Zalabak
9. Douglas Oliver (2)

### **Item A: a. Ballot Measures Nov. 2014: Discussion and Possible Action**

10. Rani Marx
11. George Frost and Marilee Enge
12. Rachel Katz
13. Elena Eger
14. Alan Van Tress
15. Page Nelson
16. Patty Nelson
17. Claudia Polsky

18. Steve Schwartz
19. Nancy Carleton
20. Molly Mehaffy
21. Amelie Mel de Fontenay
22. Mary Oram
23. Charlotte Daniels
24. Cris Barrere

**b. Ballot Measures Nov. 2014: Discussion and Possible Action**

25. Phoebe Sorgen

**Item 48: Sacramento Street Median Garden Pilot Project**

26. Victory Lee, on behalf Victory Garden Foundation, Inc.

**Item 50: City Council Comments on the FY 2015 Proposed Budget Update**

27. Bruce Tanaka
28. Viki Tamaradze

**Item 51: Minimum Wage Ordinance – Adding BMC Chapter 13.99**

29. Kimberly Scrafano, on behalf of Goodwill Industries of the Greater East Bay

### **Supplemental Communications and Reports 3**

**Item 43: ZAB Appeal: 404 Vermont Avenue**

30. Sherry Zalabak

**Item A: a. Ballot Measures Nov. 2014: Discussion and Possible Action**

31. Laurie Capitelli, District 5
32. Joe
33. John Steere

**Item 50: City Council Comments on the FY 2015 Proposed Budget Update**

34. Tom Bates, Mayor
35. Moni Law