

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
TUESDAY, JUNE 24, 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:** 7:00 p.m. Councilmember Anderson absent. Councilmember Arreguin absent. Councilmember Anderson present at 7:01 p.m. Councilmember Arreguin present at 7:05 p.m.

### **Ceremonial Matters:**

1. Recognition of Sarah Cahill, Local Musician
2. Recognition of Amateur Radio Week, June 22 - 28

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 3 speakers.

**Public Comment on Consent Calendar and Information Items Only:** 15 speakers.

## **Consent Calendar**

**Action:** M/S/C (Wengraf/Bates) to accept supplemental material from staff on Item 32 and Item 55.

**Vote:** All Ayes.

**Action:** M/S/C (Worthington/Wengraf) to accept supplemental material from Councilmember Worthington on Item 45.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Amending BMC Chapter 9.04: Business Licenses**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,338-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,338-N.S.
- 2. FY 2015 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,339-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300; Donna Corbeil, Library, 981-6100  
**Action:** Adopted second reading of Ordinance No. 7,339-N.S.
- 3. FY 2015 Tax Rate: Fund Emergency Services for the Severely Disabled**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,340-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,340-N.S.
- 4. FY 2015 Tax Rate: Fund the Provision of Emergency Medical Services**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,341-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,341-N.S.

## Consent Calendar

- 5. FY 2015 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,342-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,342-N.S.
- 6. FY 2015 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,343-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,343-N.S.
- 7. 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 second reading of Ordinance No. 7,344-N.S. 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%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,344-N.S.
- 8. 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 second reading of Ordinance No. 7,345-N.S. 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%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,345-N.S.

## Consent Calendar

- 9. FY 2015 Tax Rate: Fund Debt Service on Measure S General Obligation Bonds, Election of 1996 (2007 Refunding Bonds)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,346-N.S. 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%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,346-N.S.
- 10. 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 second reading of Ordinance No. 7,347-N.S. 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%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,347-N.S.
- 11. FY 2015 Tax Rate: Fund Disaster Fire Protection (Measure Q)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,348-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,348-N.S.
- 12. FY 2015 Tax Rate: Fund Debt Service on Animal Shelter General Obligation Bonds (Measure I, November 2002 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,349-N.S. 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%.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,349-N.S.

## Consent Calendar

- 13. Amending Berkeley City Council Procedures on ZAB Appeals; BMC Chapters 23B.28 and 23B.32**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,350-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,350-N.S.
- 14. Soft Story Ordinance Accelerated Deadlines; Amending BMC Subsection 19.39.110.B**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,351-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,351-N.S.
- 15. Minimum Wage Ordinance – Adding BMC Chapter 13.99**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,352-N.S. adopting the Minimum Wage Ordinance and adding Berkeley Municipal Code Chapter 13.99.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,352-N.S.
- 16. FY 2015 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,353-N.S. 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.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300; Gil Dong, Fire, 981-3473  
**Action:** Adopted second reading of Ordinance No. 7,353-N.S.

## Consent Calendar

- 17. Contract: QuickCaption, Inc. for Real-Time Closed Captioning Stenography Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with QuickCaption, Inc for the provision of real-time closed captioning stenography services at all work sessions, regular and special meetings of the City Council and Successor Agency to the Redevelopment Agency for the period August 1, 2014 to July 31, 2016 in an amount not to exceed \$81,900, and for three one-year renewable options.  
**Financial Implications:** General Fund - \$81,900  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 66,663–N.S.
- 18. Contract: Teri Darrenogue for Real-Time Closed Captioning Stenography Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Teri Darrenogue for the provision of real-time closed captioning stenography services at all work sessions, regular and special meetings of the City Council and Successor Agency to the Redevelopment Agency for the period March 24, 2014 to August 31, 2014 in an amount not to exceed \$25,000.  
**Financial Implications:** General Fund - \$25,000  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 66,664–N.S.
- 19. Revising the Posting Requirements for Meeting Agendas**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the physical posting requirements for meeting agendas for the Berkeley Unified School District Board of Directors, making other minor clarifying changes, and rescinding Resolution Nos. 58,556-N.S. and 60,172-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 66,665–N.S.
- 20. Revenue Contract: Animal Services for the City of Albany**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a revenue contract with the City of Albany for \$200,404, for the provision of animal care services from FY 2015 through FY 2017.  
**Financial Implications:** \$200,404 (Revenue)  
Contact: William Rogers, City Manager's Office, 981-7000  
**Action:** Adopted Resolution No. 66,666–N.S.

## Consent Calendar

- 21. Appropriations Limit for FY 2015**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the appropriations limit at \$213,770,170 for FY 2015 pursuant to Article XIIB of the Constitution of the State of California based on the calculations for the appropriations limit.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Adopted Resolution No. 66,667–N.S.
- 22. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on June 24, 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 - \$250,000  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Approved recommendation.
- 23. Mental Health Services Act (MHSA) FY13-14 Annual Update**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Year (FY) 2013-2014 Annual Update which provides current information on local mental health funding and programming in FY13-14 and continues all services through June 30, 2015, and to forward the MHSA FY13-14 Annual Update to appropriate state officials.  
**Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 66,668–N.S.
- 24. FY 2015 Funding for Resources for Community Development (RCD) and Satellite Affordable Housing Associates (SAHA)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving operating funding in the amount of \$28,638 each for FY 2015 for non-profit affordable housing developers, Resources for Community Development (RCD) and Satellite Affordable Housing Associates (SAHA).  
**Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 66,669–N.S.

## Consent Calendar

**25. 3135 Harper Street: Disposition and Development Agreement and Extension of Housing Trust Fund Reservations for 3135 Harper Street and for the Alternative Housing Trust Fund Projects**

**From: City Manager**

**Recommendation:**

1. Adopt first reading of an Ordinance approving a Disposition and Development Agreement (“DDA”) between the City of Berkeley and Satellite AHA Development, Inc., for the disposition and development of the City-owned property at 3135 Harper Street.
2. Adopt a Resolution: a) Reducing the Housing Trust Fund Reservation Council allocated to Satellite Affordable Housing Associates (SAHA) for Harper Crossings by Resolution No. 65,962-N.S. from \$2,300,000 to \$1,800,000 and extending the expiration date for the Housing Trust Fund Reservation from June 30, 2014 to October 31, 2014; and b) Allocating Housing Trust Fund to the alternate projects approved by Council Resolution No. 65,962-N.S. in the following order based on project readiness: i. Resources for Community Development, for UA Cooperative Housing up to a maximum of \$275,000 for renovation costs; ii. SAHA, for Strawberry Creek Lodge up to a maximum of \$560,000 for renovation costs; iii. Resources for Community Development, for William Byron Rumford Sr. Plaza up to a maximum of \$300,000 for common space upgrades and exterior building renovations; and iv. Northern California Land Trust, up to a maximum of \$249,000 for energy upgrades, roof repairs, and window replacements on four scattered sites.

**Financial Implications:** See report

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

**Action:** 1. Adopted first reading of Ordinance No. 7,355–N.S. from the staff item as originally submitted. Second reading scheduled for July 1, 2014. 2. Adopted Resolution No. 66,670–N.S. amended as it reads in the supplemental from staff in Supplemental Reports and Communications 1.



## Consent Calendar

### 26. **Contract Amendments: Mental Health Services Act Community Services and Supports, Prevention and Early Intervention, Innovations**

**From: City Manager**

**Recommendation:** Adopt fourteen Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Community Services and Supports (CSS), Prevention and Early Intervention (PEI), and Innovations (INN), increasing the contract amounts as follows, and extending the contracts through June 30, 2015:

1. Increasing CSS Contract No. 9533 with Youth Engagement Advocacy Housing (YEAH) by \$101,768 for a total contract amount not to exceed \$178,094 for services for transition age youth;
2. Increasing PEI Contract No. 8573D with Albany Unified School District (AUSD) by \$53,040 for a total contract amount not to exceed \$265,200 for services to Asian Pacific Islander, Latino, and African American youth;
3. Increasing PEI Contract No. 8801C with Center for Independent Living (CIL) in the amount of \$26,520 for a total contract amount not to exceed \$106,080 for supports for senior citizens;
4. Increasing PEI Contract No. 8560D with G.O.A.L.S. For Women, Inc. in the amount of \$26,520 for a total amount not to exceed \$132,600 to serve African American women and their families;
5. Increasing PEI Contract No. 8516D with Pacific Center for Human Growth in the amount of \$26,520 for a total contract amount not to exceed \$132,600 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;
6. Increasing PEI Contract No. 8606D with Youth Engagement Advocacy Housing (YEAH), in the amount of \$26,520 for a total contract amount not to exceed \$132,600 for support groups for Transition Age Youth (TAY);
7. Increasing PEI Contract No. 8975B with Berkeley Unified School District (BUSD) in the amount of \$35,000 for a total contract amount not to exceed \$160,000 for elementary school youth;
8. Increasing INN Contract No. 9009B with Albany Senior Center in the amount of \$31,257 for a total contract amount not to exceed \$146,886 to decrease isolation and increase positive mental health outcomes for Senior Citizens through the use of Smartphone, tablet, and computer technologies;
9. Increasing INN Contract No. 9029B with Berkeley Food and Housing Project in the amount of \$31,257 for a total contract amount not to exceed \$146,886 to improve physical and mental health outcomes for Mentally Ill Adults and Older Adults living in Board & Care facilities;
10. Increasing INN Contract No. 9008B with Community Health for Asian Americans (CHAA) in the amount of \$31,257 for a total contract amount not to exceed \$146,886 to increase access to, and the quality of Mental Health services for Asian Pacific Islanders through cultural based outreach and wellness activities;
11. Increasing INN Contract No. 9015B with McGee Avenue Baptist Church in the amount of \$31,257 for a total contract amount not to exceed \$146,637 to implement a cultural heritage empowerment project to increase positive mental health outcomes for African Americans in South Berkeley;

## Consent Calendar

12. Increasing INN Contract No. 9016B with Niroga Institute in the amount of \$31,257 for a total contract amount not to exceed \$146,886 to implement holistic health strategies and interventions for transition age youth in an effort to increase positive mental health outcomes and the access to and the quality of mental health services;

13. Increasing INN Contract No. 9013B with Options Recovery Services in the amount of \$31,257 for a total contract amount not to exceed \$146,886 to increase positive mental health outcomes for Ex-Offenders and Veterans returning to the community;

14. Increasing INN Contract No. 9018B with Pacific Center for Human Growth in the amount of \$31,257 for a total contract amount not to exceed \$146,886 to increase access to, and the quality of, mental health services for Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, Inter-sex individuals.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 66,671–N.S. (CSS YEAH); Resolution No. 66,672–N.S. (AUSD); Resolution No. 66,673–N.S. (CIL); Resolution No. 66,674–N.S. (G.O.A.L.S.); Resolution No. 66,675–N.S. (PEI Pacific Center); Resolution No. 66,676–N.S. (PEI YEAH); Resolution No. 66,677–N.S. (BUSD); Resolution No. 66,678–N.S. (Albany Senior); Resolution No. 66,679–N.S. (Berkeley Food); Resolution No. 66,680–N.S. (CHAA); Resolution No. 66,681–N.S. (McGee Avenue); Resolution No. 66,682–N.S. (Niroga); Resolution No. 66,683–N.S. (Options); Resolution No. 66,684 –N.S. (INN Pacific Center).

### 27. Memorandum of Understanding: Public Employees Union, Local One

**From:** City Manager

**Recommendation:** Adopt a Resolution approving a new three (3) year Memorandum of Understanding (hereafter referred to as "MOU") with the Public Employees Union, Local One (hereafter referred to as the "Union") with a term of June 24, 2012 through June 20, 2015 and authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the new MOU.

**Financial Implications:** See report

Contact: David Abel, Human Resources, 981-6800

**Action:** Adopted Resolution No. 66,685–N.S.

### 28. Contract No. 7393A Amendment: Tele-works, Inc. for Interactive Voice Response (IVR) and Interactive Web Response (IWR) System

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7393A with Tele-works, Inc. for licensing and maintenance of a Citywide Interactive Voice Response (IVR) and Interactive Web Response (IWR) system, and related services, increasing the amount by \$65,975 for a total contract amount not to exceed \$221,975, for the term July 2, 2007 through June 30, 2017.

**Financial Implications:** General Fund - \$65,975

Contact: Donna LaSala, Information Technology, 981-6500

**Action:** Adopted Resolution No. 66,686–N.S.

## Consent Calendar

- 29. Contract No. 5864E Amendment: Granicus Inc. for Video Streaming Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 5864E with Granicus, Inc. for video streaming, podcasting, and archiving, increasing the amount by \$62,400 for a total not to exceed \$348,000 from November 14, 2002 to June 30, 2016.  
**Financial Implications:** Various Funds - \$62,400  
Contact: Donna LaSala, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 66,687–N.S.
- 30. Contract No. 9263 Amendment: SSP Data for Barracuda Backup with Cloud Storage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9263 with SSP Data for the City's Barracuda Backup Solution with Hosted Cloud Storage, increasing the amount by \$96,370, for a total contract amount not to exceed \$146,202 for the term May 15, 2013 through June 30, 2017.  
**Financial Implications:** General Fund - \$96,370  
Contact: Donna LaSala, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 66,688–N.S.
- 31. Donation: Memorial Bench at the South Sailing Basin**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 from Orah Goldman for a memorial bench to be placed at the South Sailing Basin.  
**Financial Implications:** \$3,400 (Donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 66,689–N.S.
- 32. Prohibit the Feeding of Feral or Wild Animals in City Parks or on Other Public Property - Adding Berkeley Municipal Code Chapter 6.50**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance adding a new Chapter 6.50 to the Berkeley Municipal Code (BMC) to prohibit the feeding of feral or wild animals in City parks or on other public property.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Andrew Clough, Public Works, 981-6300  
**Action:** Adopted first reading of Ordinance No. 7,356–N.S. as amended in the supplemental material from staff in Supplemental Reports and Communications 1. Second reading scheduled for July 1, 2014. Directed the City Manager to provide a status report on this issue in the Fall of 2014.

## Consent Calendar

- 33. Contract: ARUP North America Ltd for Project Management, Environmental Clearance, and Design Development for the Shattuck Reconfiguration and Pedestrian Safety Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with ARUP North America Ltd. for Project Management, Environmental Clearance, and Design Development for the Shattuck Reconfiguration and Pedestrian Safety Project, for an amount not to exceed \$450,000 for the period August 1, 2014 through June 30, 2016.  
**Financial Implications:** Various Funds - \$450,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,690–N.S.
- 34. Funding Allocation Request: Transportation Fund for Clean Air for Expansion of the Bay Area Bike Share Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a funding allocation request in the amount of \$317,000 to the Transportation Fund for Clean Air for expansion of the Bay Area Bike Share program; and to accept the funding allocation, and execute any resultant revenue agreements and amendments.  
**Financial Implications:** Bay Area Air Quality Management Fund - \$317,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,691–N.S.
- 35. Contract: Harrison Engineering, Inc. for Project Management, Environmental Clearance, and Design Development for the Hearst Avenue Complete Streets Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Harrison Engineering, Inc. for Project Management, Environmental Clearance, and Design Development for the Hearst Avenue Complete Streets Project, for an amount not to exceed \$372,000 for the period August 1, 2014 through June 30, 2016.  
**Financial Implications:** Various Funds - \$372,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,692–N.S.

## Consent Calendar

- 36. Contract No. 8550 Amendment: BART for Downtown Berkeley Bike Station Operations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8550 with Bay Area Rapid Transit (BART) for Downtown Berkeley Bike Station operations to increase the contract amount by \$60,000 for a total contract amount not to exceed \$360,000; and to extend the term for an additional year to July 1, 2015.  
**Financial Implications:** Capital Improvement Fund - \$60,000  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,693–N.S.

## Council Consent Items

- 37. Civic Center District Overlay Zone**  
**From: Mayor Bates and Councilmember Arreguin**  
**Recommendation:** Request the City Manager to draft an ordinance establishing a Civic Center District Overlay Zone and to bring it to the Council for a first reading at the Sept. 9, 2014 meeting. The ordinance should be consistent with the Civic Center District Overlay section of the proposed initiative ordinance submitted to the City Clerk on April 8, 2014 and titled "Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone."  
**Financial Implications:** See report  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Approved recommendation.
- 38. Letter of Support for Assembly Bill 1014**  
**From: Councilmembers Maio, Anderson, and Capitelli**  
**Recommendation:** Send a letter of support of Assembly Bill 1014 to Assemblymember Nancy Skinner.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Approved recommendation.
- 39. Referral to the City Manager: Direct Staff to Distribute Public Health Materials Targeted to Children Ages 3 to 8**  
**From: Councilmembers Capitelli and Maio**  
**Recommendation:** Request the City Manager direct staff to distribute to all City agencies, programs and city funded non-profit organizations serving youth, ages 3 to 8, First5 materials featuring Potter the Otter. Also request the same agencies, programs, and organizations post information informing families and caretakers about these materials as a way to educate families and promote positive, healthy behaviors among children.  
**Financial Implications:** Staff time  
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150  
**Action:** Approved recommendation. Councilmember Anderson added as a co-sponsor.

## Council Consent Items

- 40. City Co-Sponsorship: 10-Day Arts Residency in the East Bay**  
**From: Councilmember Worthington**  
**Recommendation:**  
1. Approve City of Berkeley co-sponsorship of the 10-Day Arts Residency to be held July 17-26, 2014.  
2. Adopt a proclamation in honor of Evelyn Roth's 10-day Arts Residency.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** 1. Approved recommendation. 2. Adopted proclamation.
- 41. Support AB 1577: Correct Gender Identification on Death Certificate for Transgender Community**  
**From: Councilmembers Worthington and Arreguin**  
**Recommendation:** Support AB 1577 California's Respect After Death Act and send a letter to Governor Jerry Brown.  
**Financial Implications:** Unknown  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation. Councilmember Moore added as a co-sponsor.
- 42. Letter to Berkeley Unified School District Supporting "Equity in Educational Results"**  
**From: Councilmembers Worthington, Anderson, Moore, and Arreguin**  
**Recommendation:** Send a letter to the Berkeley Unified School District asking them to demonstrate support for the implementation of "Equity in Educational Results" in Berkeley public schools by providing funding for the program.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Action Calendar. Item held over to July 8, 2014.
- 43. Letter Thanking Alameda County for Voting in Favor of Phase One of Community Choice Energy (CCE)**  
**From: Councilmembers Worthington, Capitelli, Arreguin, and Maio**  
**Recommendation:** Send a letter thanking the Alameda County Board of Supervisors for voting in favor of beginning the first phase of their proposed Community Choice Energy (CCE) program.  
**Financial Implications:** Minimal  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.  
**Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Abstain – Wozniak.
- 44. Support SB 935 Minimum Wage Increase and Annual Adjustment**  
**From: Councilmembers Worthington, Anderson, and Arreguin**  
**Recommendation:** Support SB 935 Minimum Wage: Annual Adjustment.  
**Financial Implications:** Unknown  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation.

## Council Consent Items

- 45. Support Disabled Community by Opposing In-Home Caregivers Cuts and Caps From: Councilmember Worthington**  
**Recommendation:** Support In-Home caregivers and care recipients by opposing service cuts by restoring the 7 percent prior cut and opposing proposed caps on caregiver hours, and send a letter to Governor Jerry Brown.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation as revised in supplemental material submitted by Councilmember Worthington. Councilmember Anderson added as a co-sponsor.  
**Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Abstain – Wozniak.
- 46. City Manager Referral: Consider Potential Additional Ambulances a High Priority for an Amendment to this City Budget**  
**Recommendation:** Refer to the City Manager to consider the addition of new ambulances to the Berkeley Fire and EMS Services as a high priority for an amendment to the city budget if determined necessary by the Fire Chief and City Manager.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Action Calendar. M/S/C (Worthington/Bates) to hold the item over to October 21, 2014.  
**Action:** All Ayes.

## Action Calendar – Public Hearing

### 47. November 2014 Ballot Measure: City of Berkeley Community Facilities District No. 3 (Berkeley Public Parks)

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt three Resolutions and pass one motion:

1. Resolution of formation, establishing Community Facilities District No. 3 (the District), authorizing the levy of a special tax within the District, preliminarily establishing an annual appropriations limit for the District, adopting amended rate and method of apportionment of special tax.
2. Resolution determining the necessity to incur bonded and other indebtedness within the District; establishing a maximum aggregate amount of bonded indebtedness.
3. Resolution calling election and requesting consolidation for the purposes of submitting to the qualified electors (the registered voters) of the District: the levy of the special tax, the incurring of bonded indebtedness and the establishment of the appropriations limit.
4. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

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

**Action:** Items 47 and 51.a. taken up concurrently. 18 speakers.

**Action:** M/S/C (Worthington/Arreguin) to accept supplemental material from the public on Item 47.

**Vote:** All Ayes.

**Action:** M/S/Failed (Worthington/Anderson) to open the public hearing on Item 47.

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

**Action:** M/S/C (Capitelli/Maio) to adopt Resolution No. 66,694–N.S. (from Item 51.a.) submitting a ballot measure to increase the existing special tax to support parks, playgrounds, City trees and landscaping operations and maintenance, to a vote of the electors at the November 4, 2014 General Municipal Election with the ballot question revised as follows:

“Shall the parks special tax be amended to sustain community parks like the Rose Garden, children’s playgrounds, tennis, basketball courts, and ball fields, by increasing the per square foot tax rate from \$0.1256 to \$0.1466 and adding an inflation factor?

Financial Implications

The annual cost increase in fiscal year 2016 would be \$39.90, from \$238.64 to \$278.54, for a 1,900 square foot home and \$210, from \$1256.00 to \$1466.00, for a 10,000 square foot building.”



## Action Calendar – Public Hearing

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

**Public Testimony:** The Mayor opened the public hearing. 19 speakers.

**Action:** M/S/Failed (Worthington/Arreguin) to hold the item over to July 1.

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

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

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

**Action:** No action taken on Item 47.

Recess: 9:04 p.m. – 9:14 p.m.

**Action:** M/S/C (Bates/Maio) to designate Mayor Bates and Councilmembers Wozniak and Maio to file ballot measure arguments on the parks tax measure as provided for in Elections Code Section 9282.

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

## Action Calendar – Old Business

### 48. **Placing a Recall Charter Amendment Measure on the November 4, 2014 Ballot** *(Continued from June 3, 2014)*

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting an Amendment to Article IV of the City Charter regarding the recall of elective officers to a vote of the electors at the November 4, 2014 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

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

1. Adopt Resolution No. 66,695–N.S. submitting an Amendment to Article IV of the City Charter regarding the recall of elective officers to a vote of the electors at the November 4, 2014 General Municipal Election.
2. Designate Councilmembers Arreguin and Wengraf to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

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

### 49. **Referendum Petition Regarding Redistricting Ordinance** *(Continued from June 3, 2014)*

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting Ordinance No. 7,320-N.S. to a vote of the electors at the November 4, 2014 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 1 speaker. M/S/C (Worthington/Wozniak) to:

1. Adopt Resolution No. 66,696–N.S. submitting Ordinance No. 7,320-N.S. to a vote of the electors at the November 4, 2014 General Municipal Election.
2. Designate Mayor Bates and Councilmembers Maio and Wozniak to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

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

Councilmember Wengraf absent 9:23 p.m. – 9:47 p.m.

## Action Calendar – Old Business

### 50. Citizens Redistricting Commission Charter Amendment *(Continued from June 10, 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:** 5 speakers. M/S/C (Arreguin/Moore) to accept supplemental material from Councilmember Arreguin on Item 50

**Vote:** All Ayes.

**Action:** M/S/Failed (Arreguin/Anderson) to adopt the Item as written in the supplemental material introduced by Councilmember Arreguin.

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

**Action:** M/S/C (Bates/Wengraf) to refer the supplemental item to the Fair Campaign Practices Commission for review and comment and request that the Commission submit a recommendation to the City Council regarding a potential Charter Amendment in 2016.

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

**Action:** M/S/C (Bates/Maio) to suspend the rules and extend the meeting to 11:30 p.m.

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

Councilmember Worthington absent 10:29 p.m. – 10:52 p.m.

## Action Calendar – New Business

### 51. Placing Measures on the November 4, 2014 General Municipal Election Ballot

#### a. Placing a Parks Maintenance Tax Measure on the November 4, 2014 Ballot From: City Manager

**Recommendation:**

1. Adopt a Resolution submitting a ballot measure to increase the existing special tax to support parks, playgrounds, City trees and landscaping operations and maintenance, to a vote of the electors at the November 4, 2014 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** See Item 47.

### 51. b. Placing a Corporate Personhood Measure on the November 4, 2014 Ballot From: City Manager

**Recommendation:**

1. Adopt a Resolution, placing on the November 4, 2014 election ballot, the question of whether the people of Berkeley support a Constitutional Amendment to abolish the legal concept that corporations can be considered persons for purposes of the First Amendment, and the doctrine that the expenditure of money may be treated as speech.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** Moved to Consent Calendar. Adopted Resolution No. 66,697–N.S.; Designated Councilmembers Wengraf, Wozniak, and Worthington to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

#### c. Section 9212 Report: Downtown Initiative

**From: City Manager**

**Recommendation:** Consideration of staff report under Elections Code Section 9212 on the impacts of the “Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone.”

**Financial Implications:** See report

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

**Action:** No action taken.

## Action Calendar – New Business

### 51. d. Initiative Petition – Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone

**From: City Manager**

**Recommendation:**

1. Take action on the initiative petition to:
  - a. Adopt the provisions of the measure without alteration.
- OR-
- b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 4, 2014 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 18 speakers. M/S/C (Bates/Arreguin) to accept supplemental material from Mayor Bates and Councilmember Arreguin on Item 51.d.

**Vote:** All Ayes.

**Action:** M/S/Failed (Arreguin/Anderson) to adopt recommendation 1.b. as written by staff.

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

**Action:** M/S/C (Bates/Maio) to adopt Resolution No. 66,698–N.S. submitting the measure, without alteration, to a vote of the people at the November 4, 2014 General Municipal Election amended to include the ballot question provided in the supplemental material submitted by Mayor Bates, which reads:

“Shall an ordinance amending Zoning Ordinance provisions for downtown Berkeley be adopted to: reduce height limits; impose significant new requirements for new buildings over 60 feet; eliminate current historic resource determination for Green Pathway projects; establish a Civic Center Historic District overlay; amend LEED requirements; change parking requirements; restrict some permitted uses; change prevailing-wage requirements for workers in specified categories; and reduce hours of operation for businesses selling or serving alcohol?”

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

**Action:** M/S/C (Bates/Moore) to designate Mayor Bates and Councilmembers Maio and Wozniak to file ballot measure arguments in opposition to the measure as provided for in Elections Code Section 9282.

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

## Action Calendar – New Business

**51. e. Initiative Petition – Advisory Initiative Measure Supporting Passage of Local and Federal Laws Allowing Workers to Request to Work Part-Time**

**From: City Manager**

**Recommendation:**

1. Take action on the initiative petition to:
  - a. Adopt the provisions of the measure without alteration.

-OR-

- b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 4, 2014 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, 981-6900

**Action:** 1 speaker. M/S/C (Worthington/Capitelli) to adopt Resolution No. 66,699–N.S. submitting the measure, without alteration, to a vote of the people at the November 4, 2014 General Municipal Election.

**Vote:** All Ayes.

**Action:** M/S/C (Bates/Maio) to suspend the rules and extend the meeting to 11:45 p.m.

**Vote:** All Ayes.

**52. Comments on Proposed Preservation Covenant for Main Post Office**

**From: City Manager**

**Recommendation:** Provide guidance to staff for future discussions with USPS concerning the draft preservation covenant proposed by USPS for the Main Berkeley Post Office.

**Financial Implications:** None

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** 2 speakers. M/S/C (Bates/Maio) to provide the following direction to staff with regards drafting of the preservation covenant for the Main Berkeley Post Office:

1. To make the covenant as restrictive as possible.
2. To maintain public access to the building.
3. To maintain the full Post Office uses at the facility.

**Vote:** All Ayes.

## Action Calendar – New Business

### 53. FY 2015 Budget - Budget Adoption

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Adopting the FY 2015 Budget as contained in the City Manager's FY 2015 Proposed Budget Update presented to Council on May 6, 2014 and as amended by subsequent Council action and accepting the FY 2015 Citywide Work Plan. 2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2015, as reflected in Attachment 2, and as amended by Council.

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted Resolution No. 66,700–N.S.

1. Adopting the FY 2015 Budget as contained in the City Manager's FY 2015 Proposed Budget Update presented to Council on May 6, 2014 and as amended by subsequent Council action and accepting the FY 2015 Citywide Work Plan amended to delete item Number 1, Comprehensive 311 Mobile System Upgrade, from Exhibit B. 2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2015, as reflected in Attachment 2, and as amended by Council.

### 54. FY 2015 Annual Appropriations Ordinance

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance adopting the FY 2015 Annual Appropriations Ordinance (AAO) in the amount of \$375,701,736 (gross appropriations) and \$323,370,010 (net appropriations).

**Financial Implications:** See report

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

**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,357–N.S. Second reading scheduled for July 1, 2014.

### 55. Borrowing of Funds and the Sale and Issuance of FY 2015 Tax and Revenue Anticipation Notes

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2015 Tax and Revenue Anticipation Notes.

**Financial Implications:** See report

Contact: Robert Hicks, Finance, 981-7300

**Action:** Moved to Consent Calendar. Adopted Resolution No. 66,701–N.S. approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2015 Tax and Revenue Anticipation Notes. Page A-14 of Appendix A of the Bond Purchase Agreement in Attachment 4 is amended as submitted by staff in the supplemental item.

## Action Calendar – New Business

**56. a. Imposing Fees When Multifamily Properties are Destroyed Due to Fault of Property Owner**

**From: Housing Advisory Commission**

**Recommendation:** Adopt a Resolution that directs staff to make changes to the Demolition Ordinance or other City ordinances to accomplish the following: 1. Make changes to the Demolition Ordinance requiring Owners of buildings that are destroyed due to the “fault” of the owner, including gross negligence or other conduct by the owner or his/her agents which constitutes the predominant cause of the destruction, to comply with the replacement unit provisions, tenant protections and relocation requirements under Sections 23C.08.020.A.4 and 23C.08.020.B and C; 2. Consider the establishment of a penalty schedule – either through the Rental Housing Safety Program or another mechanism – to facilitate compliance with habitability and life safety codes; 3. Impose a fee on property owners who decide to rebuild at the same site for each below-market rate unit destroyed through fault of the property owner; 4. Levy a fine, equivalent to the fee described above, against the owner of demolished property in the event that this owner elects to sell the site or retain it as an undeveloped parcel. If the property owner refuses to pay this fee, then it should become a lien against the property; and 5. Revise the Relocation Ordinance to confer the same rights onto the tenants of buildings that are voluntarily demolished as other tenant situations specified under the Relocation Ordinance.

**Financial Implications:** Staff time

Contact: Kristen Lee, Commission Secretary, 981-5400

**56. b. Imposing Fees When Multifamily Properties are Destroyed Due to Fault of Property Owner**

**From: City Manager**

**Recommendation:** Take no action on the recommendations contained in the Housing Advisory Commission's Report until a Nexus Study provides a fee analysis for demolition/replacement housing situations.

**Financial Implications:** None

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

**Action:** 0 speakers. M/S/Failed (Worthington/Arreguin) to adopt item 56.a. as written.

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

**Action:** M/S/C (Bates/Maio) to refer the Housing Advisory Commission recommendations to the City Manager for analysis.

**Vote:** All Ayes.

## Information Reports

**57. Voluntary Time Off Program For FY 2015**

**From: City Manager**

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

**Action:** Received and filed.



## Information Reports

58. **Audit Update--Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues**  
**From: City Manager**  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Received and filed.
59. **LPC-NOD: 2271 Shattuck Avenue**  
**From: City Manager**  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Received and filed.
60. **Expansion of Residential Preferential Parking Citywide, Adjacent to Commercial Areas**  
**From: City Manager**  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Moved to Action Calendar and held over to September 9, 2014.
61. **MTC Approval of the Adeline Corridor Planning Grant of \$750,000**  
**From: Mayor Bates**  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Received and filed.
62. **Report on May 22, 2014 Alameda County Transportation Commission**  
**From: City Manager**  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Received and filed.
63. **Report on May 28, 2014 Alameda County Waste Management Authority Board Meeting**  
**From: Councilmember Worthington**  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Received and filed.

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

## Adjournment

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

**Vote:** All ayes.

Adjourned at 11:42 p.m.

## Communications

### Personnel Matter

1. Karen Todoroff

### City Auditor's Report

2. Robin Wright

### Permit for 3001A Telegraph

3. Andrew Johnson and James Smith

## Supplemental Communications and Reports 1

### Item 15: Minimum Wage Ordinance – Adding BMC Chapter 13.99

4. Kevin Rath, on behalf of Manos Home Care

### Item 25: 3135 Harper Street: Disposition and Development Agreement and Extension of Housing Trust Fund Reservations for 3135 Harper Street and for the Alternative Housing Trust Fund Projects

5. Revised materials, submitted by Health, Housing & Community Services

### Item 42: Letter to Berkeley Unified School District Supporting "Equity in Educational Results"

6. Julie Sinai

### Item 47: November 2014 Ballot Measure: City of Berkeley Community Facilities District No. 3 (Berkeley Public Parks)

7. Supplemental materials, provide by Parks, Recreation & Waterfront
8. Jesse Cortes
9. Charles Altekruise
10. Charlotte Daniels

### Item 51c: Section 9212 Report: Downtown Initiative

11. Supplemental materials, submitted by Planning & Development

### Item 52: Comments on Proposed Preservation Covenant for Main Post Office

12. Landmarks Preservation Commission

### Personnel Matter *(Being reprinted in its entirety as a page was inadvertently omitted from the original publication of the 6/24 agenda)*

13. Karen Todoroff

## Supplemental Communications and Reports 2

### Item 32: Prohibit the Feeding of Feral or Wild Animals in City Parks or on Other Public Property - Adding Berkeley Municipal Code Chapter 6.50

14. Animal Care Commission

### Item 50: Citizens Redistricting Commission Charter Amendment

15. Nancy Bickel, on behalf of the League of Women Voters

### Item 51b: Placing a Corporate Personhood Measure on the November 4, 2014 Ballot

16. Daniel Newman

- 17. Carol Lopes
- 18. Alan Bern
- 19. Mary Ann Brewin
- 20. L. Darlene Pratt

**Item 53: FY 2015 Budget - Budget Adoption**

- 21. Animal Care Commission
- 22. Donna Jeker
- 23. Carolyn Werner

**Item 56a: Imposing Fees When Multifamily Properties are Destroyed Due to Fault of Property Owner**

- 24. Diana Bohn
- 25. Mary Ann Brewin

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

**Item 32: Prohibit the Feeding of Feral or Wild Animals in City Parks or on Other Public Property - Adding Berkeley Municipal Code Chapter 6.50**

- 26. Revised materials, submitted by Parks, Recreation & Waterfront

**Item 37: Civic Center District Overlay Zone**

- 27. R. Clark Morrison, Cox, Castle & Nicholson LLP

**Item 45: Support Disabled Community by Opposing In-Home Caregivers Cuts and Caps**

- 28. Revised materials, submitted by Councilmember Worthington

**Item 47: November 2014 Ballot Measure: City of Berkeley Community Facilities District No. 3 (Berkeley Public Parks)**

- 29. Unknown

**Item 50: Citizens Redistricting Commission Charter Amendment**

- 30. Revised materials, submitted by Councilmember Arreguin

**Item 51a: Placing a Parks Maintenance Tax Measure on the November 4, 2014 Ballot**

- 31. Barbara Gilbert

**Item 51b: Placing a Corporate Personhood Measure on the November 4, 2014 Ballot**

- 32. Unknown

**Item 51d: Initiative Petition – Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone**

- 33. Mayor Bates
- 34. Councilmember Arreguin
- 35. Sally Nelson

**Item 52: Comments on Proposed Preservation Covenant for Main Post Office**

- 36. R. Clark Morrison, Cox, Castle & Nicholson LLP
- 37. Christina Morris, on behalf of the National Trust for Historic Preservation

**Item 53: FY 2015 Budget - Budget Adoption**

- 38. Monie Law

**Item 55: Borrowing of Funds and the Sale and Issuance of FY 2015 Tax and Revenue Anticipation Notes**

39. Revised materials, submitted by Finance

**Item 56a: Imposing Fees When Multifamily Properties are Destroyed Due to Fault of Property Owner**

40. Ben Mahrer

41. Jack Chai

42. Judy Ann Alberti

43. Caitlin Quinn