

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, JULY 8, 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: 7:01 p.m. Councilmember Moore absent. Mayor Bates absent.

Ceremonial Matters:

1. Recognition of Keiko Nelson, Local Artist
2. Recognition of Helen Farnsworth on her 100th Birthday
3. Postal Heritage Day – July 26, 2014

City Manager Comments:

1. Recognition of a Successful July 4 Celebration at the Marina

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only:

10 speakers.

Consent Calendar

Action: M/S/C (Worthington/Wozniak) to accept supplemental and revised material from Councilmember Worthington on Items 30 and 42.

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

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

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

Consent Calendar – Continued Business

- A. Zoning Ordinance Amendments: Correct Drafting Errors in BMC Sub-titles 23E and 23F**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,358-N.S. correcting drafting errors in the Zoning Ordinance, Berkeley Municipal Code Sub-titles 23E and 23F.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,358-N.S.
- B. Medical Cannabis Ordinance Revisions and Dispensary Selection Process**
From: Medical Cannabis Commission
Recommendation:
1. Adopt second reading of Ordinance No. 7,359-N.S. amending the Berkeley Municipal Code (BMC) Sections 12.26.030 and 12.26.150.
2. Adopt second reading of Ordinance No. 7,360-N.S. amending the BMC by creating a new Chapter 12.27.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Beth Greene, Commission Secretary, 981-7400
Action: 1. Adopted second reading of Ordinance No. 7,359-N.S. 2. Adopted second reading of Ordinance No. 7,360-N.S.

Consent Calendar

- 1. Calling for a Consolidated General Municipal Election for November 4, 2014**
From: City Manager
Recommendation: Adopt a Resolution a) Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 4, 2014; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Adopted Resolution No. 66,713–N.S.
- 2. Revenue Contract: Animal Services for the City of Piedmont**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a revenue contract with the City of Piedmont in the amount of \$133,098 for the provision of animal care services from FY 2015 through FY 2017.
Financial Implications: \$133,098 (Revenue)
Contact: William Rogers, City Manager’s Office, 981-7000
Action: Adopted Resolution No. 66,714–N.S.

Consent Calendar

- 3. Annual Investment Report, Revisions to Investment Policies and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution accepting the Annual Investment Report, accepting the changes to the investment policies and renewing the delegation of authority to make investments to the Director of Finance for FY 2015.
Financial Implications: None
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted Resolution No. 66,715–N.S.
- 4. Contract: Alameda County Fire Department - Emergency Medical Dispatch**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with the Alameda County Fire Department Regional Emergency Communications Center (ACRECC) to provide Emergency Medical Dispatch (EMD) services to the City of Berkeley.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473
Action: Adopted Resolution No. 66,716–N.S.
- 5. Purchase Order: Life Assist Medical for Emergency Medical Supplies**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Life Assist Medical to purchase emergency medical supplies and equipment for the Fire Department from July 1, 2014 to June 30, 2015, with an option to extend for an additional period up to a maximum of five years, in an amount not to exceed \$1,000,000.
Financial Implications: Various Funds - \$1,000,000
Contact: Gil Dong, Fire, 981-3473
Action: Adopted Resolution No. 66,717–N.S.
- 6. Shelter Plus Care Program Renewal Grants**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the U.S. Department of Housing and Urban Development renewal of the following four Shelter Plus Care grants: 1) an estimated \$2,265,574 for tenant-based rental assistance for the period May 24, 2014 through May 23, 2015; 2) an estimated \$142,867 for sponsor-based rental assistance for the Supportive Housing Network for the period of May 28, 2014 through May 27, 2015, with Resources for Community Development as the project sponsor; 3) an estimated \$139,088 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2014 through May 31, 2015, with Bonita House, Inc. as the project sponsor; and 4) an estimated \$516,094 in tenant-based rental assistance for the COACH Project grant for the period of December 14, 2014 through December 13, 2015.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,718–N.S.

Consent Calendar

7. Revenue and Expenditure Contracts: FY 2015 Aging Services Programs

From: City Manager

Recommendation:

1. Adopt five Resolutions authorizing the City Manager or her designee to execute any resultant revenue agreements and amendments to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following programs for Fiscal Year 2015:

- a. Congregate Meals in the amount of \$209,481;
- b. Home Delivered Meals in the amount of \$227,001;
- c. Family Caregiver Support Program in the amount of \$28,957;
- d. Senior Center Activities in the amount of \$22,572; and
- e. Information and Assistance Services in the amount of \$41,869.

Financial Implications: See report

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

Action: Adopted the following revised resolutions as written in Supplemental Reports and Communications 1: Resolution No. 66,719–N.S. (Congregate Meals); Resolution No. 66,720–N.S. (Home Delivered); Resolution No. 66,721–N.S. (Family Caregiver); Resolution No. 66,722–N.S. (Senior Center); Resolution No. 66,723–N.S. (Information).

8. William Byron Rumford Senior Plaza - Housing Trust Fund Reservation

From: City Manager

Recommendation: Adopt a Resolution 1) approving an additional funding reservation of \$740,000 of Community Development Block Grant and local funds from the Housing Trust Fund (HTF), for needed rehabilitation improvements at William Byron Rumford Senior Plaza property site; 2) forgiving the simple accrued interest and the compounded accrued interest amounts owing on two existing City loans in the original principal amounts of \$500,000 and \$804,154 made on September 20, 1990 to develop and construct the project; and 3) approving the refinancing of the original principal amounts of the two existing loans and the principal amount of a City \$50,000 operating reserve loan with the HTF funding reservation of HOME, CDBG, and local funds into a new loan with an annual interest rate of 3% and a 55-year repayment term.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,724–N.S.

Consent Calendar

9. Referral: Multiple-Day Special Event Permit Fees

From: City Manager

Recommendation: Adopt three Resolutions:

1. Adopting a revised fee schedule for street events and certified farmers' markets to set reduced fees for City-sponsored multiple-day street-based special events permits, and rescinding Resolution No. 66,662-N.S.
2. Adopting a revised fee schedule for parks and recreation programs and facilities to set reduced fees for City-sponsored multiple-day park-based special events permits, and rescinding Resolution No. 66,480-N.S.
3. Adopting a revised fee schedule for environmental health regulations and inspections to set reduced fees for sound and food permits related to City-sponsored multiple-day park and street-based special events permits, and rescinding Resolution No. 66,175-N.S.

Financial Implications: See report

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

Action: Adopted Resolution No. 66,725–N.S. (Street Events); Resolution No. 66,726–N.S. (Parks and Recreation); Resolution No. 66,727–N.S. (Environmental Health).

10. Classification and Salary: Revenue Development Specialist I and Revenue Development Specialist II

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 66,298-N.S., Classification and Salary for Service Employees International Union Local 1021 (Community Services & PTRLA Chapter), to establish the classification of Revenue Development Specialist I with a monthly salary range of \$5,416 to \$6,393; and re-title the classification of Revenue Development Specialist to Revenue Development Specialist II effective July 9, 2014.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,728–N.S.

11. Contract No. 8432A Amendment: PC Scale Inc. for Zero Waste Software Maintenance and Training Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8432A with PC Scale Inc. for software maintenance and training services for the Zero Waste scale house system, increasing the contract by \$34,358, for a total not to exceed of \$172,098 from September 10, 2010 to June 30, 2017.

Financial Implications: Refuse Collect Disposal Fund - \$34,358

Contact: Donna LaSala, Information Technology, 981-6500

Action: Adopted Resolution No. 66,729–N.S.

Consent Calendar

- 12. Contract No. 7258C Amendment: KANA Community Relationship Management (CRM) Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7258C for KANA's Community Relationship Management (CRM) software and software maintenance, increasing the amount by \$123,823 for a total not to exceed \$837,470 from March 23, 2007 through June 30, 2016.
Financial Implications: General Fund - \$123,823
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,730–N.S.
- 13. Grant Application: Environmental Enhancement and Mitigation Program for the Berkeley Urban Reforestation Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a grant application to the Environmental Enhancement and Mitigation Program (EEMP) for the Berkeley Urban Reforestation Project in the amount of \$243,540; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the projects and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: \$243,540 (Revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,731–N.S. as revised in Supplemental Reports and Communications 1.
- 14. Lease Agreements: Five Businesses at 125-127 University Ave at the Berkeley Marina**
From: City Manager
Recommendation: Adopt first reading of five Ordinances authorizing the City Manager to execute lease agreements with five businesses at 125-127 University Avenue at the Berkeley Marina for terms of three years each:
1. Impact Fund
2. Zorro Productions, Inc.
3. International Child Resource Institute
4. Leventhal / Kline Mgt, Inc.
5. La Tourangelle, Inc.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted first reading of Ordinance No. 7,361–N.S. (Impact); Ordinance No. 7,362–N.S. (Zorro); Ordinance No. 7,363–N.S. (International); Ordinance No. 7,364–N.S. (Leventhal); Ordinance No. 7,365–N.S. (La Tourangelle). Second reading scheduled for September 9, 2014.

Consent Calendar

15. **Contract: ABM and Grant Partners Pursuant to CEC Grant Funding for EV Charging Infrastructure**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant from the California Energy Commission (CEC) by executing a contract and any amendments with ABM, including any other necessary grant partners, in order to install six dual-port Level 2 electric vehicle (EV) charging stations, worth approximately \$75,000 in goods and services, in three City of Berkeley locations.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,732–N.S.
16. **Contract: Ecology Center for Community Choice Aggregation Outreach and Education**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract with the Ecology Center for the period from August 1, 2014 through June 30, 2015 in the amount of \$10,000 for education and outreach related to community choice aggregation.
Financial Implications: General Fund - \$10,000
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Moved to Action Calendar. 0 speakers. M/S/Failed (Capitelli/Wengraf) to hold the item over to September 16, 2014.
Vote: Ayes – Capitelli, Wengraf, Wozniak; Noes – Maio, Arreguin, Worthington; Abstain – Anderson; Absent - Moore, Bates.
Action: M/S/Failed (Worthington/Arreguin) to adopt a Resolution authorizing the City Manager to execute a sole source contract with the Ecology Center for the period from August 1, 2014 through June 30, 2015 in the amount of \$10,000 for education and outreach related to community choice aggregation.
Vote: Ayes – Maio, Anderson, Arreguin, Worthington; Noes – Wozniak; Abstain – Capitelli, Wengraf; Absent – Moore, Bates.
17. **Contract: Pacific Trenchless, Inc. for Sanitary Sewer Rehabilitation Project on Piedmont Avenue, Dwight Way, and Derby Street**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Sanitary Sewer Rehabilitation Project, 14-10787-C, located at Piedmont Avenue, Dwight Way, and Derby Street; 2. Accepting the bid of the lowest responsive and responsible bidder, Pacific Trenchless, Inc.; and 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications for the Sanitary Sewer Rehabilitation Project located on Piedmont Avenue, Dwight Way, and Derby Street, in an amount not to exceed \$1,485,583.
Financial Implications: Sanitary Sewer Operation - \$1,485,583
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,733–N.S. as revised in Supplemental Reports and Communications 1.

Consent Calendar

- 18. Grant Application: Metropolitan Transportation Commission Regional Active Transportation Program/Safe Routes to School**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to submit grant applications to the Metropolitan Transportation Commission Regional Active Transportation Program for Safe Routes to School traffic safety improvements around Berkeley public schools for amounts totaling up to \$1,231,000.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,734–N.S. (LeConte); Resolution No. 66,735–N.S. (John Muir); Resolution No. 66,736–N.S. (Oxford and Jefferson).
- 19. Contract No. 9362 Amendment: Harrison Engineering, Inc. for On-Call Storm Drain Design Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9362 with Harrison Engineering, Inc. for on-call storm drain design services, increasing the contract by \$200,000 for a total amount not to exceed \$500,000.
Financial Implications: Clean Stormwater Fund - \$200,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,737–N.S.
- 20. Contract: Bartle Wells Associates for a Sanitary Sewer Rate Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Bartle Wells Associates, for a sanitary sewer rate study and notice process, for an amount not to exceed \$111,977 for the period July 9, 2014 through June 30, 2015.
Financial Implications: Sanitary Sewer Operation - \$111,977
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,738–N.S.
- 21. Contract No. 9526 Amendment: Rodan Builders, Inc. for Civic Center Building and Public Safety Building Data Center Upgrades Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9526 with Rodan Builders, Inc. for the Civic Center Building and Public Safety Building Data Center Upgrades Project to increase the contract amount by \$50,000 for a total contract amount not to exceed \$2,050,000.
Financial Implications: Capital Improvement Fund - \$50,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,739–N.S.

Council Consent Items

- 22. Re-Appointment of Adolph Moody to the Berkeley Housing Authority Board of Commissioners**
From: Mayor Bates
Recommendation: Adopt a Resolution approving the re-appointment of Commissioner Adolph Moody to the Berkeley Housing Authority (BHA) Board of Commissioners.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,740–N.S.
- 23. Appointment of Marva Cremer and Michael Bailey to the Berkeley Housing Authority (BHA) Board of Commissioners**
From: Mayor Bates
Recommendation: Adopt a Resolution approving the appointment of Marva Cremer and Michael Bailey to the Berkeley Housing Authority (BHA).
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,741–N.S. as revised in Supplemental Reports and Communications 1.
- 24. Postal Heritage Day**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution recognizing the history of the Postal Service and the central role that Post Offices have served in communities and proclaiming July 26th as Postal Heritage Day in the City of Berkeley. Copies of the Resolution are to be sent to United States Postmaster Patrick R. Donahoe, USPS Pacific Facilities Service Vice President Diana K. Alvarado, the Berkeley Postmaster, House Minority Leader Nancy Pelosi, Congresswoman Barbara Lee and United States Senators Dianne Feinstein and Barbara Boxer.
Financial Implications: See report
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 66,742–N.S. amended to correct “dince” to “since” in the second whereas clause.
- 25. The SMOKE Act**
From: Councilmembers Arreguin and Moore
Recommendation: Adopt a Resolution supporting the SMOKE Act, introduced by Representative Jackie Speier (D – San Mateo). The bill would extend US Food and Drug Administration (FDA) regulations prohibiting the advertisement of tobacco towards minors to apply to electronic cigarettes, also known as “e-cigs” or “vapes.”
Financial Implications: See report
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Councilmember Anderson added as a co-sponsor. Adopted Resolution No. 66,743–N.S. with the first whereas clause amended to read, “Whereas, Electronic cigarettes are battery-powered devices that vaporize both the nicotine and non-nicotine components of a liquid solution and are advertised as a “safe” option to traditional smoking and “harmless” to those around the user; and”

Council Consent Items

- 26. Re-Appointment of Paul Kealoha-Blake to the Mental Health Commission**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution approving the re-appointment of Paul Kealoha-Blake to the Mental Health Commission, as a representative of the General Public Interest Category, to complete his term ending March 21, 2015.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 66,744–N.S.
- 27. City Sponsorship of the Third Annual Sunday Streets**
From: Mayor Bates and Councilmembers Capitelli and Arreguin
Recommendation: Adopt a Resolution 1. Co-sponsoring the 2014 Sunday Streets event to be held on Sunday, October 12, 2014; 2. Giving permission for use of the name of the City of Berkeley and the City's logo in media coverage of Sunday Streets 2014; and 3. Acknowledging that the \$30,000 FY 2015 allocation for Sunday Streets approved in June 2013 be utilized by the new organizers of the event, the Downtown Berkeley Association and the North Shattuck Association.
Financial Implications: See report
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 66,745–N.S.
- 28. Support S. 2432 Bank on Students Emergency Loan Refinancing Act and Send Letters to Six Non-Voting Senators**
From: Councilmembers Worthington and Arreguin
Recommendation: Support S. 2432 Bank on Students Emergency Loan Refinancing Act and send letters to U.S. Senators Kelly Ayotte, Thad Cochran, Lindsey Graham, Claire McCaskill, Jerry Moran, and Tim Scott.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 29. Proclamation Honoring the 20th Anniversary of Berkeley Partners for Parks**
From: Councilmembers Worthington, Maio, and Moore
Recommendation: Adopt a proclamation honoring the 20th Anniversary of Berkeley Partners for Parks.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.
- 30. Proclamation Honoring the 25th Anniversary of the Old Lesbians Organizing for Change**
From: Councilmembers Worthington, Moore, and Arreguin
Recommendation: Adopt a proclamation honoring the 25th Anniversary of the Old Lesbians Organizing for Change (OLOC).
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Council Consent Items

- 31. City Manager Referral: Refer CPTED Streetscape for Action and Exploration of Grant or Other Funding Opportunities to Find the Funds to Construct the Proposed Improvements**
From: Councilmembers Worthington and Wozniak
Recommendation: Refer the Crime Prevention Through Environmental Design (CPTED) streetscape to the City Manager for action and exploration of grant or other funding opportunities to find the funds to construct the proposed improvements.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 32. Support Efforts to Protect Antique and Flea Markets by Opposing Assembly Concurrent Resolution 101**
From: Councilmember Worthington
Recommendation: Support the California Association of Resellers, ReUsers and Buyers (CARRB) in their endeavor to oppose Assembly Concurrent Resolution (ACR) 101 unless amended to exempt flea markets and antique businesses from the rules for pawnbrokers in order to protect local businesses and encourage future innovation.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Action Calendar. M/S/C (Anderson/Arreguin) to approve the recommendation.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington; Noes – None; Abstain – Wozniak; Absent – Moore, Bates.
- 33. Support Senate Resolution 347 Withdrawal of Troops from Afghanistan**
From: Councilmembers Worthington and Anderson
Recommendation: Support Senate Resolution 347 withdrawal of troops from Afghanistan and send letter to Senators Boxer and Feinstein.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 34. Oppose the Trans-Pacific Partnership and Trans-Atlantic Free Trade Agreement and Create a TPP and TAFTA Free Zone**
From: Councilmember Worthington
Recommendation: Adopt a Resolution opposing the Trans-Pacific Partnership (TPP) and Trans-Atlantic Free Trade Agreement (TAFTA) and to create a TPP and TAFTA Free Zone in Berkeley. Copies of the Resolution are to be sent to the National League of Cities, the US Conference of Mayors, the National Association of Counties, the Western Governors Association, US Representatives Barbara Lee, Rosa DeLauro and George Miller, US Senators Dianne Feinstein and Barbara Boxer, President Barack Obama and US Trade Representative Michael Froman.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to September 9, 2014.

Council Consent Items

- 35. City Manager Referral: Consider Implementing a Neighborhood Notification System for the City of Berkeley**
From: Councilmembers Worthington and Wozniak
Recommendation: Refer to the City Manager to look into a mass communication system for the City of Berkeley as a way for Berkeley's government departments to send residents important notifications through text messages, email, and the web.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Action Calendar. Continued to September 9, 2014.
- 36. City Manager Referral: Protect Public Safety from Illegal Construction**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to protect public safety from illegal construction.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Action Calendar. Continued to September 9, 2014.
- 37. Proclamation in Honor of Chican@/Latin@ Heritage Month**
From: Councilmembers Worthington and Arreguin
Recommendation: Adopt a proclamation honoring the Chican@/Latin@ Heritage Month on September 18th 2014.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.
- 38. Proclamation in Honor of Bisexual Pride Day**
From: Councilmember Worthington
Recommendation: Adopt a proclamation that September 23, 2014 is Bisexual Pride Day in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.
- 39. Proclamation Honoring Camp It Up!'s 25th Anniversary**
From: Councilmember Worthington
Recommendation: Adopt a proclamation honoring Camp It Up!'s 25th Anniversary.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Council Consent Items

40. **Support UFW Campaign by Sending Letters to Wal-Mart and Gerawan Inc. Urging Them to Honor “Standards for Suppliers” and Protect Prima Workers**
From: Councilmember Worthington

Recommendation: Support the United Farm Workers by sending letters to Wal-Mart requesting it upholds its own “Standards for Suppliers” and to Gerawan Inc. urging it to protect and aid its underpaid agricultural workers.

Financial Implications: Minimal

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

Action: Approved recommendation and authorized Councilmembers Maio, Arreguin, and Worthington to revise the proposed letter and send the letter to Wal-Mart and Gerawan, Inc.

Action Calendar - Appeals

41. **ZAB Appeal: 3264 Adeline Street**

From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 2013-0114 to establish a 2,037 square-foot quick service restaurant and to waive three required off-street parking spaces.

Financial Implications: None

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

a. Appeal

1. Houshman Ghaderi

b. Communications

1. Ito Ripsteen
2. Sam Hishmeh

Action: 12 speakers. M/S/C (Anderson/Wozniak) to adopt Resolution No. 66,746–N.S. affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 2013-0114 to establish a 2,037 square-foot quick service restaurant and to waive three required off-street parking spaces.

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

Action Calendar – Old Business

42. **Letter to Berkeley Unified School District Supporting "Equity in Educational Results"** *(Continued from June 24, 2014)*

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: 3 speakers. M/S/C (Worthington/Arreguin) to approve the recommendation and send the letter to BUSD, revised as follows:

Action Calendar – New Business

First paragraph amended as follows: “The Berkeley City Council commends the Berkeley Unified School District for the Local Control Accountability Plan, and asks that the Board continue to demonstrate support for the full implementation of “Equity in Educational Results” in Berkeley public schools by providing funding for the program.

Second paragraph amended to read: "Continue to broaden and expand effective policies and procedures that:"

Bullet points amended as follows: changing the word “targeted” to “target” and changing “technology access” to “provide technology access and provide parent participation and support.”

Third paragraph amended as follows: "Statistics confirm the educational disparities that exist between African-Americans and other students. Only 27% of African-American Berkeley High students are eligible to apply to UC or CSU schools. African-Americans representing 21% of the student body receive 72% of all in-school suspensions. Clearly, additional efforts are needed within our community. We feel the above efforts are critical to effect change."

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

Recess: 9:08 p.m. – 9:20 p.m.

43. a. Regulation of Electronic Cigarettes
From: Community Health Commission

Recommendation: Establish City Policy to regulate the sale and use of electronic cigarettes in the City of Berkeley. 1. Recommend State and Federal legislation to apply current tobacco cigarette regulations for the sale and purchase of electronic cigarettes. 2. Amend Berkeley Municipal Codes on Smoking Control to include smoking of electronic cigarettes.

Financial Implications: None

Contact: Gail Feldman, Commission Secretary, 981-5400

b. Regulation of Electronic Smoking Devices; Amending BMC Chapter 12.70
From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.70.010, 12.70.020, 12.70.035, 12.70.037 to prohibit the use of electronic smoking devices in all places where smoking is currently prohibited with the exception of within enclosed residential units in multi-unit housing.

2. Support SB648 regarding the use of electronic cigarettes and send letters recommending adoption of SB648 to Governor Jerry Brown, State Senators Loni Hancock and Ellen Corbett, and Assembly member Nancy Skinner.

Financial Implications: See report

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

Action Calendar – New Business

Action: 9 speakers. M/S/C (Arreguin/Anderson) to adopt the recommendation in 43.a.1. and to provide the following direction to the City Manager for revision to the ordinance to be presented to Council at the September 9, 2014 meeting.

- Use of Electronic Smoking Devices is banned in Multi-Unit Housing except for use with medical cannabis within the enclosed area of the unit
- In Section 12.70.035 G amended to read, "Use of an electronic smoking device for medical cannabis within the enclosed area of a unit shall be exempt from this Section."
- Amend the proposed ordinance to conform with Medical Cannabis Ordinance to allow electronic delivery of medical cannabis at dispensaries and on the public right-of-way within 50 feet of such dispensaries.

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

44. a. Support Selected NAACP Housing Recommendations From: Housing Advisory Commission

Recommendation: Adopt a Resolution that the City Council act on six specific recommendations affecting housing: 1. Vigorously advocate for the development of the Berkeley Way parking lot to be supportive housing including supportive services and a homeless shelter. Parking is the lowest priority. If replacement parking harms the feasibility of the Berkeley Way project, then parking should be completely eliminated or the possibility of having the Downtown Berkeley Association pay for parking be explored. 2. Prioritize new affordable housing development at appropriate locations, with a particular emphasis on housing for low-income families. Whenever possible, emphasize the creation of affordable housing for people that are extremely low- and very low-income. As Section 8 Project Based Vouchers become available, encourage the Berkeley Housing Authority to prioritize their use for no-income and low-income households. This priority will help increase economic diversity in the City. 3. Encourage the construction of infill buildings, particularly new affordable units and mixed-use developments on currently underutilized sites such as surface parking lots and vacant lots in the South Berkeley Plan Area. 4. Remove the R-4 requirement that new residential buildings must provide one parking space per 1000 square feet of floor space. 5. As HAC vacancies occur, make new appointments that would add diversity to the Commission and better reflect the demographic make-up of the City. Such diversity can include: age, gender, ethnicity, economic class, disability and sexual orientation. The HAC will work to create a list of applicants for referral to Council. 6. Host a Housing Workshop with a focus on affordable housing at a special joint meeting at Old City Hall, to be aired on public access television with two representatives from each of the following bodies: City Council, Rent Stabilization Board, Housing Advisory Commission, Berkeley Housing Authority, and stakeholders including but not necessarily limited to: NAACP, Latinos Unidos, Asian Pacific Islander Groups, the Center for Independent Living, LGBT groups, and non-profit housing providers. This should be done by September of 2014.

Financial Implications: Minimal

Contact: Kristen Lee, Commission Secretary, 981-5400

Action Calendar – New Business

44. b. Support Selected NAACP Housing Recommendations

From: City Manager

Recommendation: Adopt a Resolution to take action on the following recommendations: 1. As vacancies on the Housing Advisory Commission occur, make new appointments that would add diversity to the Commission and better reflect the demographic make-up of the City, including diversity in age, gender, ethnicity, economic class, disability and sexual orientation; and 2. Host a Housing Workshop with a focus on affordable housing at a special joint meeting at Old City Hall, to be aired on public access television with two representatives from each of the following bodies: City Council, Rent Stabilization Board, Housing Advisory Commission, Berkeley Housing Authority, and stakeholders including but not necessarily limited to: NAACP, Latinos Unidos, Asian Pacific Islander Groups, the Center for Independent Living, LGBT groups, and non-profit housing providers.

Financial Implications: Staff time

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

Action: M/S/C (Worthington/Maio) to accept supplemental material from Councilmember Maio on Item 44.

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

Action: 6 speakers. M/S/C (Arreguin/Anderson) to:

A. Recognize the valuable advice and ideas from the NAACP and the work of the HAC.

1. Given that Council has already gone on record supporting the Berkeley Way lot for supportive housing, ask for several Councilmembers who would step forward tonight to monitor actively for the Berkeley Way project including seeking funding sources and report back to Council on its progress. This way the matter would be kept active. Councilmembers Arreguin and Capitelli volunteered to monitor.

2. Concur with the HAC recommendation “Prioritize new affordable housing development at appropriate locations, with a particular emphasis on housing for low-income families. Whenever possible, emphasize the creation of affordable housing for people that are extremely low- and very low-income. As Section 8 Project Based Vouchers become available, encourage the Berkeley Housing Authority to prioritize their use for no-income and low-income households. This priority will help increase economic diversity in the City.” Note that financial resources are already in too short supply. Resolve to work to enhance the Housing Trust Fund.

3. Concur with the HAC recommendation “Encourage the construction of infill buildings, particularly new affordable units and mixed-use developments on currently underutilized sites such as surface parking lots and vacant lots in the South Berkeley Plan Area.” Particularly take advantage of the new MTC grant for focused community planning for South Berkeley along with Councilmembers Anderson and Moore.

4. Refer the HAC recommendation “Remove the R-4 requirement that new residential buildings must provide one parking space per 1000 square feet of floor space.” to the Planning Commission.

Action Calendar – New Business

5. Concur with the HAC recommendation “As HAC vacancies occur, make new appointments that would add diversity to the Commission and better reflect the demographic make-up of the City. Such diversity can include: age, gender, ethnicity, economic class, disability and sexual orientation. The HAC will work to create a list of applicants for referral to Council.” Resolve to place special focus on diversity in appointments.

6. Support the HAC recommendation “Host a Housing Workshop with a focus on affordable housing at a special joint meeting at Old City Hall, to be aired on public access television with two representatives from each of the following bodies: City Council, Rent Stabilization Board, Housing Advisory Commission, Berkeley Housing Authority, and stakeholders including but not necessarily limited to: NAACP, Latinos Unidos, Asian Pacific Islander Groups, the Center for Independent Living, LGBT groups, and non-profit housing providers. This should be done by September of 2014.” Request Councilmembers to go forward with the event in concert with the City Manager and stakeholder groups. Councilmembers Anderson and Worthington volunteered to move forward with the event.

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

45. a. City of Berkeley Water Conservation Measures

From: Public Works Commission and Community Environmental Advisory Commission

Recommendation: Direct the Public Works Department to establish a long-term water conservation plan according to principles set out herein, with immediate goal to reduce municipal water use by 20% from 2012-2013 levels within 12 months, to move toward EBMUD WaterSmart Certification for all facilities, and to replace lawns not used for recreation with mulch until appropriate low-impact development measures or drought-tolerant plantings can be established.

Financial Implications: Uncertain

Contact: Sean Rose, Public Works Commission Secretary, 981-6300; Nabil Al-Hadithy, Community Environmental Advisory Commission Secretary, 981-7400

b. Water Conservation Measures

From: City Manager

Recommendation: Direct staff to review and analyze the recommendation from the Public Works and Community Environmental Advisory Commissions, and report back to Council by September 16, 2014.

Financial Implications: Unknown

Contact: Andrew Clough, Public Works, 981-6300

Action: 0 speakers. M/S/C (Arreguin/Capitelli) to adopt 45.b. to direct staff to review and analyze the recommendation from the Public Works and Community Environmental Advisory Commissions, and report back to Council by September 16, 2014.

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

Action Calendar – New Business

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

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

46. Vacancy Registration Fee

From: Councilmember Arreguin

Recommendation: Refer to the City Manager the establishment of a registration fee for vacant ground floor commercial spaces as well as undeveloped vacant lots throughout the City of Berkeley.

Financial Implications: See report

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

Action: Item held over to September 9, 2014.

47. Referral to Planning Commission: Amendment to B.M.C. Section 23B.44.030 - Variance from Setback Requirements for Downtown Hotel Projects

From: Councilmember Arreguin

Recommendation: Refer to the Planning Commission the proposed amendment to Berkeley Municipal Code (B.M.C.) Section 23B.44.030 ("Findings for Issuance or Denial [of Variances]") to amend required findings for the issuance of a Variance to establish an exception from set back requirements for hotel projects exceeding 75 feet in height in the Commercial Downtown Mixed Use District (C-DMU).

Financial Implications: See report

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

Action: 2 speakers. Item held over to September 9, 2014.

48. City Manager Referral: Cell Phone Safety Sticker Referral to City Manager and Community Health Commission

From: Councilmembers Worthington and Anderson

Recommendation: Refer to City Manager and Community Health Commission for the creation of an ordinance to require cell phone retailers to place a sticker on cell phone boxes, either at the point of purchase or prior to having the products placed on the shelves, warning consumers of the risk of brain cancer when using cell phones within a 10 mm distance of their body.

Financial Implications: Minimal

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

Action: Item held over to September 9, 2014.

Action Calendar – New Business

- 49. City Manager Referral: Promote and Publicize Services for Small Businesses Offered by the Alameda County Small Business Development Center**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to consider promoting and publicizing the Alameda County Small Business Development Center (SBDC) services for small businesses in the City of Berkeley.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Continued to September 9, 2014.
- 50. City Manager Referral: Create System of Regulation of Rideshare Companies**
From: Councilmember Worthington
Recommendation: Refer to City Manager to create appropriate regulations of rideshare companies to ensure the collection of fees from business licenses as well as safety standards for drivers and passengers alike.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Continued to September 9, 2014.
- 51. City Manager Referral: Compile and Produce Telegraph Channing Mall Tenant Rent Report Table and Provide Comprehensive Proposal**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to compile and produce Telegraph Channing Mall tenant rent report table and provide comprehensive proposal.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- Action:** M/S/C (Worthington/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Moore, Bates.
- Action:** No action taken on Item 51.
- Action:** M/S/Failed (Worthington/Arreguin) to suspend the rules and extend the meeting to 11:45 p.m.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Worthington; Noes – Wengraf, Wozniak; Abstain – None; Absent – Moore, Bates.
- Action:** M/S/C (Worthington/Arreguin) to suspend the rules and extend the meeting to 11:35 p.m.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington; Noes – None; Abstain – Wozniak; Absent – Moore, Bates.

Information Reports

52. **City Attorney Analyses for the November 2014 Ballot**
From: City Manager
Contact: Zach Cowan, City Attorney, 981-6950
Action: Received and filed.
53. **Electronic Campaign Statement Filing - Outreach Program**
From: City Manager
Contact: Mark Numainville, City Clerk, 981-6900
Action: Received and filed.
54. **FY 2015-2016 Civic Arts Grant Requests**
From: City Manager
Contact: Michael Caplan, Economic Development, 981-7530
Action: Received and filed.
55. **a. Endorsement of the City's Process to Improve Contracting with Youth-Serving Agencies**
From: Children, Youth, and Recreation Commission
Contact: Christina Erickson, Commission Secretary, 981-6700
- b. Update on Improvements to Youth-Serving Community Agency Contracting Process**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Received and filed.
56. **Addressing the Presence of Mold in Residential Rental Buildings**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
57. **Tough Budget Decisions Four Years Later: Building Analytical Capacity for Wiser Decision Making**
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Received and filed.
58. **Amendment to Fiscal Year 2014 Audit Plan**
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Received and filed.

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

Adjournment

Adjourned at 11:35 p.m.

Communications

Item 43a: Regulation of Electronic Cigarettes

1. Medical Cannabis Commission

Parklets Projects

2. Heather Hensley

Foxtails at Cesar Chavez Park

3. Animal Care Commission – referred to the City Manager by Councilmember Maio and Councilmember Worthington.

Supplemental Communications and Reports 1

Item 7: Revenue and Expenditure Contracts: FY 2015 Aging Services Programs

4. Supplemental materials, submitted by Health, Housing & Community Services

Item 13: Grant Application: Environmental Enhancement and Mitigation Program for the Berkeley Urban Reforestation Project

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

Item 17: Contract: Pacific Trenchless, Inc. for Sanitary Sewer Rehabilitation Project on Piedmont Avenue, Dwight Way, and Derby Street

6. Revised materials, submitted by Public Works

Item 23: Appointment of Marva Cremer and Michael Bailey to the Berkeley Housing Authority (BHA) Board of Commissioners

7. Revised materials, submitted by Mayor Bates

Item 25: The SMOKE Act

8. Supplemental materials, submitted by Councilmember Arreguin

Item 52: City Attorney Analyses for the November 2014 Ballot

9. Supplemental materials, submitted by City Attorney

Supplemental Communications and Reports 2

Item B: Medical Cannabis Ordinance Revisions and Dispensary Selection Process

10. Jack J

Item 34: Oppose the Trans-Pacific Partnership and Trans-Atlantic Free Trade Agreement and Create a TPP and TAFTA Free Zone

11. Phoebe Sorgen (2)

12. Tom Luce

Item 40: Support UFW Campaign by Sending Letters to Wal-Mart and Gerawan Inc. Urging Them to Honor “Standards for Suppliers” and Protect Prima Workers

13. Dan Gerawan

Item 43: Regulation of Electronic Cigarettes

14. Dale Gieringer

Item 44: Support Selected NAACP Housing Recommendations

15. Ben Mahrer

Item 48: City Manager Referral: Cell Phone Safety Sticker Referral to City Manager and Community Health Commission

16. Gerry Keegan, on behalf of CTIA – The Wireless Association

Supplemental Communications and Reports 3

Item 30: Proclamation Honoring the 25th Anniversary of the Old Lesbians Organizing for Change

17. Revised materials, submitted by Councilmember Worthington

Item 40: Support UFW Campaign by Sending Letters to Wal-Mart and Gerawan Inc. Urging Them to Honor “Standards for Suppliers” and Protect Prima Workers

18. Arturo Rodriguez

19. Tal Cloud

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

20. Revised materials, submitted by Councilmember Worthington

Item 47: Referral to Planning Commission: Amendment to B.M.C. Section 23B.44.030 - Variance from Setback Requirements for Downtown Hotel Projects

21. Matthew Taecker

Item 43: Regulation of Electronic Cigarettes

22. Sean Luse

Safety

23. Moni Law