

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 30, 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:** 7:06 p.m. All present.

### **Ceremonial Matters:**

1. Recognition of Jill Ellis, C.E.I.D.
2. Recognition of Tony Taccone, Berkeley Stage Director

**City Manager Comments:** None.

**Public Comment on Non-Agenda Matters:** 4 speakers.

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

## **Consent Calendar**

**Action:** M/S/C (Worthington/Wengraf) to accept revised material from Councilmember Capitelli on Item 33.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**1. Amending BMC Chapter 9.04 Business Licenses; Relating to Appeal Deadlines**  
**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,366-N.S. amending Berkeley Municipal Code (BMC) Chapter 9.04 Business Licenses.

**First Reading Vote:** All Ayes.

**Financial Implications:** None

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** Adopted second reading of Ordinance No. 7,366-N.S.

## Consent Calendar

- 2. Amending Berkeley City Council Procedures on Building Official Appeals; BMC Sections 19.44.020, 19.44.030, 19.44.040 and 19.44.090**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,367-N.S. amending Berkeley Municipal Code Sections 19.44.020, 19.44.030, 19.44.040 and 19.44.090 (Rules of Procedure, Appeals and Hearing By Council) to reflect current practice regarding procedures, allow for more time to process and appeal, and allow automatic public hearings on any appeal of a Commission decision.  
**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. 7,367-N.S.
- 3. Easement Acceptance: 700 Heinz Street and 717 & 725 Potter Street**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,368-N.S. accepting an Amendment and Restatement Grant of Easement for ingress and egress for fire and related purposes for a portion of 700 Heinz Street and 717 and 725 Potter Street.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Staff time  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,368-N.S.
- 4. Regulation of Electronic Smoking Devices; Amending Berkeley Municipal Code Chapter 12.70**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,369-N.S. adding Berkeley Municipal Code Section 12.70.031 and amending 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 exceptions for the electronic delivery of medical cannabis as follows: Inside a medical cannabis dispensary, by dispensary members; Within 50 feet of a medical cannabis dispensary, by dispensary members; Within the enclosed area of a unit in multi-unit housing.  
**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. 7,369-N.S.
- 5. Civic Center District Overlay Berkeley Municipal Code Chapter 23E.98**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,370-N.S. adding Berkeley Municipal Code Chapter 23E.98, the Civic Center District Overlay.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** none  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,370-N.S.

## Consent Calendar

- 6. EPA Litigation Settlement and Amend BMC Chapter 17.24 Abatement of Nonconforming/Substandard Sewer Laterals on Private Property**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,371-N.S. amending Berkeley Municipal Code Chapter 17.24 Abatement of Nonconforming/Substandard Sewer Laterals on Private Property.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,371-N.S.
- 7. Lease Agreement: Postal Annex at 2425 Channing Way, Suite B**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,372-N.S. authorizing the City Manager to execute a lease agreement with Nareshkumer Bhakta dba Postal Annex for an initial term of 5 years with an option to extend for two additional 5-year periods for the purpose of operating a retail mailing, packaging and related business services located at 2425 Channing Way, Suite B in the Telegraph Channing Mall.  
**First Reading Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,372-N.S.
- 8. Lease Agreement: Joy's Clothing at 2440 Durant Avenue**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,373-N.S. authorizing the City Manager to execute a lease agreement with Sung Wo Han dba Joy's Clothing Store for an initial term of 5 years with an option to extend for two additional 5-year periods for the purpose of operating a retail clothing store located at 2440 Durant Avenue in the Telegraph Channing Mall.  
**First Reading Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 7,373-N.S.

## Consent Calendar

### 9. Lease Agreement: The Framers' Workshop at 2439 Channing Way

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,374-N.S. authorizing the City Manager to execute a lease agreement with Jeffery Goldberg and Kirstie Bennett dba The Framers' Workshop for an initial term of 5 years with an option to extend for two additional 5-year periods for the purpose of operating a Do-it-yourself custom framing and picture shop located at 2439 Channing Way in the Telegraph Channing Mall.

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

**Financial Implications:** See report

Contact: Andrew Clough, Public Works, 981-6300

**Action:** Adopted second reading of Ordinance No. 7,374-N.S.

### 10. Lease Agreement: Cheese N' Stuff at 2442 Durant Avenue

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,375-N.S. authorizing the City Manager to execute a lease agreement with George S. Juha dba Cheese N' Stuff for an initial term of 5 years with an option to extend for two additional 5-year periods, for the purpose of operating a delicatessen located at 2442 Durant Avenue in the Telegraph Channing Mall.

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

**Financial Implications:** See report

Contact: Andrew Clough, Public Works, 981-6300

**Action:** Adopted second reading of Ordinance No. 7,375-N.S.

### 11. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on September 30, 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 - \$1,200,000

Contact: Christine Daniel, Finance, 981-7300

**Action:** Approved recommendation.

## Consent Calendar

- 12. Ground Lease Amendment for William Byron Rumford Sr. Plaza**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the City's ground lease with William Byron Rumford Sr. Associates, L.P. to extend it for approximately five years for the purpose of the City's Housing Trust Fund Loan to rehabilitate the property. The seventy-five year ground lease originally executed in 1989 needs to be extended to match the fifty-five year term of the Housing Trust Fund loan.  
**Financial Implications:** None  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted first reading of Ordinance No. 7,376–N.S. Second reading scheduled for October 21, 2014.
- 13. Contract: Berkeley Unified School District for Nutrition Education at Qualifying Schools and Afterschool Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with the Berkeley Unified School District (BUSD) for nutrition education at qualifying schools and afterschool programs in an amount not to exceed \$100,000 for the period October 1, 2014 through September 30, 2015.  
**Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 66,789–N.S.
- 14. Amendment to BMC Chapter 9.80 - Tobacco Retailers**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 9.08.020 and adding Section 9.80.035 to prohibit issuance or renewal of Tobacco Retail Licenses to all pharmacies.  
**Financial Implications:** See report  
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400  
**Action:** Adopted first reading of Ordinance No. 7,377–N.S. Second reading scheduled for October 21, 2014.
- 15. Correction to Exhibit F of the Memorandum of Understanding – Berkeley Fire Fighters Association/I.A.F.F. Local 1227**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 to correct a typographical error in Exhibit F - Wellness/Fitness Program - of the Memorandum of Understanding.  
**Financial Implications:** None  
Contact: David Abel, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 66,790–N.S.

## Consent Calendar

16. **Mills Act Contracts: 1 Greenwood Common, 1317 Shattuck Avenue and 1418-1420 Spruce Street**  
**From: City Manager**  
**Recommendation:** Adopt three (3) Resolutions directing the City Manager to enter into Mills Act contracts for the properties located at 1 Greenwood Common, 1317 Shattuck Avenue and 1418 Spruce Street.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 66,791–N.S. (1 Greenwood); Resolution No. 66,792–N.S. (1317 Shattuck); Resolution No. 66,793–N.S. (1418 Spruce).
17. **Contract Amendments: Four Contracts for On-Call General Surveying Services**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager to execute amendments to: 1. Contract No. 9049 Cunha Engineering, Inc.; 2. Contract No. 9048 Moran Engineering, Inc; 3. Contract No. 9053 Paul O. Webb, Surveyor; and 4. Contract No. 9050 Logan Surveying, Inc. for on-call general surveying services, increasing the contracts for Cunha, Moran, and Webb by \$100,000 each for total amounts not to exceed \$350,000 for each contract, and increasing the contract for Logan by \$150,000 for a total amount not to exceed \$400,000; and extending the terms of these contracts to January 1, 2016.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 66,794–N.S. (Cunha); Resolution No. 66,795–N.S. (Moran); Resolution No. 66,796–N.S. (Paul O. Webb); Resolution No. 66,797–N.S. (Logan).
18. **Approval for Extra Meeting in Calendar Year 2014 for the Commission on Aging**  
**From: Commission on Aging**  
**Recommendation:** Adopt a Resolution approving one additional meeting for the Commission on Aging in calendar year 2014.  
**Financial Implications:** Staff time  
Contact: Leah Talley, Commission Secretary, 981-5400  
**Action:** Adopted Resolution No. 66,798–N.S.

## Council Consent Items

19. **Honoring Berkeley City College on the Occasion of Their 40th Anniversary**  
**From: Mayor Bates**  
**Recommendation:** Adopt a Resolution honoring Berkeley City College on the occasion of their 40th Anniversary and declaring October 17, 2014 as Berkeley City College Day in the City of Berkeley.  
**Financial Implications:** None  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Adopted Resolution No. 66,799–N.S.

## Council Consent Items

20. **Berkeley City College 40<sup>th</sup> Anniversary: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per council member, including \$250 from Councilmember Maio, to the Peralta Foundation with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - \$250  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Adopted Resolution No. 66,800–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$250; Councilmember Anderson - \$150; Councilmember Moore - \$100.
21. **Children's Hospital, Intern and Resident Concerns**  
**From: Councilmember Maio**  
**Recommendation:** Send a letter requesting Dr. Bertram H. Lubin, MD, President & CEO of Children's Hospital & Research Center Oakland, to meet with a small committee of interns and residents to hear their concerns.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110.  
**Action:** Approved recommendation.  
**Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington; Noes – None; Abstain – Wengraf, Wozniak, Bates
22. **Review Adding Sick Leave, Enhanced Enforcement, and Other Necessary Features to the Minimum Wage**  
**From: Councilmembers Maio and Moore**  
**Recommendation:** Thank the Labor Commission for its work on the minimum wage and refer to the Commission to review the correspondence and materials received during the minimum wage debate and return to Council with recommendations for enactment on sick leave, other benefits, and any other features that should be considered and enacted in addition to the wage increases that were approved.  
**Financial Implications:** Minimal  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Moved to Action Calendar. Councilmember Anderson added as a co-sponsor. 0 speakers. M/S/C (Maio/Moore) to approve the recommendation revised to include 1) request that the Labor Commission solicit input from the Business Improvement Districts and Merchant Associations, and 2) request an annual report from staff on the progress and outcomes of the minimum wage ordinance.  
**Vote:** All Ayes.

## Council Consent Items

- 23. Urge California Egg Producers and Retailers to Come into Compliance with Upcoming Anti-Cruelty Law by Becoming Cage-free**  
**From: Councilmember Anderson**  
**Recommendation:** Adopt a Resolution urging California egg producers and retailers to come into compliance with upcoming anti-cruelty law by becoming cage-free. Berkeley City Council passed a resolution supporting Proposition 2 and a cage-free conversion. Also the Berkeley Humane Society endorsed Proposition 2 and a conversion to cage-free conditions for laying hens.  
**Financial Implications:** None  
Contact: Max Anderson, Councilmember, District 3, 981-7130  
**Action:** Adopted Resolution No. 66,801–N.S.
- 24. The Legacy of Proposition 187**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution acknowledging the anti-immigrant sentiments engendered by the introduction and passage of Proposition 187 and that it serves as a lesson against discriminatory and xenophobic politics as California forges ahead as a welcoming, diverse state.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 66,802–N.S.
- 25. Support Fast Food Workers**  
**From: Councilmembers Arreguin, Anderson, and Maio**  
**Recommendation:** Adopt a Resolution supporting fast food workers and the “Low Pay is not OK” campaign, including nation-wide strikes to help procure living wages, better working conditions, and their right to form a union without retaliation. Copies of the resolution are to be sent to the “Low Pay is not OK,” campaign, the Alameda County Labor Council, and the fast food franchises that do business in the City of Berkeley.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 66,803–N.S.
- 26. Referral: Stolen Vehicle Recovery**  
**From: Councilmember Arreguin**  
**Recommendation:** Refer to the City Manager for consideration of future towing services contracts and extensions the issue of reducing or eliminating fees imposed upon stolen vehicle victims.  
**Financial Implications:** Unknown  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Approved recommendation.



## Council Consent Items

### 27. “Big Tech” Security Guards

**From: Councilmember Arreguin**

**Recommendation:** Adopt a Resolution 1. in support of SEIU’s Stand for Security campaign, and 2. urging Apple, Google, Amazon and eBay to call on its contractor, Security Industry Specialists Inc. (SIS), to end its unfair union-busting tactics and poor labor practices. Copies of the resolution are to be sent to the Stand for Security campaign, Security Industry Specialists Inc., and the CEO’s of Apple, Google, eBay and Amazon.

**Financial Implications:** Unknown

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

**Action:** Adopted Resolution No. 66,804–N.S.

### 28. Calling on Gerawan Farming to Respect the Law

**From: Councilmembers Arreguin, Worthington, and Maio**

**Recommendation:** Adopt a Resolution calling upon Gerawan Farming to meet basic standards of conduct, including refraining from violating state or federal laws such as labor relations laws, anti-discrimination laws, and minimum wage and hour laws, and to immediately implement the union contract issued by the neutral mediator and the state of California.

**Financial Implications:** None

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

**Action:** Councilmember Anderson added as a co-sponsor. Adopted Resolution No. 66,805–N.S. revised as follows:

- New Title: “Calling on Gerawan Farming to meet basic standards of conduct as an employer”
- Add that the City acknowledges the receipt of the information provided by Gerawan Farming.
- Add “the following has been alleged by the ALRB General Counsel” in each Whereas clause.

### 29. Proclamation Declaring October 11, 2014 as Indigenous Peoples Day and Approving City Co-Sponsorship

**From: Councilmember Arreguin**

**Recommendation:** Adopt a proclamation: 1. Declaring October 11, 2014 as Indigenous Peoples Day in the City of Berkeley; and 2. Approving City co-sponsorship of the 2014 Indigenous Peoples Day event.

**Financial Implications:** None

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

**Action:** Adopted proclamation.

## Council Consent Items

30. **Pacific Center for Human Growth's Queerly Berkeley Event Sunday October 5, 2014: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Wengraf**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$200 per Councilmember including \$200 from Councilmember Wengraf, to the Pacific Center for Human Growth with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Wengraf and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Fund - \$200  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Adopted Resolution No. 66,806–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$200; Councilmember Maio - \$100; Councilmember Anderson - \$150; Councilmember Moore - \$150; Councilmember Worthington - \$200; Mayor Bates - \$200.
31. **City Manager Referral: Vacancy and Sales Tax Report by Business Districts**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to provide reports of vacancy rates and sales tax by business districts to be included at an economic development work session.  
**Financial Implications:** Miniscule  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Maio/Capitelli) to direct the City Manager to provide an Information Report in December about how and when sales tax and vacancy rate data is provided to the City and how much staff time is required to prepare reports to the City Council on this data.  
**Vote:** All Ayes.

## Action Calendar – Old Business

32. **City Manager Referral: Implementing BigBelly Solar Compactor Bins**  
*(Continued from September 9, 2014)*  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Manager to examine the feasibility of procuring BigBelly Solar Compactor Bins to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Amended to change the referral to the Zero Waste Commission and request that the Commission consider the impact on employees in the Zero Waste Division.

## Action Calendar – Old Business

33. **City Manager Referral: Create System of Regulation of Rideshare Companies**  
(Continued from September 9, 2014)  
**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:** Amended to replace the Recommendation with the following: “Refer to the city manager to monitor state and local developments in California and San Francisco regarding the regulation of ride share companies, including requirements to obtain business licenses, ensure safety standards for drivers and passengers, and the establishment of insurance requirements. City Manager to report back to the council in January of 2015.” Moved to Consent Calendar.
34. **City Manager Referral: Protect Public Safety from Illegal Construction**  
(Continued from September 9, 2014)  
**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:** 3 speakers. M/S/C (Capitelli/Worthington) to refer to the City Manager to review the fine structure for repeat and chronic building permit violations and return to Council with a schedule that provides for additional disincentives for such violators.  
**Vote:** All Ayes.

## Action Calendar – New Business

35. **Amending Open Government Ordinance Section 2.06.090 Regarding Reporting on Regional Boards**  
**From: Open Government Commission**  
**Recommendation:**  
1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 2.06.090 to add additional reporting and posting requirements for Councilmembers, staff and other persons who serve on regional bodies and commissions;  
2. Adopt a Resolution listing the regional bodies and commissions that fall within the reporting requirement in Section 2.06.090.  
**Financial Implications:** None  
Contact: Kristy van Herick, Commission Secretary, 981-6950  
**Action:** 1 speaker. M/S/C (Bates/Maio) to refer to staff to review the reporting requirements in Section 2.06.090 and return to Council with options or suggestions on how to simplify the process for the representatives and staff in a way that's easy for the public to access the agendas and minutes for the regional bodies.  
**Vote:** Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington.

## Action Calendar – New Business

### 36. Amend Public Comment Process for Matters Not on the Agenda

**From: Open Government Commission**

**Recommendation:** Direct staff to return with proposed revisions to the Berkeley City Council Rules of Procedure and Order to update the process for public comment on items not on the agenda in line with the recommendations in this report.

**Financial Implications:** None

Contact: Kristy van Herick, Commission Secretary, 981-6950

**Action:** 2 speakers. M/S/C (Maio/Bates) to direct staff to return with proposed revisions to the Berkeley City Council Rules of Procedure and Order to change the timing and number of speakers as recommended and retain the speaker card system.

**Vote:** All Ayes.

## Information Reports

### 37. Report on Workers' Compensation FY 2014

**From: City Manager**

Contact: David Abel, Human Resources, 981-6800

**Action:** Received and filed.

### 38. Status Report: Equipment Replacement Fund - Sustainability and Transparency

**From: City Manager**

Contact: Andrew Clough, Public Works, 981-6300

**Action:** Received and filed.

### 39. Alameda County Lead Poisoning Prevention Program Joint Powers Authority Board of Directors Meeting

**From: Councilmember Wengraf**

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

**Action:** Received and filed.

### 40. League of California Cities Annual Conference

**From: Councilmember Wengraf**

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

**Action:** Received and filed.

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

## Adjournment

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

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

Councilmember Moore absent 9:28 p.m. – 9:30 p.m.

Adjourned at 9:30 p.m.

## **Communications**

### **Labels on Gas Pumps**

1. Joe Kantenbacher

### **Use of Tasers**

2. Monica Jones

### **Workplace Bullying Week**

3. Cristy Viola, on behalf of California Healthy Workplace Advocates and the Workplace Bullying Institute

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

### **Item 14: Amendment to BMC Chapter 9.80 - Tobacco Retailers**

4. Bob Gordon
5. Cassie Ray, on behalf of the American Cancer Society Cancer Action Network

### **Item 28: Calling on Gerawan Farming to Respect the Law**

6. David Schwarz, Irell & Manella LLP

### **Item 33: City Manager Referral: Create System of Regulation of Rideshare Companies**

7. Candice Taylor

### **Item 36: Amend Public Comment Process for Matters Not on the Agenda**

8. Jane Welford, on behalf of SuperBOLD

## **Supplemental Communications and Reports 3**

### **Item 28: Calling on Gerawan Farming to Respect the Law**

9. Arturo Rodriguez, on behalf of the United Farm Workers of America

### **Item 33: City Manager Referral: Create System of Regulation of Rideshare Companies**

10. Laurie Capitelli, District 5

### **Alta Bates Hospital**

11. Rozalina Gutman