

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, DECEMBER 16, 2014**

7:00 P.M.

LONGFELLOW MIDDLE SCHOOL AUDITORIUM – 1500 DERBY STREET,
BERKELEY, CA 94703

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 – LORI DROSTE

Preliminary Matters

Roll Call: 7:08 p.m. Councilmember Wengraf absent.

Announcements:

1. Special meeting of the Berkeley City Council to be held on January 17, 2015 at the Ed Roberts Campus.

City Manager Comments: None

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

Consent Calendar

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

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

1. **Replace the Residential and Commercial Energy Conservation Ordinances, BMC Chapters 19.16 and 19.72, with a Building Energy Saving Ordinance, BMC Chapter 19.81**

From: Energy Commission

Recommendation: Adopt second reading of Ordinance No. 7,387-N.S. repealing the Residential and Commercial Energy Conservation Ordinances (RECO and CECO), BMC Chapters 19.16 and 19.72, and adding the Building Energy Saving Ordinance, BMC Chapter 19.81.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Neal DeSnoo, Commission Secretary, 981-7400

Action: Item held over to January 20, 2015.

Consent Calendar

2. Minutes for Approval

From: City Clerk

Recommendation: Approve the minutes for the Council meetings of November 17, 2014 (special closed) and November 18, 2014 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

3. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on December 16, 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: Capital Improvement Fund - \$450,000

Contact: Christine Daniel, Finance, 981-7300

Action: Approved recommendation.

4. Donation: Berkeley Meals on Wheels

From: City Manager

Recommendation: Adopt a Resolution accepting a \$1,500 donation to the Berkeley Meals on Wheels Program from a donor who wishes to remain anonymous.

Financial Implications: \$1,500 (Donation)

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

Action: Adopted Resolution No. 66,873–N.S.

5. Contract: Hartford Life and Accident Insurance Company for SRIP II Long-Term Disability Insurance and Basic Life and AD&D

From: City Manager

Recommendation: Adopt two Resolutions:

1. Authorizing the City Manager to execute a contract and any amendments with Hartford Life Accident Insurance Company (Hartford) to provide Long-Term Disability (LTD) Insurance at the reduced premium rate of \$0.173 for every \$100 of active participants' covered salaries for most non-sworn employees for three (3) years effective January 1, 2015 through December 31, 2017, for a total contract amount not to exceed \$379,200.

2. Authorizing the City Manager to execute a contract and any amendments with Hartford to provide Basic Life and Accidental Death and Dismemberment (AD&D) Insurance at the premium rate of \$0.060 per \$1,000 of coverage for eligible employees for Basic Life insurance, \$0.034 AD&D per \$1,000 of coverage for eligible employees for AD&D insurance, and Supplemental Life Insurance for three (3) years, from January 1, 2015, through December 31, 2017, for a total contract amount not to exceed \$207,000.

Financial Implications: See report

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,874–N.S. (LTD) and Resolution No. 66,875–N.S. (AD&D)

Consent Calendar

6. Classification: Mail Services Aide

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 65,375-N.S., Classification and Salary for Service Employees International Union Local 1021 (Maintenance and Clerical Chapter), to re-title and revise the classification of Central Services Aide to Mail Services Aide; and to abolish the classifications of Central Services Supervisor and Central Services Technician effective December 17, 2014.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,876–N.S.

7. Authorize Reliance Trust Company as Successor Trustee for the Deferred Compensation Plan and the Supplementary Retirement and Income Plans

From: City Manager

Recommendation: Adopt a Resolution authorizing the appointment of Reliance Trust Company as Trustee for the Deferred Compensation Plan and Supplementary Retirement and Income Plans (SRIP I, SRIP II, and SRIP III).

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,877–N.S.

8. Fee Assessment for Fiscal Year 2015 - State of California Self-Insurance Fund (Workers' Compensation Program)

From: City Manager

Recommendation: Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2015 for administering the Workers' Compensation Program, in an amount not to exceed \$202,840.

Financial Implications: Workers' Compensation Self-Insurance Fund - \$202,840

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,878–N.S.

Consent Calendar

9. 2015 Health Plan Changes

From: City Manager

Recommendation: Adopt two Resolutions:

1. Approving rates for the Kaiser Health Maintenance Organization (HMO) health plans as follows: 2.8% increase for Active Employees; 0.4% increase for Pre-Medicare Eligible Retirees; and 0.3% decrease for Post-65 Senior Advantage.
2. Approving rates for the Health Net health plans as follows: 10.1% increase for HMO plan Active Employees; 10.1% increase for Point of Service (POS) plan Active Employees; 10.1% increase for Pre-Medicare HMO plan Eligible Retirees; 10.1% increase for Pre-Medicare POS plan Eligible Retirees; 3.0% increase for Seniority Plus (Medicare Supplement) Retirees; 10.1% increase for Health Net POS Post-65 Retirees. The health plan premium rates will be effective for the period of January 1, 2015 through December 31, 2015.

Financial Implications: See report

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,879–N.S. (Kaiser) and Resolution No. 66,880–N.S. (Health Net)

10. Fire Fighters Retiree Health Premium Assistance Plan and Trust Agreement

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement the Fire Fighters Retiree Health Premium Assistance Plan and Fire Fighters Retiree Health Premium Assistance Plan Trust Agreement that provides the terms and conditions for providing retiree medical coverage for employees who are represented by the Berkeley Fire Fighters Association/I.A.F.F., Local 1227.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,881–N.S.

11. Donation: Ruzer for Memorial Bench in Cesar Chavez Park

From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 from Genia Ruzer for a memorial bench to be placed in Cesar Chavez Park.

Financial Implications: \$3,400 (Donation)

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action: Adopted Resolution No. 66,882–N.S.

Consent Calendar

- 12. Memorandum of Understanding: Berkeley Unified School District for Public Use of Emerson Elementary School Playground**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Berkeley Unified School District (BUSD) to allow for public usage of the Emerson Elementary School Park during non-school hours for a pilot one year period.
Financial Implications: General Fund - \$4,160
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,883–N.S.
- 13. 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 regular and special meetings of the Zoning Adjustment Board (ZAB) for the period January 1, 2015 - June 30, 2018 in an amount not to exceed \$75,000, and for three one-year renewable options.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,884–N.S. as revised in Supplemental Communications and Reports 1.
- 14. Contract Amendments: 3 Contracts for On-Call Architectural and Structural Design, and Engineering Services for Capital Improvement Projects**
From: City Manager
Recommendation: Adopt 3 Resolutions authorizing the City Manager to execute amendments to the following contracts for on-call architectural and structural design and engineering services, for the initial terms ending October 2, 2016:
1. ELS Architecture and Urban Design, Contract No. 9660, increasing the amount by \$750,000 for a revised contract amount not to exceed \$1,050,000.
2. Noll & Tam Architects, Contract No. 9577, increasing the amount by \$400,000 for a revised contract amount not to exceed \$700,000.
3. Ingraham DeJesse Associates, Contract No. 9657, increasing the amount by \$100,000 for a revised contract amount not to exceed \$200,000.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,885–N.S. (ELS Architecture); Resolution No. 66,886–N.S. (Noll & Tam); and Resolution No. 66,887–N.S. (Ingraham DeJesse).

Consent Calendar

- 15. Amend Berkeley Municipal Code Section 14.52.010 to Add New Metered Parking Locations**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 14.52.010 to add parking meters as follows: Derby Street, south side, from Milvia Street to 300 feet east of Milvia Street; Milvia Street, east side, from Derby Street to Ward Street; Ninth Street, east side, from Gilman Street to 300 feet north of Gilman Street; Tenth Street, west side, from Gilman Street to 300 feet north of Gilman Street; Ward Street north side, from Milvia Street to 300 feet east of Milvia Street.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,390–N.S. Second reading scheduled for January 20, 2015.
- 16. Contract: AC Transit Bus Pass (EasyPass) Program for City Employees**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Alameda-Contra Costa County Transit District (AC Transit) for the bus transit pass (EasyPass) program for City of Berkeley employees, in an amount not to exceed \$570,000 for the 5-year period beginning January 1, 2015 and ending December 31, 2019.
Financial Implications: Payroll Deduction Trust Fund - \$570,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,888–N.S.
- 17. Purchase Order: Altec Industries, Inc. for One Articulating Aerial Bucket Truck**
From: City Manager
Recommendation: Adopt a Resolution satisfying City Charter Article XI Section 67.2 requirements, accepting National Joint Powers Alliance (NJPA) contract bid procedures, and authorizing the City Manager to execute a purchase order for one Articulating Aerial Bucket truck for an amount not to exceed \$252,100.
Financial Implications: Equipment Replacement Fund - \$252,100
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,889–N.S.
- 18. Contract No. 9082A Amendment: Northgate Environmental Management for On-Call Environmental Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9082A with Northgate Environmental Management, increasing the amount by \$60,000 for a total contract amount not to exceed \$109,500 and extending the contract to September 30, 2017.
Financial Implications: Various Funds - \$60,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,890–N.S.

Consent Calendar

19. **Contract No. 8884 Amendment: St. Vincent de Paul for Mattress Recycling**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8884 with St. Vincent de Paul for mattress recycling, increasing the contract amount by \$101,000 for a total contract amount not to exceed \$281,000; and extending the contract term to December 31, 2015.
Financial Implications: Refuse Collect Disposal - \$101,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,891–N.S.
20. **Amending Berkeley Municipal Code Section 14.72.030 to Clarify the Definition of “Motor Vehicle” as it Relates to the Residential Preferential Parking Program**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.72.030 to clarify the definition of the term "Motor Vehicle" as it relates to the City's Residential Preferential Parking (RPP) Program.
Financial Implications: None
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,391–N.S. Second reading scheduled for January 20, 2015.
21. **Increased Meeting Frequency for the Commission on the Status of Women**
From: Commission on the Status of Women
Recommendation: Approve an increase in the frequency of regular meetings to ten annually beginning in calendar year 2015 for the Commission on the Status of Women.
Financial Implications: See report
Contact: Eric Brenman, Commission Secretary, 981-5400
Action: Approved recommendation.

Council Consent Items

22. **Re-Appointment of Dr. Jan Washburn to the Alameda County Mosquito Abatement District Board of Trustees**
From: Mayor Bates
Recommendation: Adopt a Resolution reappointing Dr. Jan Washburn to the Board of Trustees of the Alameda County Mosquito Abatement District for a two-year term commencing on January 1, 2015 and ending on January 1, 2017.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,892–N.S.

Council Consent Items

- 23. Support the 'Combat Human Trafficking Act'**
From: Councilmembers Maio and Wengraf
Recommendation: Request that the City Clerk send a letter to Senator Dianne Feinstein informing her office that the Berkeley City Council is on record in support of the Combat Human Trafficking Act, which will strengthen law enforcement efforts to investigate and prosecute all who commit sex trafficking crimes, particularly the buyers of sex acts from trafficking victims.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 24. Evaluation and Traffic Control, University Avenue from MLK to California**
From: Councilmember Maio
Recommendation: Request the City Manager/Traffic Engineer to conduct an analysis of the stretch of University from MLK to California and recommend traffic speed controls in time for the budget process.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 25. Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses**
From: Councilmember Moore
Recommendation: Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.
Financial Implications: Staff time
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 26. Second Black History Month Celebration: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Councilmember Anderson to the Second Black History Month Celebration hosted by Berkeley Juneteenth Association, Inc.
Financial Implications: Councilmember Discretionary Fund - \$250
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 66,893–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Moore - \$100; Councilmember Droste - \$100; Councilmember Arreguin - \$100; Councilmember Worthington - \$250.

Council Consent Items

27. **Referral to Planning Commission and City Manager Regarding the Feasibility of Requiring the Installation of Water Fountains/Filling Stations for New Commercial Development Projects**
From: Councilmember Capitelli
Recommendation: Refer to the Planning Commission and the City Manager the development of an ordinance requiring all new commercial development projects and remodels above a specified amount to incorporate a publicly available drinking fountain and/or water bottle filling station or locations on the premises where one may be installed without additional cost to the city for piping water to the location. Report back to council within 6 months.
Financial Implications: Staff time
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.
28. **Referral to Public Works Commission, Transportation Commission and Disaster and Fire Safety Commission to Develop a Comprehensive Plan for the Funding of the Undergrounding of Utility Wires on All Major and Collector Streets in Berkeley**
From: Councilmember Wengraf
Recommendation: That the Public Works Commission, Transportation Commission and Disaster and Fire Safety Commission develop a comprehensive funding plan to underground utilities along all arterials and collectors in the City of Berkeley. New funding strategies need to be explored with this goal in mind.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.
29. **City Manager Referral: Proposal to Fill the Berkeley Police Department LGBTQ Liaison Position and Create a Gender Identity Non-Discrimination Employment Policy**
From: Councilmembers Worthington and Moore
Recommendation: Refer to the City Manager to reestablish or fill the Berkeley Police Department LGBTQ liaison position and create a gender identity non-discrimination employment policy.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar

Action: M/S/Fail (Worthington/Arreguin) to add Communication 25 from the Police Review Commission to the agenda for consideration and to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

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

Action Calendar

Action: M/S/F (Worthington/Arreguin) to add the topic of addressing the City's response to the vandalism to Berkeley's businesses to the agenda for consideration and to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

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

Action: M/S/F (Worthington/Arreguin) to add the topic of setting a special meeting of the Berkeley City Council to the agenda for consideration and to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

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

Recess: 9:00 p.m. – 9:12 p.m.

Action Calendar – Public Hearing

30. Selected Camp Fee Increases for FY 2014-2015

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution: 1. Approving a 15% increase to Berkeley Day Camp fees and approving a new Fish Camp program fee at Berkeley Echo Lake Camp; and 2. Rescinding Resolution No. 66,726-N.S. and all amendatory resolutions.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

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

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

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

Action: M/S/C (Droste/Arreguin) to adopt Resolution No. 66,894–N.S.

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

31. Fees: New Rate Schedule for Residential Preferential Parking Permits

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new rate schedule for the Residential Preferential Parking Program, increasing the permit fees effective July 1, 2015; and rescinding Resolution No. 66,075-N.S.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

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

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

Action Calendar – Public Hearing

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

Action: M/S/C (Maio/Moore) to adopt Resolution No. 66,895–N.S.

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

32. 2014 Local Hazard Mitigation Plan

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution adopting the 2014 Local Hazard Mitigation Plan (LHMP), and
2. Adopt a Resolution amending the General Plan to incorporate the LHMP.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400; Gil Dong, Fire, 981-3473

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

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

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

Action: M/S/C (Maio/Bates) to adopt Resolution No. 66,896–N.S. (LHMP) and Resolution No. 66,897–N.S. (General Plan)

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

Councilmember Moore absent 9:00 – 9:13 pm.

Councilmember Droste absent 9:00 – 9:13 pm.

Action Calendar – Old Business

33. **Release of Balloons** *(Continued from October 28, 2014)*
From: Councilmember Arreguin
Recommendation: Refer to Community Environmental Action Commission the issue of releasing balloons into the environment and to report back to Council with recommendations to mitigate the environmental and infrastructural impact of the release of latex and Mylar balloons, including, but limited to: 1. Declare that balloons pose environmental and physical hazards when released into the environment; 2. Include a clause prohibiting the release of balloons within permits issued by the City for special events; 3. Define the intentional act of releasing balloons by adults into the environment as littering for the purposes of citation; 4. Require disclosures at the point of sale of helium inflated balloons regarding the environmental and infrastructural impact of releasing such balloons and that the intentional release of balloons is considered littering, actionable offense; provide a private right of action for failure to provide such disclosure so that staff resources are not needed for enforcement.
Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Moved to Consent Calendar. Approved recommendation as revised in Supplemental Communications and Reports 1.

Action Calendar – New Business

34. **Retention or Disposition of 3135 Harper Street to Satellite Affordable Housing Associates or at Market Rate**
From: City Manager
Recommendation: Direct the City Manager on future actions related to 3135 Harper Street, the site of Satellite Affordable Housing Associates' (SAHA) proposed Harper Crossing affordable housing development, and the \$1.8 million in Housing Trust Funds that were reserved for the project:
A. To extend the timeline for SAHA to secure funding to develop the Harper Crossing project and allow the project to be eligible to apply for Alameda County Affordable Housing Trust Fund "boomerang" funds on January 5, 2015:
1. Adopt first reading of an Ordinance approving a new Disposition and Development Agreement allowing SAHA until December 31, 2015 to obtain full financing for the project, and
2. Adopt a Resolution making a Housing Trust Fund reservation.
-OR-
B. To proceed with the sale of the 3135 Harper Street: Adopt a Resolution directing the City Manager to proceed with the sale.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Part A of the recommendation moved to Consent Calendar. 1. Adopted first reading of Ordinance No. 7,392–N.S. Second reading scheduled for January 20, 2015. 2. Adopted Resolution No. 66,898–N.S.

Action Calendar – New Business

35. Requirements for Office Uses in the Telegraph Commercial District; Amending BMC Chapter 23E.56

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the Zoning Ordinance (BMC Chapter 23.56) by amending the existing requirements for office uses in the Telegraph Commercial District (C-T, 23E.56).

Financial Implications: None

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

Action: Item held over to January 20, 2015.

36. West Berkeley Industrial Plants Air Quality

a. From: Community Health Commission

Recommendation: Take the following actions regarding air quality complaints in West Berkeley:

1. The City Council hold a Public Hearing regarding air quality complaints on the West Berkeley Lehigh Hanson Asphalt Company plant, Bayline Concrete Cutting Company and Pacific Steel Casting Company; and that the City provide relevant health information.
2. Direct the City Manager to complete the compliance check list based on the 1999 Settlement Agreement with the Oceanview Neighborhood Association; and
3. If the City Manager and delegated staff or department finds the West Berkeley Lehigh Asphalt Company plant is not compliant with the compliance check list based on the 1999 Settlement Agreement with the Oceanview Neighborhood Association, the City and its jurisdictional bodies or the appropriate authority implements corrective action and enforces the 1999 Settlement Agreement compliance checklist immediately.

Financial Implications: See report

Contact: Gail Feldman, Commission Secretary, 981-5400

b. From: Housing Advisory Commission

Recommendation: Direct the City Manager to complete the compliance check list based on the 1999 Settlement Agreement with the Oceanview Neighborhood regarding air quality complaints in West Berkeley.

Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, 981-5400

Action Calendar – New Business

36. c. From: City Manager

Recommendation: In response to the Housing Advisory and Community Health Commissions' reports on the West Berkeley industrial plants and air quality, the City Manager makes the following recommendations:

1. Send a letter to The Bay Area Air Quality Management District (BAAQMD) from the Mayor and City Council, expressing concern about the District's response to emissions and odor complaints received from the Oceanview neighborhood.
2. Direct the City Manager to implement procedures for notifying complainants who contact the City on how to file complaints with BAAQMD regarding odors and air emissions.

Financial Implications: None

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

Action: Item held over to January 20, 2015.

Information Reports

37. Supplemental Information Related to Building Energy Saving Ordinance

From: City Manager

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

Action: Received and filed.

38. goBerkeley Pilot Program Results and Next Steps

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 32 speakers.

Adjournment

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

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

Adjourned at 9:20 p.m.

Communications

2211 Harold Way

1. Keith Johnson
2. Melanie Lawrence

Supplemental Communications and Reports 1

Item 1: Replace the Residential and Commercial Energy Conservation Ordinances, BMC Chapters 19.16 and 19.72, with a Building Energy Saving Ordinance, BMC Chapter 19.81

3. Fred Cosentino
4. Jeffrey White (2)
5. Daniel McLoughlin
6. Leni Siegel
7. James Sweeney

Item 13: Contract: QuickCaption, Inc. for Real-Time Closed Captioning Stenography Services

8. Revised materials, submitted by Planning & Development

Item 33: Release of Balloons

9. Revised materials, submitted by Councilmember Arreguin

Item 36: West Berkeley Industrial Plants Air Quality

10. Janice Schroeder

Supplemental Communications and Reports 2

Item 1: Replace the Residential and Commercial Energy Conservation Ordinances, BMC Chapters 19.16 and 19.72, with a Building Energy Saving Ordinance, BMC Chapter 19.81

11. Richard Buss
12. Dean Metzger, on behalf of the Berkeley Neighborhoods Council
13. Carol Sutton
14. Mary Ann Brewin
15. Steve Martinot
16. Karla Simmons
17. Ann Slaby
18. Rosemary Northcraft
19. Lynn Sherrell
20. Robert Clear
21. Daniel Caraco
22. Dennis Walton

Item 33: Release of Balloons

23. Lorna O'Hara, on behalf of The Balloon Council

Item 36: West Berkeley Industrial Plants Air Quality

24. Rhiannon

Use of Tear Gas / Use of Projectiles & Batons

25. Police Review Commission (2)

Supplemental Communications and Reports 3

Item 1: Replace the Residential and Commercial Energy Conservation Ordinances, BMC Chapters 19.16 and 19.72, with a Building Energy Saving Ordinance, BMC Chapter 19.81

26. Pam Speich

27. David Lerman

Tarea Hill Pittman

28. Unknown