

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, JANUARY 20, 2015
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 – LORI DROSTE

Preliminary Matters

Roll Call: 7:08 p.m. All present.

Ceremonial Matters:

1. Recognition of Richard Kalman, Berkeley Voice Instructor
2. Recognition of John Oliver Simon, Berkeley Poet

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 1 speaker.

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

Consent Calendar

Action: M/S/C (Maio/Arreguin) to accept revised material from Councilmember Moore on Item 19.

Vote: All Ayes.

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

Vote: All Ayes.

1. Amend Berkeley Municipal Code Section 14.52.010 to Add New Metered Parking Locations

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,390-N.S. 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.

Consent Calendar

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted second reading of Ordinance No. 7,390-N.S.

2. **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 second reading of Ordinance No. 7,391-N.S. 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.

First Reading Vote: All Ayes.

Financial Implications: None

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted second reading of Ordinance No. 7,391-N.S.

3. **Retention or Disposition of 3135 Harper Street to Satellite Affordable Housing Associates or at Market Rate**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,392-N.S. approving a new Disposition and Development Agreement allowing SAHA until December 31, 2015 to obtain full financing for the project.

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. 7,392-N.S.

4. **Amendment to Business License Tax, Amending Berkeley Municipal Code Section 9.04.110**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 9.04.110, to allow the City Manager to waive or reduce certain business license tax penalties under specified circumstances.

Financial Implications: Minimal

Contact: Zach Cowan, City Attorney, 981-6950

Action: Adopted first reading of Ordinance No. 7,393–N.S. Second reading scheduled for January 27, 2015.

5. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the Council meetings of December 15, 2014 (special closed) and December 16, 2014 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

Consent Calendar

- 6. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on January 20, 2015**
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 - \$1,315,289
Contact: Christine Daniel, Finance, 981-7300
Action: Approved recommendation.
- 7. ~~**Removed from Agenda by City Manager** Contract No. 9165B Amendment: Ken Hargis & Associates for Fire Promotional Examinations~~**
From: City Manager
Contact: Gil Dong, Fire, 981-3473
- 8. Community Workforce Agreement: Recommendation to Extend the Term to June 30, 2015**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to extend the term of the Community Workforce Agreement with the Alameda County Building and Construction Trades Council through June 30, 2015.
Financial Implications: See Report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,901–N.S.
- 9. Donation: Trust Gift from the Kurt Markstein Revocable Trust**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$5,000 donation to the Aging Services Division from the Kurt Markstein Revocable Trust.
Financial Implications: \$5,000 (Donation)
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,902–N.S.
- 10. Housing Trust Fund Request for Proposals**
From: City Manager
Recommendation: Direct the City Manager to release a Request for Proposals for the Housing Trust Fund for the purpose of committing at least \$500,000 in HOME funds by August 2015.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Approved recommendation.

Consent Calendar

- 11. Classification and Salary: Fire Marshal**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 65-376-N.S., Classification and Salary Resolution for Unrepresented Employees, to establish the classification of Fire Marshal with a salary range of \$13,243-\$14,572 per month, and to abolish the classification of Paramedic Program Supervisor; both actions effective January 21, 2015.
Financial Implications: None
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,903–N.S.
- 12. Unrepresented Employee Manual Amendments**
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 60,777-N.S. and all subsequent amendatory resolutions thereto, and adopting the Unrepresented Employee Manual, that amends several articles that 1) set forth terms and conditions of employment and health and welfare benefits for the classification of Fire Marshal so they are the same as provided for other Fire management employees, and 2) clarify and codify existing payroll practices.
Financial Implications: None
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,904–N.S.
- 13. Contract No. 7562C Amendment: Decade Software and Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7562C with Decade Software Company for software licensing, configuration, and maintenance, increasing the amount by \$70,920, for a total not to exceed \$361,495 from February 1, 2008 to June 30, 2016.
Financial Implications: Various Funds - \$70,920
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,905–N.S.
- 14. Contract No. 9551 Amendment: Gibson & Associates, Inc. for the Quality Assurance Program for Community Agency Contracts**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 9551 with Gibson & Associates, Inc. to provide consulting services for the Quality Assurance Program for Community Agency Contracts for an additional \$23,000 for a new total amount not to exceed \$ 173,000.
Financial Implications: \$173,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,906–N.S.

Consent Calendar

15. **Contract: Proven Management, Inc. for FY 2015 Green Infrastructure Projects**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the FY 2015 Green Infrastructure Projects, Specification No. 15-10898-C; 2. Accepting the bid of Proven Management, Inc. as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$914,255.
Financial Implications: Measure M Bond Fund - \$914,255
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,907–N.S.
16. **Designation of February 2015 as National Teen Dating Violence Awareness and Prevention Month**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution designating February 2015 as National Teen Dating Violence Awareness and Prevention Month.
Financial Implications: None
Contact: Eric Brenman, Commission Secretary, 981-5114
Action: Adopted Resolution No. 66,908–N.S.

Council Consent Items

17. **Council Appointments to Regional Committees and Commissions**
From: Mayor Bates
Recommendation: Adopt a Resolution appointing Council Member Wengraf to the Alameda County Waste Management Authority and re-appointing Council Member Worthington as Alternate.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,909–N.S.
Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Bates; Noes – Worthington; Abstain – Anderson, Arreguin, Droste.
18. **Response to Findings in the Final PEIR on the Statewide Pest Programmatic EIR**
From: Councilmember Maio
Recommendation: Consider taking action in response to findings in the final PEIR on the statewide pest programmatic EIR in time for the January 23rd deadline.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation revised to read “Take appropriate action in response to findings in the final PEIR on the statewide pest programmatic EIR in time for the January 23rd deadline.”

Council Consent Items

19. **Berkeley Police Department Use of Police Vehicle In-Vehicle and Body-Worn Cameras**
From: Councilmembers Moore, Arreguin, and Maio
Recommendation: Refer to the City Manager to develop a plan to implement the use of dash cameras and body-worn cameras for the Berkeley Police Department. The report should be presented to the City Council within 3 months.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved revised recommendation accepted by the City Council. Revised Item held over to January 27, 2015
20. **Referral to Planning Commission to Amend Zoning Ordinance**
From: Councilmember Wengraf
Recommendation: Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor where commercial might otherwise be required.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

Action Calendar

Action: M/S/C (Capitelli/Maio) to accept an Emergency Item related to the “Black Friday 14” pursuant to Government Code Section 54954.2(b) and making the required findings that immediate action is required and that the matter came to attention of the City Council after the agenda was published.

Vote: All Ayes.

Request BART Board Drop Charges Against the “Black Friday 14”

From: Councilmember Moore

Recommendation: That the City Council adopt a resolution requesting that the Board of Directors for the Bay Area Rapid Transit (BART) District withdraw their criminal complaint against the 14 protestors involved in the November 28th service disruption and for the District Attorney to suspend the restitution being sought from the protestors and dismiss the charges. The City Clerk shall send a copy of the resolution to the BART Board prior to its next meeting on January 22, 2015.

Financial Implications: Unknown

Contact: Darryl Moore, Councilmember, District 2, 981-7120

Action: Adopted Resolution No. 66,910 – N.S. resolution requesting that the Board of Directors for the Bay Area Rapid Transit (BART) District withdraw their criminal complaint against the 14 protestors involved in the November 28th service disruption and for the District Attorney to suspend the restitution being sought from the protestors and dismiss the charges.

Vote: All Ayes.

Action Calendar – Public Hearing

21. 1820/1828 San Pablo Avenue: Public Hearing and Determination Regarding a Public Nuisance under BMC Section 23B.64

From: City Manager

Recommendation: 1. Conduct a public hearing pursuant to Berkeley Municipal Code (BMC) Section 23B.64.030 and, upon conclusion, find that the uses at 1820/1828 San Pablo Avenue are: a) in violation of Berkeley Municipal Code (BMC) Chapter 12.26; b) in violation of BMC Chapter 12.27; and c) in violation of the Zoning Ordinance; and d) a public nuisance under BMC Chapter 23B.64 and order the unlawful medical cannabis use enjoined and terminated and the 11 separate tenant spaces removed; and

2. Either: a. Direct staff to include evidence the Council identifies as supporting the findings in the draft Resolution and issue the Resolution without bringing it back to the Council for its consideration.

- OR -

b. Direct staff to include evidence the Council identifies as supporting the findings in the draft Resolution and bring a revised Resolution back to the Council for its consideration on January 27, 2015.

Financial Implications: None

Contact: Christine Daniel, City Manager, 981-7000

Public Testimony: The Mayor opened the public hearing. 46 speakers.

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

Vote: All Ayes.

Action: M/S/Failed (Worthington/Anderson) to table the item for 60 days to consider a compromise.

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

Action: M/S/Carried (Maio/Capitelli) to:

1) Adopt Resolution No. 66,911-N.S. finding that the uses at 1820/1828 San Pablo Avenue are: a) in violation of Berkeley Municipal Code (BMC) Chapter 12.26; b) in violation of BMC Chapter 12.27; and c) in violation of the Zoning Ordinance; and d) a public nuisance under BMC Chapter 23B.64 and order the unlawful medical cannabis use enjoined and terminated and the 11 separate tenant spaces removed.

2) Direct staff to include evidence the Council identifies as supporting the findings in the draft Resolution and issue the Resolution without bringing it back to the Council for its consideration.

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

Recess: 10:25 p.m. – 10:36 p.m.

Action Calendar – Old Business

22. **Labor Commission Referral: City of Berkeley Labor Practices** *(Continued from October 28, 2014)*
From: Councilmember Arreguin
Recommendation: Refer to the Labor Commission for public hearings on the issue of labor practices of the City of Berkeley and to report back to Council with recommendations. The issues explored should include, but not necessarily be limited to the following: -Contracting out services currently or previously provided by City Staff; -Standards and Qualifications for City Contractors; -Promotion practices and hiring for staff vacancies
Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Item removed from the Agenda by Councilmember Arreguin.
23. **a. 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** *(Continued from December 16, 2014)*
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
- b. Supplemental Information Related to Building Energy Saving Ordinance**
(Continued from December 16, 2014)
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
- Action:** M/S/C (Bates/Worthington) to hold over items 23.a., 23.b., 27, 28, and 29 to January 27, 2015.
Vote: All Ayes.
24. **Requirements for Office Uses in the Telegraph Commercial District; Amending BMC Chapter 23E.56** *(Continued from December 16, 2014)*
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: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,394–N.S. Second reading scheduled for January 27, 2015.

Action Calendar – Old Business

25. West Berkeley Industrial Plants Air Quality *(Continued from December 16, 2014)*

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

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: M/S/C (Bates/Arreguin) to suspend the rules and extend the meeting to 11:20 p.m.

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

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

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

Action Calendar – Old Business

Action: M/S/Failed (Anderson/Arreguin) to adopt the Community Health Commission recommendation in 25.a.

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

Action: 25 speakers. M/S/C (Maio/Droste) 1) for Councilmembers Maio and Droste to work with neighbors, businesses, and the City Staff to review the complaints and make good faith efforts to mitigate impacts in the areas where the City has authority such as noise and odors and to bring their findings back to the City Council.

2) Direct the City Manager to enforce the terms of the Use Permit and 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 Use Permit or 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 Use Permit immediately.

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

Councilmember Worthington absent 10:50 p.m. – 11:27 p.m.

Action Calendar – New Business

26. PACE Seismic Financing

From: Energy Commission

Recommendation:

1. The Berkeley Energy Commission recommends that Council authorize seismic PACE financing and direct the City Manager to submit a Council resolution authorizing the City to participate in Open PACE, a new program to finance seismic retrofits as well as energy efficiency upgrades, offered by the California Statewide Communities Development Authority (CSCDA) and to opt in to seismic PACE with California FIRST.

2. The Commission also recommends that City Council direct the City Manager to send a letter to owners of soft weak or open front (SWOF) buildings that are required to make seismic improvements that PACE financing is available for this purpose, highlighting that there may be lower cost sources of capital available, depending upon the individual borrower's situation.

Financial Implications: See report

Contact: Neal DeSnoo, Commission Secretary, 981-7400

Action: Moved to Consent Calendar. Adopted recommendation #1 and #2.

Council Action Items

27. Support the National Demands by Ferguson Action

From: Councilmember Arreguin

Recommendation: 1. Adopt a motion endorsing the National Demands from Ferguson. 2. Advocate for changes to the Alameda County District Attorney policy to include investigations to all in-custody deaths. 3. Issue a statement of concern and support for people of color and their families who have been affected by injury or death by law enforcement agencies.

Financial Implications: None

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

Action: Item held over to January 27, 2015.

28. Amendments to BPD General Orders C-64 (Crowd Control), M-2 (Mutual Aid) and U-2 (Use of Force)

From: Councilmember Arreguin

Recommendation:

1. Refer to the Police Review Commission (PRC) and City Manager the attached changes to BPD General Orders C-64, M-2, U-2, and request that they return to the City Council with recommended revisions to the General Orders. The proposed changes are modeled after the Oakland Police Department's recent amendments to their Crowd Control Policy and address issues raised with the police response to the December 6, 2014 Ferguson protests.

2. Adopt a motion declaring as a temporary City of Berkeley policy that the use of chemical agents (tear gas etc.), Specialty Impact Less-Lethal Weapons ("projectiles" or rubber bullets, wooden dowels, stinger grenades, rubber bullets) and over the shoulder baton strikes, are prohibited uses of force in responding to crowd situations, until such time as an investigation is conducted as to the Police response to the December 6, 2014 protests, and a review of General Orders C-64, M-2, and U-2 is completed.

Financial Implications: Unknown

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

Action: Item held over to January 27, 2015.

29. Independent Investigation of Police Response to December 6, 2014 Protests

From: Councilmember Arreguin

Recommendation: Direct the City Manager to initiate an independent investigation into the police response to protests on December 6, 2014 and to return to Council as soon as possible, but no later than 60 days with a contract to hire a qualified independent investigator. In considering who to select to conduct the investigation, the City Manager should give preference to former police chiefs or law enforcement officials with experience conducting internal investigations. To avoid the appearance of or possibility of conflicts of interests, the City Manager should avoid selecting an individual or firm who previously worked for the Berkeley Police Department or who previously or currently worked for any law enforcement agency in the San Francisco Bay Area. The City Manager shall ensure that the selected individual or firm has no apparent conflicts of interest.

The Council also refers the questions attached to the report for the City Manager

Council Action Items

and outside investigator to consider in conducting their investigation.

Financial Implications: Unknown

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

Action: Item held over to January 27, 2015.

Information Reports

- 30. Update on Vacancy Rates and Sales Tax Trends in Berkeley Commercial Districts**
From: City Manager
Contact: Michael Caplan, Economic Development, 981-7530
Action: Received and filed.
- 31. Berkeley Fire Department Receipt of Grant-Funded Extrication Equipment**
From: City Manager
Contact: Gil Dong, Fire, 981-3473
Action: Received and filed.
- 32. Georgetown University Energy Prize Semi-Finalist Selection**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Moved to Action Calendar and held over to February 10, 2015.
- 33. LPC-NOD: 48 Shattuck Square**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
- 34. LPC-NOD: 1919 Fourth Street**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
- 35. LPC-NOD: 2539 Telegraph Avenue Center for Independent Living (CIL) Mural**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
- 36. Report of the Alameda County Transportation Commission**
From: Councilmember Capitelli
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Received and filed.

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

Adjournment in memory of:

1. Al Bendich
2. Allan Gorelick

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

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

Adjourned at 11:27 p.m.

Communications

Item 23: 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

1. Harry Kao
2. Shane McCall
3. Janice Greeberg

2211 Harold Way

4. David Manchester (2)

Berkeley Police/Protests

5. Julie Barrett
6. Nelsonya Causby
7. Lezlie Kinyon
8. Nancy Carleton
9. Nancy Gould
10. Fred Dodsworth
11. John Pavon
12. Claudia Rice
13. Sally Smith
14. Erica Etelson
15. Chimey Lee
16. J. George Lippman
17. Steve Martinot

Wood Burning Smoke

18. Norma Harrison
19. David Lerman (2)

Fossil Fuel Divestment

20. Sarah Joseph

Reducing Energy Consumption

21. David Lerman

NAACP Concerns

22. Claremont Elmwood Neighborhood Association

Intersection of Alcatraz Avenue & College Avenue

23. Joel Rubenzahl

2001 Fourth Street

24. Curtis Manning (2)

City Streets, Parks and Other Assets

25. Ann-Marie Hogan

Supplemental Communications and Reports 1

Item 21: 1820/1828 San Pablo Avenue: Public Hearing and Determination Regarding a Public Nuisance under BMC Section 23B.64

26. Nick Borst

27. Lee Hepner

28. Lisa Rivers

Item 23a: 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

29. Supplemental materials, submitted by Planning & Development

30. Bernard Marszalek

31. William Newton

32. Robert Bahme

33. Jo Ann Driscoll

34. Merrian Borgeson

35. Mark Harpainter

36. Kris Muller

37. Ann Slaby

38. Peter Smalley

39. Elizabeth Snowden

40. Rob Wrenn

41. Berkeley Architectural Heritage Association

42. Susan Cerny

43. Landmarks Preservation Commission

Item 28: Amendments to BPD General Orders C-64 (Crowd Control), M-2 (Mutual Aid) and U-2 (Use of Force)

44. Revised materials, submitted by Councilmember Arreguin

Item 29: Independent Investigation of Police Response to December 6, 2014 Protests

45. Revised materials, submitted by Councilmember Arreguin

Supplemental Communications and Reports 2

Item 21: 1820/1828 San Pablo Avenue: Public Hearing and Determination Regarding a Public Nuisance under BMC Section 23B.64

46. Christopher Smith (2)

47. Lee Hepner

Item 23a: 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

48. Maris Arnold

49. Melanie Mac Innis
50. Lorna Byrne
51. Jaime Becker
52. David Ely
53. Linda & Mehdi Morshed
54. Dawn Thomas
55. Margaritha Tahan
56. Michael Glass
57. Caroline Ely
58. Bruce Chamberlain
59. Robert Bijou
60. Clyde Crosswhite
61. Shelly Mandel
62. Steve & Nancy Redmond
63. Wendy Stock
64. Robert Clear
65. Caroline Keicher
66. Katy Hollbacher
67. Sharon Entwistle
68. Dennis Kim
69. Cynthia Larson
70. Steve Tracy
71. Steve Robey
72. Isabelle Gaston

Supplemental Communications and Reports 3

Item 18: Response to Findings in the Final PEIR on the Statewide Pest Programmatic EIR

73. Cynthia Johnson
74. Kate Bernier

Item 19: Berkeley Police Department Use of Police Vehicle In-Vehicle and Body-Worn Cameras

75. Revised materials, submitted by Councilmembers Moore, Maio and Arreguin

Item 21: 1820/1828 San Pablo Avenue: Public Hearing and Determination Regarding a Public Nuisance under BMC Section 23B.64

76. Chris Smith (2)
77. Lee Hepner (3)
78. Klara Komorous-Towey
79. Thomas Towey
80. Chadidjah McFall

Item 23: 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

81. Daniel Bruggebrew
82. Phyllis Fox

- 83. Claudia Olague
- 84. Steve Jackson
- 85. Jolie Krakauer

Item 25: West Berkeley Industrial Plants Air Quality

- 86. Terry Terteling
- 87. Unknown (4)

Item 26: PACE Seismic Financing

- 88. Rent Stabilization Board
- 89. Luis Amezcua
- 90. Carole Bennett-Simmons
- 91. Stephanie Thomas

Item 27: Support the National Demands by Ferguson Action

Item 28: Amendments to BPD General Orders C-64 (Crowd Control), M-2 (Mutual Aid) and U-2 (Use of Force)

Item 29: Independent Investigation of Police Response to December 6, 2014 Protests

- 92. Caitlin Quinn, on behalf of the Associated Students of the University of California
- 93. Moni Law

Request BART Board Drop Charges Against the “Black Friday 14”

- 94. Councilmember Moore, District 2