

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
TUESDAY, MARCH 10, 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:** 7:00 p.m. All present.

### **Ceremonial Matters:**

1. Recognition of American Red Cross Month, March 2015
2. Recognition of Patricia Bulitt, Local Artist

### **City Manager Comments:**

- Berkeley Project Days on March 14 and March 21 to rehab city parks

**Public Comment on Non-Agenda Matters:** 1 speaker.

**Public Comment on Consent Calendar and Information Items Only:**  
1 speaker.

## **Consent Calendar**

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

**Vote:** All Ayes.

### **1. Replace the Residential and Commercial Energy Conservation Ordinances (RECO and CECO) with the Building Energy Saving Ordinance**

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,397-N.S. repealing the Residential and Commercial Energy Conservation Ordinances (RECO and CECO), BMC Chapters 19.16 and 19.72, and adding the revised Building Energy Saving Ordinance, BMC Chapter 19.81.

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

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,397-N.S.

## Consent Calendar

- 2. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on March 10, 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:** General Fund - \$150,000  
Contact: Christine Daniel, Finance, 981-7300  
**Action:** Approved recommendation.
- 3. Salary: Psychiatrist Supervisor**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 65,376-N.S., Classification and Salary Resolution for Unrepresented Employees, to increase the salary for the Psychiatrist Supervisor classification by 5% effective March 15, 2015.  
**Financial Implications:** See report  
Contact: David Abel, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 66,943–N.S.
- 4. Contract No. 7489D Amendment: Software AG Webmethods Enterprise Service Bus (“Middleware”) and Composite Application Framework**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7489D with Software AG for WebMethods Enterprise Service Bus ("Middleware") and Composite Application Framework (CAF) licensing, maintenance, and professional services, increasing the amount by \$250,000, for a total not to exceed \$556,055 from December 21, 2007 to June 30, 2017.  
**Financial Implications:** General Fund - \$250,000  
Contact: Donna LaSala, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 66,944–N.S.
- 5. Digital Video Surveillance Cameras at Alcohol Outlets; Adding BMC Chapter 9.12**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance requiring liquor stores within certain designated commercial corridors to install digital video camera surveillance upgrades to their locations within six months of the passage of the ordinance, and adding Berkeley Municipal Code Chapter 9.12.  
**Financial Implications:** None  
Contact: Michael Meehan, Police, 981-5900  
**Action:** Adopted first reading of Ordinance No. 7,398–N.S. Second reading scheduled for March 24, 2015.

## Consent Calendar

6. **Lease Agreement: Tarrific at 2432 Durant Avenue**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Marcela Escamilla Gutierrez dba Tarrific, for an initial term of 5 years with one 5-year option to extend, located at 2432 Durant Avenue in the Telegraph Channing Mall.  
**Financial Implications:** Off-Street Parking Fund - \$93,334 (Revenue)  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted first reading of Ordinance No. 7,399–N.S. Second reading scheduled for March 24, 2015.

## Council Consent Items

7. **Celebrating the 40<sup>th</sup> Anniversary of Bay Area Hispano Institute for Advancement (BAHIA): Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Mayor Bates and Councilmembers Arreguin and Maio**  
**Recommendation:** Adopt a Resolution celebrating the 40th Anniversary of BAHIA and approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Bates and Councilmember Arreguin, to BAHIA with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Bates and any other Councilmembers who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Fund - \$250  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Adopted Resolution No. 66,945–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$250; Councilmember Anderson - \$200; Councilmember Arreguin - \$250; Councilmember Moore - \$100.
8. **Addressing Pedestrian and Cyclist Safety on Sacramento Street at the North Berkeley BART Station**  
**From: Councilmember Maio**  
**Recommendation:** Conduct a study of current conditions, including communication with BART representatives, and new traffic control infrastructure on Sacramento Street at the North Berkeley BART Station, with emphasis on cost sharing of appropriate mechanism to enable pedestrians to safely cross Sacramento north of Delaware Street.  
**Financial Implications:** See report  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Approved recommendation.

## Council Consent Items

- 9. Budget Referral: Appropriate Traffic Controls on University Avenue from Martin Luther King, Jr. Way to California Street**  
**From: Councilmembers Maio and Arreguin**  
**Recommendation:** Refer to the FY 2015/2016 budget process an allocation of \$50,000 for appropriate traffic controls, such as a pedestrian crossing light, on University Avenue from Martin Luther King, Jr. Way to California Street.  
**Financial Implications:** \$50,000  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Approved recommendation.
- 10. Refer \$80,000 to the FY 2015/2016 Budget Process for Council Personnel Budget with a \$32,000 Reduction in City Council Non-Personnel Discretionary Budgets**  
**From: Councilmembers Moore, Capitelli, Droste, and Mayor Bates**  
**Recommendation:** Refer \$80,000, \$10,000 for each of the eight (8) City Council offices, to allow City Councilmembers to pay salaries that are commensurate to other employees who do equivalent work, within the City and in other jurisdictions. Discretionary non-personnel budgets of City Council offices shall be reduced by \$32,000, \$4,000 per office, to help offset financial implications of the increase to the personnel budget. Personnel budgets are earmarked for the sole purpose of paying employee salaries and cannot be reallocated for other purposes.  
**Financial Implications:** \$48,000  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Approved recommendation.  
**Vote:** Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – Arreguin.
- 11. City Co-Sponsorship of Urban Air Market**  
**From: Councilmember Arreguin**  
**Recommendation:** Adopt a Resolution approving city co-sponsorship of the Urban Air Market street fair that will be held in Berkeley on Saturday, June 20, 2015.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Adopted Resolution No. 66,946–N.S.

## Council Consent Items

**12. Declaring the Cesar Chavez-Dolores Huerta Commemorative Period and Renaming the Cesar Chavez Commemorative Planning Committee**

**From: Councilmember Arreguin**

**Recommendation:**

1. Adopt a Resolution: a. Declaring the period of March 20, 2015 to April 23, 2015 as the Cesar Chavez/Dolores Huerta Commemorative Period in the City of Berkeley; b. Approving the renaming of the "Berkeley Cesar Chavez Commemorative Planning Committee" to the "Chavez/Huerta Commemoration Committee"; and c. Reiterating the City of Berkeley's support for designating March 31 as a federal Cesar Chavez Holiday.

2. Direct the City Manager to post on the City's event calendar Chavez/Huerta Commemorative events.

**Financial Implications:** None

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

**Action:** 1. Adopted Resolution No. 66,947–N.S. as published in Revised and Supplemental Materials Packet #1.

2. Approved recommendation to direct the City Manager to post on the City's event calendar Chavez/Huerta Commemorative events.

**13. Positive Change Donation Box Pilot Program**

**From: Councilmembers Arreguin and Maio**

**Recommendation:** Adopt a motion: 1. Directing the City Manager to work with the Downtown Berkeley Association (DBA) to implement the Positive Change Donation Box Pilot Program, specifically: Directing the Public Works Department to review and approve locations for the installation of donation boxes on City poles. Positive Change donation boxes will be installed up to ten locations by DBA, pre-approved by City of Berkeley Public Works Department. The DBA will start with installation of five boxes as per attached initial location deployment, as reviewed with Public Works Department. Additional locations also to be reviewed by Public Works.

2. Expressing support for the Positive Change Donation Box Pilot Program, specifically allocating donations received to the Berkeley Food and Housing Project to provide a variety of homeless services.

**Financial Implications:** Minimal

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

**Action:** Item held over to March 17, 2015.

## Information Reports

**14. Settlement of Litigation Concerning the Main Library**

**From: City Manager**

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** Received and filed.

## Information Reports

15. **Scholarship from the American Society of Prevention of Cruelty to Animals to Berkeley Animal Care Services to Attend the Humane Society of the United States Animal Care Expo 2015**  
**From: City Manager**  
Contact: Christine Daniel, City Manager, 981-7000  
**Action:** Received and filed.
16. **Council Referral: Telegraph Channing Mall Rent Policy**  
**From: City Manager**  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Received and filed.
17. **June 24, 2014 Council Agenda Item 50 - Citizens Redistricting Commission Charter Amendment**  
**From: Fair Campaign Practices Commission**  
Contact: Savith Iyengar, Commission Secretary, 981-6950  
**Action:** Received and filed.

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

## Adjournment

### Adjourned in Memory Of:

1. Lee Marsh, Local Businessman and Community Leader
2. Susan O'Malley, Local Artist
3. Orrin Keepnews, Jazz Producer

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

**Vote:** All Ayes.

Adjourned at 7:22 p.m.

## Communications

### Community Benefits Proposal

1. David Mayeri

### 2610 Hillegass Avenue

2. Jordan Tipple

### 2211 Harold Way

3. Eva Liebermann
4. Rob Wrenn

### Trees

5. Claude Stoller

**3123-3125 Eton**

6. Katherine Harr – referred to the City Manager by Councilmember Arreguin

**Conducted Energy Devices**

7. Disaster and Fire Safety Commission

**North Berkeley Farmers' Market**

8. Rachel Bradley

**First Alarm**

9. Jude Bell

**Cell Phone Safety Ordinance**

10. Phoebe Sorgen

**CNA Newsletter**

11. Ted Edlin

**Supplemental Communications and Reports 1**

**Item 12: Declaring the Cesar Chavez-Dolores Huerta Commemorative Period and Renaming the Cesar Chavez Commemorative Planning Committee**

12. Supplemental materials, submitted by Councilmember Arreguin

**Supplemental Communications and Reports 2**

- None

**Supplemental Communications and Reports 3**

- None