

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, APRIL 28, 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: 7:07 p.m. All present.

Ceremonial Matters:

1. Recognition of Municipal Clerks Week, May 3 to May 9, 2015
2. Recognition of the 40th Anniversary of the Bay Area Hispano Institute for Advancement (BAHIA)
3. Recognition of Affordable Housing Week, May 9 to May 17, 2015

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 8 speakers.

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

Consent Calendar

Action: M/S/C (Worthington/Maio) to accept revised materials from Councilmember Moore on Item #22.

Vote: All Ayes.

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

Vote: All Ayes.

**1. City Manager Referral: Update Administrative Hearing Procedure Regulations
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to promulgate guidance to City hearing officers for fair hearing procedures and rescinding Resolution No. 47,053-N.S. and Resolution No. 48,354-N.S.

Financial Implications: None

Contact: Zach Cowan, City Attorney, 981-6950

Action: Item held over to the May 26, 2015 City Council meeting.

Consent Calendar

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of March 9, 2015 (special closed), March 10, 2015 (special and regular), March 17, 2015 (special closed, special and regular), and March 24, 2015 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

3. City Council Rules of Procedure and Order

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to establish a policy for the distribution of, and access to, confidential closed session documents by the Mayor and Members of the City Council, making a minor technical clarification regarding City Council recess periods, and rescinding Resolution No. 66,965-N.S.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,987–N.S.

4. Donation to the Animal Shelter from Every Dog Has Its Day Care

From: City Manager

Recommendation: Adopt a Resolution accepting a donation from Every Dog Has Its Day Care in the sum of \$1,900.

Financial Implications: \$1,900 (Donation)

Contact: Dee Williams-Ridley, City Manager's Office, 981-7000

Action: Adopted Resolution No. 66,988–N.S.

5. Amending BMC Section 14.48.200 Sidewalk Cafe Seating, Benches and Planters

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 14.48.200 to allow for café seating within 25 feet of a fire hydrant or curb return in such cases where City staff has determined that the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating. City staff shall be defined as the Transportation Manager, City Engineer or Fire Marshall.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Action: Adopted first reading of Ordinance No. 7,401–N.S. Second reading scheduled for May 12, 2015.

Consent Calendar

- 6. Write-off of Uncollectible Account Receivable Due From Magik Group**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to write off an uncollectible outstanding accounts receivable for Telegraph/Channing Lease for \$19,888 due from Magik Group. The amount recorded in the City's general ledger by the Finance-Revenue Collection Division is \$19,888.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 66,989–N.S.
- 7. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on April 28, 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 - \$2,890,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 8. Contract No. 9696 Amendment: Bay Area Community Resources for Provision of AmeriCorps Members**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9696 with Bay Area Community Resources (BACR) increasing the not to exceed amount by \$2,000 for a total not to exceed amount of \$86,000 through June 30, 2015, and extending the term of the AmeriCorps member stationed at the Ann Chandler Public Health Clinic to June 30, 2015.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,990–N.S.
- 9. Contract No. 8865B Amendment: Accela, Inc. for Professional Services and Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8865B with Accela, Inc., for professional services and software maintenance, increasing the amount by \$347,040, for a total not to exceed \$1,150,949, from December 12, 2011 to June 30, 2016.
Financial Implications: Various Funds - \$347,040
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,991–N.S.

Consent Calendar

- 10. Amendments to Contract No. 9611 with Nichols Consulting Engineers, and Contract No. 9600 with Harrison Engineering, Inc. for Professional Services**
From: City Manager
Recommendation:
1. Adopt a Resolution authorizing the City Manager to amend Contract No. 9611 with Nichols Consulting Engineers, Inc. for on-call engineering services, increasing the contract by \$1 million for a total amount not to exceed \$2.2 million.
 2. Adopt a Resolution authorizing the City Manager to amend Contract No. 9600 with Harrison Engineering, Inc. for on-call engineering services, increasing the contract by \$400,000 for a total amount not to exceed \$1 million.
- Financial Implications:** Measure M Fund - \$1.4 million
Contact: Andrew Clough, Public Works, 981-6300
Action: 1. Adopted Resolution No. 66,992–N.S. 2. Adopted Resolution No. 66,993–N.S.
- 11. Contract: Express Plumbing, Inc. for Sanitary Sewer Rehabilitation Project on Shattuck Avenue and Addison Street**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Sanitary Sewer Project, 15-10877-C, located on Shattuck Avenue and Addison Street; 2. Accepting the bid of the lowest responsive and responsible bidder, Express Plumbing, Inc.; and 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$1,107,534.
Financial Implications: Sanitary Sewer Operation - \$1,107,534
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,994–N.S.
- 12. Contract No. 9626 Amendment: Conversion Management Associates, Inc. for the Center Street Garage Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9626 with Conversion Management Associates, Inc. to: 1. Include phase II, design development and construction documents, continued financing development, and other related services for the Center Street Garage Replacement project; and 2. Increase the contract amount by \$2.6 million, for an amended total not to exceed \$3.6 million, for the existing contract period ending December 31, 2018.
Financial Implications: Off Street Parking Fund - \$2.6 million
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,995–N.S.

Consent Calendar

- 13. Contract: GradeTech, Inc. for Potter Street/Bay Street/Bolivar Drive Paving**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Potter Street/Bay Street/Bolivar Drive Paving Project, Specification No. 15-10920-C; 2. Accepting the bid of GradeTech, 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 \$993,904.
Financial Implications: Various Funds - \$993,904
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,996–N.S.
- 14. Contract No. 9488A Amendment: Berry Brothers Towing for Towing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9488A with Berry Brothers Towing to provide towing services for Public Works Equipment Maintenance, increasing the amount of Contract No. 9488 by \$50,000 for an amended total not to exceed \$90,000 and extending the term to June 30, 2017.
Financial Implications: Equipment Maintenance Fund - \$50,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,997–N.S.
- 15. Lease Agreement: Revolution Books at 2444 Durant Avenue**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Everybody's Bookstore, Inc., dba Revolution Books, for an initial term of 5 years with two 5-year options to extend, located at 2444 Durant Avenue in the Telegraph Channing Mall.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,402–N.S. Second reading scheduled for May 12, 2015.
- 16. Board of Library Trustees Reappointment: Julie Holcomb and Jim Novosel**
From: Board of Library Trustees
Recommendation: Adopt a Resolution Approving the Reappointing of Julie Holcomb and Jim Novosel to the Board of Library Trustees ("BOLT") for a second term of four years commencing May 15, 2015 and ending May 15, 2019.
Financial Implications: None
Contact: Jeff Scott, Commission Secretary, 981-6100
Action: Moved to Action Calendar. 7 speakers. M/S/C (Bates/Maio) to hold the item over to the June 9, 2015 City Council meeting.

Council Consent Items

- 17. Budget Referral: Berkeley High School Bridge Program**
From: Mayor Bates
Recommendation: Refer \$54,000 to the FY 2016 and FY 2017 Budget process to support the Berkeley High School Bridge Program.
Financial Implications: \$54,000
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.
- 18. Convey the Berkeley City Council's Support of Assembly Bill 1335 (Atkins) and AB 35 (Chiu and Atkins) to Speaker of the Assembly Toni Atkins**
From: Councilmembers Maio, Capitelli, and Droste
Recommendation: Send a letter of support of Assembly Bill 1335 (Atkins) and AB 35 (Chiu and Atkins) to Speaker of the Assembly Toni Atkins.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 19. Travel Moratorium and Divestment from Indiana in Response to Recent "Religious Freedom Restoration Act"**
From: Councilmembers Moore and Droste
Recommendation: Impose a moratorium on any publicly-funded all non-essential travel to Indiana and, if not repealed, urging the City Manager to refrain from entering into new contracts and consider discontinuing existing contracts with businesses headquartered in Indiana.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Item held over to May 26, 2015 City Council meeting.
- 20. Support AB 101, Ethnic Studies Education for High School Students in the State of California**
From: Councilmembers Moore, Droste, and Anderson
Recommendation: Adopt a Resolution supporting AB 101, State Assembly bill that would require public high schools to offer ethnic studies curriculum to their students. That the City Clerk send a copy of the resolution to Governor Jerry Brown, Senator Loni Hancock, Assemblymember Tony Thurmond, Assemblymember Rob Bonta and Assemblymember Luis Alejo.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,998–N.S.

Council Consent Items

- 21. Refer \$200,000 to the FY 2016/2017 Budget Process for Capital Improvements and Capacity Building for Kala Art Institute**
From: Councilmembers Moore and Capitelli
Recommendation: Refer \$200,000 to the FY 2015/2016 budget process for facility improvements and capacity building for Kala Art Institute.
Financial Implications: \$200,000
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 22. Apply for Alameda County Transportation Commission Funds to Implement Railroad Quiet Zones**
From: Councilmembers Moore and Maio
Recommendation: Direct the City Manager to apply to the Alameda County Transportation Commission for funds from Measure BB in order to take the necessary steps towards planning and implementation of a railroad quiet zone for West Berkeley.
Financial Implications: Staff time
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Councilmember Capitelli added as a co-sponsor. Approved revised recommendation to include California Public Utilities Commission Section 130 and Section 190 funds in addition to Measure BB funds available through the Alameda County Transportation Commission as potential funding sources.
- 23. Supporting Assembly Speaker Atkins' Affordable Housing Package**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Assembly Speaker Toni Atkins' Affordable Housing Package consisting of Assembly Bills (AB) 35, AB 90, AB 1056, and AB 1335, and urging the Speaker and State Legislature to earmark funding in the Affordable Housing Package for student housing at UC and CSU campuses. Copies of the resolution are to be sent to Governor Jerry Brown, Assembly Speaker Toni Atkins, State Senator Loni Hancock, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Councilmember Droste added as a co-sponsor. Adopted Resolution No. 66,999–N.S.
- 24. Referral to Reduce Urban Water Usage by 25%**
From: Councilmember Arreguin
Recommendation: Refer the City Manager and the Public Works and Community Environmental Advisory Commissions to review Governor Brown's Executive Order to reduce urban water usage by 25% of 2013 levels and provide recommendations to meet these requirements.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Approved recommendation.

Council Consent Items

- 25. Proclaiming May 2015 as Mental Health Month**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution proclaiming May 2015 as Mental Health Month in the City of Berkeley.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 67,000–N.S.
- 26. In Support of Banning Clearcutting in California**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution urging the California State Legislature to pass a ban on the use of clearcutting. Send a copy of the resolution to Governor Jerry Brown, State Senator Loni Hancock, and Assemblymember Tony Thurmond.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 67,001–N.S. amended to delete the sixth and seventh Whereas clauses.
- 27. Refer to the City Manager to Amend the Municipal Code to Allow for Appointments of Alternates to Serve Temporarily on Commissions**
From: Councilmembers Capitelli, Maio, and Moore
Recommendation: Refer to the City Manager to amend the Berkeley Municipal Code to allow for the appointment of Alternate Commissioners to serve temporarily on commissions.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 28. Letter of Support for Senate Bill 203 (2015) Sugar-Sweetened Beverages: Safety Warning by Senator Monning**
From: Councilmembers Capitelli, Maio, Moore, and Droste
Recommendation: Adopt a Resolution in Support of Senate Bill 203 and send a letter of support to State Senator Loni Hancock and State Assemblymember Tony Thurmond for Senate Bill 203, Sugar-Sweetened Beverage Safety Warning. Send a copy of the resolution and these letters to State Senator Bill Monning, District 17.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 67,002–N.S.
- 29. Letter in Support of State Funding of Adult Education Programs**
From: Councilmember Wengraf
Recommendation: Write a letter to Governor Brown in support of state funding all of Adult Education Programs in California. Send a copy of the letter to State Senator Hancock and State Assembly Member Thurmond.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

Council Consent Items

30. **Berkeley Historical Plaque Project: 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 \$500 per Councilmember including \$500 from Councilmember Wengraf, to the Berkeley Historical Plaque Project 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 - \$500
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 67,003–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100.
31. **Proclamation in Honor of Rafael Jesús González**
From: Councilmembers Worthington and Arreguin
Recommendation: Adopt a proclamation honoring Rafael Jesús González with the Lifetime Achievement Award for his years of promoting poetry, literature, literacy, and political consciousness in our communities to be presented at the 13th Annual Berkeley Poetry Festival.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.

Action Calendar – Old Business

32. Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan From: City Manager

Recommendation: Conduct a Public Hearing on 1) the allocation of funds for community agencies for FY2016 and FY2017 and 2) the 2015-2020 Consolidated Plan, including the Program Year (PY) 2015 Annual Action Plan (AAP), and upon conclusion:

1. Adopt a Resolution: a. Approving proposed funding allocations under the PY2015 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and b. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and c. Allocating 90% of the PY2015 HOME funds to the Housing Trust Fund, and 10% for program administration; and d. Authorizing the City Manager to submit the 2015-2020 Consolidated Plan, including the PY 2015 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD), addressing any public comments; and
2. Adopt a Resolution approving the proposed FY 2016-17 CDBG funding for Biotech Partners, Inc. and authorizing the execution of resultant agreements and amendments with Biotech Partners, Inc.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 18 speakers.
M/S/C (Bates/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Bates/Moore) to 1) adopt Resolution No. 67,004–N.S. (Funding Allocations) amended to remove the condition attached to the Youth Spirit Artworks funding, and reallocate \$43,000 from the Housing Trust Fund to Lifelong Medical Care: Over 60s Improvements, and 2) adopt Resolution No. 67,005–N.S. (Biotech Partners)

Vote: All Ayes.

Action Calendar – Old Business

33. ZAB Appeal: 524 Cragmont Avenue

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) and modifying the conditions of approval to approve Administrative Use Permit No. 2013-0159 to rebuild and expand a home destroyed by fire. The project would add a new third floor, add a three-story addition at the back of the house, and continue the non-conforming setbacks in the front and east side yard setbacks. These additions would add 1,357 square feet to the dwelling, resulting in a 3,054 square-foot residence with 402 square-foot garage.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

M/S/C (Bates/Worthington) to close the public hearing.

Vote: All Ayes.

Action: M/S/Failed (Wengraf/Arreguin) to adopt the staff recommendation revised to reduce shadowing by requiring the roof feature over the deck to be removed.

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

Action: M/S/C (Capitelli/Worthington) to adopt Resolution No. 67,006–N.S. affirming the decision of the Zoning Adjustments Board (ZAB) and modifying the conditions of approval to approve Administrative Use Permit No. 2013-0159 to rebuild and expand a home destroyed by fire. The project would add a new third floor, add a three-story addition at the back of the house, and continue the non-conforming setbacks in the front and east side yard setbacks. These additions would add 1,357 square feet to the dwelling, resulting in a 3,054 square-foot residence with 402 square-foot garage.

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

34. Adoption of the Updated Berkeley Housing Element 2015-2023

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution adopting the Negative Declaration; and
2. Adopt a Resolution amending the General Plan to adopt and incorporate the Berkeley Housing Element 2015-2023, and rescinding Resolution No. 65,067-N.S.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing at 9:54 p.m. 3 speakers.

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

Vote: All Ayes.

Action: M/S/C (Capitelli/Wengraf) to:

1. Adopt Resolution No. 67,007–N.S. (Negative Declaration)
2. Adopt Resolution No. 67,008–N.S. (General Plan)

Vote: All Ayes.

Action Calendar – Old Business

35. Setting a Fifty Percent Citywide Solar Goal and Establishing a Solar Taskforce
(Continued from April 7, 2015)

From: Councilmember Worthington

Recommendation: Adopt a Resolution setting a citywide solar goal of obtaining fifty percent of the City's energy needs from solar power by 2030 and establishing a solar taskforce to prioritize potential steps to achieve this goal.

Financial Implications: Minimal

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

Action: 13 speakers. M/S/C (Maio/Worthington) to adopt Resolution No. 67,009–N.S. amended to replace “solar taskforce” with “Energy Commission” in the fifth whereas clause and for the resolved clause to read: “NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby adopts a citywide goal of obtaining fifty percent of our energy needs from solar power by 2030. This resolution is hereby referred to the Energy Commission for implementation.”

Vote: All Ayes.

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

Vote: All Ayes.

36. Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations
(Continued from March 24, 2015)

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the title of Chapter 13.42 and Sections 13.42.010, 13.42.020, 13.42.030, 13.42.035, and 13.42.040 of the Berkeley Municipal Code ("BMC") to adopt additional operating standards for Mini-dorms and to extend these standards to all group living accommodations ("GLAs"), in specified districts.

Financial Implications: See report

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

Action: Moved to Consent Calendar and held over to the September 29, 2015 City Council Worksession.

Council Action Calendar

37. City Density Bonus

From: Mayor Bates and Councilmember Capitelli

Recommendation: Request that the City Manager draft an ordinance to implement a City density bonus that would serve as an option to the State density bonus. The City density bonus would mirror the State bonus by allowing housing projects (rental units and condominiums) of five or more units to receive a bonus of up to 35% increased density if the project contributes to the supply of affordable housing. For rental projects, the City bonus fee would be \$10,000 per unit, in addition to the City's affordable housing mitigation fee, which is currently \$20,000 per unit for rental projects. For condominium projects, the City bonus fee would be \$10,000 per unit in addition to any affordable housing mitigation fee that the City Council adopts for condominium projects. Rental and condominium projects opting for the City density bonus would pay the \$10,000 new fee and the affordable housing mitigation fee on the project's base units, not the density bonus units. The City density bonus fee of \$10,000 could be changed by subsequent Council resolution. Projects that already have building permits and are fully entitled for bonus density at the time this ordinance takes effect would be allowed to opt for the City density bonus by paying the fee when the Certificate of Occupancy is issued. After the ordinance is adopted, other future projects would pay the fee when the project's building permit is issued. Request also that the City Manager review the City's Affordable Housing Mitigation Fee ordinance to insure compatibility with the City density bonus and amend if necessary. Request also that the proposed ordinance and any amendment to the Affordable Housing Mitigation Fee ordinance be reviewed by the Housing Advisory and Planning commissions prior to presentation to the City Council for adoption.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Action: M/S/C (Bates/Maio) to accept revised/supplemental material from Mayor Bates on Item 37.

Vote: All Ayes.

Action: 9 speakers. M/S/C (Capitelli/Maio) to adopt the recommendation as submitted plus the supplemental item submitted by the Mayor with the following amendments:

1. The referral to staff will include a request to review adding language related to Project Labor Agreements.
2. Consideration of local concessions and incentives for projects will be considered as part of the referral.

Vote: All Ayes.

38. City Manager Referral: Allow Public Comment to be Submitted Online

From: Councilmember Worthington

Recommendation: Refer to the City Manager to allow public comments to be submitted through an online form to be included in every agenda packet.

Financial Implications: Minimal

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

Action: M/S/C (Worthington/Bates) to hold over Items #38 and #39 to May 12, 2015.

Vote: All Ayes.

Council Action Calendar

39. **Implementing Participatory Budgeting in the City of Berkeley**
From: Councilmember Worthington
Recommendation: Berkeley City Council should implement a participatory budgeting process that allows Berkeley residents to decide how to spend money not in the City Manager's budget and new money that becomes available after the City Manager's proposed budget.
Financial Implications: To be determined
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: M/S/C (Worthington/Bates) to hold over Items #38 and #39 to May 12, 2015.
Vote: All Ayes.
40. **Endorsing and Co-Sponsoring the 2015 Community Resilience Challenge and Refer \$1,000 for the Challenge**
From: Councilmember Worthington
Recommendation: 1. Adopt a Resolution Endorsing the 2015 Community Resilience Challenge; and 2. Co-Sponsor the 2015 Community Resilience Challenge; and 3. Refer to City Manager an Expenditure of \$1,000 for the 2015 Community Resilience Challenge.
Financial Implications: \$1,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Amended second Resolved clause to read "BE IT FURTHER RESOLVED that the City of Berkeley refers \$1,000 to the budget process for the East Bay Community Resilience Challenge." Adopted Resolution No. 67,010–N.S.

Information Reports

41. **Audit Implementation Status Report: Parks Recreation & Waterfront Department Cash Handling Audit**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Received and filed.
42. **LPC-NOD: 2727 Milvia Way**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
43. **Audit Response – Injury Prevention: Better Investigations and Data Use Will Help the Berkeley Police Department and the City (Audit Report)**
From: City Manager
Contact: Michael Meehan, Police, 981-5900
Action: Received and filed.

Information Reports

44. **Status Report: Equipment Replacement Fund - Sustainability and Transparency**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
45. **Update: City Water Conservation and Use Reduction**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300; Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

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

Adjournment in memory of:

1. Jacques Kaswan

Adjourned at 11:30 p.m.

Communications

Item 32: Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan

1. Erin Chalmers

Item 33: ZAB Appeal: 524 Cragmont Avenue

2. Sara Richardson-Sanders

Item 36: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations

3. Jayden Raye Lapin-Tatman
4. Andrew Hanson
5. John Sweeney
6. Francisco Peralta
7. Keeton Ross

Refuse Collection Fees

8. Judith & Thomas Holland

West Berkeley Air Quality

9. Hulda Nystrom

Ecology Center Grant

10. Martin Bourque

2013 Second Street

11. Richard & Charlene DeVecchi

Vaccinations

12. Coryl Lassen

Shattuck Cinemas

13. Erin Diehm

Downtown Ambassadors

14. Thomas Lord

15. Rich Jones

16. John Caner, on behalf of the Downtown Berkeley Association

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17. Craig Hancock

18. Kaety Byerley

19. Diana Jensen

20. Elise Proulx

21. Julia Drees

22. Lael Gerhart

23. Erica Etelson

24. Nancy Rader

25. Deborah Agre

Item 33: ZAB Appeal: 524 Cragmont Avenue

26. William Smoot

27. Jibu John

Item 36: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations

28. Ivy Hirsch

29. Sara Messina

30. Valentina Baraldi

31. Natalie Perez

32. Jasmine Sanghera

Supplemental Communications and Reports 2**Item 16: Board of Library Trustees Reappointment: Julie Holcomb and Jim Novosel**

33. Amy Roth

34. Jennifer Dix

35. Janette Hopkins

Item 22: Apply for Alameda County Transportation Commission Funds to Implement Railroad Quiet Zones

36. Benjamin Greenberg (2)

Item 29: Letter in Support of State Funding of Adult Education Programs

37. Burr Guthrie

Item 32: Allocations of FY2016-2017 Funds for Community Agencies and Submission of the 2015-2020 Consolidated Plan, Including the PY2015 Annual Action Plan

- 38. Joel Gerwein
- 39. Sarah Herbold
- 40. Dorothea Dorenz
- 41. Jennifer Curtis
- 42. Laralynn & Joe Rapoza
- 43. Pamela Nudel
- 44. Rani Marx
- 45. Asa Bradman
- 46. Randall G.
- 47. Scott Rasmussen
- 48. Hagar Scher
- 49. Susan Burt
- 50. Michele Mancuso
- 51. Tracy Ashlock
- 52. Erica Rosenblum
- 53. Alexandra Singer
- 54. Martin Bourque, on behalf of the Ecology Center
- 55. Carole Bennett-Simmons
- 56. Mary Lynch
- 57. Steve Moros
- 58. Kristin Argue
- 59. Beebo Turman

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- 60. Charles Coleman III, Holland & Knight LLP
- 61. Nikta Daijavad
- 62. Eric Gabrielli
- 63. Rena Rickles
- 64. Caitlin Quinn
- 65. Pavan Upadhyayula
- 66. Abbey Chaver
- 67. Wes Adrianson
- 68. Conor Carroll
- 69. Matthew Orzechowski
- 70. Audrey Mancini
- 71. Julia Morse
- 72. Sophia Perez

Item 37: City Density Bonus

- 73. Rob Wrenn

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Item 16: Board of Library Trustees Reappointment: Julie Holcomb and Jim Novosel

- 74. Sofia Zander

Item 22: Apply for Alameda County Transportation Commission Funds to Implement Railroad Quiet Zones

75. Revised materials, submitted by Councilmembers Moore & Maio

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76. Amy Eden

Item 33: ZAB Appeal: 524 Cragmont Avenue

77. April Weaver and Mike Ryan

Item 36: Amending BMC Chapter 13.42 to Adopt Additional Operating Standards for Mini-Dorms and Group Living Accommodations

78. Ruben Lizardo

Item 37: City Density Bonus

79. Supplemental materials, submitted by Mayor Bates and Councilmember Capitelli

Berkeley Rose Garden and Tennis Courts

80. Pil Orbison

Youth Spirit Artworks

81. Unknown