

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
TUESDAY, MAY 26, 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:** 7:01 p.m. All present.

### **Ceremonial Matters:**

1. Centennial of the Women's International League for Peace and Justice
2. Elder Abuse Awareness Month – June 2015
3. Community Meeting on city public health priorities - June 16th at 2939 Ellis Street
4. Comments in Memory of Frank Brown – Memorial Service on June 3

### **City Manager Comments:**

1. Solano Avenue Tunnel Closure – May 28, 2015

**Public Comment on Non-Agenda Matters:** 9 speakers.

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

## **Consent Calendar**

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

**Vote:** All Ayes.

### **1. Amendment: FY 2015 Annual Appropriations Ordinance**

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 7,403-N.S. amending the FY 2015 Annual Appropriations Ordinance No. 7,384–N.S. for fiscal year 2015 based upon other adjustments in the amount of \$29,399,224 (gross) and \$22,376,748 (net).

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

**Action:** Adopted second reading of Ordinance No. 7,403-N.S.

## Consent Calendar

- 2. Requiring Notice Concerning Carrying of Cell Phones; Adding BMC Chapter 9.96**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,404-N.S. requiring cell phone retailers to provide a notice with each sale or lease concerning the carrying of cell phones, and adding Berkeley Municipal Code Chapter 9.96.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** Staff time  
Contact: Zach Cowan, City Attorney, 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,404-N.S.
- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of April 7, 2015 (special and regular), and April 28, 2015 (special and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Approved minutes as submitted.
- 4. Lease Agreement: Habitot Children's Museum for Existing City-owned Parking Lot at the Northeast Corner of Alcatraz Avenue & Adeline Street**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and any amendments with the Habitot Children's Museum (Habitot) to use City property at the northeast corner of Alcatraz Avenue and Adeline Street (Parcel No. 52-1528-15-4) for a term anticipated to begin July 1, 2015 and ending June 30, 2020, with two options to extend for additional 5-year periods, contingent upon Habitot securing the necessary permits to occupy space in the adjacent building at 3271 Adeline Street/1833 Alcatraz Avenue.  
**Financial Implications:** See report  
Contact: Michael Caplan, Economic Development, 981-7530  
**Action:** Adopted first reading of Ordinance No. 7,405–N.S. Second reading scheduled for June 9, 2015.
- 5. Contract: Hargis & Associates for Sworn Fire and Police Promotional Examination Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Hargis & Associates for sworn fire and police promotional examination services for the period of July 1, 2015 to June 30, 2018, with an option to extend for two additional 1-year terms, for a total amount not to exceed \$250,000.  
**Financial Implications:** See report  
Contact: Gil Dong, Fire, 981-3473  
**Action:** Adopted Resolution No. 67,023–N.S.

## Consent Calendar

- 6. Donation: Alameda County Meals on Wheels Agency for the Berkeley Meals on Wheels Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a \$30,765 donation to the Berkeley Meals on Wheels Program from the Alameda County Meals on Wheels Agency.  
**Financial Implications:** \$30,765 (Donation)  
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 67,024–N.S.
- 7. Contract: Berkeley Unified School District for Workplace Skills Training for YouthWorks Employment Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole-source expenditure contract and any amendments or extensions with the Berkeley Unified School District (BUSD) to provide workplace skills training to prepare YouthWorks participants for summer employment in an amount not to exceed \$20,000 for the period June 1, 2015 through July 31, 2018.  
**Financial Implications:** General Fund - \$20,000  
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 67,025–N.S.
- 8. Mental Health Services Act (MHSA) Fiscal Years (FY) 2015 through 2017 Three Year Program and Expenditure Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Mental Health Services Act (MHSA) Fiscal Years (FY) 2015 through 2017 Three Year Program and Expenditure Plan which provides information on current and proposed uses of funds on mental health programming; continuing all Community Services & Supports (CSS), and Prevention & Early Intervention (PEI) services through June 30, 2016; and forwarding the MHSA Three Year Program and Expenditure Plan to appropriate state officials.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 67,026–N.S.
- 9. Agreement for the City to Provide Sports Officials for Berkeley Unified School District Afterschool Sports Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an agreement and any amendments with the Berkeley Unified School District (BUSD) to provide City sports officials at cost for BUSD elementary afterschool sports programs.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,027–N.S.

## Consent Calendar

- 10. Grant Agreement: State Coastal Conservancy for the Berkeley Shoreline Access Staging Area Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the grant of funds in the amount of \$500,000 from the State Coastal Conservancy for the Berkeley Shoreline Access Staging Area Project, and authorizing the City Manager or her designee to act as a representative of the grantee, to negotiate and execute on behalf of the grantee all agreements and amendments and instruments necessary to complete the project and to comply with the Conservancy's grant requirements, including, without limitation, the grant agreement.  
**Financial Implications:** \$500,000 (Revenue)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,028–N.S.
- 11. Waiver of Annual Marina Berth Fees for Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Affirming the determination by City staff and the Parks and Waterfront Commission that three non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and 2. Approving the annual waiver of berth fees for the three groups for FY 2016.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 67,029–N.S.
- 12. Amending BMC Chapter 12.48 Residential Rental Housing Safety Program to Remove Obsolete Language and Make Clarification of the Process**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Chapter 12.48, Sections 12.48.050, 12.48.070, 12.48.080, 12.48.110 of the Berkeley Municipal Code ("BMC") to provide for an informal review by the Building Official of notices issued pursuant to that Chapter, to allow a prevailing party to recover attorneys' fees in an action brought to enforce the Chapter by the City and to eliminate the outdated references to the "Housing Department" and other obsolete language.  
**Financial Implications:** See report  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted first reading of Ordinance No. 7,406–N.S. Second reading scheduled for June 9, 2015.

## Consent Calendar

- 13. Amending BMC Chapter 19.44 to Extend the Date of Appeal Hearings**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Chapter 19.44, Section 19.44.040 of the Berkeley Municipal Code ("BMC") to extend the date by which an appeal hearing must be scheduled before the Housing Advisory Commission ("HAC") from 30 to 45 days from the appeal date.  
**Financial Implications:** None  
Contact: Eric Angstadt, Planning and Development, 981-7400  
**Action:** Adopted first reading of Ordinance No. 7,407–N.S. Second reading scheduled for June 9, 2015.
- 14. Grant Applications: Active Transportation Program for Safe Routes to School**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to submit grant applications to the Caltrans Active Transportation Program for Safe Routes to School for traffic safety improvements at John Muir Elementary School for up to \$391,875; and at Oxford Elementary School and Jefferson Elementary School for up to \$327,750.  
**Financial Implications:** \$719,625 (Revenue)  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,030–N.S. (John Muir) and Resolution No. 67,031–N.S. (Oxford & Jefferson)
- 15. Funding and Cooperative Agreement: BART for Downtown Berkeley Bike Station**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a 2-year contract with BART for continued operation of the Downtown Berkeley Bike Station, for \$60,000 annually, for a total not to exceed \$120,000.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,032–N.S.
- 16. Grant Application: Active Transportation Program for 9th Street Pathway**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the Caltrans Active Transportation Program for completion of the 9th Street Bicycle Boulevard Extension Pathway Phase II for an amount up to \$850,250.  
**Financial Implications:** \$850,250 (Revenue)  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,033–N.S.

## Consent Calendar

17. **Grant Applications: Active Transportation Program Funds for Pedestrian Plan Projects**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit grant applications to the Caltrans Active Transportation Program for pedestrian traffic safety improvements identified as 6 of the High Priority Projects within the Berkeley Pedestrian Master Plan, for a total amount of almost \$3 million.  
**Financial Implications:** See report  
Contact: Andrew Clough, Public Works, 981-6300  
**Action:** Adopted Resolution No. 67,034–N.S.
18. **Annual Meetings of Commission Appointees**  
**From: Commission on Aging**  
**Recommendation:** That all City Council members and the Mayor hold annual "working" meetings that gather together their appointed Commission members. The purpose of the meetings would be for personal contact, information sharing and networking.  
**Financial Implications:** Minimal  
Contact: Leah Talley, Commission Secretary, 981-5400  
**Action:** Approved recommendation.

## Council Consent Items

19. **Support of SB 593 (McGuire) – Thriving Communities and Sharing Economy Act**  
**From: Mayor Bates**  
**Recommendation:** Adopt a Resolution: 1. Supporting Senate Bill 593 (McGuire), the Thriving Communities and Sharing Economy Act, which would require hosting platforms of short-term rentals to report quarterly to cities and counties, prohibit hosting platforms from listing rentals prohibited by local laws, and require hosting platforms to collect and remit the transient occupancy tax. SB 593 would also grant cities and counties the power to levy fines for noncompliance; and 2. Directing the City Manager to write a letter to Senator McGuire, Senator Hancock, and Assemblymember Thurmond, indicating the City of Berkeley's support for the legislation.  
**Financial Implications:** None  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Adopted Resolution No. 67,035–N.S.

## Council Consent Items

- 20. Official City Sponsor of Berkeley High School All-Class Reunion: Relinquishment of Council Budget Funds to General Fund and Grant of Such Funds**  
**From: Mayor Bates and Councilmember Moore**  
**Recommendation:** Adopt a Resolution approving City sponsorship of the Berkeley High School All-Class Reunion to be held on August 22, 2015 and approving the expenditure of an amount not to exceed \$2,034 per Councilmember including up to \$2,034 from Mayor Bates for the Berkeley High School All-Class Reunion through their fiscal sponsor, Berkeley High School Development Group with funds relinquished to the City's General Fund for this purpose from the discretionary Council office budgets who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Funds - \$2,034  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Adopted Resolution No. 67,036–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$100; Councilmember Moore - \$100; Councilmember Anderson - \$200; Mayor Bates - \$1,634.
- 21. Short-Term Rental Regulations Referral**  
**From: Mayor Bates and Councilmember Droste**  
**Recommendation:** Refer to the Planning and Housing Advisory commissions regulations that would legalize short-term rentals, defined as rentals not exceeding 14 consecutive days, in both single-family and multi-family buildings with the following recommended guidelines:
- The property must be owner/tenant-occupied at least 9 months of the year and the property may not be rented more than 90 days if the host is not present, with no limit to the amount of rental days when the host is present
  - Either the host or rental-platform company must pay the transient occupancy tax and an additional enforcement fee, to be established as a percentage of rents, not exceed the cost of the program
  - The host must have a valid business license and be covered by liability insurance of at least \$500,000
  - The host must notify abutting and confronting neighbors that he/she will be making short-term rentals available
  - When the host is not present, he/she must designate a local contact to handle complaints
  - Short-term rentals in rental housing require approval from the building owner or property management company
  - Short-term rentals are subject to the Second-Response Ordinance and upon a third violation within 180 days, the host would be prohibited from operating a short-term rental for one year
- Request the City Manager direct staff to provide information to the commissions, as part of their considerations, on the status of the bed and breakfasts provided amnesty in 2003 as per BMC 23C.06.  
**Financial Implications:** See report  
Contact: Tom Bates, Mayor, 981-7100

## Council Consent Items

**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Bates/Worthington) to hold the item over to June 9, 2015 as the first item on Old Business and include the supplemental and revised material from Mayor Bates, Councilmember Maio, and Councilmember Arreguin on Item 21.

**Vote:** All Ayes.

22. **Support of H.R. 1679 (Garamendi) to Regulate the Transport of Explosive Crude Oil by Rail**  
**From: Councilmembers Maio and Moore**  
**Recommendation:** Send a letter of support of H.R. 1679 (Garamendi).  
**Financial Implications:** Staff time  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Approved recommendation.
23. **Official City Sponsorship of Berkeley Humane Society's "Pints for Paws" Event**  
**From: Councilmember Moore**  
**Recommendation:** Approve City sponsorship of Berkeley Humane Society's "Pints for Paws" Event.  
**Financial Implications:** None  
Contact: Darryl Moore, Councilmember, District 2, 981-7120  
**Action:** Approved recommendation.
24. **Breathmobile: 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 \$70 per Councilmember including \$70 from Councilmember Max Anderson to the Breathmobile for May is World Asthma Day, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute. This awareness event is held throughout the month of May to coincide with the peak season for asthma & allergy sufferers. The total amount of \$500 that is needed for this event will be used for a celebration at Malcolm X School for the Berkeley community.  
**Financial Implications:** Councilmember's Discretionary Funds - \$70  
Contact: Max Anderson, Councilmember, District 3, 98-7130  
**Action:** Adopted Resolution No. 67,037–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$70; Councilmember Wengraf - \$70; Councilmember Moore - \$70; Councilmember Worthington - \$70; Mayor Bates - \$70.



## Council Consent Items

25. **Referral to City Manager: Amendments to Berkeley Housing Element 2015-2023**  
**From: Councilmember Arreguin**  
**Recommendation:** Refer to the City Manager the amendments to the 2015-2023 Berkeley Housing Element attached to the report for review and to include in a future update to the Housing Element.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140  
**Action:** Approved revised recommendation as follows: “Refer to the City Manager the amendments to the 2015-2023 Berkeley Housing Element attached to the report for review.”
26. **Support of the Reproductive Freedom, Accountability, Comprehensive Care and Transparency Act (FACT), AB 775 (Chiu, D-San Francisco and Burke, D-Los Angeles)**  
**From: Councilmembers Wengraf and Maio**  
**Recommendation:** Adopt a Resolution supporting AB 775. Request that City Clerk send signed copies of the resolution to our representatives, State Senator Loni Hancock and Assembly Member Tony Thurmond and Governor Jerry Brown. Also send copies to Assembly Members Chiu and Burke.  
**Financial Implications:** Minimal  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Adopted Resolution No. 67,038–N.S.
27. **Proclamation Honoring Asian American & Pacific Islander Heritage Month**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a Proclamation honoring May as Asian American & Pacific Islander Heritage Month.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Adopted proclamation.
28. **Mobile Shower Referral**  
**From: Councilmember Droste**  
**Recommendation:** Refer to the Homeless Commission and City Manager the establishment of a mobile shower unit in Berkeley and assess the feasibility/cost of such a project in comparison to existing programs.  
**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** Approved recommendation.

## Council Consent Items

29. **Scheduling July 14, 2015 Worksession: Prioritization of Council Referrals**  
**From: Councilmember Droste**  
**Recommendation:** Approve the scheduling of a council worksession on July 14 at 5:30pm for a panel presentation by outside experts on the prioritization options for council referrals.  
**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** Approved recommendation.

## Action Calendar – Public Hearings

30. **Fiscal Year 2016 and Fiscal Year 2017 Proposed Biennial Budget Hearing #2**  
**From: City Manager**  
**Recommendation:** Conduct a second public hearing on the FY 2016 and FY 2017 proposed biennial budget.  
**Financial Implications:** See Proposed FY 2016 and FY 2017 Budget  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000  
  
**Action:** M/S/C (Maio/Worthington) to accept supplemental material from staff on Item 30.  
**Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Capitelli.

Councilmember Capitelli absent 7:51 p.m. – 7:56 p.m.

**Public Testimony:** The Mayor opened the public hearing. 49 speakers.  
M/S/C (Moore/Maio) to close the public hearing.  
**Vote:** All Ayes.

**Action:** Discussion held.

Recess 9:35 p.m. – 9:46 p.m.

31. **Public Hearing: FY 2016 City Fees**
- a. Amended Fire Permit and Inspection Fee Schedule**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution: 1. Approving a revised Fire Department fee schedule which incorporates an increase in fire permitting and fire inspection fees to \$374 per hour; creates two new permit fees for service associated with new permit types created within the fire code adopted by the City on November 12, 2013; includes errata and changes into the fee schedule for fire permitting and inspections of property sites by the Berkeley Fire Department; and eliminates separate billing language from the fee schedule associated with re-inspections. 2. Rescinding Resolution 66,366-N.S.  
**Financial Implications:** See report  
Contact: Gil Dong, Fire, 981-3473

## Action Calendar – Public Hearings

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Maio/Wengraf) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Worthington) to adopt Resolution No. 67,039–N.S.

**Vote:** All Ayes.

### **b. Fees: Public Health Clinical Services**

**From:** City Manager

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution establishing new fees and increasing certain existing fees for reproductive and sexual health, and tuberculosis testing Public Health Clinical Services effective July 1, 2015 and rescinding Resolution No. 64,889-N.S.

**Financial Implications:** See report

Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Wengraf) to adopt Resolution No. 67,040–N.S.

**Vote:** All Ayes.

### **c. Fees: Ann Chandler Public Health Clinic Immunization Services**

**From:** City Manager

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution increasing the vaccine administration fee at the Ann Chandler Public Health Clinic (ACPHC) from \$17 to a maximum of \$26 per vaccination. The proposed Resolution will bring the ACPHC into compliance with December 29, 2014 guidelines issued by the California Department of Public Health (CDPH). The new fees will be effective July 1, 2015. This resolution rescinds Resolution No. 64,796-N.S. from March 2010.

**Financial Implications:** See report

Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Moore/Maio) to adopt Resolution No. 67,041–N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 31. d. Published Charges: Mental Health Clinical Services

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution establishing Medi-Cal Rates Published Charges for Mental Health services for FY 2015. Published Charges are effective July 1, 2014.

**Financial Implications:** See report

Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Wengraf) to adopt Resolution No. 67,042–N.S.

**Vote:** All Ayes.

### e. Environmental Health Division Fee Schedule

**From: City Manager**

**Recommendation:** Adopt a Resolution adopting a revised fee schedule for Environmental Health permit and inspection fees to remove the plan check column from the Fixed Units Annual Fees Table and add a fee to reissue duplicate annual permits of \$44 dollars, effective July 1, 2015 until subsequently modified, and rescinding Resolution No. 66,727-N.S.

**Financial Implications:** See report

Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Moore/Wengraf) to adopt Resolution No. 67,043–N.S.

**Vote:** All Ayes.

### f. Fees: Senior Center Rental Fees

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution 1. establishing a major maintenance fee for senior center rentals in an amount equal to a 10% increase to the current facility rental fees charged for rental of City of Berkeley Senior Centers, and 2. rescinding Resolution No. 65,284-N.S.

**Financial Implications:** See report

Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400

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

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

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Arreguin) to adopt Resolution No. 67,044–N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 31. g. Marina Fee Increases

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution: 1. Approving fees for goods and services at the Berkeley Marina that; a) establish a new rate schedule increasing Marina berth rent by 6%, and b) increase the following: Dry Storage rates by 18% for lengths <=27' and by 32% for lengths >=28'; Launch Ramp monthly pass by \$60; Launch Ramp 6-month pass by \$180; Live-aboard fees by up to \$55 per month; Skiff Side Tie <24' length by \$20 per month; and establishing a new Floating Homes Sewer charge of \$25 per month; and 2. Rescinding Resolution No. 66,176-N.S.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 11 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Maio/Capitelli) to hold over the item to June 23, 2015 and request that staff return with a revised Marina Fee resolution that includes a process for a low-income rebate, provides options for the live-aboard monthly fees, lists the total amount of fees a live-aboard resident would pay, and states the vacancy rates for berths at the Marina.

**Vote:** All Ayes.

### h. Selected Recreation Program & Facilities Fee Increases

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution: 1. Approving new fees and increasing current fees for select recreation programs and facility rentals including increasing the Afterschool Program fee by 20%, increasing the Community Center Commercial Kitchen Rental fee by 40%, increasing the Echo Lake Youth Camp Counselor-in-Training Session fee by 1%, establishing an Adventure Playground fee of \$1 for residents and non-residents, and establishing a John Hinkel Park Wedding resident/non-resident 4-hour fee of \$352/\$422 and \$56/\$68 for each additional hour; and 2. Rescinding Resolution No. 66,894-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/Bates) to close the public hearing.

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

**Action:** M/S/C (Wengraf/Bates) to adopt Resolution No. 67,045–N.S.

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

## Action Calendar – Public Hearings

### 31. i. Changes to the Planning and Development Department's Master Fee Schedule

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution: 1. Approving revisions to the master fee schedule for the Planning and Development Department to increase per-sign fees for No-Parking Zones from \$12 to \$15, to create a new fee of \$5 for each replacement of a previously issued No-Parking sign, to adopt new fees for reporting under the Building Energy Savings Ordinance (BESO), and to clarify certain current fees without increasing them; and 2. Rescinding Resolution No. 66,761-N.S.

**Financial Implications:** See report

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

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

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

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

**Action:** M/S/C (Bates/Capitelli) to adopt Resolution No. 67,046–N.S.

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

### j. Building Valuation and Permit Fees

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution 1) establishing the most recent Building Valuation Data (BVD) published by the International Code Council (ICC) as the basis for verifying building valuations for new construction in the city of Berkeley, to be updated annually after the Building Valuation Data is published each February; 2) establishing a policy of valuing remodeling or renovation projects at up to sixty percent of the value of new construction subject to the approval of the building official; and 3) rescinding Resolution No. 61,942-N.S.

**Financial Implications:** See report

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

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

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

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

**Action:** M/S/C (Arreguin/Capitelli) to adopt Resolution No. 67,047–N.S.

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

## Action Calendar – Public Hearings

### 31. k. Fees for Use of Electric Vehicle Charging Stations on Municipal Property

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution establishing session fees of \$1.50 per hour for public use of new Level 2 electric vehicle (EV) charging stations on municipal property.

**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/Bates) to close the public hearing.

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

**Action:** M/S/C (Moore/Wengraf) to adopt Resolution No. 67,048–N.S.

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

Councilmember Maio and Councilmember Worthington absent 9:28 p.m. – 9:35 p.m.

## Action Calendar – Old Business

### 32. City Manager Referral: Update Administrative Hearing Procedure Regulations

*(Continued from April 28, 2015)*

**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 June 9, 2015.

### 33. Travel Moratorium and Divestment from Indiana in Response to Recent “Religious Freedom Restoration Act” *(Continued from April 28, 2015)*

**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 removed from the agenda by Councilmember Moore.

## Action Calendar – New Business

### 34. Zero Waste Commercial Collection System

**From: City Manager**

**Recommendation:** Replace the current non-exclusive franchise collection system for commercial refuse and recyclables by selecting one of the following service options:

1. City of Berkeley provides all commercial refuse and recycling collection services.

–OR–

1a. City of Berkeley provides all commercial refuse and recycling collection services except for roll-off containers and compactors.

**Financial Implications:** See report

Contact: Andrew Clough, Public Works, 981-6300

**Action:** 1 speaker. M/S/C (Capitelli/Moore) to replace the current non-exclusive franchise collection system for commercial refuse and recyclables by selecting Option 1a for the City of Berkeley to provide all commercial refuse and recycling collection services except for roll-off containers and compactors.

**Vote:** All Ayes.

## Council Action Items

### 35. Significant Community Benefits from Five Tall Downtown Buildings

**From: Mayor Bates and Councilmember Capitelli**

**Recommendation:** Request the City Manager to draft a Council resolution establishing a system for Downtown building projects over 75 feet to provide significant community benefits. The projects would be assessed a fee of \$100 per square foot for the residential portion of the building between 76 and 120 feet, and \$150 per square foot for the residential portion above 120 feet. A Project Labor Agreement (PLA) would be required. It would include local hiring and training components. The PLA would provide a credit, equal to 5 percent of the project construction costs, which would be deducted from the fee. In addition, the fee could be further reduced by voluntary on-site benefits for arts and culture, which must be approved by the City Council. The remainder would be paid into a City fund to be used for affordable housing and arts and culture benefits.

**Financial Implications:** See report

Contact: Tom Bates, Mayor, 981-7100

**Action:** 60 speakers. M/S/C (Maio/Moore) to accept supplemental and revised material from Councilmember Arreguin and Mayor Bates on Item 35.

**Vote:** All Ayes.

**Action:** M/S/C (Bates/Maio) to continue the item to a special meeting on June 16, 2015 at 5:30 p.m. at the City Council Chambers.

**Vote:** All Ayes.

**Action:** M/S/C (Capitelli/Wengraf) to suspend the rules and extend the meeting to 11:15 p.m.

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



## Council Action Items

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

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

## Information Reports

36. **Audit of Citywide Payment-Card Acceptance: Is Cardholder Information Safe?**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Received and filed.
37. **Emergency Public Information and Warning Update**  
**From: City Manager**  
Contact: Gil Dong, Fire, 981-3473  
**Action:** Received and filed.
38. **Status Report: Berkeley Asphalt; Pacific Steel Casting: Air Quality Inquiries**  
**From: Councilmembers Maio and Droste**  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Received and filed.

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

## Adjournment

Adjourned in Memory Of:

1. Frank Brown, Berkeley Resident

Adjourned at 11:30 p.m.

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Item 18: Annual Meetings of Commission Appointees**

1. Disaster & Fire Safety Commission
2. Community Health Commission

### **Item 30: Fiscal Year 2016 & Fiscal Year 2017 Proposed Biennial Budget Hearing #2**

3. Nancy Carleton
4. Susan Schwartz, on behalf of Friends of Five Creeks
5. Vonnie Chan
6. Genevieve Wilson

7. Susan Silber
8. Hope McDonnell
9. Joshua Room
10. Paula Poremba
11. Meredith Milet

**Item 35: Significant Community Benefits from Five Tall Downtown Buildings**

12. Nora Isaacs

**Item 38: Status Report: Berkeley Asphalt; Pacific Steel Casting: Air Quality Inquiries**

13. Janice Schroeder
14. Christopher Kroll

**Noise from Afterschool Program**

15. Sam Jennings

**Measure D Concerns**

16. Jessica LaMaack
17. City Attorney's Office
18. Tim James

**Affordable Housing Mitigation Fee Proposal**

19. Robert Lauriston

**Proposals on Homelessness**

20. Peace & Justice Commission

**Citizens Research Alliance for Therapeutics**

21. Rudy Lozito

**Harold Way/Shattuck Cinemas**

22. Charlene Woodcock
23. Tree Fitzpatrick (2)

**Measure Y Tracking Report / Owner Move-In and Ellis Act Eviction Protections**

24. Rent Stabilization Board

**1701 62<sup>nd</sup> Street**

25. Calvin Justice

**Berkeley Rose Garden and Tennis Courts**

26. Pil Orbison

**East Bay Express Article: Gentrification in Oakland**

27. WBC

**Supplemental Communications and Reports 1**

**Item 25: Referral to City Manager: Amendments to Berkeley Housing Element 2015-2023**

28. Rhiannon

**Item 30: Fiscal Year 2016 and Fiscal Year 2017 Proposed Biennial Budget Hearing #2**

29. Bonnie Borucki

30. Sharon Melnyk

**Item 31g: Marina Fee Increases**

31. Rhiannon

**Item 35: Significant Community Benefits from Five Tall Downtown Buildings**

32. Anthony Bruzzone, on behalf of Berkeley Design Advocates

33. Margot Smith

**Supplemental Communications and Reports 2**

**Item 19: Support of SB 593 (McGuire) – Thriving Communities and Sharing Economy Act**

34. Andrea and Marion

**Item 19: Support of SB 593 (McGuire) – Thriving Communities and Sharing Economy Act**

**Item 21: Short-Term Rental Regulations Referral**

35. E. Miranda

**Item 19: Support of SB 593 (McGuire) – Thriving Communities and Sharing Economy Act**

**Item 21: Short-Term Rental Regulations Referral**

**Item 25: Referral to City Manager: Amendments to Berkeley Housing Element 2015-2023**

**Item 35: Significant Community Benefits from Five Tall Downtown Buildings**

36. Norma J. F. Harrison

**Item 21: Short-Term Rental Regulations Referral**

37. Anonymous

38. Nora Goodfriend-Koven

39. Margaret C. Phillips

40. Jordie Bornstein

41. Audrey

42. Alice D.

43. Gavin Tyler and Natalie

**Item 30: Fiscal Year 2016 and Fiscal Year 2017 Proposed Biennial Budget Hearing #2**

44. Friends of Berkeley Animal Care Services

45. Eileen Cohen

46. Adriana Betti

47. Larez Davenport

48. R. C. Mains

49. Joan Wagner

**Item 35: Significant Community Benefits from Five Tall Downtown Buildings**

50. Tree Fitzpatrick(2)

51. Kate Harrison

52. Margot Smith

53. Rob Wrenn

- 54. Kim Marienthal
- 55. Matt Madison
- 56. William Newton
- 57. Len Conly
- 58. Ali Kashani
- 59. Nancy Feinstein
- 60. Juli Dickey
- 61. Debra Sanderson
- 62. Michael Fullerton
- 63. Steven Ross
- 64. Nova Blazej
- 65. Ian Moore
- 66. Charles Banks-Altekruse
- 67. Nancy Carleton
- 68. Kate and Dan Funk

**Item 38: Status Report: Berkeley Asphalt; Pacific Steel Casting: Air Quality Inquiries**

- 69. Rhiannon
- 70. Kate Bernier
- 71. Caryn Graves
- 72. Christine Wishon Miksza

### **Supplemental Communications and Reports 3**

**Item 21: Short-Term Rental Regulations Referral**

- 73. Nancy Carleton
- 74. Susan Hunter
- 75. Jennifer Lovvorn

**Item 27: Proclamation Honoring Asian American & Pacific Islander Heritage Month**

- 76. Pil L. Orbison

**Item 30: Fiscal Year 2016 and Fiscal Year 2017 Proposed Biennial Budget Hearing #2**

- 77. Supplemental materials, submitted by City Manager's Office
- 78. Friends of Adeline

**Item 34: Zero Waste Commercial Collection System**

- 79. Presentation, submitted by Public Works
- 80. Denny Abrams