

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, JUNE 9, 2015
7:00 P.M.**

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

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 7:01 p.m.

Present: Councilmembers Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, and Mayor Bates.

Absent: Councilmember Droste.

Councilmember Droste present at 7:04 p.m.

Ceremonial Matters:

1. Recognition of the Berkeley Boy Scouts for Repairs Made to the Ohlone Pathway
2. Recognition of Musician Stephen Kent and the Berkeley World Music Festival

City Manager Comments:

1. Public Health Priorities Town Hall – June 16 at 5:00 p.m. at the South Berkeley Senior Center

Public Comment on Non-Agenda Matters: 5 speakers.

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

Consent Calendar

Action: M/S/C (Arreguin/Moore) to accept revised material from Councilmember Arreguin on Item 29.

Vote: All Ayes.

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

Vote: All Ayes.

Consent Calendar

- 1. 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 second reading of Ordinance No. 7,405-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted second reading of Ordinance No. 7,405-N.S.
- 2. 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 second reading of Ordinance No. 7,406-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,406-N.S.
- 3. Amending BMC Chapter 19.44 to Extend the Date of Appeal Hearings**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,407-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,407-N.S.

Consent Calendar

- 4. Gender Neutral Bathrooms; Adding BMC Section 13.28.055**
From: City Manager
Recommendation: Adopt first reading of an Ordinance adopting a new Section 13.28.055 of the Berkeley Municipal Code, requiring that single-occupancy restrooms in businesses and other places of public accommodation be designated gender neutral.
Financial Implications: None
Contact: Zach Cowan, City Attorney, 981-6950
Action: Adopted first reading of Ordinance No. 7,408–N.S. Second reading scheduled for June 23, 2015.
- 5. Berkeley Tourism Business Improvement District Annual Report and Contract**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving the Annual Report and preliminary budget for the Berkeley Tourism Business Improvement District (BTBID) for FY 2016 as recommended by the BTBID Owners' Association.
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$547,000 of BTBID funds to support tourism marketing and promotion for the period of July 1, 2015 to June 30, 2016.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 67,049–N.S. (Annual Report) and Resolution No. 67,050–N.S. (Visit Berkeley)
- 6. Notice of Appropriations Limit for Fiscal Year 2016**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1. Council will adopt an appropriations limit for Fiscal Year 2016 at its meeting of June 30, 2015; and 2. the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 15, 2015.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 67,051–N.S.
- 7. FY 2016 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2016 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0091%.
Financial Implications: See report.
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,409–N.S. Second reading scheduled for June 23, 2015.

Consent Calendar

- 8. FY 2016 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds-Election of November 2008**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2016 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008) at 0.0080%.
Financial Implications: See report.
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,410–N.S. Second reading scheduled for June 23, 2015.
- 9. FY 2016 Tax Rate: Fund Debt Service on Measure S General Obligation Bonds, Election of 1996 (2007 Refunding Bonds)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2016 tax rate for funding the debt service on the Measure S General Obligation Bonds (Election of 1996, 2007 Refunding Bonds) at 0.0162%.
Financial Implications: See report.
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,411–N.S. Second reading scheduled for June 23, 2015.
- 10. FY 2016 Tax Rate: Fund Debt Service on Animal Shelter General Obligation Bonds (Measure I, November 2002 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2016 tax rate for funding the debt service on the Animal Shelter General Obligation Bonds (Measure I, November 2002) at 0.0020%.
Financial Implications: See report.
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,412–N.S. Second reading scheduled for June 23, 2015.
- 11. FY 2016 Tax Rate: Fund Debt Service on Fire Seismic General Obligation Bonds-Election of 1992 (Measure G, 2002 and 2007 General Obligation Refunding Bonds)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2016 tax rate for funding the debt service on the Fire Seismic General Obligation Bonds (Measure G, 2002 and 2007 General Obligation Refunding Bonds) at 0.0080%.
Financial Implications: See report.
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted first reading of Ordinance No. 7,413–N.S. Second reading scheduled for June 23, 2015.

Consent Calendar

- 12. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on June 9, 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: Equipment Maintenance Fund - \$935,000
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Approved recommendation.
- 13. Grant: Alameda County Transportation Commission for Measure B and Measure BB Paratransit Revenue**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments with the Alameda County Transportation Commission (Alameda CTC) for the renewal of Measure B (\$265,948) and implementation of Measure BB (\$276,661) annual pass-through funds estimated to be in the amount of \$542,609 for use during FY 2016.
Financial Implications: See report
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,052–N.S.
- 14. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Promotion, Protection, and Prevention Services**
From: City Manager
Recommendation: Adopt seven Resolutions authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, implement the projects and appropriate funding for related expenses, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following revenue agreements:
1. Child Health and Disability Prevention (CHDP) Program in the projected amount of \$420,000 for Fiscal Year 2016.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$330,000 for FY 2016.
3. Tuberculosis Control Program in the projected amount of \$16,336 for FY 2016.
4. Women, Infants and Children (WIC) Program, in the projected amount of \$520,656 for Federal Fiscal Year 2016.
5. Public Health Emergency Preparedness Program in the projected amount of \$252,357 for FY 2016.
6. Ebola Response Program in the projected amount of \$67,434 for FY 2016.
7. Tobacco Trust Fund in the projected amount of \$150,000 for FY 2016.
Financial Implications: See report
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,053–N.S. (CHDP), Resolution No. 67,054–N.S. (MCAH), Resolution No. 67,055–N.S. (Tuberculosis), Resolution No. 67,056–N.S. (WIC), Resolution No. 67,057–N.S. (Public Health), Resolution No. 67,058–N.S. (Ebola Response), and Resolution No. 67,059–N.S. (Tobacco).

Consent Calendar

15. Revenue Grant Agreements: Funding Support from the Partner Organizations to Conduct Public Health Promotion, Protection, and Prevention Services

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to submit grant applications to California Family Health Council, YMCA of the Central Bay Area, and Gilead Sciences Inc., to accept the grants, execute any resultant revenue agreements and amendments, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the following revenue agreements:

1. California Family Health Council, in the projected amount of \$124,010 for Calendar Year 2016.
2. YMCA of the Central Bay Area, in the projected amount of \$10,000 for Fiscal Year 2016.
3. Gilead Sciences, Inc., in the projected amount of \$50,000 for Fiscal year 2016.

Financial Implications: See report

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

Action: Adopted Resolution No. 67,060–N.S. (California Family), Resolution No. 67,061–N.S. (YMCA), and Resolution No. 67,062–N.S. (Gilead).

16. Revenue Grant Agreements: Funding Support from the Laura and John Arnold Foundation to Support Implementation of the Newly Passed Sugar Sweetened Beverage Tax in the City of Berkeley

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit grant agreements to the Laura and John Arnold Foundation (LJAF) in the projected amount of \$90,152, to accept the grant, implement the projects and appropriation of funding for related expenses, and execute any resultant revenue agreements and amendments to support implementation of the newly passed sugar sweetened beverage tax in the City of Berkeley.

Financial Implications: \$90,152 (Revenue)

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

Action: Adopted Resolution No. 67,063–N.S.

17. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Promotion, Protection, and Prevention Services

From: City Manager

Recommendation: Adopt seven Resolutions authorizing the City Manager to submit grant agreements to Alameda County, to accept the grants, implement the projects and appropriation of funding for related expenses, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following revenue agreements for Fiscal Year 2016:

1. Public Health Infrastructure Program in the projected amount of \$32,080.
2. Foster Care Program in the projected amount of \$90,000.
3. Lead Poisoning Prevention Program in the projected amount of \$18,000.
4. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$165,000.

Consent Calendar

5. School Linked Health Services Program (Measure A Funding) in the projected amount of \$179,079.

6. Tobacco Prevention Program in the projected amount of \$70,380.

7. HIV testing Program in the projected amount of \$50,000.

Financial Implications: See report

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

Action: Adopted Resolution No. 67,064–N.S. (Public Health), Resolution No. 67,065–N.S. (Foster Care), Resolution No. 67,066–N.S. (Lead), Resolution No. 67,067–N.S. (Berkeley High), Resolution No. 67,068–N.S. (School Linked), Resolution No. 67,069–N.S. (Tobacco), and Resolution No. 67,070–N.S. (HIV).

18. Contract No. 8287 Amendment: Claremont Behavioral Services for Employee Assistance Program Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8287 with Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by increasing expenditure authority in an amount not to exceed \$500,000, for a total contract amount of \$1,135,000, through June 30, 2020.

Financial Implications: See report

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 67,071–N.S.

19. Amending BMC Sections 19.50.010 and 19.50.080 to Revise Outdated Code References Regarding Elevators

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Sections 19.50.010 and 19.50.080 of the Berkeley Municipal Code to revise outdated code references regarding elevators.

Financial Implications: None

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

Action: Adopted first reading of Ordinance No. 7,414–N.S. Second reading scheduled for June 23, 2015.

20. Expediting Permitting Procedures for Small Residential Rooftop Solar Systems; Adding BMC Chapter 19.14

From: City Manager

Recommendation: Adopt first reading of an Ordinance adding Berkeley Municipal Code Chapter 19.14, to create expedited, streamlined permitting procedures for small residential rooftop solar systems, as mandated by State Assembly Bill No. 2188 (September 21, 2014) codified in Section 658505.5 of the California Government Code.

Financial Implications: See report

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

Action: Adopted first reading of Ordinance No. 7,415–N.S. Second reading scheduled for June 23, 2015.

Consent Calendar

21. ****Removed from Agenda by City Manager** Contract No. 9573 Amendment: HF&H Consultants, LLC to Study Route Optimization and Effective Management for City Collection of Commercial Refuse and Recyclable Materials**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
22. **Contract: AJW Construction for FY 2015 Proactive Sidewalk Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving specifications for the FY 2015 Proactive Sidewalk Project, Specification # 15-10911-C; 2. Accepting the bid of AJW Construction; 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 specifications, in an amount not to exceed \$210,180.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 67,072–N.S.
23. **Rename South Branch Library in Honor of Tarea Hall Pittman**
From: Board of Library Trustees
Recommendation: Adopt a Resolution renaming the South Branch Library in honor of Tarea Hall Pittman.
Financial Implications: See report
Contact: Jeff Scott, Commission Secretary, 981-6100
Action: Adopted Resolution No. 67,073–N.S.

Council Consent Items

24. **Briefing by Public Works Commission**
From: Councilmember Maio
Recommendation: Schedule a time on a forthcoming agenda for the Public Works Commission to present their recommendations on our watershed and strengthening our resilience as a City.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
25. **Revisions to Community Workforce Agreement**
From: Councilmember Moore
Recommendation: Refer to the City Manager revisions to the Community Workforce Agreement (CWA) to reduce the threshold of CWA-eligible construction projects from \$1 million to \$500,000 and to negotiation with the unions to increase the number of Berkeley residents employed in Community Workforce eligible projects with a goal of 20% of the CWA workforce be made up of Berkeley residents.
Financial Implications: See report
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.

Council Consent Items

26. **Official City Sponsor of Berkeley-East Bay Humane Society's "Bark Around The Block"**
From: Councilmember Moore
Recommendation: Approve City sponsorship of Berkeley-East Bay Humane Society's "Bark Around The Block".
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
27. **2015 Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Councilmember Anderson to the 2015 Berkeley Juneteenth Festival 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.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Councilmember Moore added as a co-sponsor. Adopted Resolution No. 67,074–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Worthington - \$500; Councilmember Maio - \$100; Councilmember Moore - \$150; Councilmember Wengraf - \$150.
28. **Support the California Police Accountability Package**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution in support of SB 227 (Mitchell), AB 953 (Weber), SB 11 (Beall/Mitchell), AB 71 (Rodriguez), and AB 86 (McCarty). Send a copy of the resolution to State Senators Loni Hancock, Holly Mitchell, and Jim Beall, Assemblymembers Tony Thurmond, Shirley Weber, Freddie Rodriguez, and Kevin McCarty, and Governor Jerry Brown.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 67,075–N.S. amended to remove all references to AB 86 (McCarty).
29. **Proclamation Honoring Antonio Rossman, Roger Moore and Zachary Cowan for their Work in Defending the Berkeley Main Post Office**
From: Councilmember Arreguin
Recommendation: Adopt a Proclamation honoring Antonio Rossman, Roger Moore and Zachary Cowan for their tireless work in representing the Berkeley City Council in City of Berkeley v. United States Postal Service and for successfully preventing the sale of the Berkeley Main Post Office.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted revised proclamation from Supplemental Item accepted by Council.

Council Consent Items

30. **Opposition to AB 57: Wireless Telecommunications Facilities (Assemblyman Quirk, Hayward)**
From: Councilmember Wengraf
Recommendation: Adopt a Resolution opposing AB 57. Send copies to our representatives, State Senator Loni Hancock and Assembly Member Tony Thurmond to vote against this bill. Send a copy of the resolution to Assembly Member Quirk.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 67,076–N.S.
31. **Support the Recommendations of the Ascend Foundation’s Effort to Reduce the Glass Ceiling on Minority Men and Women in Silicon Valley and Send Letters to Google, Hewlett-Packard, Intel, LinkedIn, and Yahoo**
From: Councilmember Worthington
Recommendation: Express support for the recommendations made by the Ascend Foundation to eliminate the glass ceiling on minority men and women by sending letters expressing our concerns for an increase in minority men and women in executive positions, to Google, Hewlett-Packard, Intel, LinkedIn, and Yahoo.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Old Business

32. **Short-Term Rental Regulations Referral** *(Continued from May 26, 2015 - Item includes revised materials.)*

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

Action: M/S/C (Bates/Arreguin) to accept supplemental information from Mayor Bates, Councilmember Arreguin, and Councilmember Droste on Item 32

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

Councilmember Worthington absent 10:40 p.m. - 10:45 p.m

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

Vote: All Ayes.

Action: M/S/Failed (Bates/Maio) to suspend the rules and extend the meeting to 12:00 a.m.

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

Action: 27 speakers. Item held over to June 23, 2015.

Action Calendar – Old Business

33. **Board of Library Trustees Reappointment: Julie Holcomb and Jim Novosel**
(Continued from April 28, 2015)
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: Item held over to June 23, 2015.
34. **City Manager Referral: Update Administrative Hearing Procedure Regulations**
(Continued from May 26, 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 34 held over to June 23, 2015.

Action Calendar – New Business

35. **City Council Comments on the FY 2016 & FY 2017 Budget**
From: City Manager
Recommendation: Provide comments on the FY 2016 and FY 2017 City Budget.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Action: No action taken.
36. **Authorizing the Issuance and Sale of 2015 General Obligation Refunding Bonds for the Purpose of Refunding Outstanding Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the issuance and sale of 2015 general obligation refunding bonds for the purpose of refunding outstanding bonds, and approving related documents and official actions related hereto.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: 0 speakers. M/S/C (Moore/Worthington) to adopt Resolution No. 67,077–N.S. authorizing the issuance and sale of 2015 general obligation refunding bonds for the purpose of refunding outstanding bonds, and approving related documents and official actions related hereto.
Vote: All Ayes.

Action Calendar – New Business

37. a. Community Agency Funding Recommendations: Homeless Services
From: City Manager

Recommendation: Adopt a Resolution approving proposed FY2016 funding allocations for homeless services as contained in Attachment 1, Exhibit A to the report, and base the FY2017 funding on the January to June 2016 allocated amounts.

Financial Implications: See report

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

Action: M/S/C (Worthington/Capitelli) to accept revised material from Mayor Bates on Item 37.a.

Vote: All Ayes.

Action: 22 speakers. M/S/C (Bates/Maio) to adopt Resolution No. 67,078–N.S. approving FY 2016 funding allocations for homeless services contained in Attachment 1, Mayor's Community Agency Funding Recommendations for Homeless Services, as amended to approve an additional \$17,861 for Berkeley Drop In Center daytime drop in, \$42,361 for BOSS daytime drop in, \$22,420 for Women's Daytime Drop in Center daytime drop in services and \$770,964 for Berkeley Food and Housing, Housing Crisis Resource Center (HCRC); refer \$82,642 in funding for the HCRC to the June 23, 2015 Council Agenda for consideration.

Vote: All Ayes.

b. Community Agency Funding Recommendations: Children and Youth Services

From: City Manager

Recommendation: Adopt a Resolution approving proposed FY2016-17 funding allocations for community agencies serving children and youth, as contained in the report and in Exhibit A.

Financial Implications: See report

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

Action: M/S/C (Worthington/Capitelli) to accept revised material from Mayor Bates on Items 37.b.

Vote: All Ayes.

Action: 56 speakers. M/S/C (Arreguin/Anderson) to adopt Resolution No. 67,079–N.S. approving proposed FY2016-17 funding allocations for community agencies serving children and youth, as contained in Attachment 1, Mayor's Community Agency Funding Recommendations for Children & Youth Services, as amended to reallocate \$8,280 from Evaluation, Training, and Technical Assistance to Healthy Black Families.

Vote: All Ayes.

Action: M/S/C (Arreguin/Anderson) to refer \$50,000 in funding for Youth Spirit Artworks to the June 23, 2015 Council Agenda for consideration.

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

Action Calendar – New Business

38. **a. Support for Recommendations as to Implementation of AB 1421 Alternatives developed by Alameda County Behavioral Health Services Stakeholder's Group**
From: Mental Health Commission
Recommendation: Adopt a Resolution directing the City Manager to send a letter of support to the Alameda County Board of Supervisors from the City of Berkeley for the recommendations developed by the AB 1421 stakeholder group reviewing the programs identified as addressing the needs of persons with serious mental illness not currently engaged in mental health treatment. These recommendations were submitted by Alex Briscoe, Director, Health Care Services Agency to the Alameda County Board of Supervisors on January 13, 2015.
Financial Implications: None
Contact: Carol Patterson, Commission Secretary, 981-5400
- b. Support for Recommendations as to Implementation of AB 1421 Alternatives Developed by Alameda County Behavioral Health Services Stakeholder's Group**
From: City Manager
Recommendation: Review additional background information related to the Mental Health Commission's recommendations regarding implementation of AB 1421 alternatives developed by Alameda County Behavioral Health Services stakeholder's group
Financial Implications: None
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400
Action: Item referred to the Agenda Committee for scheduling.

Council Action Items

39. **Budget Referral: Homeless Task Force Recommendations**
From: Councilmember Arreguin
Recommendation: Refer to the Fiscal Year 2016-2017 budget process the following funding proposals recommended by the community Homeless Task Force: Existing services: Berkeley Drop-In Center Case Management - \$35,000; Dorothy Day Trinity Church Breakfast Program - \$8,894; Youth Spirit Artworks: Vocational Arts Training - \$33,777; BUSD Homeless Student Program - \$50,000. New programs which should be funded: Youth Spirit Artworks/YEAH Housing Subsidies proposal - \$125,000; Youth Spirit Artworks TAY Youth Drop In Center/Daytime Job Training Program – \$50,000; Suitcase Clinic – \$15,000; Extending YEAH Shelter beyond winter months - \$300,000 (estimated).
Financial Implications: See report
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Moved to Consent Calendar. Approved recommendation.

Council Action Items

**40. Referral to City Manager and Planning Commission: Drafting Percent for Art Ordinance, and Adding a Condition of Approval to Sizable Projects
From: Councilmembers Worthington and Arreguin**

Recommendation:

1. Refer to the City Manager for ordinance drafting the proposed private "Percent for Art" resolution adopted by the Civic Arts Commission; and
2. Request that the City Manager direct Planning staff to include as a condition of approval of all new residential multi-family and commercial developers which would be subject to this proposed "Percent for Art" policy, a requirement that those projects would be subject to and must comply with a percent for arts ordinance when adopted by City Council.

Financial Implications: Unknown

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

Action: 0 speakers. M/S/C (Bates/Worthington) to accept supplemental material from Mayor Bates and Councilmember Worthington on Item 40.

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

Councilmember Anderson absent 10:45 p.m. - 10:47 p.m.

Action: 0 speakers. M/S/C (Bates/Arreguin) to request the City Manager notify applicants for all new residential multi-family projects and for all new commercial projects that the City Council is considering an ordinance that would require developers of such projects to devote one percent of the construction cost to public art or to pay an in lieu fee in that amount to the City for public art purposes; and include a condition of approval on all such projects that would require compliance with such an ordinance if it is adopted, in an amount not to exceed 1% of the construction cost of the project.

Vote: All Ayes.

Action: 0 speakers. M/S/C (Bates/Arreguin) to refer to the Planning Commission the March 18 language passed by the City Council of the "One Percent for Public Art on Private Projects" with revisions by the City Council based on the recommendations of the Civic Arts:

- The Private Percent for Art Ordinance would apply to all new multifamily residential buildings of five or more units, commercial buildings, and industrial buildings with the exception of C-DMU Downtown Mixed Use District projects subject to "Additional Community Benefits for Buildings Exceeding 75 Feet."
- The ordinance would require owners of property subject to the ordinance to devote one percent of construction costs to public art as a community benefit, either as publicly accessible artwork on site or through an in-lieu fee.
- Owners seeking to provide public artwork on site should consult with and obtain approval of the public art program from the Civic Arts Commission. The Commission will render a decision within 90 days of receiving the proposal, or later if mutually agreed upon. If the owner and Commission cannot agree, the owner shall pay the in-lieu fee or appeal to the City Council.

Council Action Items

- On-site eligible artwork includes permanent artwork that meets the definition of “work of art” in the Berkeley Municipal Code, cultural programming, and cultural facilities.
- The Civic Arts Commission shall make recommendations for Council approval on off-site art projects to be funded by the newly established art fund, which can include temporary or permanent art that meets the definition of “work of art” in the Berkeley Municipal Code, cultural programming, and cultural facilities.

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

41. City Manager Referral: Converting Dana & Ellsworth Street from Dwight to Bancroft to Two Way Streets

From: Councilmember Worthington

Recommendation: Refer to the City Manager to convert Dana Street between Dwight to Bancroft from a one-way street to a two-way street consistent with Southside Plan Policy T-C2, to improve its safety and functionality as a bike route.

Financial Implications: Up to \$1,000,000

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

Action: Item held over to June 23, 2015.

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

Adjournment in memory of:

41. Frank Brown, Berkeley Resident

42. Ronnie Gilbert, Musician

Adjourned at 11:30 p.m.

Communications

Extended Parking Meter Hours

1. Michael Katz

Public Safety

2. Suzanne Middleton Fraser

Community Resilience Challenge

3. Susan Silber

Secondhand Smoke

4. Carol Denney

Property Concerns

5. Paul Ghysels (2)

Letter of Recommendation

6. Michael Moyer

Public Record

7. Tree Fitzpatrick (3)

California Drought

8. Envirocycle Global Partners

Supplemental Communications and Reports 1

Item 32: Short-Term Rental Regulations Referral

- 9. Robert Lauriston
- 10. Jenny Lederer
- 11. Jude Berman
- 12. Kate Bollons
- 13. LaurieAnn Lepoff
- 14. Theo
- 15. Bruce Khavar
- 16. Pam Morris
- 17. Karen Wolfman
- 18. Laramie Crocker
- 19. Polly Frizzell
- 20. Alexander Rubin
- 21. Berkeley Home Sharers
- 22. Margaret & Jack Phillips
- 23. Cara Pine
- 24. Unknown (5)

Item 34: City Manager Referral: Update Administrative Hearing Procedure Regulations

25. Supplemental materials, submitted by City Attorney's Office

Item 35: City Council Comments on the FY 2016 & FY 2017 Budget

26. Laura Oftedahl

Item 38a: Support for Recommendations as to Implementation of AB 1421 Alternatives developed by Alameda County Behavioral Health Services Stakeholder's Group

27. Public Policy Education Committee, Pool of Consumer Champions

Item 40: Referral to City Manager and Planning Commission: Drafting Percent for Art Ordinance, and Adding a Condition of Approval to Sizable Projects

- 28. Carrie Hott
- 29. Archana Horsting
- 30. Alexis Morgan
- 31. Jamila Dunn
- 32. Katherine Sherwood
- 33. Elliott Abrams

Item 41: City Manager Referral: Converting Dana & Ellsworth Street from Dwight to Bancroft to Two Way Streets

- 34. Harbir Batth
- 35. Yvonne Weiss

- 36. David McCaulou, on behalf of Bancroft Clothing Company
- 37. Bryan Wenter, on behalf of AMI, LCC

Item 20: Expediting Permitting Procedures for Small Residential Rooftop Solar Systems; Adding BMC Chapter 19.14

- 38. Kelly Hammargren

Supplemental Communications and Reports 2

Item 25: Revisions to Community Workforce Agreement

- 39. Nicole Goehring, on behalf of Associated Builders & Contractors

Item 30: Opposition to AB 57: Wireless Telecommunications Facilities (Assemblyman Quirk, Hayward)

- 40. Lily Turner

Item 32: Short-Term Rental Regulations Referral

- 41. Vinayak Nagpal and Bhavna Kapoor
- 42. Denise
- 43. Daniel Moore
- 44. Tim
- 45. Rob Wrenn
- 46. Crow Cianciola
- 47. Tree Fitzpatrick
- 48. James McFadden
- 49. Peter Selawsky
- 50. Julio Cato
- 51. Charlene Woodcock
- 52. Unknown

Item 35: City Council Comments on the FY 2016 & FY 2017 Budget

- 53. David Ely
- 54. Nancy Park
- 55. Rebecca Saulsbury
- 56. James Alnas-Benson
- 57. Loren Business Association
- 58. Catherine Lipsetz Dauer

Item 37a: Community Agency Funding Recommendations: Homeless Services

- 59. Leslie Firestone

Item 37b: Community Agency Funding Recommendations: Children and Youth Services

- 60. Kathryn Barnhart
- 61. Dirk
- 62. Patrice Gunthet-Hill
- 63. Sally Hindman
- 64. George Millikan

Item 38: Support for Recommendations as to Implementation of AB 1421 Alternatives Developed by Alameda County Behavioral Health Services Stakeholder's Group

65. Patricia Fontana-Narell

66. Shirley Dean, on behalf of the Berkeley Safe Neighborhoods Committee

Item 40: Referral to City Manager and Planning Commission: Drafting Percent for Art Ordinance, and Adding a Condition of Approval to Sizable Projects

67. Ellen Lake

68. Veronica Graham

69. Emmanuel Montoya

70. Andrea Voinot

71. Alla Efimova

Objections

72. Calvin Justice

Supplemental Communications and Reports 3

Item 29: Proclamation Honoring Antonio Rossman, Roger Moore and Zachary Cowan for their Work in Defending the Berkeley Main Post Office

73. Revised materials, submitted by Councilmember Arreguin

Item 32: Short-Term Rental Regulations Referral

74. Revised materials, submitted by Mayor Bates and Councilmember Droste and Arreguin

75. Nancy Carleton

76. Judy Ann Alberti

77. Christina Tuccillo

78. Phyllis Fox

79. Anna Jorgensen

Item 35: City Council Comments on the FY 2016 & FY 2017 Budget

80. Lara Karchmar

81. Aydan Aysoy

82. Christian Dauer

83. Carole Krezman

84. Chris Finn

85. David Luong

86. Lisa Juachon

87. Ruthanne Shpiner

88. Andre Spearman

89. Elaine Chernoff

90. Unknown

Item 37a: Community Agency Funding Recommendations: Homeless Services

91. Mayor Bates

Item 37b: Community Agency Funding Recommendations: Children and Youth Services

92. Mayor Bates

Item 40: Referral to City Manager and Planning Commission: Drafting Percent for Art Ordinance, and Adding a Condition of Approval to Sizable Projects

93. Revised materials, submitted by Councilmember Worthington and Mayor Bates

94. Patrich Sheahan

95. Elizabeth Sher

96. Jeffrey Spahn and Paul Bontekoe

97. Eric Panzer, on behalf of Livable Berkeley

98. Nancy Carleton

Awards Banquet & Conference

99. Pool of Consumer Champions

Change of Venue

100. Linda Olivenbaum

101. Dana Perls

102. Stina Charles-Harris

103. Sam Frankel

104. Catherine Huchting

105. Nancy Threatt

106. Olivia deBree

107. Jennifer Schlissel

108. Ranil Abeysekera

109. Vicki Alexander

110. Sally Hindman

111. Julie Mascarenhas

112. Bonnie Borucki

113. Iris Crider

114. Tom Luce

115. Wini Williams

116. Unknown