

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, JUNE 30, 2015
7:00 P.M.**

Council Chambers – 2134 Martin Luther King Jr. Way

TOM BATES, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 7:00 p.m.

Present: Maio, Moore, Capitelli, Wengraf, Worthington, Droste, Bates

Absent: Anderson, Arreguin

Councilmember Anderson present at 7:02 p.m.

Councilmember Arreguin present at 7:03 p.m.

Ceremonial Matters:

1. Recognition of the 25th Anniversary of the Americans with Disabilities Act

City Manager Comments:

1. Community Picnic at Grove Park, Thursday, July 2 at 10:00 a.m.
2. July 4 Celebration at the Berkeley Marina – Fireworks at Sunset

Public Comment on Non-Agenda Matters: 9 speakers.

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

Consent Calendar

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

Vote: All Ayes.

Consent Calendar – Continued Business

A. FY 2016 Special Tax Rate: Fund the Provision of Library Services

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,416-N.S. increasing the FY 2016 tax rate for funding the provision of Library Services in the City of Berkeley from \$.1856 (18.56 cents) to \$0.1927 (19.27 cents) per square foot for dwelling units and from \$.2806 (28.06 cents) to \$0.2913 (29.13 cents) per square foot for industrial, commercial, and institutional buildings based on the per capita Personal Income Growth factor in California of 3.82%.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300; Jeff Scott, Library, 981-6100

Action: Adopted second reading of Ordinance No. 7,416-N.S.

B. FY 2016 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,417-N.S. increasing the FY 2016 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley from \$0.1256 (12.56 cents) to \$0.1466 (14.66 cents) per square foot of improvements.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,417-N.S.

C. FY 2016 Tax Rate: Fund Disaster Fire Protection (Measure Q)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,418-N.S. setting the FY 2016 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements. The rate is unchanged from FY 2015.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,418-N.S.

D. FY 2016 Tax Rate: Fund the Provision of Emergency Medical Services

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,419-N.S. increasing the FY 2016 tax rate for funding the provision of emergency medical services to Berkeley residents from \$.0336 (3.36 cents) to \$0.0344 (3.44 cents) per square foot of improvements based on the annual cost of living increase of 2.436%.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,419-N.S.

Consent Calendar – Continued Business

E. FY 2016 Tax Rate: Fund Emergency Services for the Severely Disabled

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,420-N.S. increasing the FY 2016 tax rate for funding the provision of emergency services for the disabled from \$0.01339 (1.339 cents) to \$0.01390 (1.390 cents) per square foot of improvements based on the personal income growth in California of 3.82%.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,420-N.S.

F. FY 2016 Tax Rate: Business License Tax on Large Non-Profits

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,421-N.S. increasing the FY 2016 tax rate for Business License Tax on large non-profits from \$0.5479 (54.79 cents) to \$0.5612 (56.12 cents) per square foot of improvements based on the 2.436% increase in the Consumer Price Index.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,421-N.S.

G. FY 2016 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,422-N.S. increasing the FY 2016 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley from the rate of \$.04752 (4.752 cents) to \$0.04934 (4.934 cents) per square foot of improvements for dwelling units and increasing the rate for all other property from \$.07192 (7.192 cents) to \$0.07466 (7.466 cents) per square foot of improvements based on the per capita Personal Income Growth factor in California of 3.82%.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, 981-7300; Gil Dong, Fire, 981-3473

Action: Adopted second reading of Ordinance No. 7,422-N.S.

Consent Calendar

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of May 12, 2015 (special and regular) and May 26, 2015 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Approved minutes as submitted.

Consent Calendar

- 2. Annual Investment Report, Revisions to Investment Policies and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution accepting the Annual Investment Report, accepting the changes to the investment policies and renewing the delegation of authority to make investments to the Director of Finance for FY 2016.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 67,113–N.S.
- 3. Appropriations Limit for FY 2016**
From: City Manager
Recommendation: Adopt a Resolution establishing the appropriations limit at \$223,594,049 for FY 2016 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 67,114–N.S.
- 4. Purchase Orders: 100% Recycled Processed Chlorine-Free (PCF) Copy Paper by Piggybacking off of Alameda County’s Contract with Give Something Back**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into Purchase Orders with Give Something Back for the purchase of 100% recycled content, processed chlorine free (PCF) copy paper for a period of 2 years from July 1, 2015 through June 30, 2017 with the option of two one-year renewals for a total of four years in an amount not to exceed \$500,000, subject to the City's annual budget appropriation process. The City will be participating and piggybacking off of the Alameda County bid number 900962.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 67,115–N.S.

Consent Calendar

5. **Contract Amendments: Mental Health Services Act Community Services and Supports, and Prevention and Early Intervention**

From: City Manager

Recommendation: Adopt eight Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through Mental Health Services Act (MHSA) Community Services and Supports (CSS), and Prevention and Early Intervention (PEI), and increasing the contract amounts as follows, and extending the contracts through June 30, 2016:

1. Increasing CSS Contract No. 9533A with Youth Engagement Advocacy Housing (YEAH) by \$101,768 for a total contract amount not to exceed \$279,862 for services for transition age youth;
2. Increasing PEI Contract No. 8573E with Albany Unified School District (AUSD) by \$53,040 for a total contract amount not to exceed \$318,240 for services to Asian Pacific Islander, Latino, and African American youth;
3. Increasing PEI Contract No. 8801D with Center for Independent Living (CIL) in the amount of \$26,520 for a total contract amount not to exceed \$132,600 for supports for senior citizens;
4. Increasing PEI Contract No. 8560E with G.O.A.L.S. For Women, Inc. in the amount of \$26,520 for a total amount not to exceed \$159,120 to serve African American women and their families;
5. Increasing PEI Contract No. 8516E with Pacific Center for Human Growth in the amount of \$26,520 for a total contract amount not to exceed \$159,120 to serve Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, and Intersex (LGBTQI) individuals;
6. Increasing PEI Contract No. 8606E with Youth Engagement Advocacy Housing (YEAH), in the amount of \$26,520 for a total contract amount not to exceed \$159,120 for support groups for Transition Age Youth (TAY);
7. Increasing PEI Contract No. 9671B with Building Opportunities for Self-Sufficiency in the amount of \$100,000 for a total contract amount not to exceed \$200,000 for homeless TAY, Adults, and Older Adults; and
8. Increasing PEI Contract No. 8975C with Berkeley Unified School District (BUSD) in the amount of \$55,000 for a total contract amount not to exceed \$215,000 for elementary school youth.

Financial Implications: See report

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

Action: Adopted Resolution No. 67,116–N.S. (YEAH); Resolution No. 67,117–N.S. (AUSD); Resolution No. 67,118–N.S. (CIL); Resolution No. 67,119–N.S. (G.O.A.L.S.); Resolution No. 67,120–N.S. (Pacific Center); Resolution No. 67,121–N.S. (YEAH); Resolution No. 67,122–N.S. (BOSS); Resolution No. 67,123–N.S. (BUSD).

Consent Calendar

- 6. Contract No. 8218B Amendment: CopLogic, Inc. for Online Police Reporting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8218B with CopLogic, Inc. for software licensing and support of the Police Department's online crime reporting system, increasing the amount by \$18,149, for a total not to exceed \$63,862 for the period December 21, 2009 to June 30, 2018.
Financial Implications: General Fund - \$18,149
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 67,124–N.S.
- 7. Contract No. 7394D Amendment: New World Systems, Inc. for Public Safety Computer System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7394D with New World Systems, Inc., for software support and maintenance and upgrade services, increasing the amount by \$845,276, for a total not to exceed \$3,924,205 for the period September 3, 2007 to June 30, 2019.
Financial Implications: General Fund - \$845,276
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 67,125–N.S.
- 8. 4th of July 2015 Celebration Sponsorship**
From: City Manager
Recommendation: Adopt a Resolution sponsoring the 4th of July 2015 Celebration at the Berkeley Marina.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 67,126–N.S.
- 9. Lease Agreement: MnM Threading Salon at 2432 Durant Avenue**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Anil Pandey dba MnM Threading Salon, Inc., for an initial term of 5 years with one 5-year option to extend, located at 2432 Durant Avenue in the Telegraph Channing Mall.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,427–N.S. Second reading scheduled for July 14, 2015.

Consent Calendar

- 10. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Milvia Street, Panoramic Way, The Uplands, Kains Avenue, Virginia Street, Francisco Street, Delaware Street, Hearst Avenue, and Berkeley Way**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Milvia Street between Dwight Way and Hopkins Street, The Uplands between Tunnel Road and Claremont Avenue, Panoramic Way between Canyon Road and the Berkeley/Oakland City limits, Kains Avenue between Virginia Street and Harrison Street, Virginia Street between Shattuck Avenue and Martin Luther King, Jr. Way, Francisco Street between Shattuck Avenue and Martin Luther King, Jr. Way, Delaware Street between Shattuck Avenue and Martin Luther King, Jr. Way, Hearst Avenue between Shattuck Avenue and Martin Luther King, Jr. Way, and Berkeley Way between Shattuck Avenue and Martin Luther King, Jr. Way.
Financial Implications: Measure B Local Street and Road Fund - \$15,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,428–N.S. Second reading scheduled for July 14, 2015.
- 11. Contract No. 8899 Amendment: Waste Management of Alameda County for Construction and Demolition Debris Sorting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8899 with Waste Management of Alameda County for construction and demolition debris sorting services, to increase the contract amount by \$2,403,027 for a total contract amount not to exceed \$5,974,797; and to exercise the second 1-year contract extension to extend the contract term to December 31, 2016.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 67,127–N.S.

Council Consent Items

- 12. Optimal Utilization of the Downtown Berkeley Main Post Office Building**
From: Councilmembers Maio, Arreguin, and Wengraf
Recommendation: Adopt a Resolution and refer to the City Manager communicating with the U.S. Postal Service to initiate a dialogue to encourage the care and best use of the Downtown Berkeley Main Post Office building.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 67,128–N.S.

Council Consent Items

- 13. City Manager Referral: Implementing Paperless Timesheets**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to update the current paper timesheet payroll system to paperless.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 14. Refer to City Manager and Planning Commission: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District Between Dwight and Bancroft by Amending the Zoning Ordinance**
From: Councilmember Worthington
Recommendation: Refer to City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft.
Financial Implications: Staff time
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 15. City Manager Referral: Reinstate Inviting Community Agencies to Make Presentations During the Commission Funding Process**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to increase transparency by reinstating a practice of inviting community agencies to present to city commissions on proposals during the funding allocation process.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to September 15, 2015.
- 16. City Manager Referral: Expanding the City List of Priority Development Areas to Include the Telegraph Commercial District from Dwight to Bancroft**
From: Councilmember Worthington
Recommendation: Refer to the City Manager a proposal to expand the list of Priority Development Area (PDA) to include the Telegraph Commercial District encompassing the area from Dwight to Bancroft.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Council Consent Items

17. **Referral to the City Manager and the Disaster and Fire Safety Commission for Upgrading Gas Generators Currently Being Used in the Community Emergency Supply Program**
From: Councilmember Worthington
Recommendation: Refer to City Manager and the Disaster and Fire Safety Commission (DFSC) to implement upgrades to old emergency supply cache generators to safer and more efficient models.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
18. **Proclamation Honoring Berkeley Barb Celebration Day in Berkeley**
From: Councilmember Worthington
Recommendation: Adopt a proclamation that August 13, 2015 is *Berkeley Barb* Celebration Day in Berkeley in order to celebrate the revolutionary publication that represented the City's diverse and progressive community.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation revised to change "therefore to join with me" to "therefore join with us" and add a whereas clause to state, "Whereas the Berkeley Barb experienced controversy about ads for sex, pornography and sex escort ads and eventually removed them from its pages."

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Droste; Noes – None; Abstain – Bates.
19. **Proclamation to Honor September as Childhood Cancer Awareness Month in Berkeley**
From: Councilmember Worthington
Recommendation: Adopt a proclamation that September is Childhood Cancer Awareness Month in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation.
20. **Letter to the California Public Utilities Commission**
From: Councilmember Worthington
Recommendation: Send a letter to the California Public Utilities Commission (CPUC) urging them to vote to protect clean energy and prohibit a regressive fixed charge on energy bills.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Public Hearing

21. Setting New Sustainable Rates for Sanitary Sewer Service

From: City Manager

Recommendation: Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution: 1. Setting Sanitary Sewer service rates, with phased-in increases over 5 years effective July 1, 2015. 2. Requiring Public Works staff to provide City Council annual Sanitary Sewer Fund updates to facilitate evaluation of pending rate increases. 3. Rescinding Resolution Nos. 63,356-N.S. and 63,775-N.S. effective July 1, 2015.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: M/S/C (Bates/Worthington) to re-order the agenda to consider Items 27, 28, and 29 after Item 21.

Vote: All Ayes.

Public Testimony: The Mayor opened the public hearing. 6 speakers.

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

Vote: All Ayes.

Action: M/S/Failed (Worthington/Arreguin) to hold over Item 30 to the July 14, 2015 meeting.

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

Action: M/S/C (Maio/Moore) to suspend the rules and extend the meeting to 12:00 a.m. to consider Items 21, 22, 23, 24, 25, 26, and 30.

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

Action: M/S/C (Worthington/Arreguin) to adopt Resolution No. 67,129 –N.S. 1. Setting Sanitary Sewer service rates, with phased-in increases over 5 years effective July 1, 2015. 2. Requiring Public Works staff to provide City Council annual Sanitary Sewer Fund updates to facilitate evaluation of pending rate increases. 3. Rescinding Resolution Nos. 63,356-N.S. and 63,775-N.S. effective July 1, 2015.

Vote: All Ayes.

Action Calendar – New Business

22. Assessments: Downtown Berkeley Property and Business Improvement District

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, if no majority protests exist, adopt two Resolutions:

1. Confirming the Annual Report of the Downtown Berkeley Property and Business Improvement District and Levying Assessments for FY 2016.
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association to implement the District Management Plan and Work Plan for the Downtown Berkeley Property and Business Improvement District in the amount of \$1,022,443 in BID revenues, plus any currently available carry forward from prior years payments of Downtown PBID funds.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Public Testimony: The Mayor opened the public hearing. 12 speakers. M/S/C (Bates/Maio) to close the public hearing.

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

Councilmember Arreguin absent 10:20 p.m. – 10:25 p.m.

Action: M/S/C (Moore/Maio) to:

1. Adopt Resolution No. 67,130–N.S. confirming the Annual Report of the Downtown Berkeley Property and Business Improvement District and Levying Assessments for FY 2016.
2. Adopt Resolution No. 67,131–N.S. authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association to implement the District Management Plan and Work Plan for the Downtown Berkeley Property and Business Improvement District in the amount of \$1,022,443 in BID revenues, plus any currently available carry forward from prior years payments of Downtown PBID funds.

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

Action Calendar – New Business

23. **Assessment: North Shattuck Business Improvement District**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, if no majority protest exists, adopt two Resolutions:

1. Confirming the Annual Report for the North Shattuck Business Improvement District for FY 2015 and Levying Assessments for FY 2016.
2. Authorizing the City Manager to execute a sole source contract and any amendments with the North Shattuck Association to implement the Management District Plan for the North Shattuck Business Improvement District in the amount of \$164,653 in BID revenues, plus any currently available carry forward from prior years payments of North Shattuck BID funds.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Public Testimony: The Mayor opened the public hearing. 6 speakers.

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

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

Action: M/S/C (Arreguin/Bates) to:

1. Adopt Resolution No. 67,132–N.S. confirming the Annual Report for the North Shattuck Business Improvement District for FY 2015 and Levying Assessments for FY 2016.
2. Adopt Resolution No. 67,133–N.S. authorizing the City Manager to execute a sole source contract and any amendments with the North Shattuck Association to implement the Management District Plan for the North Shattuck Business Improvement District in the amount of \$164,653 in BID revenues, plus any currently available carry forward from prior years payments of North Shattuck BID funds.

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

Councilmember Worthington absent 10:36 p.m. – 10:44 p.m.

24. **Assessments: Telegraph Property and Business Improvement District**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, if no majority protests exist, adopt a Resolution confirming the Annual Report for the Telegraph Property and Business Improvement District ("TBID" or "the District") for FY 2015 and levying assessments in the area for FY 2016.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Public Testimony: The Mayor opened the public hearing. 3 speakers.

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

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

Action Calendar – New Business

Councilmember Worthington absent 10:36 p.m. – 10:44 p.m.

Action: M/S/C (Bates/Maio) to adopt Resolution No. 67,134–N.S. confirming the Annual Report for the Telegraph Property and Business Improvement District ("TBID" or "the District") for FY 2015 and levying assessments in the area for FY 2016.

Vote: All Ayes.

25. ZAB Appeal: 1229 Oxford Street

From: City Manager

Recommendation: Conduct a Public Hearing, and upon conclusion adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 2014-0009 to add a story to an existing dwelling. The project would 1) add a 1,171 square-foot third story which would result in a major residential addition over 14 feet in average height and over 20 feet in maximum height; 2) allow an addition on a property that already exceeds the maximum allowable lot coverage and density; 3) allow the addition of a seventh bedroom on a parcel; and 4) allow the continuation of a non-conforming setback.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 6 speakers.

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

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

Action: M/S/C (Moore/Capitelli) to adopt Resolution No. 67,135–N.S. affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 2014-0009 to add a story to an existing dwelling. The project would 1) add a 1,171 square-foot third story which would result in a major residential addition over 14 feet in average height and over 20 feet in maximum height; 2) allow an addition on a property that already exceeds the maximum allowable lot coverage and density; 3) allow the addition of a seventh bedroom on a parcel; and 4) allow the continuation of a non-conforming setback.

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

Councilmember Wengraf absent 10:48 p.m. – 11:20 p.m.

Action: M/S/C (Moore/Maio) to suspend the rules and extend the meeting to 12:30 a.m. to hear the remaining items.

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

Action Calendar – New Business

26. LPC Appeal: Campanile Way, UC Berkeley

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the decision and dismissing the appeal of the Landmarks Preservation Commission (LPC) decision to decline the Landmark Application (LMIN2014-0005) for Campanile Way, located on the UC Berkeley Campus.

Financial Implications: See report

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

Action: M/S/C (Maio/Moore) to suspend the rules and extend the meeting to 1:30 a.m. to hear the remaining items.

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

Public Testimony: The Mayor opened the public hearing. 28 speakers.

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

Vote: All Ayes.

Action: M/S/Failed (Arreguin/Anderson) to remand the decision back to the Landmarks Preservation Commission and request consideration of new information.

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

Recess 12:39 a.m. – 12:48 a.m.

Action Calendar – New Business

27. FY 2016 & FY 2017 Biennial Budget Adoption

From: City Manager

Recommendation: Adopt a Resolution: a) Adopting the FY 2016 & FY 2017 Biennial Budget as contained in the City Manager's FY 2016 & FY 2017 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on May 12, 2015, and as amended by subsequent Council action and accepting the FY 2016 Citywide Work Plan. b) Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2016, as reflected in Attachment 2, and as amended by subsequent Council action.

Financial Implications: See report

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

Action: M/S/C (Bates/Moore) to accept supplemental material on Item 27 from the ad hoc subcommittee of Mayor Bates and Councilmembers Anderson, Capitelli, and Droste.

Vote: All Ayes.

Action: M/S/C (Maio/Moore) to accept supplemental materials from Councilmember Worthington on Item 27.

Vote: All Ayes.

Action Calendar – New Business

Action: M/S/C (Maio/Moore) to open the public hearing on Item 22.

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

Action: M/S/C (Maio/Moore) to open the public hearing on Item 23.

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

Action: M/S/C (Maio/Moore) to open the public hearing on Item 24.

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

Action: M/S/C (Maio/Moore) to open the public hearing on Item 25.

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

Action: M/S/C (Maio/Moore) to open the public hearing on Item 26.

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

Councilmember Capitelli absent 9:32 p.m. – 9:35 p.m.

Action: 68 speakers. M/S/C (Maio/Bates) to call the question on Item 27.

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

Action: M/S/Failed (Worthington/Arreguin) to amend the main motion to include
\$100,000 for Phase II Implementation of the Mason Tillman Report.

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

Action: M/S/F (Arreguin/Anderson) to amend the budget to include the following
allocations:

FY 2016

Automatic External Defibrillators - \$25,000

Berkeley Project - \$20,000 pending clarification of use of the funds

Bay Area Book Festival - \$25,000

Phase Two Mason Tillman Report - \$75,000

Chavez Solar Calendar - \$25,000

Upgrade of Emergency Caches - \$25,000

Healthy Black Families - \$20,000

Berkeley Animal Shelter - \$35,000

Loan of \$125,000 to KALA to be repaid from the revenue to be generated from the
percent for the arts policy.

Action Calendar – New Business

FY 2017

Youth Spirit Artworks - \$83,777

South Berkeley Drop-In Center - \$35,722

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

Action: M/S/C (Bates/Maio) to:

1) Adopt Resolution No. 67,136 –N.S. as amended to include revised materials from staff in Supplemental Reports and Communications #1, and a) Adopting the FY 2016 & FY 2017 Biennial Budget as contained in the City Manager's FY 2016 & FY 2017 Proposed Biennial Budget that includes the Proposed Capital Budget, presented to Council on May 12, 2015, and as amended by subsequent Council action and accepting the FY 2016 Citywide Work Plan., and b) Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2016, as reflected in Attachment 2, and as amended by subsequent Council action.

2) Refer to the mid-year budget to review the allocations of donations to the Animal Shelter budget.

3) Include the recommendations of the ad hoc subcommittee contained in the supplemental information submitted at the meeting as listed below.

1. The City Council will monitor general fund revenues during the first two quarters of FY 2016 (July 1-Dec. 31, 2015).
2. Refer to the Disaster and Fire Safety commission for Measure GG funding:
 - a) Installation of Automatic External Defibrillators (AED): \$98,786
 - b) Emergency Cache Gas Generators: \$25,000
3. Refer to the Sugar-Sweetened Beverage Product Panel of Experts for Measure D funding:
 - a) Healthy Black Families, \$20,000
4. Refer to the Mid-Year Budget Review (early 2016):
 - a) Berkeley Book Festival: \$50,000
 - b) YEAH Transition Aged Youth Year-Round Shelter: \$191,000 pending detailed proposal
 - c) Mason Tillman Associates Top-Line Report: Refer to mid-year budget review.
5. Direct the City Manager to include staff technical assistance to and evaluation of youth-serving community agencies in the Parks, Recreation & Waterfront baseline budget.

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

Action Calendar – New Business

28. FY 2016 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2016 Annual Appropriations Ordinance (AAO) in the amount of \$394,508,479 (gross appropriations) and \$338,830,181 (net appropriations).

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Moore/Arreguin) to adopt first reading of Ordinance No. 7,429–N.S. adopting the FY 2016 Annual Appropriations Ordinance (AAO) in the amount of \$394,620,938 (gross appropriations) and \$339,095,640 (net appropriations) amended to include the revised material from staff in Supplemental Communications and Reports #1. Second reading scheduled for July 14, 2015.

Vote: All Ayes.

29. a. Funding for Berkeley Unified School District Cooking and Gardening Program

From: Sugar Sweetened Beverage Products Panel of Experts

Recommendation: Forward \$250,000 to Berkeley Unified School District (BUSD) to increase school site programming through the Cooking and Gardening Program in 2015-2016.

Financial Implications: See report

Contact: Janet Berreman, Commission Secretary, 981-5400

b. Contract: Berkeley Unified School District for Cooking and Gardening Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with Berkeley Unified School District (BUSD) for the Cooking and Gardening Program in an amount not to exceed \$250,000 for the period July 1, 2015 through June 30, 2016.

Financial Implications: General Fund - \$250,000

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

Action: 0 speakers. M/S/C (Maio/Moore) to both Items 29.a. and 29.b. amended to include a referral to the Sugar Sweetened Beverage Product Panel of Experts to confirm funding for the B-Tech gardening program, and adopting Resolution No. 67,137-N.S. authorizing the City Manager to execute an expenditure contract and any amendments or extensions with Berkeley Unified School District (BUSD) for the Cooking and Gardening Program in an amount not to exceed \$250,000 for the period July 1, 2015 through June 30, 2016.

Vote: All Ayes.

Action Calendar – New Business

30. Regulating Sidewalks and Public Spaces; Amending BMC Chapters 13 and 14

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 13.37.020 to add a provision that it is unlawful for any person to solicit another who is making a payment at a parking meter.
2. Adopt first reading of an Ordinance adding Section 13.36.040 to the Berkeley Municipal Code Regulating Lying in City-Owned Planters.
3. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.48 to ensure that public streets, and especially sidewalks, are fully accessible and usable for the purposes for which they were constructed and are intended, specifically the movement of pedestrian and vehicular traffic and goods.
4. Adopt first reading of an Ordinance adding Section 13.36.085 to the Berkeley Municipal Code prohibiting urination and defecation in public places.

Financial Implications: See report

Contact: Matthai Chakko, City Manager's Office, 981-7000

Action: M/S/Failed (Bates/Maio) to accept supplemental material from Councilmember Maio on Item 30.

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

Action: M/S/Failed (Worthington/Arreguin) to table Item 30 to July 14, 2015.

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

Action: M/S/C (Wengraf/Maio) to reconsider the action to accept supplemental material from Councilmember Maio on Item 30.

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

Action: M/S/C (Bates/Wengraf) to accept supplemental material from Councilmember Maio on Item 30.

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

Action: 0 speakers. M/S/C (Bates/Worthington) to refer Item 30 to the Agenda Committee for scheduling.

Vote: All Ayes.

Information Reports

31. Voluntary Time Off Program for FY 2016

From: City Manager

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

Action: Received and filed.

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

Adjournment

Action: M/S/C (Wengraf/Bates) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 1:11 a.m. in memory of:

1. Bryson Ambrose Young, UC Berkeley Student

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. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online - <http://www.ci.berkeley.ca.us/recordsonline/Search.aspx>.

Item 19: Proclamation to Honor September as Childhood Cancer Awareness Month in Berkeley

1. Steven Firestein

Item 30: Regulating Sidewalks and Public Spaces; Amending BMC Chapters 13 and 14

2. Alan Schlosser, on behalf of the American Civil Liberties Union of Northern California

Radiation

3. Samuel Bray

City Density Bonus

4. Stephen Wollmer

Supplemental Communications and Reports 1

Item 25: ZAB Appeal: 1229 Oxford Street

5. Igor Tregub

Item 26: LPC Appeal: Campanile Way, UC Berkeley

6. Supplemental materials, submitted by Planning & Development Department

Action Calendar – New Business

Item 27: FY 2016 & FY 2017 Biennial Budget Adoption

7. Revised materials, submitted by City Manager's Office

Item 28: FY 2016 Annual Appropriations Ordinance

8. Revised materials, submitted by City Manager's Office

Item 29a: Funding for Berkeley Unified School District Cooking and Gardening Program

- 9. Sugar Sweetened Beverage Products Panel of Experts
- 10. Mike Soda

Item 30: Regulating Sidewalks and Public Spaces; Amending BMC Chapters 13 and 14

- 11. Homeless Commission

Supplemental Communications and Reports 2

Item 25: ZAB Appeal: 1229 Oxford Street

- 12. Gene Poschman (3)
- 13. Shirley Dean

Item 26: LPC Appeal: Campanile Way, UC Berkeley

- 14. Gayla Moghannam
- 15. Jessica Wan and John DeNero
- 16. Jennifer Dix
- 17. Jim Johnson
- 18. Donald Scott
- 19. Carol Denney
- 20. David Mundstock
- 21. Harini Sadeeshkumar
- 22. Nadesan Permaul
- 23. Linda Permaul
- 24. Patrick Stetz
- 25. Michael Fullerton
- 26. Rose Glickman
- 27. Joel Altman
- 28. Tomas Balogh
- 29. Lisa Bruce
- 30. Marcia Umland
- 31. Kyle Barlow
- 32. Thomas Graly
- 33. Christopher Hausmann
- 34. Cole DiLoreto
- 35. Sanchala Sehgal
- 36. Larry Hartsough
- 37. Grace Horvath
- 38. Keith Johnson
- 39. Eleanor Moscow
- 40. Noreen Wauford
- 41. Patrick Burks
- 42. Emma Vance
- 43. Emily Mackil
- 44. Carol Johnson
- 45. Mike Forbes
- 46. Steven Finacom

- 47. Julie van den Hout
- 48. G.B. Carson
- 49. Susanne Gahl

Action Calendar – New Business

Item 27: FY 2016 & FY 2017 Biennial Budget Adoption

- 50. Sabrina
- 51. Vicki Alexander
- 52. Bonnie Hughes
- 53. Hope McDonnell (2)
- 54. Diana Bohn (3)
- 55. Carl Price
- 56. Deborah Sarnoff
- 57. Priscilla Hine
- 58. Kathleen Kahn
- 59. Tina Boyer
- 60. Genevieve Wilson (2)
- 61. Denise Diggs-Ray
- 62. Amani Nuru-Jeter
- 63. Mansour Id-Deen
- 64. Julie Cheng
- 65. Christina Tworek
- 66. John Iversen
- 67. Karen Hembry
- 68. Rebecca Chasnovitz
- 69. Peggy Scott
- 70. Edward Hill
- 71. Norm Gold
- 72. Carolyn Willard
- 73. Shatiqua Hampton
- 74. Jake Shak
- 75. Jane Weinapple
- 76. Igor Apar
- 77. Alison Huetter
- 78. Monica Jones
- 79. Elliot Halpern
- 80. Laurie Kirkpatrick
- 81. Judy Albietz
- 82. Avram Gur Arye
- 83. Linda Fried Helman
- 84. Gloria Elissha
- 85. Chris Crook
- 86. Lisa Guerin and Jenny Maxwell, on behalf of Friends of Berkeley Animal Care Services

Item 30: Regulating Sidewalks and Public Spaces; Amending BMC Chapters 13 and 14

- 87. Diana Bohn
- 88. Igor Tregub
- 89. Margy Wilkinson

Supplemental Communications and Reports 3

Item 25: ZAB Appeal: 1229 Oxford Street

- 90. Presentation, submitted by Planning & Development Department
- 91. Daniel Kroll
- 92. Jane Harada

Item 26: LPC Appeal: Campanile Way, UC Berkeley

- 93. Presentation, submitted Planning & Development Department
- 94. Cheyenne Marcy
- 95. Dean Metzger, on behalf of Berkeley Neighborhoods Council
- 96. Alex Smith
- 97. Carrie Olson
- 98. Unknown

Action Calendar – New Business

Item 27: FY 2016 & FY 2017 Biennial Budget Adoption

- 99. Supplemental communications, submitted by Mayor Bates and Councilmembers Anderson, Capitelli and Droste
- 100. Supplemental communications, submitted by Councilmembers Worthington, Arreguin and Anderson
- 101. Stacey Cataylo
- 102. Lynn Mueller
- 103. Linda Halpern
- 104. Unknown

Item 30: Regulating Sidewalks and Public Spaces; Amending BMC Chapters 13 and 14

- 105. Supplemental communications, submitted by Councilmember Maio

Misc. Communications

Audit Plan

- 106. Ann-Marie Hogan, City Auditor

Berkeley Rose Garden Project

- 107. Pil Orbison