

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, JULY 14, 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: 7:12 p.m.

Present: Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Droste, Bates.

Absent: None.

Ceremonial Matters:

1. Recognition of the 50th Anniversary of Medicare
2. Recognition of July 14, 2015 as Takashi Tanemori Day in Berkeley

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 11 speakers.

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

Consent Calendar

Action: M/S/C (Worthington/Moore) to accept supplemental material from Councilmember Droste on Item 54.

Vote: All Ayes.

Action: M/S/C (Worthington/Moore) to accept supplemental material from Councilmember Droste and Councilmember Maio on Item 69.

Vote: All Ayes.

Action: M/S/C (Maio/Wengraf) to accept supplemental material from Councilmember Worthington on Items 47 and 54.

Vote: All Ayes.

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

Vote: All Ayes.

Consent Calendar

- 1. Solano Commercial District (C-SO): Continue the Suspension of Food Service Quotas to July 31, 2019; Amending BMC Section 23E.60.040**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,423-N.S. amending Berkeley Municipal Code (BMC) Section 23E.60.040 to continue the suspension of Food Service quotas in the Solano Commercial District to July 31, 2019.
First Reading Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – Arreguin.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,423-N.S.
Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Worthington, Droste, Bates; Noes – Arreguin.
- 2. Zoning Ordinance Amendment - Residential Glare; Adding BMC Section 23D.04.080**
From: City Manager
Recommendation:
Adopt second reading of Ordinance No. 7,424-N.S. amending the Zoning Ordinance by adding Berkeley Municipal Code (BMC) Section 23D.04.080 to add requirements to address exterior lighting glare from residentially zoned properties onto other residentially zoned properties.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,424-N.S.
- 3. Regulating Non-Chartered Financial Institutions; Amending BMC Titles 23F and 23E**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,425-N.S. amending Berkeley Municipal Code (BMC) Sections 23F.04.010, 23E.36.030, 23E.36.060, 23E.40.030, 23E.40.060, 23E.44.030, 23E.44.060, 23E.48.030, 23E.48.060, 23E.52.030, 23E.52.060, 23E.56.030, 23E.56.060, 23E.60.030, 23E.60.060, 23E.64.030, 23E.64.060, 23E.68.030, 23E.68.060, and adding section 23E.16.080, to define and regulate Non-Chartered Financial Institutions (NCFIs).
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,425-N.S.

Consent Calendar

- 4. Zoning Amendments to Encourage Accessory Dwelling Units (ADUs); Amending BMC Title 23D**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,426-N.S. modifying the existing regulation of Accessory Dwelling Units (ADUs) to remove regulatory barriers. The Ordinance includes a new Berkeley Municipal Code Chapter 23D.10 and modifications to the existing residential zoning district chapters in Title 23D for consistency with the new chapter.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,426-N.S.
- 5. Lease Agreement: MnM Threading Salon at 2432 Durant Avenue**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,427-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,427-N.S.
- 6. 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 second reading of Ordinance No. 7,428-N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: Measure B Local Street and Road Fund - \$15,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,428-N.S.

Consent Calendar

- 7. FY 2016 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second 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).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Action: Adopted second reading of Ordinance No. 7,429-N.S.
- 8. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on July 14, 2015**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$3,615,751
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Moved to Action Calendar. 4 speakers. M/S/C (Bates/Arreguin) to approve the recommendation.
Vote: All Ayes.
- 9. Department of Housing and Urban Development Required: Analysis of Impediments to Fair Housing Choice**
From: City Manager
Recommendation: Adopt a Resolution approving the 2015 Berkeley Analysis of Impediments to Fair Housing Choice, a planning document that identifies barriers to residents' ability to choose housing in an environment free from discrimination, presents recommendations that may be adopted to overcome these barriers, and monitors progress in achieving the adopted recommendations, as contained in Exhibit A to the report and prepared pursuant to the National Affordable Housing Act.
Financial Implications: None
Contact: Kelly Wallace, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 67,138–N.S.
- 10. Revenue Grant Agreements: Funding Support from Alameda County Area Agency on Aging**
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager to accept five grants from Alameda County and execute any resultant revenue agreements and amendments to conduct senior center activities, congregate and home-delivered nutrition, information and assistance, and caregiver services for the following revenue agreements for Fiscal Year 2016:
1. Congregate Meal Services in the projected amount of \$31,829.
2. Home Delivered Meal Services in the projected amount of \$36,136.

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3. Caregiver Services in the projected amount of \$32,550.
4. Senior Center Activities in the projected amount of \$25,332.
5. Information and Assistance Services in the projected amount of \$47,006.

Financial Implications: See report

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

Action: Adopted Resolution No. 67,139–N.S. (Congregate Meal); Resolution No. 67,140–N.S. (Home Delivered); Resolution No. 67,141–N.S. (Caregiver Services); Resolution No. 67,142–N.S. (Senior Center); Resolution No. 67,143–N.S. (Information and Assistance)

**11. Contract No. 7722F Amendment: Milliman, Inc. for Actuarial Services
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing Contract No. 7722F with Milliman, Inc., (hereinafter "Milliman") by increasing expenditure authority in an amount not to exceed \$90,000, for a total contract amount of \$459,999 through November 30, 2015 for actuarial services pertaining to retiree medical benefit plans.

Financial Implications: Various Funds - \$90,000

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 67,144–N.S.

**12. Contract: Infortech Corporation for Network Firewall Replacement
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Infortech Corporation for a Fortinet Firewall Replacement and related Professional Services, for a total not to exceed \$112,685 for the term July 15, 2015 through June 30, 2018.

Financial Implications: Various Funds - \$112,684.62

Contact: Donna LaSala, Information Technology, 981-6500

Action: Adopted Resolution No. 67,145–N.S.

**13. Contract No. 8460B Amendment: NextGen Healthcare Information Systems
Inc. for Electronic Health Records
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8460B with NextGen Healthcare Information Systems, Inc., for software licensing and installation, professional services, and software maintenance, increasing the amount by \$122,825, for a total not to exceed \$591,036, and extending the term to September 30, 2010 through June 30, 2018.

Financial Implications: General Fund - \$122,825

Contact: Donna LaSala, Information Technology, 981-6500

Action: Adopted Resolution No. 67,146–N.S.

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- 14. Contract No. 7393B Amendment: Interactive Voice Response and Interactive Web Response System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7393B with Paymentus (formerly Tele-works, Inc.) for upgrading the Citywide Interactive Voice Response (IVR) and Interactive Web Response (IWR) system, and related services, increasing the amount by \$50,000 for a total contract amount not to exceed \$271,975, for the term July 2, 2007 through June 30, 2018.
Financial Implications: General Fund - \$50,000
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 67,147–N.S.
- 15. Contract No. 7470 Amendment: 2M Associates for Berkeley Tuolumne Camp Planning and Design**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7470 with 2M Associates in an amount not to exceed \$459,609 for a total contract amount not to exceed \$986,771 for planning and design services for the rebuilding of Berkeley Tuolumne Camp, and extending the term through December 31, 2018.
Financial Implications: Playground Camp Fund - \$459,609
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 67,148–N.S.
- 16. Contract: Freitas Landscaping - Hazardous Vegetation Reduction Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Freitas Landscaping for an amount not to exceed \$ 164,000 for the first year, from July 20, 2015 to July 20, 2016, with an option to renew for two additional years, for a total contract amount not to exceed \$492,000, contingent upon annual budget appropriation.
Financial Implications: Various Funds - \$492,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Item removed from the agenda. Item held over to September 15, 2015.
- 17. Contract No. 9267 Amendment: Rincon Consultants, Inc. for Planning and Environmental Review Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9267 with Rincon Consultants, Inc., to increase the total not-to-exceed amount by \$500,000 to a new total of \$1,000,000, for additional services related to the review of planning applications and environmental review requirements.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Moved to Action Calendar. 4 speakers. M/S/C (Moore/Maio) to adopt Resolution No. 67,149–N.S. authorizing the City Manager to execute an amendment

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to Contract No. 9267 with Rincon Consultants, Inc., to increase the total not-to-exceed amount by \$500,000 to a new total of \$1,000,000, for additional services related to the review of planning applications and environmental review requirements.

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

18. Grant: California Office of Traffic Safety for the 2015-16 “Selective Traffic Enforcement Program (STEP)” Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian collisions. The tentatively approved OTS grant is for \$180,000 for the period of October 1, 2015 through September 30, 2016.

Financial Implications: \$180,000 (Revenue)

Contact: Michael Meehan, Police, 981-5900

Action: Adopted Resolution No. 67,150–N.S.

19. Revenue Contract: State of California for 2015-16 Department of Alcoholic Beverage Control Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant contract and any subsequent amendments with the State of California to accept Fiscal Year 2016 Department of Alcoholic Beverage Control (ABC) Grant funding in the amount of \$71,000 and appropriate the funds to enforce laws to reduce availability of alcohol to underage persons and identifying minors who purchase, use or borrow false forms of identification for purposes of obtaining alcohol or entering licensed alcohol premises.

Financial Implications: See report

Contact: Michael Meehan, Police, 981-5900

Action: Adopted Resolution No. 67,151–N.S.

20. Adding a Parking Citation Fine for Violation of B.M.C. 14.40.120

From: City Manager

Recommendation: Adopt a Resolution updating the schedule of fines for parking violations and late payment penalties in order to: a. Establish a civil penalty and late penalty amount for the violation of B.M.C. 14.40.120, which makes it unlawful to park a heavy duty commercial vehicle on any street between two a.m. and five a.m., in the amount of \$60 per citation; and b. Rescind Resolution No. 65,812-N.S.

Financial Implications: See report

Contact: Michael Meehan, Police, 981-5900

Action: Adopted Resolution No. 67,152–N.S.

Consent Calendar

- 21. Contract: Allana Buick & Bers, Inc. for On-Call Roofing Planning and Inspection Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Allana Buick & Bers, Inc. for on-call roofing planning and inspection services for City-owned facilities, for an amount not to exceed \$800,000 for the period August 1, 2015 through December 31, 2018.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 67,153–N.S.
- 22. Reject Bids for FY 2015 Slurry Seal and Rubberized Cape Seal Projects Specification No. 15-10943-C and Specification No. 15-10944-C**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Authorizing the City Manager to reject bids and direct staff to re scope and re advertise the work associated with FY 2015 Slurry Seal and Rubberized Cape Seal Project, Specification No. 15-10943-C; and
2. Authorizing the City Manager to reject bids and direct staff to re scope and re advertise the work associated with FY 2015 Rubberized Cape Seal Project, Specification No. 15-10944-C.
Financial Implications: Staff time
Contact: Andrew Clough, Public Works, 981-6300
Action: Moved to Action Calendar. 4 speakers. M/S/C (Capitelli/Moore) to adopt Resolution No. 67,154–N.S. (Spec No. 15-10943-C); Resolution No. 67,155–N.S. (Spec No. 15-10944-C).
Vote: All Ayes.
- 23. Reject Bid and Authorize City Manager to Negotiate in the Open Market – Health, Housing and Community Services Landscaping Improvements**
From: City Manager
Recommendation: Adopt a Resolution: 1. Rejecting the one bid submitted to the City for Specification No. 15-10937-C, Health, Housing and Community Services Landscaping Improvements; and 2. Authorizing the City Manager to negotiate in the open market in accordance with Article XI, Public Works and Supplies, Section 67(a.) of the City Charter.
Financial Implications: None
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 67,156–N.S.

Consent Calendar

24. Contracts: KPM Consulting LLC, and Anchor Engineering, Inc. for On-Call Project Management and Construction Management Services for Facilities Capital Improvement Projects

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call project management and construction management services for facilities capital improvement projects, each for the period August 1, 2015 through December 31, 2018:

1. KPM Consulting LLC, for an amount not to exceed \$1.6 million
2. Anchor Engineering, Inc., for an amount not to exceed \$1.6 million

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 67,157–N.S. (KPM); Resolution No. 67,158–N.S. (Anchor)

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

25. Contract: Innovative Construction Solutions for Flare Station Replacement Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Flare Station Replacement Project, Specification No. 15-10939-C; 2. Accepting the bid of Innovative Construction Solutions as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$721,600.

Financial Implications: Refuse Collect Disposal Fund - \$721,600

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 67,159–N.S.

26. Purchase Order: Pape Machinery, Inc. for One 644K Hybrid AWD Loader

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order for one 644K Hybrid AWD Loader with Pape Machinery, Inc., in an amount not to exceed \$394,000.

Financial Implications: Equipment Replacement Fund - \$394,000

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 67,160–N.S.

Consent Calendar

- 27. Contract: Andes Construction for Sanitary Sewer Rehabilitation Project on Hopkins Street, Peralta Avenue, Monterey Avenue, The Alameda, Boynton Avenue**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Sanitary Sewer Project, 15-10936-C, located on Hopkins Street, Peralta Avenue, Monterey Avenue, The Alameda and Backlines, Boynton Avenue and Backlines; 2. Accepting the bid of the lowest responsive and responsible bidder, Andes Construction; and 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$3,693,188.
Financial Implications: Sanitary Sewer Operation - \$3,693,188
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 67,161–N.S.
- 28. Support AB 700 Imposing New Disclosure Requirements for Political Advertisements**
From: Fair Campaign Practices Commission
Recommendation: Authorize the City Manager to send a letter expressing City Council's support for AB 700.
Financial Implications: None
Contact: Savith Iyengar, Commission Secretary, 981-6950
Action: Approved recommendation.
- 29. Proclamation to Recommit to Full Implementation of the ADA**
From: Commission on Disability
Recommendation: Endorse a proclamation in recognition of the Americans with Disabilities Act 25th Anniversary.
Financial Implications: None
Contact: Don Brown, Commission Secretary, 981-6300
Action: Approved recommendation.

Council Consent Items

- 30. Re-Appointment of Carole Norris & Marjorie Cox to the Berkeley Housing Authority Board of Commissioners**
From: Mayor Bates
Recommendation: Adopt a Resolution approving the re-appointment of Commissioners Carole Norris (Chair) and Marjorie Cox to the Berkeley Housing Authority (BHA) Board of Commissioners.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 67,162–N.S.

Council Consent Items

- 31. Referral to Planning Commission: Clarifying Front and Rear Units**
From: Councilmember Maio
Recommendation: Refer to the Planning Commission a request to clarify the relationship (height, bulk) between front and rear units when a rear unit is proposed for the rear yard.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 32. Resources for Community Development: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Maio, to Resources for Community Development with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$500
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 67,163–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - \$500.
- 33. Women's Daytime Drop-in Center: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$2,000 per council member, including \$2,000 from Councilmember Maio, to the Women's Daytime Drop-in Center with funds relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Maio and any other council members who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$2,000
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 67,164–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$500; Councilmember Maio - \$2000; Councilmember Moore - \$150.
- 34. Referral to Public Works Commission: Onsite Water Systems**
From: Councilmember Maio
Recommendation: Refer to the Public Works Commission an evaluation of onsite water systems, for non-potable use, with new developments in Berkeley and report to Council on its recommendations.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.

Council Consent Items

- 35. Support SCA 5, the Property Tax Fairness Amendment**
From: Councilmember Moore
Recommendation: Adopt a Resolution to support SCA 5, the Property Tax Fairness Amendment, that would bring commercial and industrial property taxes in-line with their residential counterparts.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 67,165–N.S.
- 36. Co-Sponsor K to College's School Supply Assembly and Distribution Events**
From: Councilmember Moore
Recommendation: Co-sponsor K to College's school supply assembly and distribution events.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Councilmember Anderson added as a co-sponsor. Approved recommendation.
- 37. Referral to Planning Commission: Guiding Development on San Pablo Avenue**
From: Councilmembers Moore and Maio
Recommendation: Refer to the Planning Commission the development of a Plan to guide development on San Pablo Avenue.
Financial Implications: Staff time
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Moved to Action Calendar. 9 speakers. M/S/C (Moore/Wengraf) to approve the recommendation.
Vote: All Ayes.
- 38. City Co-sponsorship for Downtown Berkeley Association Eats, Beats & Brews – Salsa Sundays, and Center Stage**
From: Councilmember Arreguin
Recommendation: Adopt two Resolutions:
1. Approving City co-sponsorship of the Downtown Berkeley Association Eats, Beats & Brews- Salsa Sundays to be held June 21, July 19, August 16, September 20, October 18 from 12pm – 6pm.
2. Approving City co-sponsorship of the Downtown Berkeley Center Stage to be held every Wednesday – Saturday 4-7pm, June – October, and Special booked performances every third Thursday, 4-7pm, June – October.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 67,166–N.S. (Salsa Sundays); Resolution No. 67,167–N.S. (Center Stage)

Council Consent Items

- 39. In Support of Medicare National Day of Action**
From: Councilmembers Arreguin, Anderson, and Worthington
Recommendation: Adopt a Resolution supporting the "Medicare Turns 50" national campaign to celebrate the success of the Medicare program; provide education and mobilization resources to the membership for the National Day of Action on 7/30/15; assign a representative to attend planning sessions of the Medicare Turns 50 Coalition.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Councilmember Moore added as a co-sponsor. Adopted Resolution No. 67,168–N.S.
- 40. Increase in Business License Tax for Owners of Residential Rental Property with Tax Reductions for Small, Low or Moderate-Income Owners**
From: Councilmembers Capitelli and Arreguin
Recommendation: Consider placing on the 2016 general election ballot an increase in the business license tax for residential rental properties. To that end direct the City Manager to: 1. Prepare estimates of tax receipts that would be due under the ordinance given the alternatives outlined in Attachment A to the report. 2. Prepare an estimate of rent increases over the past five years. 3. Schedule a Council Workshop regarding the proposal in the fall including reporting on above items and discussing the content and timing of a voter poll.
Financial Implications: See report
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Moved to Action Calendar. 3 speakers. M/S/C (Capitelli/Arreguin) to approve the recommendation with the amendment that the data from the BPOA be considered in the analysis.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Abstain – None; Absent – Droste.
Councilmember Droste absent 12:10 a.m. – 12:15 a.m.
- 41. Support for AB 901: Solid Waste Requirements (Gordon)**
From: Councilmember Wengraf
Recommendation: Write letters to Assemblymembers Gordon and Thurmond, and State Senator Hancock in support of AB 901.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.
- 42. Support of AB 418, (Chiu) Regarding Tenancy Termination: Victims of Violent Crimes**
From: Councilmember Wengraf
Recommendation: Adopt a Resolution supporting AB 418 and direct staff to send copies of the signed resolutions to Assemblymembers Chiu, Thurmond and Senator Hancock.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 67,169–N.S.

Council Consent Items

- 43. City Manager Referral to Evaluate City of Berkeley Email Retention System Policy and Consider Implementing Passive Information Redundancy**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to evaluate the Berkeley Email Retention System for compliance with California State Law and consider building in passive information redundancy systems.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 44. Support Assembly Bill 266 Creating and Clarifying Statewide Regulations Regarding Medical Cannabis in California**
From: Councilmember Worthington
Recommendation: Support Assembly Bill 266 and send a letter encouraging State Senator Loni Hancock and Governor Jerry Brown.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 45. Support AB 525: Support Local Small Businesses by Protecting Franchisees in Relation to Big Corporations**
From: Councilmember Worthington
Recommendation: Support Assembly Bill (AB) 525 and send a letter state to assembly member Tony Thurmond, state Senator Loni Hancock, and Governor Jerry Brown.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 46. Proclamation in Honor of Bisexual Pride Day**
From: Councilmember Worthington
Recommendation: Adopt a proclamation that September 23, 2015 is Bisexual Pride Day in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmembers Moore and Anderson added as co-sponsors. Adopted proclamation.
- 47. Address the Underutilization of CalFresh in Alameda County and in the City of Berkeley and Send a Letter to the Alameda County Administrator**
From: Councilmember Worthington
Recommendation: Send a letter to the Alameda County Administrator to increase outreach efforts in an attempt to increase the Utilization of CalFresh in Alameda County and in the City of Berkeley.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation to send the letter as amended in the revised material submitted by Councilmember Worthington.

Action Calendar – Public Hearing

48. Local Amendments to California Building Code and Berkeley Housing Code to Improve Building Safety

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt an Urgency Ordinance Adding Section 19.28.090 To The Berkeley Municipal Code Chapter 19.28 (Berkeley Building Code) Regarding The Construction Of Weather-Exposed Building Elements Extending Beyond Exterior Walls; and
2. Adopt an Urgency Ordinance Adding A New Section 19.40.035 To The Berkeley Municipal Code Chapter 19.40 (Berkeley Housing Code) To Require Inspection And Certification Of Weather-Exposed Elevated Elements Every Five Years; and
3. Adopt an Urgency Ordinance Adding A New Section 12.48.055 To The Berkeley Municipal Code Chapter 12.48 (Residential Rental Housing Safety Program) To Require Inspection And Certification Of Weather-Exposed Elevated Elements Every Five Years; and
4. Adopt first reading of an Ordinance Adding Section 19.28.090 To The Berkeley Municipal Code Chapter 19.28 (Berkeley Building Code) Regarding The Construction Of Weather-Exposed Building Elements Extending Beyond Exterior Walls; and
5. Adopt a Resolution setting forth additional findings of local conditions that require more stringent regulations than those provided by the 2013 California Building Code; and
6. Adopt first reading of an Ordinance Adding A New Section 19.40.035 To The Berkeley Municipal Code Chapter 19.40 (Berkeley Housing Code) To Require Inspection And Certification Of Weather-Exposed Elevated Elements Every Five Years; and
7. Adopt first reading of an Ordinance Adding A New Section 12.48.055 To The Berkeley Municipal Code Chapter 12.48 (Residential Rental Housing Safety Program) To Require Inspection And Certification Of Weather-Exposed Elevated Elements Every Five Years.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 23 speakers. M/S/C (Bates/Moore) to close the public hearing.

Vote: All Ayes.

Action Calendar – Public Hearings

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

1. Adopt Ordinance No. 7,430–N.S. by 7/9 Vote to include the Revised Material in Supplemental Communications and Reports #1
2. Adopt Ordinance No. 7,431–N.S. by 7/9 Vote revised to change the inspection requirement from every five years to every three years.
3. Adopt Ordinance No. 7,432–N.S. by 7/9 Vote revised to change the inspection requirement from every five years to every three years.
4. Adopt first reading of Ordinance No. 7,433–N.S. to include the Revised Material in Supplemental Communications and Reports #1. Second reading scheduled for September 15, 2015.
5. Adopt Resolution No. 67,170–N.S.
6. Adopt first reading of Ordinance No. 7,434–N.S revised to change the inspection requirement from every five years to every three years. Second reading scheduled for September 15, 2015.
7. Adopt first reading of Ordinance No. 7,435–N.S revised to change the inspection requirement from every five years to every three years. Second reading scheduled for September 15, 2015.

Vote: All Ayes.

Action Calendar – Old Business

49. **City Manager Referral: Converting Dana & Ellsworth Street from Dwight to Bancroft to Two Way Streets** *(Continued from June 23, 2015)*
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: 6 speakers. M/S/C (Maio/Moore) to 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, and request that staff return to the Council with alternatives for configuration.
Vote: All Ayes.
50. **2-Way Southside Streets Conversion** *(Continued from June 23, 2015)*
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: 6 speakers. No action taken.

Action Calendar – New Business

51. Steel Reinforcement of Balconies and Periodic Inspection of Balconies

From: Councilmember Arreguin

Recommendation:

1. Send a letter to the California Building Standards Commission (attached) urging them to update the state Building Code to require steel reinforcement of balconies in all new balcony designs.
2. Refer to the City Manager and Housing Advisory Commission to:
 - a. Consider the adoption of a local Building Code requirement to require steel reinforcement for all balconies in new developments. Request that the City Manager report back to Council with their analysis and recommendations within 60 days.
 - b. Consider establishing a requirement that balconies in multi-unit rental properties be periodically inspected by City inspectors. Staff to determine the time frame for required inspections (i.e. 2 years, 5 years, 10 years).

Financial Implications: Unknown

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

Action: M/S/C (Worthington/Maio to accept revised materials from Councilmember Arreguin on Item 51.

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

Councilmember Wengraf absent 9:54 p.m. – 9:59 p.m.

Action: 4 speakers. M/S/C (Arreguin/Moore) to:

1. Send a letter to the California Building Standards Commission (attached) urging them to update the state Building Code to require steel reinforcement of balconies in all new balcony designs as worded below:

*California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833*

RE: Code amendments requiring higher standards for weather-exposed balconies and similar elements

Dear Chair Batjer and Members of the Commission:

At its regular meeting of July 14, 2015, the Berkeley City Council voted to send the following letter:

The City of Berkeley is still in shock and filled with immense grief over the horrific balcony collapse at 2020 Kittredge on June 16, 2015, which claimed the lives of six people and injured seven more. As we try to recover from this tragedy, we must look into ways of preventing such events from ever happening again.

Observations from City staff who examined the structure after the tragedy and from other experts indicate that degradation of the wood framing from exposure to moisture played a part in the collapse of the balcony. Yet review of the inspection records and the approved construction documents give every indication that the balcony was constructed in

Action Calendar – New Business

conformance to both the approved plans and the applicable 1998 Codes in effect at the time of the permit application. Our research into the currently adopted building standards indicates that the regulations applicable to projecting building elements have changed little since then. As a result, balconies matching this failed design can be legally constructed to this day. These indications show that the current building standards, in this specific regard, are not providing an effective safeguard to public health, safety and general welfare.

With most of California's housing growth taking place in urban areas, there will be an increasing number of apartment buildings constructed, many of which will inevitably incorporate weather exposed balconies, decks, stairs or similar elements. With every installation of these elements under the current code standards, which rely on the membrane protection of the cantilevered framing to maintain its integrity for the lifespan of a building, there is a risk that another catastrophic failure could occur.

The Berkeley City Council is of the opinion that measures should be taken to introduce more restrictive building standards as they apply to weather exposed balconies, decks, stairs or similar elements projecting from a structure often without any additional independent supports. While at this time there is no conclusive evidence showing how the moisture was introduced into the balcony assembly, there are several exacerbating factors that can be identified immediately: (1) the use of construction materials that were not resistant to decay; (2) the lack of ventilation of the enclosed cavity; (3) the inability to visually inspect the balcony's structural elements without destructive investigation. The decay of weather exposed elements is an inevitable process that must be addressed by routine maintenance and appropriate preventative measures. Providing regulations to address the three factors indicated above, OR alternatively requiring these elements to be constructed of corrosion resistant steel, would provide building owners with more resilient structures and allow for corrective action to be taken long before a tragedy strikes. Furthermore, unlike wood, corrosion resistant steel is less likely to deteriorate over time, is better at withstanding the elements, and is a stronger material.

The need for the California Building Standards Commission to take action in response to this tragedy is further intensified due to the following:

- 1) This single incident resulted in a significant loss of life;*
- 2) The affected building is of recent construction (less than 10 years old) using modern design, construction materials and methods; an early failure due to structural decay would not be expected;*
- 3) The collapse occurred without warning and apparently without any indications such as cracking of finish materials, opening of joints, sagging of the assembly, water staining, etc.;*
- 4) Type VA (former V One-Hour) is the most common construction type in this region for multi-story residential buildings;*
- 5) Cantilevered balconies without additional independent supports are a popular construction feature on multi-story residential buildings throughout the region;*
- 6) The failed balcony assembly was completely enclosed, which is very common in this region, and therefore not accessible for a visual inspection.*

We strongly urge the California Building Standards Commission to amend the California Building Standards Code such that balconies, decks, stairs and similar elements, which project from a structure often without any additional independent supports, be constructed to higher standards in order to protect the public health, safety and general welfare of the people of the State of California.

Action Calendar – New Business

Thank you for considering this request.

Sincerely,

The Berkeley City Council

*Cc: Jim McGowan, Executive Director, Building Standards Commission
State Senator Loni Hancock
Assemblymember Tony Thurmond*

2. Refer to the City Manager and the Task Force to:
 - a. Consider the adoption of a local Building Code requirement to require reinforcement of all weather exposed balconies with corrosion resistant steel in new developments. Request that the City Manager report back to Council with their analysis and recommendations within 60 days.
 - b. Consider establishing a requirement that prior to the issuance of a Certificate of Occupancy that all timber frame buildings built under the Building Code that have exterior balconies, landings, decks, stairs and similar floor projections exposed to the weather, obtain an approved weather proofing expert who shall:
 1. Review and approved the water proofing design
 2. Observe/inspect the implementation of the water proofing of such areas
 3. After review and observation/inspection of the waterproofing, the inspecting party shall submit an affidavit to the City signed by the waterproofing expert verifying that the waterproofing design and work was completed in compliance with applicable codes and that the inspecting party approves of the design and the work completed.

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

Councilmember Maio absent 9:55 p.m. – 10:11 p.m.

52. Referral to City Manager: Disclosure of Balcony Condition and Signage Specifying Maximum Weight Capacity

From: Councilmember Arreguin

Recommendation: Refer to the City Manager to: 1. Develop an ordinance to require owners of rental properties and Homeowner/Condominium Associations whose properties contain wooden cantilevered balconies not supported by steel reinforcement to provide a mandatory written disclosure regarding the fact that the balcony is not supported with steel reinforcement and specifying the maximum weight capacity of the balcony. Staff should consider other existing disclosure requirements in the Berkeley Municipal Code (such as those in the Soft Story

Action Calendar – New Business

Ordinance). The disclosure should be provided as part of the rental agreement and should also be provided once to all existing tenants. 2. Develop an ordinance mandating posted signage either in the balcony area or in a visible location on the entrance to the balcony specifying the maximum weight capacity of the balcony.

Financial Implications: Unknown

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

Action: 3 speakers. M/S/C (Arreguin/Capitelli) to:

1. refer to the City Manager and the Task Force the concept of requiring owners of rental properties and Homeowner/Condominium Associations whose properties contain wooden cantilevered balconies not constructed with naturally durable wood, preservative-treated wood, or reinforced with corrosive resistant steel to provide a mandatory written disclosure regarding the fact that the balcony was not constructed with materials resistant to decay and specifying the maximum weight capacity of the balcony. Staff should consider other existing disclosure requirements in the Berkeley Municipal Code (such as those in the Soft Story Ordinance). The disclosure should be provided as part of the rental agreement and should also be provided once to all existing tenants.

2. Develop an ordinance mandating posted signage either in the balcony area or in a visible location on the entrance to the balcony specifying the maximum weight capacity of the balcony.

Vote: All Ayes.

Action Calendar – New Business

53. Grant Applications Due by July 31, 2015: Alameda Countywide Transportation Commission Call for Projects

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit grant applications due by July 31, 2015 to the Alameda County Transportation Commission (ACTC) for planning, design, and construction of projects as recommended by the Transportation Commission at their June 18, 2015 meeting. This shall include 25 project bundles for inclusion in the Countywide Transportation Plan with detailed submittals for 5 of the bundles for inclusion in the 5 year Comprehensive Investment Plan (CIP) for FY 2018 - FY 2022 in preparation for development of the ACTC Fund Allocation Plan for FY 2018 and FY 2019 grant funds.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: M/S/C (Bates/Arreguin) to suspend the rules and extend the meeting to 12:15 a.m.

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

Action: 3 speakers. M/S/C (Bates/Maio) to adopt Resolution No. 67,171–N.S. authorizing the City Manager to submit grant applications due by July 31, 2015 to the Alameda County Transportation Commission (ACTC) for planning, design, and construction of projects as recommended by the Transportation Commission at their June 18, 2015 meeting. This shall include 25 project bundles for inclusion in the Countywide Transportation Plan with detailed submittals for 5 of the bundles for inclusion in the 5 year Comprehensive Investment Plan (CIP) for FY 2018 - FY 2022 in preparation for development of the ACTC Fund Allocation Plan for FY 2018 and FY 2019 grant funds.

Vote: All Ayes.

54. Establish A System for New Downtown Projects Over 75 Feet to Provide Significant Community Benefits

From: City Manager

Recommendation: Adopt a Resolution: 1. Establishing a three step process for proposing, evaluating and approving significant community benefit packages for buildings over 75 feet in the downtown, including a requirement for third party review of the project pro forma and valuation of the benefit package; and 2. Establishing two options for meeting the significant community benefit requirement by providing affordable housing, having a project labor agreement and other defined optional benefits or by paying a per square foot fee established through independent financial analysis; and 3. Defining the categories for the base benefits and optional benefits that qualify for inclusion in a significant community benefits package: and 4. Establishing a per square foot fee of \$100 per rentable residential square foot between 75-120 feet and \$150 per rentable residential square foot between 121-180 feet for projects that have been in the permitting process for more than two years prior to the date of adoption of this resolution.

Financial Implications: See report

Action Calendar – New Business

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

Action: M/S/C (Maio/Wengraf) to accept supplemental material from city staff on Item 54.

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

Councilmember Moore absent 10:13 p.m. – 10:18 p.m.

Councilmember Droste absent 10:13 p.m. – 10:18 p.m.

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

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

Action: M/S/Failed (Worthington/Arreguin) to amend the Resolution to insert changes from the supplemental material submitted by Councilmember Worthington in C.3(a) regarding the additional 10% affordable housing benefit and C.4(b) regarding the square footage flat fee.

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

Action: M/S/Failed (Worthington/Anderson) to amend the Resolution to delete the exemption in Section C.2, strike the 10% discount, include transit as a benefit, and include SOSIP as a base benefit.

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

Action: 32 speakers. M/S/C (Droste/Moore) to adopt Resolution No. 67,172–N.S. 1. Establishing a three step process for proposing, evaluating and approving significant community benefit packages for buildings over 75 feet in the downtown, including a requirement for third party review of the project pro forma and valuation of the benefit package; and 2. Establishing two options for meeting the significant community benefit requirement by providing affordable housing, having a project labor agreement and other defined optional benefits or by paying a per square foot fee established through independent financial analysis; and 3. Defining the categories for the base benefits and optional benefits that qualify for inclusion in a significant community benefits package; and 4. Establishing a per square foot fee of \$100 per rentable residential square foot between 75-120 feet and \$150 per rentable residential square foot between 121-180 feet for projects that have been in the permitting process for more than two years prior to the date of adoption of this resolution. Amended as follows:

Amendment to Section C.5.:

Under both Options A and B, a PLA shall entitle the applicant to a credit of 5% of the construction cost of the project against the total fee. After the Project Labor

Action Calendar – New Business

Agreement credit is applied, 60% of the remaining amount should be allocated to affordable housing units by making a payment to the City's Housing Trust Fund or by providing the equivalent units on site for tenants with qualifying incomes. The remaining 40% should be allocated to fulfilling the other benefit categories described herein.

Amendment to the Whereas Clauses and the First Resolved Clause:
WHEREAS, the Zoning Adjustments Board has requested the Council to provide direction as to how it should evaluate significant community benefit proposals under Section 23E.68.090.E and

WHEREAS, the City Council understands the Zoning Adjustments Board's request as a request for guidance as to how the Council believes Section 23E.68.090.E should be implemented; and

WHEREAS, the Council has considered this request and has agreed to provide guidance to the Zoning Adjustments Board in the form of this Resolution, which is intended solely to express how the Council would be inclined to address the issue of community benefits should a project subject to Berkeley Municipal Code Section 23E.68.090.E come before it.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley as follows:

The following description of how the City Council would be inclined to evaluate the finding required by Section 23E.68.090.E should a project subject to that section come before it, and requests that the Zoning Adjustments Board takes this into consideration when it evaluates such projects.

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

55. Voting Delegates - League of California Cities Annual Conference

From: City Manager

Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held on Friday, October 2, 2015, at the San Jose Convention Center.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, 981-6900

Action: Moved to Consent Calendar. Councilmember Maio designated as the primary voting delegate and Councilmember Wengraf designated as the alternate voting delegate.

Action Calendar – New Business

56. a. Request to Appoint a Density Bonus Joint Subcommittee Comprising of Members of the Housing Advisory Commission, Planning Commission, and Zoning Adjustments Board

From: Housing Advisory Commission

Recommendation: Designate a Density Bonus Joint Subcommittee composed of members of the Housing Advisory Commission (HAC), Planning Commission (PC), and Zoning Adjustments Board (ZAB).

Financial Implications: See report

Contact: Amy Davidson, Commission Secretary, 981-5400

b. Density Bonus Joint Subcommittee of the Housing Advisory Commission, Planning Commission, and Zoning Adjustments Board

From: City Manager

Recommendation: Take no action regarding a joint subcommittee on the Density Bonus program, and allow the Housing Advisory Commission (HAC), Planning Commission (PC), and Zoning Adjustments Board to collaborate within their existing structures.

Financial Implications: None

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

Action: Item 56.b. moved to Consent Calendar.

57. a. City Council Referral to Develop a Comprehensive Plan for the Funding of the Undergrounding of Utility Wires on All Major and Collector Streets in Berkeley

From: Public Works Commission, Transportation Commission, and Disaster and Fire Safety Commission

Recommendation:

1. Approve a work plan, as attached to the report, to develop a comprehensive plan (the "Undergrounding Plan") for the funding of the undergrounding of utility wires for all streets in Berkeley. The Undergrounding Plan would be developed in coordination with the City's existing related plans and activities, including the City's Resiliency Program.

2. Establish a Utility Undergrounding Special Commission consisting of the Public Works Commission, Transportation Commission, the Disaster and Fire Safety Commission representatives, and subject matter experts as needed to oversee the preparation of the Undergrounding Plan. The Special Commission shall be a manageable size and composed similar to the commission that developed the downtown Street and Open Space Improvement Plan.

Financial Implications: See report

Contact: Sean Rose, Secretary to the Public Works Commission, 981-6300; Farid Javandel, Secretary to the Transportation Commission, 981-6300; David Brannigan, Secretary to the Disaster and Fire Safety Commission, 981-3473

Action Calendar – New Business

b. City Council Referral to Develop a Comprehensive Plan for Funding the Undergrounding of Utility Wires on All Major and Collector Streets in Berkeley From: City Manager

Recommendation: Postpone implementation of a Utility Undergrounding Work Plan and direct the City Manager to return to Council in Fall 2015 with a report detailing the budget and staffing required to implement a Utility Undergrounding Work Plan and Special Commission. The report would also identify projects in the City's adopted Work Plan that would be delayed in order to implement the Commissions' recommendations.

Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300

Action: Items 57.a. and 57.b. moved to the Consent Calendar and held over to September 29, 2015.

Council Action Calendar

58. Appointment of Interim City Manager

From: Mayor Tom Bates

Recommendation: Adopt a Resolution confirming the appointment of Dee Williams-Ridley to be Interim City Manager and approving an employment contract to be effective July 25, 2015.

Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100

Action: Moved to Consent Calendar. Adopted Resolution No. 67,173–N.S. confirming the appointment of Dee Williams-Ridley to be Interim City Manager and approving an employment contract to be effective July 25, 2015.

59. Point-to-Point Car-Sharing

From: Councilmember Arreguin

Recommendation: Direct the City Manager to draft a staff report, to be completed no later than August 28, 2015, on point-to-point carsharing in the City of Berkeley that includes: (1) A draft policy or ordinance allowing point-to-point carsharing; (2) A draft fee structure for point-to-point carsharing vendors; and (3) A draft map for point-to-point carsharing in the City of Berkeley. In addition the City Manager should send a copy of the draft proposal to the following commissions no later than August 28, 2015: (1) Transportation; (2) Energy; and (3) Community Environmental Advisory. We request that these three commissions consider the report at its first meeting of September 2015, and refer any comments or recommendations to the City Council at that time. Finally, we request that staff conduct any stakeholder engagement necessary to complete the report, including soliciting suggestions or questions from other cities and any interested providers of point-to-point carsharing services.

Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action: 2 speakers. M/S/C (Bates/Moore) to direct the City Manager to draft a staff report, to be completed as soon as possible, but no later than March 2016, on point-

Council Action Calendar

to-point carsharing in the City of Berkeley that includes: (1) A draft policy or ordinance allowing point-to-point carsharing; (2) A draft fee structure for point-to-point carsharing vendors; and (3) A draft map for point-to-point carsharing in the City of Berkeley. In addition the City Manager should send a copy of the draft proposal to the following commissions: (1) Transportation; (2) Energy; and (3) Community Environmental Advisory. We request that these three commissions consider the report and refer any comments or recommendations to the City Council at that time. Finally, we request that staff conduct any stakeholder engagement necessary to complete the report, including soliciting suggestions or questions from other cities and any interested providers of point-to-point carsharing services. The portable sign project may be delayed in order for staff to complete this referral by the requested report date.

Vote: All Ayes.

- 60. Support California Senate Bill 3 to Increase Minimum Wage Statewide**
From: Councilmember Worthington
Recommendation: Support Senate Bill (SB) 3 and send a letter urging California State Assemblymember Tony Thurmond and the Assembly Committee on Labor and Employment members Roger Hernandez, Mathew Harper, Kansen Chu, Evan Low, Kevin McCarty, and Jim Paterson.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Approved recommendation.
- 61. Full Transparency of Special Meeting Agendas**
From: Councilmember Worthington
Recommendation:
1. Disclose special meeting agendas to the general public within 3 working days from the date the meeting is scheduled to allow ample time for public comment on the meeting's subject matter; and
2. Notify City Councilmembers of special meetings' subject matter in the email polling for availability.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Moved to Consent Calendar. Part 1 referred to the City Council Ad Hoc Committee on a More Open Government. Part 2 approved.

Council Action Calendar

- 62. Reducing Confusion at City Council Meetings by Requiring Track Changes on Late Documents and Utilizing Technology to Distribute the Information**
From: Councilmember Worthington
Recommendation: Require that 1) when late items are distributed, they show the track changes in comparison to the original item, 2) these late items with track changes are publicized at the meeting via on screen video, and 3) links to documents are disseminated using e-mail and Twitter.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: 2 speakers. M/S/C (Worthington/Arreguin) to approve recommendation #1 and request that staff bring back an amendment to the Rules of Procedure to incorporate the requirement and to refer recommendations #2 and #3 to the City Council Ad Hoc Committee on a More Open Government
Vote: All Ayes.

Information Reports

- 63. Retail Incentives in Commercial Districts**
From: City Manager
Contact: Michael Caplan, Economic Development, 981-7530
Action: Item moved to Consent and held over to September 15, 2015.
- 64. Berkeley Bike Share Update**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
- 65. goBerkeley Parking Management Program: Recommended Adjustments for September 1, 2015**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
- 66. Controlling Commercial Parking Related to Residential Areas Adjacent to 2635 Ashby Avenue**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.
- 67. Adjustment to FY16 Civic Art Grant Budget**
From: Civic Arts Commission
Contact: Mary Ann Merker, Commission Secretary, 981-7530
Action: Received and filed.
- 68. Public Art Plan for FY 2016**
From: Civic Arts Commission
Contact: Mary Ann Merker, Commission Secretary, 981-7530
Action: Received and filed.

Information Reports

69. **Status Report: West Berkeley Industry**
From: Councilmembers Droste and Maio
Contact: Lori Droste, Councilmember, District 8, 981-7180
Action: 4 speakers. Supplemental material submitted. Received and filed.

Public Comment – Items Not Listed on the Agenda – 3 speakers.

Adjournment

Adjourned in Memory Of:

1. D'Army Bailey, Former City Councilmember
2. Kitty McLean, Local Environmental Activist
3. Charlie Hadenfeldt, Coastal Cleanup Activist

Adjourned at 12:15 a.m.

Communications

Item 49: City Manager Referral: Converting Dana & Ellsworth Street from Dwight to Bancroft to Two Way Streets

1. Bryan Wenter, on behalf of AMI, LLC

Item 54: Establish A System for New Downtown Projects Over 75 Feet to Provide Significant Community Benefits

2. Fred Booker, Tom Adams, Nancy Byers, Jenifer Darnley, and Tanya Telson

Item 68: Public Art Plan for FY 2016

3. Trax Gallery

On-Line Forms

4. Nancy Bickel, on behalf of the League of Women Voters Berkeley, Albany, Emeryville

Citizens for East Shore Parks 30th Anniversary Resolution

5. Patricia Jones

Water Waste

6. Charlene Woodcock

Banking Practices

7. Ryan Coonerty

2631 Durant Avenue

8. Rhiannon

Alleyway Clearing

9. Ron Moreno and Matt Molina

LGBT Concerns

10. Carol Denney

Robbery/Harrasment

11. Charles & Kikuko Jackson

Community Concerns

12. Christina Tuccillo

LPC Concerns

13. Tree Fitzpatrick

Building Designs

14. Tree Fitzpatrick

15. JJ Noire

1701 62nd Street

16. Calvin Justice

Library Gardens

17. Dorothea Dorenz

18. Bonnie Hughes

19. Keara Eades

20. Robert Gable

21. Jack Sawyer

22. Tree Fitzpatrick (3)

23. Jacki Fox Ruby

24. Michael Katz

25. Fritzi Drosten

26. Berkeley Neighborhood Council

27. Margot Smith

28. Terry Rillera

29. Gail Penso

30. Kelly Hammargren

31. Kathleen Hall (2)

Supplemental Communications and Reports 1**Item 48: Local Amendments to California Building Code and Berkeley Housing Code to Improve Building Safety**

32. Revised materials, submitted by Planning & Development

33. Joseph Pinon

34. Dean Metzger, on behalf of Berkeley Neighborhoods Council

35. Chuck Utzman

Item 49: City Manager Referral: Converting Dana & Ellsworth Street from Dwight to Bancroft to Two Way Streets**Item 50: 2-Way Southside Streets Conversion**

36. Bryan Wenter, on behalf of AMI, LLC

37. Lorna Byrne

38. Daryl Ross

Item 51: Steel Reinforcement of Balconies and Periodic Inspection of Balconies

Item 52: Referral to City Manager: Disclosure of Balcony Condition and Signage Specifying Maximum Weight Capacity

39. Revised materials, submitted by Councilmember Arreguin

Item 54: Establish A System for New Downtown Projects Over 75 Feet to Provide Significant Community Benefits

40. Deborah Burstyn

Supplemental Communications and Reports 2

Item 4: Zoning Amendments to Encourage Accessory Dwelling Units (ADUs); Amending BMC Title 23D

41. Andrea Ali – referred to City Manager by Councilmember Arreguin and Councilmember Maio

Item 40: Increase in Business License Tax for Owners of Residential Rental Property with Tax Reductions for Small, Low or Moderate-Income Owners

42. Ted Edlin

43. Sid Lakireddy, on behalf of Berkeley Property Owners Association

44. Rick Lewis, on behalf of the Bay Area Community Land Trust

Item 48: Local Amendments to California Building Code and Berkeley Housing Code to Improve Building Safety

45. Mike Hilliard

46. Tom Butt

47. Don Danmeier

48. Stanley Feingold

49. Mark Gilligan

50. Avram Gur Arye

51. Dennis Richardson, on behalf of the American Wood Council

52. Eustace de Saint Phalle, Rains Lucia Stern, PC

53. Various professional associations

Item 50: 2-Way Southside Streets Conversion

54. Kirsten MacDonald, on behalf of the Berkeley Chamber of Commerce

Item 54: Establish A System for New Downtown Projects Over 75 Feet to Provide Significant Community Benefits

55. Wellstone Democratic Renewal Club

56. Anna De Leon

57. Diana Bohn

58. Helena Katz

59. Dorothea Dorenz

60. Jacki Fox Ruby

61. David Weinstein

62. Eva Herzer

63. Stephen Martin

64. Helen Osborne

65. Gwendolyn Booze

66. Sonja Trauss

- 67. Gina Papen
- 68. Pat Mullan
- 69. Joan Clair
- 70. Tree Fitzpatrick (2)
- 71. Greg Kalkanis
- 72. Summer Brenner
- 73. Donald Goldmacher
- 74. Olga Bolotina, on behalf of the Sierra Club Northern Alameda County Group
- 75. Joanne Sultar

Item 57: City Council Referral to Develop a Comprehensive Plan for the Funding of the Undergrounding of Utility Wires on All Major and Collector Streets in Berkeley

- 76. Sarah Mackay Lynch
- 77. Nancy Carleton

Item 69: Status Report: West Berkeley Industry

- 78. Janice Schroeder, on behalf of the West Berkeley Alliance for Clean Air and Safe Jobs

Supplemental Communications and Reports 3

Item 27: Contract: Andes Construction for Sanitary Sewer Rehabilitation Project on Hopkins Street, Peralta Avenue, Monterey Avenue, The Alameda, Boynton Avenue

- 79. Steve Martinot

Item 47: Address the Underutilization of CalFresh in Alameda County and in the City of Berkeley and Send a Letter to the Alameda County Administrator

- 80. Revised materials, submitted by Councilmember Worthington

Item 48: Local Amendments to California Building Code and Berkeley Housing Code to Improve Building Safety

- 81. Dorothea Dorenz

Item 49: City Manager Referral: Converting Dana & Ellsworth Street from Dwight to Bancroft to Two Way Streets

- 82. Stuart Baker

Item 51: Steel Reinforcement of Balconies and Periodic Inspection of Balconies

- 83. Revised materials, submitted by Councilmember Arreguin

Item 53: Grant Applications Due by July 31, 2015: Alameda Countywide Transportation Commission Call for Projects

- 84. Presentation, submitted by Public Works Department
- 85. Marjorie Alvord

Item 54: Establish A System for New Downtown Projects Over 75 Feet to Provide Significant Community Benefits

- 86. Supplemental materials, submitted by Planning & Development Department
- 87. Supplemental communications, submitted by Councilmembers Droste and Moore
- 88. Supplemental communications, submitted by Councilmember Worthington
- 89. Roya Arasteh
- 90. Marilyn Siegel

- 91. Alta Gerrey
- 92. Tree Fitzpatrick

Item 69: Status Report: West Berkeley Industry

- 93. Revised materials, submitted by Councilmembers Droste and Maio
- 94. Meryl Siegal

Artificial Turf Safety

- 95. Merillie Mitchell