

CONSENT CALENDAR February 19, 2013

To: Honorable Mayor and Members of the City Council

From: (Christine Daniel, City Manager

Submitted by: Mark Numainville, Acting City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of January 22, 2013 (special and regular) and January 29, 2013 (special closed and regular).

CONTACT PERSON

Mark Numainville, Acting City Clerk, 981-6900

Attachments:

- 1. January 22, 2013-Special City Council Meeting
- 2. January 22, 2013-Regular City Council Meeting
- 3. January 29, 2013-Special Closed City Council Meeting
- 4. January 29, 2013-Regular City Council Meeting

MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL TUESDAY, JANUARY 22, 2013

6:00 P.M.

Council Chambers – 2134 Martin Luther King Jr. Way

Tom Bates, Mayor

Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 5 – LAURIE CAPITELLI

DISTRICT 2 – DARRYL MOORE

DISTRICT 3 – MAX ANDERSON

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 4 – JESSE ARREGUIN

DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 6:00 p.m.

Present: Councilmembers Anderson, Arrequin, Capitelli, Maio, Moore, Wengraf,

Wozniak and Mayor Bates.

Absent: Councilmember Worthington.

Councilmember Worthington present at 6:28 p.m.

Public Comment – 1 speaker.

Worksession:

1. Fiscal Year 2014 and Fiscal Year 2015 Budget Forecast

From: City Manager

Contact: Teresa Berkeley-Simmons

Action: Presentation made and discussion held.

Adjournment

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

Vote: All Ayes

Adjourned at 7:02 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of January 22, 2013 as approved by the Berkeley City Council.

Mark Numainville, CMC, Acting City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

None

Supplemental Communications and Reports 3

Item 1: Fiscal Year 2014 and Fiscal Year 2015 Budget Forecast

• Presentation, submitted by City Manager's Office (see agenda item)

MINUTES BERKELEY CITY COUNCIL MEETING TUESDAY, JANUARY 22, 2013 7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 5 – LAURIE CAPITELLI

DISTRICT 2 – DARRYL MOORE

DISTRICT 3 – MAX ANDERSON

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 4 – JESSE ARREGUIN

DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:10 p.m.

Present: Councilmembers Anderson, Arrequin, Capitelli, Maio, Moore, Wengraf,

Worthington, Wozniak and Mayor Bates.

Absent: None.

Ceremonial Matters:

- 1. Announcement: Post Office Subcommittee meeting on Feb. 12 at 6pm in Council Chambers.
- 2. 40th Anniversary of Roe v. Wade
- 3. Presentation of gift painting from Palma Sorianao, Berkeley's sister city in Cuba.
- 4. Honoring of Fran Packard by League of Women Voters.
- 5. Les Blank Day in Berkeley January 22, 2013

Recess 7:27 p.m. - 7:32 p.m.

City Manager Comments:

- 1. Neighborhood Disaster Cache application period is now open.
- 2. Grand Opening of the new Animal Shelter on February 2 at 12pm.
- 3. Biennial Homeless Count will be conducted on January 30.

Public Comment on Non-Agenda Matters: 4 speakers.

Public Comment on Consent Calendar and Information Items Only: 1 speaker.

Consent Calendar

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

Vote: All Ayes.

Recess Item

1. Fee Assessment - State of California Self-Insurance Fund (Workers' Compensation Program)

From: City Manager

Recommendation: Ratifying the action taken by the City Manager during recess authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2013 for administering the Workers' Compensation Program, in an amount not to exceed \$158,194, which is \$19,895 greater than the original preliminary fee authorized by Council on November 13, 2012.

Financial Implications: Workers' Compensation Self-Insurance Fund - \$19,895

Contact: David Abel, Human Resources, 981-6800 **Action:** Adopted Resolution No. 65,982–N.S.

Consent Calendar

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of November 13, 2012 (special closed, special and regular), November 27, 2012 (special and regular), December 11, 2012 (special and regular) and December 18, 2012 (regular).

Financial Implications: None

Contact: Mark Numainville, Acting City Clerk, 981-6900

Action: Approved minutes as amended. Item 5 from the 12/18/2012 meeting - the fourth Whereas clause is amended to read, "BE IT FURTHER RESOLVED that the City of Berkeley urges the Alameda County Sheriff and all other law enforcement agencies to not fly drones over Berkeley air space except 1) in the case of a disaster, 2) to assist in locating missing persons, 3) to assist in rescue efforts, 4) to assist in police pursuit of known suspects who have committed serious or violent crimes."

3. Designate the Line of Succession for the Director of Emergency Services From: City Manager

Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 65,510-N.S.

Financial Implications: None

Contact: Christine Daniel, City Manager, 981-7000 **Action:** Adopted Resolution No. 65,983–N.S.

4. Donation of Furniture for the Dona Spring Animal Shelter by Crate and Barrel From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to accept the donation of furniture for the Dona Spring Animal Shelter from Crate and Barrel.

Financial Implications: Furniture Donation - \$24,000 Contact: William Rogers, City Manager's Office, 981-7000

Action: Adopted Resolution No. 65,984–N.S.

5. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on January 22, 2013

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$2,177,488

Contact: Robert Hicks, Finance, 981-7300 **Action:** Approved Recommendation.

6. Change in Scope for Community Facility Improvement Project at Berkeley Food and Housing Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment based on a revised scope for a Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funded community facility improvement project undertaken by the Berkeley Food and Housing Project.

Financial Implications: See report

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

Action: Adopted Resolution No. 65,985–N.S.

7. Reclassify Mental Health Commissioner Dan Virkstis as a Berkeley Special Public Interest Commissioner

From: City Manager

Recommendation: Adopt a Resolution reclassifying Dan Virkstis as a Berkeley

Special Public Interest member on the Mental Health Commission.

Financial Implications: None

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

Action: Adopted Resolution No. 65,986–N.S.

8. Police Retiree Health Premium Assistance Plan

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement the Berkeley Police Retiree Health Premium Assistance Plan and Trust Agreement for represented sworn police employees who retire after September 19, 2012. This action establishes the regulatory authority to enable the City to provide retiree health premium assistance as set forth in the Memorandum of Understanding (MOU) between the City and the Berkeley Police Association.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800 **Action:** Adopted Resolution No. 65,987–N.S.

9. License Agreement: Alameda County Community Food Bank

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement with the Alameda County Community Food Bank for a five year term, starting January 2013, to use an area at the Berkeley Marina to distribute food to member agencies in Berkeley and the surrounding area.

Financial Implications: Marina Operations/Maint. Fund - \$1 per year (revenue)

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

Action: Adopted Resolution No. 65,988–N.S.

Council Consent Items

10. Support for a Moratorium on Fracking in California until Adequate Regulatory Safeguards are in Place

From: Councilmember Wengraf

Recommendation: Adopt a Resolution calling for a moratorium on hydraulic fracturing in California until adequate regulatory safeguards are adopted and send to Governor Brown, Senator Loni Hancock, Assemblywoman Nancy Skinner and the California Department of Conservation.

Financial Implications: No General Fund impact

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Action: Adopted Resolution No. 65,989-N.S.

11. Proclamation to Honor Shira Leeder as Ms. Wheelchair California

From: Councilmember Worthington

Recommendation: Adopt a proclamation to honor Shira Leeder as Ms. Wheelchair

California.

Financial Implications: None

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

Action: Approved proclamation.

Action Calendar - Appeals

12. ZAB Appeal: 740 Heinz Avenue

From: City Manager

Recommendation: Adopt a Resolution to affirm the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 11-70000020 to modify Use Permit No. 09-10000104, to enlarge the building footprint to create a new entrance lobby at the southwest corner of the building, delete the 49-car basement parking garage, and demolish 100% of the existing building to allow the construction of a new 100.000 square foot lab building.

Financial Implications: See report

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

b. Communication

1. Jeffrey Kaplan

Page 4

Action Calendar - Appeals

Action: 2 speakers. M/S/C (Moore/Wozniak) to adopt Resolution No. 65,990–N.S. affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 11-70000020 to modify Use Permit No. 09-10000104, to enlarge the building footprint to create a new entrance lobby at the southwest corner of the building, delete the 49-car basement parking garage, and demolish 100% of the existing building to allow the construction of a new 100,000 square foot lab building.

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

Recess 9:21 p.m. - 9:31 p.m.

Action Calendar – Old Business

13. The Robin Hood Tax Campaign; Supports the Inclusive Prosperity Act (HR 6411) (Continued from December 11, 2012)

From: Councilmember Anderson

Recommendation: Adopt a Resolution endorsing the Robin Hood Tax Campaign; supports the Inclusive Prosperity Act (HR 6411) introduced by Rep. Keith Ellison (D-MN), which would impose a small tax of 50 cents on the trade of every \$100 of stocks and a lesser tax on the trade of other financial instruments, and asks our Members of Congress, the US Senate and the President to support and help pass and sign into law the Prosperity Act (HR 6411).

Financial Implications: None

Contact: Max Anderson, Councilmember, District 3, 981-7130

Action: Moved to Consent Calendar. Adopted Resolution No. 65,991–N.S.

14. Compassionate Sidewalks Plan (Continued from December 18, 2012) From: Councilmember Arrequin

Recommendation: Direct the City Manager to convene a working group of representatives of City staff, the Homeless, Housing Advisory, Human Welfare & Community Action, and Police Review Commissions, the Police Department, and other stakeholders, including but not limited to business owners, homeless persons, service providers, students, and academic experts to develop a Compassionate Sidewalks Plan over a series of workshops. The working group should focus but is not limited to the following topics: 1) The demographics and causes of homelessness 2) A survey of existing homeless services 3) An assessment of potential funding needs and sources 4) Existing laws and enforcement 5) Best Practices.

Financial Implications: Staff time

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

Action: Item held over to January 29, 2013.

Action Calendar – New Business

15. Potential Locations for City Council Meetings - Alternate Locations with Larger Capacity

From: City Manager

Recommendation: Review the potential alternate locations to hold City Council meetings when additional capacity may be desired and provide direction to the Agenda Committee on preferred locations.

Financial Implications: See report

Contact: Mark Numainville, Acting City Clerk, 981-6900

Action: 1 speaker. M/S/C (Bates/Wengraf) to 1) direct the Agenda Committee to use Longfellow Middle School Auditorium as the preferred alternative when additional capacity is required for Council Meetings, 2) empower the Agenda Committee to search for alternate locations in the downtown area, and 3) for the Agenda Committee to report to the Council on possible methods for determining when additional capacity is needed.

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

16. Budget Referral: Annual Grant for Sunday Streets Events

From: Councilmember Capitelli

Recommendation: Refer to the FY 2014 budget process an annual budget allocation of \$59,098 to cover City-related services, materials, permits and fees for two Sunday Streets events in Berkeley: Approximately \$44,224 would be for in-kind services and permit fees, and a \$15,000 cash Grant to Livable Berkeley for city-required signage, materials & related labor.

Financial Implications: \$59,098

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: M/S/C (Bates/Moore) to accept supplemental material from Councilmember

Capitelli on Item 16.

Vote: Ayes – Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak,

Bates; Noes – None; Abstain – None; Absent – Maio

Councilmember Maio absent 9:31 p.m. – 9:36 p.m.

Action: 9 speakers. Councilmember Arreguin added as a co-sponsor. M/S/C (Bates/Worthington) to refer \$59,098 to both the FY 2014 and FY 2015 Budget processes for Sunday Streets Events and to include an agenda item on the February 19 Agenda from the Mayor's Office to allow Councilmembers to contribute to Sunday Streets from their Council Office Budget Discretionary Accounts.

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

Information Reports

17. Council Referral: Prohibit Contributions from Public Works Contractors and Parties to Land Use Applications

From: City Manager

Contact: Mark Numainville, Acting City Clerk, 981-6900

Action: Received and filed.

Information Reports

18. Availability Study to Allow Affirmative Action in City Contracting

From: City Manager

Contact: Robert Hicks, Finance, 981-7300

Action: Received and filed.

19. Staff Response to Council Recommendations for Disaster Preparedness Projects

From: City Manager

Contact: Gil Dong, Fire, 981-3473

Action: Item removed from agenda by City Manager.

20. Unrepresented Temporary Employees

From: City Manager

Contact: David Abel, Human Resources, 981-6800

Action: Received and filed.

21. LPC-NOD: 2133 University Avenue

From: City Manager

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

Action: Received and filed.

22. Status Report: Leases Audit: Conflicting Directives Hinder Contract Oversight

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

23. Status Report: Public Works Contract Monitoring: Risk of Overpayment/Lack of Inventory Controls

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

Public Comment – Including Items Not Listed on the Agenda –

Adjournment in memory of:

Fran Packard, former Berkeley Community Leader

Adjourned at 10:41 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 22, 2013 as approved by the Berkeley City Council.

Mark Numainville, CMC, Acting City Clerk

Communications

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.

Berkeley Housing Authority

1. John Bell (2)

2539 Benvenue Avenue

2. David Baker – referred to City Manager by Councilmembers Worthington and Arreguin.

Bike Lanes on Tunnel Road

3. Phil Carter

Shelter Plus Care

4. Richard Berkeley

Drones

5. Anne van Rossum

Sikh Temple Issues

6. Sukh Sekhon

Actors Ensemble/Live Oak Theatre

7. Maureen Coyne

LED Lighting

8. Susan Wengraf, District 6

CNA Newsletter

9. Council of Neighborhood Associations

North Shattuck Development Proposal

10. Margot Smith

Fran Packard

11. Linda Maio, District 1

Supplemental Communications and Reports 1

Item 12: ZAB Appeal: 740 Heinz Avenue

12. Friends of the West Berkeley Plan

13. Patrick Sheahan

Supplemental Communications and Reports 2

Item 12: ZAB Appeal: 740 Heinz Avenue

14. Michael Ziegler and Pietro Mussi

Item 16: Budget Referral: Annual Grant for Sunday Streets Events

15. Dan McMullan

Supplemental Communications and Reports 3

Item 12: ZAB Appeal: 740 Heinz Avenue

16. Jeffrey Kaplan17. Curtis Manning

Item 16: Budget Referral: Annual Grant for Sunday Streets Events

• Revised materials, submitted by Councilmember Capitelli (see agenda item)

Fran Packard

18. Pat Kuhi

MINUTES BERKELEY CITY COUNCIL SPECIAL MEETING TUESDAY, JANUARY 29, 2013 6:00 P.M.

Council Chambers – 2134 Martin Luther King Jr. Way

Preliminary Matters

Roll Call: 6:00 p.m.

Present: Councilmembers Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak

and Mayor Bates.

Absent: Councilmembers Anderson and Arreguin.

Councilmember Anderson present at 6:01 p.m. Councilmember Arreguin present at 6:09 p.m.

Public Comment - Limited to items on this agenda only - 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

a. Title of position to be filled: City Clerk

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1):

Initiation of litigation – one case

a. The City Council will consider whether to initiate a lawsuit against 1080 Delaware LLC and any other appropriate parties, including First-Citizens Bank and Trust Company, based on their failure to comply with the inclusionary housing requirements of the Use Permit and Regulatory Agreement governing the project at 1800 San Pablo Avenue.

Action: M/S/C (Bates/Maio) to authorize the City Attorney to file suit against 1080 Delaware LLC and other appropriate parties.

Vote: All Ayes.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):

a. Rollie French v. Arntz Builders, City of Berkeley, et al. (Alameda County Superior Court No.2002-043461)

consolidated with:

- i. Helix Electric v. Arntz Builders, et al. (Alameda County Superior Court No. 2002-061480);
- ii. Thyssenkrupp Elevator Corp. v. Arntz Builders, et al. (Alameda County Superior Court No.2002-071479);
- iii. F.W. Spencer & Son, Inc. v. Arntz Builders, et al. (Alameda County Superior Court No. RG03082302);
- iv. Bay Systems Integrators, Inc. v. Helix Electric, Inc., et al. (Alameda County Superior Court No. RG03089440); and
- v. Arntz Builders, Inc. v. City of Berkeley, et al. (Alameda County Superior Court No. RG 03095394).)

Action: M/S/C (Bates/Moore) to seek a rehearing in the Court of Appeal and then seek review in the Supreme Court if necessary.

Vote: All Ayes.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Adjournment

Adjourned at 6:57 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of January 29, 2013.

Mark Numainville, CMC, Acting City Clerk

MINUTES BERKELEY CITY COUNCIL MEETING TUESDAY, JANUARY 29, 2013 7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 5 – LAURIE CAPITELLI

DISTRICT 2 – DARRYL MOORE

DISTRICT 3 – MAX ANDERSON

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 4 – JESSE ARREGUIN

DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:11 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf,

Worthington, Wozniak and Mayor Bates.

Absent: None.

Ceremonial Matters:

1. Recognition of Shira Leeder, Miss Wheelchair California

2. Zakhary Mallett, BART Board Director

City Manager Comments:

1. Ceremony for the Opening of the New Animal Shelter, Feb. 2 at 12:00 p.m.

Public Comment on Non-Agenda Matters: 0 speakers.

Public Comment on Consent Calendar and Information Items Only: 6 speakers.

Consent Calendar

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

Vote: All Ayes.

1. Cleanup Amendment to Taxi Ordinance (BMC Chapter 9.52)

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 9.52.050.B.1.f to correct an inadvertent omission.

Financial Implications: None

Contact: Zach Cowan, City Attorney, 981-6950

Action: Adopted first reading of Ordinance No. 7,277-N.S. Second reading

scheduled for February 19, 2013.

2. Enact Chapter 13.79, Automatically Renewing Leases

From: City Manager

Recommendation: Adopt first reading of an Ordinance enacting Berkeley Municipal

Code Chapter 13.79 Automatically Renewing Leases Ordinance.

Financial Implications: Unknown

Contact: Zach Cowan, City Attorney, 981-6950

Action: Adopted first reading of Ordinance No. 7,278–N.S. as amended. Section 13.79.030B amended to change "10 days" to "20 days". Second reading scheduled

for February 19, 2013.

3. Contract No. 8460A Amendment: NextGen Healthcare Information Systems Inc. for an Electronic Records System and Related Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8460A with NextGen Healthcare Information Systems, Inc. increasing the amount by \$105,897, for a total amount not to exceed \$430,094, and extending the term to September 30, 2010 through June 30, 2016.

Financial Implications: General Fund - \$105,897

Contact: Donna LaSala, Information Technology, 981-6500

Action: Adopted Resolution No. 65,992–N.S.

4. Amending Waste Management Authority Joint Powers Agreement

From: City Manager

Recommendation: Adopt a Resolution approving an amendment to the Alameda County Waste Management Authority Joint Powers Agreement to clarify rules in case of member agency rule conflict.

Financial Implications: None

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 65,993–N.S.

5. Designate the Alameda County Source Reduction and Recycling Board as the Local Task Force

From: City Manager

Recommendation: Adopt a Resolution approving designation of the Alameda County Source Reduction and Recycling Board as the Local Task Force to comment on possible County Integrated Waste Management Plan amendments, and to otherwise provide non-binding guidance with respect to integrated solid waste planning.

Financial Implications: None

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 65,994–N.S.

6. Additional 2013 Meeting for the Commission on the Status of Women

From: Commission on the Status of Women

Recommendation: Approve an additional meeting in calendar year 2013 for the Commission on the Status of Women in preparation for the 22nd Bi-Annual Outstanding Women of Berkeley Awards.

Financial Implications: General Fund - \$225

Contact: Eric Brenman, Commission Secretary, 981-5114

Action: Approved recommendation.

7. Oppose the Trans-Pacific Partnership Trade Agreement and Support the 21st Century Trade Agreement and Market Access Act

From: Peace and Justice Commission

Recommendation: Adopt a Resolution:

- 1. Opposing the Trans-Pacific Partnership Trade Agreement and supporting the 21st Century Trade Agreement and Market Access Act;
- 2. Directing the City Clerk to send a letter to Senators Barbara Boxer and Dianne Feinstein urging them to support S.3347, The 21st Century Trade Agreements and Market Access Act, as it is currently worded, sponsored by Senator Sherrod Brown (OH) (introduced 6/27/2012); and
- 3. Directing the City Clerk to send a copy of the resolution to Congresswoman Barbara Lee, Senators Feinstein and Boxer and President Obama.

Financial Implications: None

Contact: Eric Brenman, Commission Secretary, 981-5114

Action: Adopted Resolution No. 65,995–N.S.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington; Noes –

None; Abstain - Capitelli, Wozniak, Bates

8. Opposition to "Secure Communities" and Urging Alameda County Board of Supervisor Keith Carson to Affirm the Separation Between County and Federal Agencies

From: Peace and Justice Commission

Recommendation: Adopt a Resolution reaffirming opposition to "Secure Communities" and urging Alameda County Board of Supervisor Keith Carson to affirm the separation of county and federal agencies.

Financial Implications: None

Contact: Eric Brenman, Commission Secretary, 981-5114

Action: Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Maio) to adopt

Resolution No. 65,996–N.S. with the amended clauses to read as follows:

BE IT FURTHER RESOLVED that the Council urges County Supervisor Keith Carson, the full Board of Supervisors, and the County Sheriff to take a leadership role in affirming the Separation between County and Federal Agencies by insuring that Alameda County does not honor ICE detainers.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley directs the City Clerk to send a copy of this resolution to Supervisor Keith Carson, the Alameda County Board of Supervisors, and Sheriff Gregory Ahern.

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

Councilmember Worthington absent 7:43 p.m. – 7:49 p.m.

9. Support the Residents of the Jeju Islands off the Coast of Korea to Stop Construction of the Jeju Naval Base

From: Peace and Justice Commission

Recommendation: Adopt a Resolution

- 1. Supporting the residents of the Jeju Islands off the coast of Korea to stop construction of the Jeju Naval Base;
- 2. Sending a letter to President Lee Myung Bak; and
- 3. Calling on the congressional delegation to write and co-sponsor a bill restricting U.S. funds from use in the construction of a military base on Jeju Island.

Financial Implications: None

Contact: Eric Brenman, Commission Secretary, 981-5114

Action: Item held over to February 5, 2013.

10. Solid Waste Management Division Name Change to Zero Waste Division From: Zero Waste Commission

Recommendation: Adopt a Resolution changing the name of the City of Berkeley Public Works Department Solid Waste Management Division to the City of Berkeley

Public Works Department Zero Waste Division.

Financial Implications: Alameda Co. Recycling - \$1,000 Contact: Andy Schneider, Commission Secretary, 981-6357

Action: Adopted Resolution No. 65,997–N.S.

11. Zero Waste Week in Berkeley

From: Zero Waste Commission

Recommendation: Adopt a Resolution declaring March 17-23, 2013 to be Zero

Waste Week in Berkeley.

Financial Implications: Staff time

Contact: Andy Schneider, Commission Secretary, 981-6357

Action: Adopted Resolution No. 65,998–N.S.

Council Consent Items

12. Support of AB 48 Which Will Regulate the Sale of Ammunition in the State of California

From: Mayor Bates and Councilmembers Arreguin and Moore

Recommendation: Adopt a Resolution supporting Assembly Bill (AB) 48, which will

regulate the sale of ammunition in the State of California.

Financial Implications: None

Contact: Tom Bates, Mayor, 981-7100

Action: Adopted Resolution No. 65,999-N.S.

Action Calendar – Continued Business

A. Compassionate Sidewalks Plan (Continued from January 22, 2013) From: Councilmember Arrequin

Recommendation: Direct the City Manager to convene a working group of representatives of City staff, the Homeless, Housing Advisory, Human Welfare & Community Action, and Police Review Commissions, the Police Department, and other stakeholders, including but not limited to business owners, homeless persons, service providers, students, and academic experts to develop a Compassionate Sidewalks Plan over a series of workshops. The working group should focus but is not limited to the following topics: 1) The demographics and causes of homelessness 2) A survey of existing homeless services 3) An assessment of potential funding needs and sources 4) Existing laws and enforcement 5) Best Practices.

Financial Implications: Staff time

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

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

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

Action: 20 speakers. M/S/C (Arreguin/Anderson) to:

- 1. Approve item (1) from the recommendation of the revised report with the provision that the City Manager will provide the requested information "to the extent possible" and with the removal of item 4) from list.
- Replace item (2) from the revised recommendation with the stated commitment of the City Council to an open process and dialogue on the issue of homelessness with further details to be examined at the April 2, 2013 meeting.
- 3. State that there will be an Action item on the regular agenda of April 2, 2013 to be submitted by the Mayor and/or Council.

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

Recess: 8:51 p.m. - 9:00 p.m.

Action Calendar – New Business

13. Downtown Streets and Open Space Improvement Plan (SOSIP)

From: City Manager

Recommendation: Adopt a Resolution determining that the Certified Downtown Area Plan EIR may be relied upon for approval of the SOSIP, and approving the SOSIP.

Financial Implications: See report

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

Action: M/S/C (Arreguin/Capitelli) to adopt Resolution No. 66,000–N.S. determining that the Certified Downtown Area Plan EIR may be relied upon for approval of the SOSIP, and approving the SOSIP.

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

Action Calendar – Public Hearing

14. Downtown Streets and Open Space Improvement Plan (SOSIP) Impact Fee From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:

- 1. Approving the Nexus Study for the Downtown Streets and Open Space Improvement Plan (SOSIP) Impact Fee; and
- 2. Setting the SOSIP Impact Fee at the maximum justifiable level of: \$2.23 per square foot of new residential use; \$1.68 per square foot of new commercial use; \$1.12 per square foot of new institutional use.

Financial Implications: See report

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

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

Action: M/S/C (Moore/Capitelli) to close the public hearing.

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

Action: M/S/C (Moore/Wengraf) to adopt Resolution No. 66,001–N.S. as amended,

- 1. Approving the Nexus Study for the Downtown Streets and Open Space Improvement Plan (SOSIP) Impact Fee; and
- 2. Setting the SOSIP Impact Fee at the maximum justifiable level of: \$2.23 per square foot of new residential use; \$1.68 per square foot of new commercial use; \$1.12 per square foot of new institutional use, with the amended clauses to read as follows:

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby approves an exemption from the SOSIP Impact Fees for projects less than 1,000 square feet of new development and for projects that neither require a use permit nor a building permit.

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

Action Calendar - Council Items

15. Support of Assembly Bill 5, The Homeless Bill of Rights and Fairness Act From: Councilmember Arreguín

Recommendation: Adopt a Resolution supporting Assembly Bill (AB) 5, authored by Assemblymember Tom Ammiano, which would amend the Jesse Unruh Civil Rights Act to include "housing status" as an impermissible basis for discrimination and reaffirms other civil rights. Copies of the resolution shall be sent to Senator Pro Tem Darrell Steinberg, Senators Loni Hancock, Assembly Speaker John A. Pérez, and Assemblymembers Nancy Skinner and Tom Ammiano.

Financial Implications: None

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

Action: Moved to Consent Calendar. Revised recommendation to remove adoption of a resolution and insert a referral of the item to the City Manager for analysis.

Information Reports

16. Residential Preferential Parking: Adding Saturday Permit Requirement Near Commercial Areas and Extending Football Day Fines

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Moved to Consent Calendar. Item held over to February 5, 2013.

17. Status Report: Follow-up Audit of Public Works Construction Contracts

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

18. Status Report: Utilization of Public Works Sewer Staff Can Be Improved

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

Public Comment – Including Items Not Listed on the Agenda – 1 speaker.

Adjournment

Action: M/S/C (Moore/Wozniak) to adjourn the meeting.

Vote: Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington,

Wozniak, Bates; Noes - None.

Adjourned at 9:36 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 29, 2013 as approved by the Berkeley City Council.

Mark Numainville, CMC, Acting City Clerk

Communications

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.

Response to "No Drone Zone" Agenda Item

1. Gregory Ahern

Open Letter to Mayor

2. James Smith

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

Item 2: Enact Chapter 13.79, Automatically Renewing Leases

3. Rent Stabilization Board

Supplemental Communications and Reports 3

Item 2: Enact Chapter 13.79, Automatically Renewing Leases

4. Shahryar Abbasi

Item 9: Support the Residents of the Jeju Islands off the Coast of Korea to Stop Construction of the Jeju Naval Base

5. Linda Maio, District 1

Item A: Compassionate Sidewalks Plan

- Revised materials, submitted by Councilmember Arreguin (see agenda item)
- 6. Michael Diehl
- 7. Dan McMullan

Item 13: Downtown Streets and Open Space Improvement Plan (SOSIP)

- Presentation, submitted by Planning & Development Department (see agenda item)
- 8. Kent Lewandowski, on behalf of the Sierra Club Northern Alameda Group

BART Board Director

9. Zakhary Mallett