AGENDA



TUESDAY, MARCH 5, 2013

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 – GORDON WOZNIAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.

City Manager Comments: The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.

Public Comment on Non-Agenda Matters: Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.

Public Comment on Consent Calendar and Information Items Only: The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. Lease: Women's Daytime Drop-In Center at 2218 Acton Street From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,280–N.S. authorizing the City Manager to execute a five-year lease agreement of 2218 Acton Street to the Women's Daytime Drop-In Center (WDDC) for use as a drop-in center and social service site for homeless women and families.

First Reading Vote: Ayes - Maio, Arreguin, Capitelli, Wengraf, Worthington,

Wozniak, Bates; Noes – None; Absent – Moore, Anderson

Financial Implications: See report

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

2. Lease Amendment: International Computer Science Institute at 1947 Center Street

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,281–N.S. authorizing the City Manager to execute an amendment to the City's lease (Contract No. R7593) with International Computer Science Institute to provide for an adjustment in rent for the first five-year option period.

First Reading Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Worthington,

Wozniak, Bates: Noes – None: Absent – Moore, Anderson

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Consent Calendar

3. City Council Rules of Procedure and Order

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify the procedures for public comment relating to appeals on Council agendas and rescinding Resolution No. 65,910-N.S.

Financial Implications: None

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

4. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on March 5, 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 - \$1,550,000

Contact: Robert Hicks, Finance, 981-7300

5. Contract No. 7394B Amendment: New World Systems, Inc. for Public Safety Computer System

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7394B with New World Systems, Inc., increasing the amount by \$441,329, for a total not to exceed \$3,078,929 for the period September 1, 2006 to June 30, 2015.

Financial Implications: General Fund - \$441,329

Contact: Donna LaSala, Information Technology, 981-6500

6. Grant Application: FY 2012/13 Alameda County Coordinated Funding Program From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit funding proposals to the Alameda County Transportation Commission for the FY 2012/13 Alameda County Coordinated Funding Program for an amount not to exceed \$12.65 million for transportation capital investments for three related projects:

- 1. BART Plaza & Transit Area Improvement Project
- 2. Downtown Shattuck Reconfiguration & Pedestrian Safety Improvements
- 3. Hearst Avenue Complete Streets Project

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

7. Contract No. 9091 Amendment: EVRA Construction, Inc. for Fire Station No. 5 Renovation

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9091 with EVRA Construction, Inc. for the provision of construction services, increasing the amount by \$69,000 for a total revised contract amount not to exceed \$544,200.

Financial Implications: Measure G Fire Seismic Bond Fund - \$69,000

Contact: Andrew Clough, Public Works, 981-6300

Council Consent Items

8. Reappoint Valerie Agostino to the Berkeley Housing Authority

From: Mayor Bates

Recommendation: Adopt a Resolution reappointing Valerie Agostino to the

Berkeley Housing Authority. **Financial Implications:** None

Contact: Tom Bates, Mayor, 981-7100

9. Support SCA 3, Investing in Public Education

From: Councilmember Moore

Recommendation: Adopt a Resolution supporting SCA 3 for education funding, which would lower the voter threshold for local parcel taxes from two-thirds to 55 percent and would conform more closely with the vote requirement for local school bonds. That the City Clerk sends a copy of the Council action with the resolution to Senators Mark Leno, Jerry Hill, Fran Pavley, Ellen Corbett, Lois Wolk, Kevin de León, Mark DeSaulnier, Noreen Evans, Curren Price, Leland Yee, Darrell Steinberg and Loni Hancock and Assemblymembers Tom Ammiano, Joan Buchanan, Richard Gordon, John Pérez, Nancy Skinner and Rob Bonta.

Financial Implications: Unknown

Contact: Darryl Moore, Councilmember, District 2, 981-7120

10. Refer \$25,000 to the FY 2013/2014 Budget Process to Expand K to College Service in Berkelev

From: Councilmembers Moore and Arreguín

Recommendation: Refer the following to the budget process: A request for

\$25,000 to expand K to College's service in Berkeley.

Financial Implications: Budget Referral - \$25,000

Contact: Darryl Moore, Councilmember, District 2, 981-7120

11. 2013 Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Anderson

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Councilmember Anderson to the 2013 Berkeley Juneteenth Festival with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Fund - \$500

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

12. The Persian Center for the Persian New Year Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds From: Councilmember Arreguín

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember to the Persian Center for the Persian New Year Festival with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Jesse Arreguín and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Fund - \$500

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

Council Consent Items

13. Support for Senate Bill SB59 (Evans) and Assembly Bill AB65 (Achadjian) to Amend the California Penal Code to Expand the Definition of Rape From: Councilmembers Wengraf and Capitelli

Recommendation: Adopt a Resolution supporting Senate Bill SB 59 and Assembly Bill AB 65 which would amend Penal Code Section 261 (a) (5) to expand the definition of rape to include a sexually intimate partner. If adopted, send copies of the signed resolutions to Senator Loni Hancock, President ProTem Senator Darrell Steinberg, Assemblymember Nancy Skinner and to the Senate and Assembly Committees on Public Safety.

Financial Implications: None

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

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action Calendar - Appeals

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the appeal. Written reports shall be available for public review in the office of the City Clerk.

14. ZAB Appeal: 1861 Solano Avenue

From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to uphold the Zoning Adjustments Board's decision to approve Use Permit No. 11-10000032 to establish a new wireless telecommunication facility for AT&T including twelve antennas on the facade of the Oaks Theatre and related equipment in an outdoor lease area.

Financial Implications: None

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

Council Action Items

15. Opposing the Sale of the Berkeley Main Post Office

From: Mayor Bates and Councilmembers Arreguin, Capitelli, and Wengraf Recommendation: Adopt a Resolution opposing the sale of the Berkeley Main Post Office and submit to USPS prior to the close of their public comment period on the potential sale of the facility. Send Resolution to the attention of: Diana Alvarado, Facilities Implementation – Pacific Area, U.S. Postal Service.

Financial Implications: Minimal Contact: Tom Bates, Mayor, 981-7100

16. Bringing the Peace & Justice Commission into Compliance with the Fair Representation Ordinance

From: Councilmembers Wozniak, Moore, and Capitelli

Recommendation: Direct the City Manager to prepare enabling legislation that revises the relevant Municipal Code Section or Resolution to bring the Peace & Justice Commission into compliance with Berkeley's Fair Representation Ordinance (FRO) by restricting appointments to City Councilmembers.

Financial Implications: See report

Contact: Gordon Wozniak, Councilmember, District 8, 981-7180

Information Reports

17. Quarterly Economic Development Report

From: City Manager

Contact: Michael Caplan, Economic Development, 981-7530

18. Berkeley Transportation Action Plan: Update on Parking and Transportation Demand Activities

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

19. Commission Recommendations Based on Review of Complaint Filed Under Open Government Ordinance

From: Open Government Commission

Contact: Kristy van Herick, Commission Secretary, 981-6950

Public Comment – Including Items Not Listed on the Agenda –

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at http://www.cityofberkeley.info.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6908 or clerk@cityofberkeley.info for further information.

Agendas and agenda reports may be accessed via the Internet at http://www.ci.berkeley.ca.us/citycouncil and may be read at reference desks at the following locations:

City Clerk Department Libraries:

2180 Milvia Street Main - 2090 Kittredge Street

Tel: 510-981-6900 Claremont Branch – 2940 Benvenue TDD: 510-981-6903

Fax: 510-981-6901 North Branch – 1170 The Alameda

Email: clerk@ci.berkeley.ca.us

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 21, 2013.

Mark Numainville, Acting City Clerk

Mad Morning

Communications

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

Item 12: The Persian Center for the Persian New Year Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

1. Lisa Bullwinkel

North of Vine Street Improvements

- 2. Steve Martinot
- 3. Susan Grossman
- 4. Margot Smith, on behalf of the North Shattuck Community Action Committee

Vietnamese Food Truck at UC Berkeley

5. Ann Vu

Berkeley Housing

6. Nikki Choi

Residential Parking Permits

7. Dianne Hamm

Post Office Subcommittee Feedback

8. Sally Nelson