# REVISED AGENDA (REVISED TO ADD TELECONFERENCE LOCATION)



### BERKELEY CITY COUNCIL MEETING TUESDAY, MARCH 19, 2013 7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
TELECONFERENCE LOCATION – 6257 KNOX AVENUE, FONTANA, CA 92336

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

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, 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. Minutes for Approval

From: City Manager

**Recommendation:** Approve the minutes for the Council meetings of February 5,

2013 (special and regular) and February 19, 2013 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

## 2. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on March 19, 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 - \$1,601,478

Contact: Robert Hicks, Finance, 981-7300

### 3. Revenue Contract: County of Alameda for Shelter Plus Care Program From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute any resultant agreements or amendments with the County of Alameda for Shelter Plus Care in an amount not to exceed \$241,057 to provide tenant-based rental assistance for people living with HIV/AIDS for the 12-month period of March 1, 2013 through February 28, 2014.

Financial Implications: See report

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

### 4. Classification: Assistant Human Resources Analyst

From: City Manager

**Recommendation:** Adopt a Resolution amending Resolution No. 65,376-N.S., Classification and Salary Resolution for Unrepresented Employees, to establish the classification of Assistant Human Resources Analyst with a monthly salary range of \$5,590 to \$6,800 effective March 20, 2013.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800

### 5. Classification: Associate Human Resources Analyst

From: City Manager

**Recommendation:** Adopt a Resolution amending Resolution No. 65,376-N.S., Classification and Salary Resolution for Unrepresented Employees, to designate the Associate Human Resources Analyst classification as exempt from the overtime provisions of the Fair Labor Standards Act effective March 20, 2013.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800

#### 6. Classification: Employee Relations Manager

From: City Manager

**Recommendation:** Adopt a Resolution amending Resolution No. 65,376-N.S., Classification and Salary Resolution for Unrepresented Employees, to re-title the Employee Relations Officer to Employee Relations Manager effective March 20, 2013.

Financial Implications: None

Contact: David Abel, Human Resources, 981-6800

## 7. Donation: Replacement of Main Sign at Berkeley Marina from California Department of Boating and Waterways

From: City Manager

**Recommendation:** Adopt a Resolution approving a donation of a new sign from the California Department of Boating and Waterways to replace the existing sign at the Berkeley Marina, with a value up to \$30,000.

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Financial Implications: None

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

8. Grant Applications: California Department of Boating and Waterways - Abandoned Watercraft Abatement Fund and Vessel Turn-In Program From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit grant applications to the California Department of Boating and Waterways for the Abandoned Watercraft Abatement Fund in the amount of \$25,000 and the Vessel Turn-in Program in the amount of \$20,000; to accept the grants and execute any resultant revenue agreements and amendments; and authorizing the implementation of projects and appropriation of funding for related expenses, subject to securing the grants.

Financial Implications: See report

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

## 9. Memorandum of Understanding between the Cities of Berkeley, Oakland and Emeryville for 6701 San Pablo Avenue

From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate and execute a memorandum of understanding (MOU) between the Cities of Berkeley, Oakland and Emeryville to designate the City of Berkeley as the agency to process zoning entitlements and building permits for 6701 San Pablo Avenue

Financial Implications: See report

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

### 10. StopWaste.Org Energy Council Joint Powers Agreement

From: City Manager

**Recommendation:** Adopt a Resolution approving the Joint Exercise of Powers Agreement creating the Energy Council and agreeing to become a member of the Energy Council.

Financial Implications: See report

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

## 11. Zoning Amendments to Allow Later Hours of Operation on Telegraph Avenue; BMC Section 23E.56.060

From: City Manager

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 23E.56.060 of the Zoning Ordinance to extend the allowable hours of operation for businesses in the Commercial Telegraph (C-T) District to include 24/7 hours north of Dwight Way and a required closing time of 12:00 a.m. south of Dwight Way.

Financial Implications: See report

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

### 12. Accepting Funds from Property Owners for Street Improvements to West Street From: City Manager

**Recommendation:** Adopt a Resolution:

- 1. Accepting funds in the amount of \$17,500 from property owners on West Street for street improvements to West Street from Addison Street, south to the cul de sac;
- 2. Accepting West Street, from Addison Street south to the cul de sac, into the City's street system subsequent to completion of the improvements; and
- 3. Assuming future maintenance responsibility for this additional portion of West Street.

Financial Implications: Capital Improvement Fund - \$51,358

Contact: Andrew Clough, Public Works, 981-6300

### 13. Contract No. 7766C Amendment: Kappe + Du Architects for Architectural Services

From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7766C with Kappe + Du Architects to provide on-call architectural services for upgrades to the Civic Center Building and Public Safety Building Data Centers, increasing the contract amount by \$15,000 for a revised not-to-exceed contract amount of \$249,289 and a contract term ending September 30, 2013

**Financial Implications:** Various Funds - \$15,000 Contact: Andrew Clough, Public Works, 981-6300

## 14. Contract No. 8219B Amendment: Ecology Center for Vehicle Purchase to Collect Additional Recyclable Materials

From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 8219B with the Ecology Center to:

- 1. Amend the scope of services to include collecting other plastic containers; and
- 2. Increase the contract by \$863,940 for purchase of an additional collection vehicle for an amended not-to-exceed amount of \$35,582,679.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

## 15. Contract No. 9027 Amendment: IPS Group, Inc. for Parking Meters From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9027 with IPS Group, Inc. to purchase and install an additional 569 IPS "smart" meters in the Berkeley Transportation Action Plan pilot areas, increasing the amount by \$412,774 for a revised contract total not to exceed \$1,412,774; and authorizing funding for this amendment from the Parking Meter Revenue Fund.

Financial Implications: Parking Meter Fund - \$412,774

Contact: Andrew Clough, Public Works, 981-6300

## 16. Contract No. 9069 Amendment: AMEC Environment & Infrastructure, Inc. for On-Call Environmental Services

From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9069 with AMEC Environmental & Infrastructure, Inc. to provide on-call environmental consulting services, increasing the amount by \$40,000 for a total revised authorization and contract amount not to exceed \$65,000 for the same contract term.

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**Financial Implications:** Various Funds - \$40,000 Contact: Andrew Clough, Public Works, 981-6300

### 17. Contract No. 9116 Amendment: AJW Construction for Construction Services From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9116 with AJW Construction for construction services for the Alcatraz/Baker and Alcatraz/Idaho Valley Gutter Project, increasing the amount by \$76,440 for a revised total contract not to exceed \$490,902.

**Financial Implications:** Various Funds - \$76,440 Contact: Andrew Clough, Public Works, 981-6300

### 18. Contract: Smith, Fause & McDonald, Inc. for Peer Review and Commissioning Services

From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Smith, Fause & McDonald, Inc. to provide peer review and commissioning services for upgrades to the data centers in the Civic Center Building and Public Safety Building, for a contract total not to exceed \$75,460 for the period April 1, 2013 through September 30, 2013.

**Financial Implications:** Various Funds - \$75,460 Contact: Andrew Clough, Public Works, 981-6300

### 19. Declaration of Intent: FY 2014 Street Light Assessment

From: City Manager

**Recommendation:** Adopt a Resolution:

- 1. Approving the Engineer's Report, Street Lighting Assessment District 1982-1, dated January 2013;
- 2. Setting a public hearing to be held before Council at its May 7, 2013 meeting; and
- 3. Authorizing the City Clerk to publish the notice of the public hearing for FY 2014 Levy of Assessments of Street Lighting Assessment District No. 1982-1.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

### 20. Funding Applications: Bay Area Air Quality Management District - Transportation Fund for Clean Air

From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit two applications to the Bay Area Air Quality Management District's Transportation Fund for Clean Air program, to accept the funds awarded, and execute any resultant agreements and amendments:

- 1. Up to \$155,000 for the Citywide Bicycle Parking Installation Project (Allocation 1); and
- 2. Up to \$180,000 for the Citywide Bicycle Parking Installation Project (Allocation 2).

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

## 21. Funding for East Bay Communities and EBMUD Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses

From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to make payments for the East Bay Communities and EBMUD Joint Exercise of Powers Agreement for Control of Wet Weather Overflows and Bypasses for the 5 year period FY 2013 - FY 2017 for a total not to exceed amount of \$900,000.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

## 22. Reappointment of Shirley Posey to Mental Health Commission From: Mental Health Commission

**Recommendation:** Adopt a Resolution approving the re-appointment of Shirley Posey as a representative of the Special Public Interest category to the Mental Health Commission, to a second term beginning March 20, 2013 and ending March 19, 2016.

Financial Implications: None

Contact: Carol Patterson, Commission Secretary, 981-7721

### 23. Follow-up Report on Outstanding Audit Recommendations

From: Auditor

**Recommendation:** Request the City Manager to notify Council if any of these outstanding recommendations cannot be implemented, or cannot be implemented timely. Request that, in such cases, the report clearly state:

- a. Reasons, such as staff shortages or lack of funds for new software; including anticipated timeline for resolution.
- b. Budget alternatives for Council to address staff shortages and lack of funds.
- c. Mitigating procedures to be implemented as an alternative.
- d. Risks associated with not implementing the recommendations or any residual risk from implementing mitigating procedures.

Financial Implications: See report

Contact: Ann-Marie Hogan, Auditor, 981-6750

#### **Council Consent Items**

### 24. Signage, Cesar Chavez Park, On- and Off-Leash & Protected Areas From: Councilmember Maio

**Recommendation:** Refer to the City Manager a request to evaluate and improve signage at Cesar Chavez Park to delineate more clearly On- and Off-Leash, and Protected Areas, and involve the appropriate commissions.

Financial Implications: Unknown

Contact: Linda Maio, Councilmember, District 1, 981-7110

#### 25. Official City Sponsor of Heart to Heart Health Day

From: Councilmember Moore

**Recommendation:** Approve City sponsorship of Heart to Heart Health Day.

Financial Implications: Unknown

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

#### **Council Consent Items**

### 26. Heart to Heart: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Moore

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including up to \$250 from Councilmember Moore to Lifelong Medical Care for their Heart to Heart program's Health Day with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Moore and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmember's Discretionary Fund - \$250 Contact: Darryl Moore, Councilmember, District 2, 981-7120

### 27. Support Assembly Bill 187, Ammunition Tax

From: Councilmember Arreguin

**Recommendation:** Adopt a Resolution supporting Assembly Bill 187, introduced by Assemblymember Rob Bonta, which levies a tax on all ammunition sold in retail stores and gun shows to fund crime prevention in high-crime areas. Copies of the Resolution should be sent to Senate President Pro Tem Darrell Steinberg, State Senator Loni Hancock, Assembly Speaker John A. Perez, and Assemblymembers Nancy Skinner and Rob Bonta.

Financial Implications: None

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

### 28. Support Assembly Bill 218, "Banning the Box"

From: Councilmember Arreguin

**Recommendation:** Adopt a Resolution supporting Assembly Bill 218, introduced by Assemblymember Roger Dickinson, which postpones the criminal background check of a job applicant to the State or local agency until after the first screening for qualifications has found the applicant qualified. Copies of the Resolution should be sent to Senate President Pro Tem Darrell Steinberg, State Senator Loni Hancock, Assembly Speaker John A. Perez, and Assemblymembers Nancy Skinner and Roger Dickinson.

Financial Implications: None

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

## 29. Supporting Earth Hour and Participating in the Earth Hour City Challenge From: Councilmember Worthington

**Recommendation:** Adopt a Resolution supporting Earth Hour on Saturday, March 23 at 8:30 p.m. local time and apply to formally participate in the Earth Hour City Challenge 2014.

Financial Implications: Minimal

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

#### **Council Consent Items**

### 30. Bring Rodrigo Home – Kids for Kids Resolution

From: Councilmembers Worthington, Arreguin and Anderson

**Recommendation:** Adopt the Bring Rodrigo Home – Kids for Kids Resolution. This is a request for humanitarian support for Rodrigo Diaz Guzman, Reyna Diaz Mayida and Javier Ponce Guzman and to send letters of support to President Barack Obama, Senator Dianne Feinstein and Congresswoman Barbara Lee.

Financial Implications: None

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

### 31. City Manager Referral: Notifying Applicants and Appellants of ZAB Appeal Dates From: Councilmember Worthington

**Recommendation:** Refer to the City Manager to create a policy for applicants and appellants to be notified when the hearing dates are held at the ZAB and City Council.

Financial Implications: Minimal

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

## 32. Pacific Center for Human Growth: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmembers Worthington, Moore and Arreguin

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Councilmember Worthington to Pacific Center for Human Growth with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Worthington and any other Councilmembers who would like to contribute.

**Financial Implications:** Councilmembers' Discretionary Funds - \$1,000 Contact: Kriss Worthington, Councilmember, District 7, 981-7170

#### 33. Proclamation to Honor Cecelia Hurwich

From: Councilmember Worthington

**Recommendation:** Adopt a proclamation to honor Cecelia Hurwich, Ph.D.

Financial Implications: None

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

### 34. Proclamation in Honor of Shen Yun Performing Arts 2013 World Tour From: Councilmember Worthington

Recommendation: Adopt a proclamation honoring Shen Yun Performing Arts 2013

World Tour.

Financial Implications: None

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

### 35. Proclamation in Honor of the 11th Annual Holocaust Remembrance Day Event From: Councilmembers Worthington and Wengraf

**Recommendation:** Adopt the Holocaust Remembrance Day Proclamation for the

11th Annual Holocaust Remembrance Day event.

Financial Implications: None

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

#### **Council Consent Items**

### 36. Budget Referral for Funding The Berkeley Project

From: Councilmember Wozniak

Recommendation: Refer to the budget process a request of annual funding of

\$17,000 per year for The Berkeley Project.

Financial Implications: Budget Referral - \$17,000

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

#### **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.

### 37. ZAB Appeal: 245 Tunnel Road

From: City Manager

**a. Recommendation:** Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve a Modification of Use Permit No. 12-70000007 to establish an eight-car parking lot for Bentley School faculty and staff at the Headmaster's house property located at 245 Tunnel Road.

Financial Implications: None

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

#### b. Appellant

1. Navjot S. Athway (on behalf of David Teece)

### c. Communications

1. Ann E. Mudge

### **Action Calendar – Appeals**

### 38. LPC Appeal: 2517 Regent Street

From: City Manager

**a. Recommendation:** Adopt a Resolution remanding the decision of the Landmarks Preservation Commission (Commission) to approve Landmark Application LM No. 12-40000013 to designate the building located at 2517 Regent Street a Landmark, Structure of Merit back to the Commission to ensure that the owner is accorded a fair hearing and for further consideration of the character defining features to be preserved.

Financial Implications: None

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

### b. Appellant

1. Thomas Richman (on behalf of 2517 Regent LLC)

#### c. Communications

1. BAHA

### Action Calendar – Public Hearing

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and 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.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

### 39. Rescind West Berkeley Plan Amendments, Adopted 2011

From: City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution changing the language of the West Berkeley Plan to remove the language added in 2011.

Financial Implications: None

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

#### Action Calendar – New Business

#### 40. Measure M Expenditure Plan

### 40.a. Watershed Management Plan and Measure M Recommendations From: Community Environmental Advisory Commission

**Recommendation:** Authorize the City Manager to prioritize the expenditure of Measure M funds as follows:

1. Use scenario-based planning to guide allocation of Measure M funds that treat street and watershed objectives equitably, and that includes key stakeholders in the process, including the Community Environmental Advisory and Public Works Commissions.

#### **Action Calendar – New Business**

- 2. Dedicate a portion of bond revenues toward staff to leverage Measure M funds and seek outside grants.
- 3. Implement cost effective green infrastructure (GI) and low impact development (LID) projects from Watershed Management Plan. It is not cost effective to allocate funds for large capital projects to maintain Aquatic Park.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7461

### **40.b. Measure M Expenditure Plan**

From: Public Works Commission

**Recommendation:** Approve the use of a programmatic approach to develop a clear program for the implementation of Measure M. The program should be based on scenario planning that would provide the outcome of an open public process to balance the needs of street surfacingand storm watershed management. The program would be based on Council Resolutions, including the Paving Policy, Watershed Management Plan, and Measure M, as well as adopted area plans such as the SOSIP.

Financial Implications: See report

Contact: Jeffrey Egeberg, Commission Secretary, 981-6400

## **40.c.** Measure M Expenditure Plan: Development and Implementation From: City Manager

**Recommendation**: Direct the City Manager to have Public Works staff and the Public Works Commission update the City's Street Rehabilitation and Repair Policy to reflect the objectives of Measure M, and draft an accelerated 5-Year Street Repair Plan that integrates green infrastructure to the extent feasible. As recommended by the Public Works and Community Environmental Advisory Commissions, staff should use a scenario based scoping process, and include input from the public and other relevant Commissions.

**Financial Implications:** No direct fiscal impacts from this recommendation Contact: Andrew Clough, Public Works, 981-6300; Eric Angstadt, Planning and Development, 981-7400

#### **Council Action Items**

## 41. City Manager Referral: Helping Food Cart Vendors Reinstatement or Relocation From: Councilmember Worthington

**Recommendation:** Refer to the City Manager to create a policy that would prevent food vendors from being closed out of business and reinstate the food carts that are not within the construction fencing and find temporary alternative locations for the other food carts.

Financial Implications: Minimal

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

### **Information Reports**

### 42. Status Report: City Fuel Operations Need Improvement

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

### 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.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <a href="http://www.ci.berkeley.ca.us/video">http://www.ci.berkeley.ca.us/video</a> and KPFB Radio 89.3. Archived indexed video streams are available at <a href="http://www.ci.berkeley.ca.us/citycouncil">http://www.ci.berkeley.ca.us/citycouncil</a>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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 <a href="http://www.cityofberkeley.info">http://www.cityofberkeley.info</a>.

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@cityofberkely.info for further information.

Agendas and agenda reports may be accessed via the Internet at <a href="http://www.ci.berkeley.ca.us/citycouncil">http://www.ci.berkeley.ca.us/citycouncil</a> 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 March 14, 2013.

Mark Numainville, City Clerk

Mart 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.

### **New Pension Accounting Rules**

- 1. Barbara Gilbert
- 2. Elizabeth Scherer

### **Zoning Permits Roadblocks**

3. David Trachtenberg

#### **Refuse Collection**

4. Barbara Gilbert

### **Management Audit**

Berkeley NAACP

### **Council of Neighborhood Associations Newsletter**

6. Ted Edlin