ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, APRIL 30, 2013
7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
TELECONFERENCE LOCATION - 260 S. KALAHEO AVE, KAILUA, HI

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

Preliminary Matters

Roll Call: 7:10 p.m. All present.

Ceremonial Matters:

1. Berkeley Library Foundation Recognition
2. Honoring Cecelia Hurwich

City Manager Comments:

1. Recognizing the community and Fire Department for successful CERT training.

Public Comment on Non-Agenda Matters: 4 speakers.

Public Comment on Consent Calendar and Information Items Only: 21 speakers.

Consent Calendar

Action: M/S/C (Bates/Arreguin) to add an urgent item related to appealing the proposed sale of the Berkeley Main Post Office to the Consent Calendar on the April 30, 2013 agenda pursuant to Government Code Section 54954.2(b)(2) with the findings that the item requires action prior to the next City Council meeting and the City became aware of the need for action after the agenda for the April 30, 2013 meeting was posted.

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

Action: M/S/C (Bates/Maio) to accept revised material on Item 23 from Mayor Bates, revised material on the USPS urgency item from Mayor Bates, and revised material on Item 37 from Councilmembers Wengraf, Maio and Capitelli.

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

Consent Calendar

Action: M/S/C (Bates/Maio) to accept revised material on Item 26 from Mayor Bates and to move Item 47 to the Consent Calendar to be continued to June 4.

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

Councilmember Wozniak absent 7:12 p.m. – 8:15 p.m.

Recess: 8:07 p.m. – 8:10 p.m.

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

Vote: All Ayes.

Recess Item

1. **Contract No. 7691A Amendment: Inter-West Consulting Group for Plan Checking Services**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess, which authorizes the City Manager to execute an amendment to Contract No. 7691A with Interwest Consulting Group (ICG) for plan checking services, increasing the contract not to exceed amount by $50,000 for a not to exceed amount of $320,000.
   Financial Implications: See report
   Contact: Eric Angstadt, Planning and Development, 981-7400
   Action: Adopted Resolution No. 66,080–N.S.

2. **Amending BMC Chapter 9.32 Massage Ordinance: Exempting Chair Massage**
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,283–N.S. amending Sections 9.32.020 and 9.32.060 of the Berkeley Municipal Code to exempt chair massage from the requirement for a massage establishment permit.
   First Reading Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Absent – Moore.
   Financial Implications: None
   Contact: Zach Cowan, City Attorney, 981-6950
   Action: Adopted second reading of Ordinance No. 7,283–N.S.

3. **Minutes for Approval**
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of March 5, 2013 (special and regular), March 18, 2013 (special closed), March 19, 2013 (specials and regular) and March 26, 2013 (special).
   Financial Implications: None
   Contact: Mark Numainville, City Clerk, 981-6900
   Action : Approved minutes as submitted.

Consent Calendar

4. Adopt the 'Open for Business' Pledge of the East Bay Economic Development Alliance
From: City Manager
Recommendation: Adopt a Resolution adopting the 'Open for Business' Pledge that has been created and promoted by the East Bay Economic Development Alliance.
Financial Implications: None
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 66,081–N.S.

5. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on April 30, 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 - $ 1,100,000
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.

6. Donation: Berkeley Meals on Wheels Program from Meals on Wheels Client
From: City Manager
Recommendation: Adopt a Resolution accepting a donation of $3,000 to the Berkeley Meals on Wheels program from a Meals on Wheels client.
Financial Implications: General Fund - $3,000 (donation)
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,082–N.S.

7. Donations: Alameda County Meals on Wheels Agency for the Berkeley Meals on Wheels Program
From: City Manager
Recommendation: Adopt a Resolution accepting two donations for $6,641 and $46,486 to the Berkeley Meals on Wheels program from the Alameda County Meals on Wheels Agency.
Financial Implications: Various Funds - $53,127 (donations)
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,083–N.S.

8. Grant: Alameda County Transportation Commission for Measure B Paratransit Revenue
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments with the Alameda County Transportation Commission (Alameda CTC) for the renewal of Measure B annual pass-through funds estimated to be in the amount of $252,178 for use during FY 2014.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,084–N.S.

Consent Calendar

9. Lease of Five City Parcels to Berkeley Housing Authority for the Disposition and Rehabilitation of Affordable Housing by Berkeley 75 Housing Partners L.P.
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance authorizing the City Manager to: a) Execute a ground lease for seventy years with an option to renew for twenty-nine years with the Berkeley Housing Authority (BHA) for the five parcels of land at 2231 Eighth Street, 1605 Stuart Street, 1812 Fairview Street, 1519 Alcatraz Avenue, and 3016 Harper Street, to be assumed by Berkeley 75 Housing Partners L.P. (Berkeley 75) conditioned upon termination of the existing ground lease with the BHA and the close of Berkeley 75's construction financing for the rehabilitation of the units on the parcels; and b) Execute an Agreement Regarding Assumption of Ground Lease with the Berkeley Housing Authority and Berkeley 75 consenting to the termination of the existing ground lease with the BHA and the close of Berkeley 75's construction financing for the rehabilitation of the units on the parcels; and
2. Adopt a Resolution terminating the existing Cooperation Agreement with the BHA upon the transfer of the 75 units of low income rental housing from the BHA to Berkeley 75 Partners L.P.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action:
1. Adopted first reading of Ordinance No. 7,284–N.S. Second reading scheduled for May 7, 2013.
2. Adopted Resolution No. 66,085–N.S.

10. Contract No. 7008E Amendment: Hanson Bridgett LLP for Legal Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing Contract No. 7008E with Hanson Bridgett LLP (hereinafter "Hanson Bridgett") by increasing expenditure authority in an amount not to exceed $40,000 for legal services pertaining to federal and state tax issues.
Financial Implications: General Fund - $40,000
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,086–N.S.

11. Contract No. 7212C Amendment: Kaiser Permanente Medical Group for Occupational Health Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing Contract No. 7212C with Kaiser Permanente Medical Group for Occupational Health Services by increasing expenditure authority in an amount not to exceed $260,000, for a total contract amount of $910,000 through June 30, 2014, for occupational health medical examinations, including pre-employment physicals.
Financial Implications: Various Funds - $260,000
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,087–N.S.

Consent Calendar

12. Contract No. 7229 Amendment: Preferred Alliance, Inc. for Drug and Alcohol Testing Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7229 in the amount of $35,000 with Preferred Alliance Inc., a Drug and Alcohol Testing Administrator, for a revised total contract amount not to exceed $120,997, and extending the term of the contract from May 15, 2013 through June 30, 2015.
Financial Implications: Various Funds - $35,000
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,088–N.S.

13. Supplemental Retirement Plan and Trust Agreement for Sworn Police Employees
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement an amendment to the Berkeley Police Supplemental Retirement Plan, which provides retirement benefits for eligible police officers represented by the Berkeley Police Association (hereinafter Association). The amendment would limit payments from the Plan to retirees and beneficiaries in pay status as of September 19, 2012. A premium reimbursement plan would be established in place of the Supplemental Retirement Plan for eligible employees who retire on and after September 19, 2012 and their eligible beneficiaries. The amendment implements the provisions of the memorandum of understanding between the City and the Association (the "MOU") dated June 26, 2011 – July 5, 2014 pertaining to retiree medical benefits.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800
Action: Adopted Resolution No. 66,089–N.S.

14. Contract No. 7009 Amendment: 2M Associates for the Bay Trail Extension Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7009 with 2M Associates of Berkeley to provide additional construction support services for the Bay Trail Extension Project in an amount not to exceed $23,045 for a total contract amount not to exceed $250,184, and extending the contract through December 31, 2013.
Financial Implications: Coastal Conservancy Fund - $23,045
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,090–N.S.

15. Contract: CDM Smith for Parking Data Collection Services for the Berkeley Transportation Action Plan Pilot (goBerkeley)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with CDM Smith for manual parking data collection services for the Berkeley Transportation Action Plan, for an amount not to exceed $200,000 for the period March 1, 2013 through June 30, 2015.
Financial Implications: MTC Fund - $200,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,091–N.S.

Consent Calendar

16. Contract: Kitchell for Inspection and Assessment of City-Owned Buildings
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Kitchell for Inspection and Assessment of City-Owned Buildings for an amount not to exceed $100,000 for the period from June 1, 2013 through March 31, 2014.
Financial Implications: Various Funds - $100,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,092–N.S.

17. Purchase Order: Pape Machinery for One Waste Handler Wheel Loader
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order for one waste handler wheel loader with Pape Machinery, in an amount not to exceed $208,000.
Financial Implications: Equipment Replacement Fund - $208,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,093–N.S.

18. Prosecute George W. Bush and Co-Conspirators for the Deaths of Alameda County Residents Killed in Iraq
From: Peace and Justice Commission
Recommendation: Adopt a Resolution sending a letter to Alameda County District Attorney, Nancy O'Malley, urging her to prosecute former President George W. Bush and his co-conspirators for murder for the deaths of Alameda County residents killed in Iraq.
Financial Implications: None
Contact: Eric Brenman, Commission Secretary, 981-5114
Action: Recommendation not adopted by Council.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – None; Abstain – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates.

19. Shelter Plus Care: Fully Compliant but Vulnerable to Staffing Cuts
From: Auditor
Recommendation: Request the City Manager report back by October 29, 2013, and every six months thereafter, regarding the status of recommendations until reported fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Approved recommendation.

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20. Divesting from Publicly-Traded Fossil Fuel Companies and Urging CalPERS to Divest its Holdings in Fossil Fuel Companies from Statewide Pension Investments
From: Mayor Bates
Recommendation:
1. Direct the City Manager to prepare a resolution for consideration by the City Council divesting the City of Berkeley from publicly-traded fossil fuel companies in the next five years.

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2. Adopt a Resolution urging CalPERS to divest its own holdings in fossil fuel companies from statewide pension investments.
Financial Implications: Unknown
Contact: Tom Bates, Mayor, 981-7100
Action: Item moved to Action Calendar. No action taken.

21. City Manager Referral: Examine the Feasibility of Divesting all City Funds from Fossil Fuel Companies
From: Councilmember Worthington
Recommendation: Refer to the City Manager to examine the feasibility of divesting all City funds from direct ownership of fossil fuel companies and any commingled funds that include fossil fuel public equities and corporate bonds and send a letter to CalPERS requesting they also consider divesting from fossil fuel companies.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item moved to the Action Calendar. Approved recommendation.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Capitelli.

Councilmember Capitelli absent 10:57 p.m. – 10:59 p.m.

22. Divestment from Gun Manufacturers and Tobacco Companies
From: Mayor Bates
Recommendation: Direct the City Manager to prepare a Resolution for consideration by the City Council amending the City of Berkeley's Investment policy to reflect an official policy of divestment from gun manufacturers and tobacco companies.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.

23. Increase the Minimum Wage in the City of Berkeley
From: Mayor Bates, Councilmembers Arreguin and Worthington
Recommendation: Request the City Manager draft a minimum-wage ordinance and submit it for review and consideration by the Labor Commission. This ordinance should be similar to the one instituted by the City of San Francisco that came into effect in 2013.
Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100
Action: Revised material submitted. Approved revised recommendation.

24. In Support of SCA 11 (Hancock)
From: Mayor Bates
Recommendation: Adopt a Resolution supporting SCA 11 which will condition the imposition, extension or increase of a special tax by a local government upon the approval of 55% of the voters.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,094–N.S.

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25. Kala Art Institute Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Mayor Bates
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $800 from Mayor Bates and per Councilmember to Kala Art Institute with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Tom Bates and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Fund - $800
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 66,095–N.S. revised to include a contribution from Councilmember Anderson up to $150.

26. Extend Commercial Zoning on Fourth Street and Gilman Street
From: Mayor Bates
Recommendation: Request the Planning Commission consider expanding Commercial West Berkeley (CW) zoning along: 1) Fourth Street to Virginia Street, 2) Gilman Street from Sixth Street to San Pablo Avenue (precise area indicated on map attached to Council report).
Financial Implications: Increased tax revenue and employment opportunities.
Contact: Tom Bates, Mayor, 981-7100
Action: Revised material submitted. Item held over to May 7, 2013.

27. Status Report of the Vacancy Registration Fee
From: Mayor Bates and Councilmember Arreguin
Recommendation: Request the City Manager to report on the status of the Vacancy Registration Fee which was approved by the Berkeley City Council on September 20, 2011.
Financial Implications: Unknown
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.

28. Reducing Barriers to the Development of Residential Accessory Dwelling Units
From: Councilmember Maio
Recommendation: Request that the Planning Commission and Transportation Commission investigate the feasibility of reducing barriers to the development of residential accessory dwelling units (ADUs) and consider allowing them by right if they meet certain pre-conditions.
Financial Implications: Unknown
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation. Councilmember Moore added as a co-sponsor.
Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – Arreguin, Bates.

29. Referral to Animal Care Commission: Protected Primate Ordinance and Ban on Animal Testing
From: Councilmember Arreguin
Recommendation: Refer the following issues to the Animal Care Commission for review and request that the Commission make a recommendation on both issues to the City Council, after consulting with City staff:
1. The proposed Protected Primate Guardianship Ordinance; and

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2. Establishing either an outright ban on animal testing, or restrictions on animal testing in the City of Berkeley. Such legislation could be either in the form of zoning amendments prohibiting animal research in certain zoning districts or a general city policy.
Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Approved recommendation.

30. Supporting Assembly Bill 187, Ammunition Tax
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Assembly Bill (AB) 187, introduced by Assemblymember Rob Bonta, which would impose a 10% tax on the gross receipts of any retailer from the sale of ammunition sold at retail, as well as an excise tax on the storage, use or consumption of ammunition purchased from a retailer in California. Funds from the taxes would be deposited into a Public Safety Emergency Prevention Fund to support public safety programs in high crime areas. Copies of the Resolution to be sent to Governor Jerry Brown, Senate President Pro- Tem Darrell Steinberg, Senator Loni Hancock, Assembly Speaker John A. Perez, Assemblymember Nancy Skinner and Assemblymember Rob Bonta.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 66,096–N.S. Councilmember Anderson added as a co-sponsor.

31. Proclaiming May as Mental Health Month in the City of Berkeley
From: Councilmember Arreguin
Recommendation: Adopt a Resolution proclaiming May 2013 as Mental Health Month in the City of Berkeley.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: 4 speakers. Moved to Action calendar. M/S/C (Arreguin/Moore) to adopt Resolution No. 66,097–N.S.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes - None.

32. Referral to City Manager: Restrictions on Check Cashing Stores
From: Councilmembers Arreguin, Anderson, and Moore
Recommendation: Refer to the City Manager and Planning Commission the issue of amending the Zoning Ordinance to restrict new check cashing stores in Berkeley, and request that the City Manager bring back to Council regulations on new check cashing stores.
Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Approved recommendation.

33. Shielded Outdoor Fixtures in Residential Areas
From: Councilmembers Capitelli and Wengraf
Recommendation: Refer to the Planning Commission an amendment to the Zoning Code requiring exterior lighting be shielded in a manner which avoids direct glare onto abutting lots in a residential district.
Financial Implications: Unknown
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.

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34. Berkeley Public Education Foundation: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Wengraf
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $150 per Councilmember including $150 from Councilmember Wengraf to the Berkeley Public Education Foundation with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Wengraf and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $150
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,098–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - $100; Councilmember Arreguin - $150; Councilmember Anderson - $150; Councilmember Wengraf - $150.

35. City Sponsorship of the Centennial Celebration of Rose Walk
From: Councilmember Wengraf
Recommendation: Adopt a Resolution co-sponsoring the "100th Anniversary of the Rose Walk" event to be held at 12 noon on June 1, 2013 in collaboration with Berkeley Partner for Parks and the Berkeley Historical Society.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,099–N.S.

36. Rose Walk Centennial Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Wengraf
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember and Mayor, including up to $250 from Councilmember Wengraf, to the Rose Walk Centennial Event with funds relinquished to the City's General Fund for this purpose from the Discretionary Council Office Budgets of Councilmember Susan Wengraf and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - $250
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,100–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - $100; Councilmember Anderson - $100; Councilmember Wengraf - $250; Councilmember Wozniak - $250.

37. Policy Statement on Habitable Space Guidelines
From: Councilmembers Wengraf, Maio and Capitelli
Recommendation: Adopt the following policy statement: Every newly constructed habitable space shall have natural light and ventilation to the extent feasible and consistent with other City of Berkeley health, safety and welfare policies. Common living areas shall be contiguous including kitchen, dining and living areas.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved revised recommendation.

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38. Proclamation in Honor of the 1st Annual Himalayan Film Festival in Berkeley
From: Councilmember Worthington
Recommendation: Adopt a proclamation in honor of the 1st Annual Himalayan Film Festival in Berkeley set to take place May 15-19, 2013.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved proclamation.

39. 1st Annual Himalayan Film Festival in Berkeley: Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds
From: Councilmember Worthington
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including up to $500 from Councilmember Worthington to the City of Berkeley Annual Himalayan Film Festival with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Kriss Worthington and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - $500
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,101–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - $100; Councilmember Anderson - $250; Councilmember Wengraf - $150.

40. **Removed from Agenda by CouncilmemberCity Manager Referral: Refer up to $1,300 to the Budget Process to Facilitate Timely Response to Public Record Act (PRA) Requests**
From: Councilmember Worthington
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

41. Support AB 123 (Bonta) School Instruction on Filipino Farm Workers
From: Councilmember Worthington
Recommendation: Support AB 123 (Bonta) School Instruction on Filipino Farm Workers and send a letter to Assemblymembers Nancy Skinner and Rob Bonta.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation. Councilmembers Arreguin and Anderson added as co-sponsors.

42. Support HR 1010; The Fair Minimum Wage Act
From: Councilmember Worthington
Recommendation: Support the Fair Minimum Wage Act.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

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43. Supporting Enforcement of Draft Proposed Rule to Reduce Exposure to Life-Threatening Silica Dust by the Federal Occupational Safety and Health Administration (OSHA)
From: Councilmember Worthington
Recommendation: Adopt a Resolution supporting the enforcement of a draft proposed rule to reduce exposure to life-threatening silica dust and send a letter to the White House Office of Management and Budget.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to May 21, 2013.

44. Supporting the Uniting American Families Act (HR 519 and S 296) to Include LGTB Families in Immigration Reform
From: Councilmember Worthington
Recommendation: Adopt a Resolution supporting the Uniting American Families Act (HR 519 and S 296) to include LGTB families in comprehensive immigration reform. Copies of the resolution shall be sent to Senators Dianne Feinstein, Barbara Boxer and Harry Reid; Representatives Barbara Lee, George Miller and House Speaker John Boehner; and Vice-President of the United States Joseph Biden.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,102–N.S. Councilmember Moore added as a co-sponsor.

45. Support HR 532; Private Student Loan Bankruptcy Fairness Act and End Predatory Lending Practices
From: Councilmember Worthington
Recommendation: Support the Private Student Loan Bankruptcy Fairness Act and send letters to Congresswoman Barbara Lee, Senator Dianne Feinstein, and Senator Barbara Boxer.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

46. Proclamation Honoring Asian Pacific Islander American Heritage Month
From: Councilmember Worthington
Recommendation: Adopt a Proclamation honoring May as Asian Pacific Islander American Heritage Month.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved proclamation revised to correct population number. Councilmembers Arreguin and Anderson added as co-sponsors.

Action Calendar – Public Hearings

47. Greenleaf Wellness Group - 1515 Dwight Way: Public Hearing and Determination Regarding a Public Nuisance Under BMC Section 23B.64
From: City Manager
Recommendation:
1. Conduct a public hearing pursuant to Berkeley Municipal Code (BMC) Section 23B.64.030 and, upon conclusion, direct staff to return with a Resolution on May 7, 2013 determining that 1515 Dwight Way is in violation of: 1) BMC Chapter 12.26 The Patients Access to Medical Cannabis Act of 2008; 2) BMC Section 23A.12.010; 3) Health and Safety Code Section 11362.765(a); and 4) a Public Nuisance under BMC Section 23B.64.020 and order the use enjoined and terminated; and
2. Continue the Council's consideration to May 7, 2013 for adoption of the Resolution.
Financial Implications: None
Contact: Gregory Daniel, City Manager, 981-7000
Action: Item moved to the Consent Calendar and continued to June 4, 2013.

48. Allocations of FY 2014-2015 Funds for Community Agencies and Submission of the PY 2013 Annual Action Plan
From: City Manager
Recommendation: Conduct a public hearing on 1) the allocation of funds for community agencies for FY 2013 and 2) the Program Year (PY) 2013 Annual Action Plan (AAP) for federal funds, and upon conclusion:
1. Adopt a Resolution: a. Approving proposed funding allocations under the FY 2014 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and b. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and c. Allocating 90% of the FY 2014 HOME funds to the Housing Trust Fund, and 10% for program administration; and d. Authorizing the City Manager to submit the PY 2013 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD); and
2. Adopt a Resolution approving the City Manager's proposed FY 2014 CDBG funding for Biotech Partners, Inc. and authorizing the execution of resultant agreements and amendments with Biotech Partners, Inc.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Public Testimony: The Mayor opened the public hearing. 41 speakers.

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

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

Action: M/S/C (Capitelli/Moore) to adopt the following:
Resolution No. 66,103–N.S. approving the City Manager's proposed FY 2014 CDBG funding for Biotech Partners, Inc. and authorizing the execution of resultant agreements and amendments with Biotech Partners, Inc. revised to correct the fiscal year to 2014.

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

Action Calendar – Public Hearings

Action: M/S/C (Capitelli/Moore) to adopt the following:
1. Resolution No. 66,104–N.S. a. Approving proposed funding allocations under the FY 2014 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and b. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and c. Allocating 90% of the FY 2014 HOME funds to the Housing Trust Fund, and 10% for program administration; and d. Authorizing the City Manager to submit the PY 2013 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) revised to correct the fiscal year to 2014.
2. Request that the City Manager seek additional information from New Bridge, Youth Spirit Artworks, and Options Recovery regarding how their program relates to 2020 Vision and the homeless, including a profile of their clients and how they are funded. Information to be provided for the budget discussion.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes - None.

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 11:30 p.m. to consider items 20, 21, 31, 49, 51, and 53 – 59.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Capitelli.

Councilmember Capitelli absent 10:50 p.m. – 10:53 p.m.

Action Calendar – Old Business

49. Berkeley City Councilmembers Jointly Sign the CREDO Action Keystone XL Pledge of Resistance *(Continued from April 2, 2013)*
From: Councilmembers Worthington, Anderson and Arreguin
Recommendation: For the Berkeley City Council members to jointly sign the CREDO Action Keystone XL Pledge of Resistance.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to May 7, 2013.

50. City Manager Referral: Allow Video Screen with Advertisements Inside Taxicabs *(Continued from April 2, 2013)*
From: Councilmember Worthington
Recommendation: Refer to the City Manager a change in the Berkeley Municipal Code, to allow for video screen advertisements to be posted inside taxicabs.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to May 21, 2013.

Action Calendar – Old Business

51. City Manager Referral: Solarizing & Energy Retrofitting Via a Joint Power Agreement *(Continued from April 2, 2013)*
From: Councilmember Worthington
Recommendation: Referral to City Manager to evaluate the feasibility of the City of Berkeley opting into a Joint Power Agreement (JPA) to add one more tool to increase solarizing and energy retrofitting.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Item held over to May 7, 2013.

52. Pacific Center for Human Growth: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds *(Continued from April 2, 2013)*
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
Action: Moved to Consent Calendar. Adopted Resolution No. 66,105–N.S. 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 contributions from the following Councilmembers up to the amounts listed: Councilmember Anderson - $250; Councilmember Arreguin - $100.

53. Telegraph ACTION Plan of Short Term Improvements for 2013 and 2014, to Provide Direction as Requested by City Manager at Worksession *(Continued from April 2, 2013)*
From: Councilmember Worthington
Recommendation: Telegraph ACTION Plan of short term improvements for 2013 and 2014. Provide direction to the City Manager as requested at the Telegraph work session, to prioritize staff attention amongst the many positive ideas presented.
Financial Implications: Refers $50,500 to the budget process
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: 7 speakers. M/S/C (Worthington/Maio) to:
1. Approve Item 53 as amended, removing #6 from the referral list, amending #4 to add Sunday Closures or other events to the $36,000 budget referral, and changing the recommendation to state that the list is being referred to the City Manager for evaluation.
2. Adopt Items 54, 55, 56, and 59.
3. Adopt Item 58 as amended to include Telegraph Avenue in the City pilot program for parklets.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes - None..

Action Calendar – New Business

54. Consider Conversion of Bancroft Way and Durant Avenue into Two-Way Streets
From: Mayor Bates
Recommendation: Request the City Manager identify a process and cost estimate for inclusion in the FY 2014 Budget and for the City Council to consider the feasibility of converting Bancroft Way and Durant Avenue into two-way streets. The analysis should include estimates of costs for traffic analysis, traffic control methods, CEQA analysis, and construction. It should also identify possible funding sources, partners, and schedule involved.
Financial Implications: Staff time
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation. See Item 53.

55. Increase Floor Area Ratio in Southside Plan
From: Mayor Bates
Recommendation: Request the Planning Commission consider amending the Southside Plan and increase the Floor Area Ratio (FAR) on Telegraph Avenue to allow greater density.
Financial Implications: Increased tax revenue and employment opportunities.
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation. See Item 53.

56. Upper-Floor Office Use on Telegraph Avenue
From: Mayor Bates and Councilmember Worthington
Recommendation: Request the Planning Commission consider zoning changes on Telegraph Avenue in the Southside area that would allow office uses above commercial spaces in mixed-use developments.
Financial Implications: Increased tax revenue and employment opportunities.
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation. See Item 53.

57. Temporarily Relax Quota System on Telegraph Avenue
From: Mayor Bates
Recommendation: Request the Planning Commission consider zoning changes on Telegraph Avenue in the Southside area to allow a temporary relaxation of the quota system for three years.
Financial Implications: Increased sales tax revenue and employment opportunities.
Contact: Tom Bates, Mayor, 981-7100
Action: Item held over to May 28, 2013.

58. Parklets on Telegraph Avenue
From: Mayor Bates and Councilmember Worthington
Recommendation: Request the City Manager explore the possibility of allowing businesses to lease City yellow zones on Telegraph Avenue in order to install and maintain parklets in yellow zones directly outside of their businesses.
Financial Implications: Staff time
Contact: Tom Bates, Mayor, 981-7100
Action: Approved revised recommendation. See Item 53.

Action Calendar – New Business

59. Sunday Closures of Telegraph Avenue
From: Mayor Bates and Councilmember Worthington
Recommendation: Request the City Manager identify the costs for possible inclusion in the FY 2014/15 Budget for the City Council to consider the feasibility of regular Sunday closures of Telegraph Avenue and/or adjoining streets in the Southside beginning in spring or summer 2014. The analysis should include estimates of costs for street closure, suggested street boundaries and variations, traffic diversion, event coordination, and other associated staff commitments. The analysis should also identify possible funding sources, partners, and implementation schedule.
Financial Implications: Staff time
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation. See Item 53.

Information Reports

60. Audit of Citywide Payment-Card Acceptance: Is Cardholder Information Safe?
From: City Manager
Contact: Robert Hicks, Finance, 981-7300
Action: Received and filed.

61. UC Berkeley Long Range Development Plan Transportation Demand Management/Pedestrian FY 2011 - FY 2015 Funding Agreement
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.

62. Summary of Activities for 2012 and Work Plan for 2013
From: Fair Campaign Practices Commission
Contact: Kristy van Herick, Commission Secretary, 981-6998
Action: Received and filed.

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

Adjournments in Memory of:

1. Maudelle Shirek, former City Councilmember
2. Doris Maslach
3. Estelle Jelinek (memorial service: May 5 at 2:30 p.m. at 2924 Ashby)

Action: M/S/C (Capitelli/Maio) to adjourn the meeting.

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

Adjourned at 11:26 p.m.

Communications

Item 47: Greenleaf Wellness Group - 1515 Dwight Way: Public Hearing and Determination Regarding a Public Nuisance Under BMC Section 23B.64

1. Marcia Hoffman
2. Matthew Pruitt
3. Rafael Rosario

Bike Signal at Hillegass/Ashby

4. Christina Telles

Warm Water Pools

5. Commission on Aging – referred to the City Manager by Councilmember Maio

3001 Telegraph Avenue

6. Shirley Dean, on behalf of the Berkeley Neighborhood Council

2095 Shattuck Avenue

7. Michael Katz

Residential Parking Permits

8. Barbara Weidenfeld

Pension Costs

9. Barbara Gilbert

Guardrail on Buena Vista Way

10. Jonas & Marilyn Langer

Commercial Lease at 2444 Durant

11. M. Eid Abdallah

Supplemental Communications and Reports 1

Item 26: Extend Commercial Zoning on Fourth Street and Gilman Street

12. Jack Litewka

Item 48: Allocations of FY 2014-2015 Funds for Community Agencies and Submission of the PY 2013 Annual Action Plan

- Revised materials, submitted by Health, Housing & Community Services (see agenda item)

13. Sunday Von Drasek

Item 51: Solarizing & Energy Retrofitting Via a Joint Power Agreement

- Supplemental materials, submitted by Mayor's Office (see agenda item)

Supplemental Communications and Reports 2

Item 18 Prosecute George W. Bush and Co-Conspirators for the Deaths of Alameda County Residents Killed in Iraq

14. John Henneberry

Item 28: Reducing Barriers to the Development of Residential Accessory Dwelling Units

15. Ignacio Dayrit

Supplemental Communications and Reports 2

Item 47: Greenleaf Wellness Group - 1515 Dwight Way: Public Hearing and Determination Regarding a Public Nuisance Under BMC Section 23B.64

16. Mary Mack
17. Alfred Antonini (Additional disc on file in City Clerk's Office)

Item 48: Allocations of FY 2014-2015 Funds for Community Agencies and Submission of the PY 2013 Annual Action Plan

18. Kristy Feck, on behalf of Toolworks
19. Paula Worby, on behalf of the Multicultural Institute

Item 51: City Manager Referral: Solarizing & Energy Retrofitting Via a Joint Power Agreement

20. John Law

Supplemental Communications and Reports 3

Item 18: Prosecute George W. Bush and Co-Conspirators for the Deaths of Alameda County Residents Killed in Iraq

21. Berkeley Fellowship Social Justice Committee

Item 23: Increase the Minimum Wage in the City of Berkeley

- Revised materials, submitted Mayor Bates (see agenda item)

22. Javier Gonzalez, on behalf of the California Restaurant Association
23. Unknown

Item 26: Extend Commercial Zoning on Fourth Street and Gilman Street

24. Unknown (2)

Item 37: Policy Statement on Habitable Space Guidelines

- Revised materials, submitted Councilmember Wengraf (see agenda item)

Item 48: Allocations of FY 2014-2015 Funds for Community Agencies and Submission of the PY 2013 Annual Action Plan

- Presentation, submitted by Health, Housing & Community Services (see agenda item)

25. Michael Connor
26. Unknown

Letter Appealing the Sale of the Berkeley Main Post Office

27. Mayor Bates