REVISED AGENDA
(ADDED CONTINUED ITEMS FROM APRIL 30, 2013)

BERKELEY CITY COUNCIL MEETING

TUESDAY, MAY 7, 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, 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.

Consent Calendar – Continued Business

A. Lease of Five City Parcels to Berkeley Housing Authority for the Disposition and Rehabilitation of Affordable Housing by Berkeley 75 Housing Partners L.P.
(Continued from April 30, 2013)
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,284–N.S. 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.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Consent Calendar

1. Amendment: FY 2013 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2013 Annual Appropriations Ordinance No. 7,261-N.S. for fiscal year 2013 based upon other adjustments in the amount of $9,218,905 (gross) and $4,085,858 (net).
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Consent Calendar

2. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on May 7, 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 - $476,768
Contact: Robert Hicks, Finance, 981-7300

3. Contract: Wells Fargo Bank for Banking Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a four-year contract with Wells Fargo Bank to provide a comprehensive range of banking services to the City for the period of June 1, 2013 through May 31, 2017, in an amount not to exceed $4,142,000, with an option for two 3-year extensions for a total of ten (10) years contract amount not to exceed $10,356,000.
Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300

4. Mental Health Services Act FY12 and FY13 Annual Update
From: City Manager
Recommendation: Adopt a Resolution to approve the Mental Health Services Act (MHSA) Fiscal Years 2012 and 2013 Annual Plan Update to fund local mental health programs and services through June 30, 2014 and authorize the City Manager to forward the update to appropriate state officials.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

5. Contract Amendments: Mental Health Services Act Community Services and Supports, Prevention and Early Intervention, and Innovations
From: City Manager
Recommendation: Adopt fourteen Resolutions authorizing the City Manager to execute amendments totaling up to $534,562 for the following contracts that are funded through Mental Health Services Act (MHSA) Community Services and Supports (CSS), Prevention and Early Intervention (PEI), and Innovations (INN) monies, increasing the contract amounts, expending the INN funds by June 30, 2013, extending the CSS contract through September 30, 2013, and extending the PEI and INN contracts through June 30, 2014.

1. Increasing CSS Contract No. 8439C with Youth Engagement Advocacy Housing (YEAH) by $25,442 for a total contract amount not to exceed $330,746.
2. Increasing PEI Contract No. 8573C with Albany Unified School District (AUSD) by $53,040 for a total contract amount not to exceed $212,160.
3. Increasing PEI Contract No. 8801B with Center for Independent Living (CIL) in the amount of $26,520 for a total contract amount not to exceed $79,560.
4. Increasing PEI Contract No. 8560C with G.O.A.L.S. For Women, Inc. in the amount of $26,520 for a total amount not to exceed $106,080.
5. Increasing PEI Contract No. 8516C with Pacific Center for Human Growth in the amount of $26,520 for a total contract amount not to exceed $106,080.

Consent Calendar

6. Increasing PEI Contract No. 8606C with Youth Engagement Advocacy Housing (YEAH), in the amount of $26,520 for a total contract amount not to exceed $106,080.
7. Increasing PEI Contract No. 8975A with Berkeley Unified School District (BUSD) in the amount of $35,000 for a total contract amount not to exceed $125,000.
8. Increasing INN Contract No. 9009 with Albany Senior Center in the amount of $45,000 for a total contract amount not to exceed $94,999.
9. Increasing INN Contract No. 9029 with Berkeley Food and Housing Project in the amount of $45,000 for a total contract amount not to exceed $94,999.
10. Increasing INN Contract No. 9008 with Community Health for Asian Americans (CHAA) in the amount of $45,000 for a total contract amount not to exceed $94,999.
11. Increasing INN Contract No. 9015 with McGee Avenue Baptist Church in the amount of $45,000 for a total contract amount not to exceed $94,750.
12. Increasing INN Contract No. 9016 with Niroga Institute in the amount of $45,000 for a total contract amount not to exceed $94,999.
13. Increasing INN Contract No. 9013 with Options Recovery Services in the amount of $45,000 for a total contract amount not to exceed $94,999.
14. Increasing INN Contract No. 9018 with Pacific Center for Human Growth in the amount of $45,000 for a total contract amount not to exceed $94,999.

Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

6. Classification: Manager of Housing and Community Services
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 64,250-N.S., Classification and Salary Resolution for Public Employees Union Local One, to revise and re-title the Housing Services Manager to Manager of Housing and Community Services and reduce the monthly salary by 3% to $9,091 - $11,056 effective May 12, 2013; and abolishing the classification of Community Services & Administration Manager.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800

7. Classification: Environmental Health Supervisor
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 64,250-N.S., Classification and Salary Resolution for Public Employees Union Local One, to establish the classification of Environmental Health Supervisor with a monthly salary range of $7,352 to $8,543 effective May 12, 2013.
Financial Implications: See report
Contact: David Abel, Human Resources, 981-6800

8. Supplemental Military Leave Compensation Policy
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 63,646-N.S. to extend the City's supplemental military leave compensation benefit to May 31, 2014 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two years that must be taken within 36 months for employees called up to involuntary active military service.
Financial Implications: No fiscal impact at this time
Contact: David Abel, Human Resources, 981-6800

Consent Calendar

9. Contracts: Technical Planning Services
From: City Manager
Recommendation: Adopt eight Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms for technical planning services for a total contract period of three years:
1. JWC Urban Design in an amount not to exceed $250,000;and
2. Architecture+History in an amount not to exceed $250,000; and
3. Knapp Architects in an amount not to exceed $250,000; and
4. Pacific Legacy, Inc. in an amount not to exceed $250,000; and
5. Tim Kelley Consulting in an amount not to exceed $250,000; and
6. RCC Consultants, Inc. in an amount not to exceed $500,000; and
7. Cotton Shires & Associates, Inc. in an amount not to exceed $500,000; and
8. Square One Productions in an amount not to exceed $500,000.

Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400

10. Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation Project on Contra Costa Avenue, Capistrano Avenue, Solano Avenue, The Alameda, and Los Angeles Avenue
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Sanitary Sewer Project, 13-10692-C, located on Contra Costa Avenue, Capistrano Avenue, Solano Avenue, The Alameda, and Los Angeles Avenue; and
2. Accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and
3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $834,368 for the period of 150 calendar days from the date of the execution of the contract.

Financial Implications: Sanitary Sewer Operation - $834,368
Contact: Andrew Clough, Public Works, 981-6300

11. Contract: City CarShare for City of Berkeley Fleet Carshare Program
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with City CarShare to continue the City of Berkeley Fleet Carshare Program, for an amount not to exceed $240,000 for the period July 1, 2013 through June 30, 2015.
Financial Implications: Equipment Replacement Fund - $240,000
Contact: Andrew Clough, Public Works, 981-6300

12. Support SB 391, the California Homes and Jobs Act
From: Housing Advisory Commission
Recommendation: Adopt a Resolution supporting Senate Bill 391, the California Homes and Jobs Act and send a copy of the resolution to State Senator Mark DeSaulnier.
Financial Implications: None
Contact: Kristen Lee, Commission Secretary, 981-5427

Council Consent Items

13. Supporting Senate Bill 603, Changes to State Security Deposit Law
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Senate Bill (SB) 603, introduced by State Senator Mark Leno, which would change state Security Deposit law (Civil Code Section 1950.5) to require statewide the payment of interest on security deposits and mandates increased penalties for non-payment of security deposits, in addition to other changes. Copies of the Resolution to be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Senator Loni Hancock, Senator Mark Leno, Assembly Speaker John A. Perez and Assemblymember Nancy Skinner.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

14. Assembly Bill 975: Charity Care
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Assembly Bill (AB) 975 authored by Assemblymembers Bob Wieckowski and Rob Bonta. AB 975 would create uniform standards for transparency and accountability on charity care and community benefit for private, non-profit hospitals. 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, Assemblymembers Nancy Skinner, Bob Wieckowski, and Rob Bonta.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

15. Commission Term Limits
From: Councilmembers Capitelli and Wengraf
Recommendation: Refer to the City Manager an amendment to BMC 3.02.040 that imposes an eight-cumulative-year (in any ten year period) term limit for all commissioners now subject to an eight-year consecutive term limit and whose service commenced on or after December 1, 2004.
Financial Implications: Staff time
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

16. City Manager Referral: Amending Administrative Regulation 1.11: Half-mast to Include Firefighters, Peace Officers, and Any City of Berkeley Employee who Fall in the Line of Duty, and National Tragedies
From: Councilmember Worthington
Recommendation: Refer to the City Manager to amend Administrative Regulation 1.11: half-mast to include firefighters, peace officers, and any City of Berkeley employee who dies in the line of duty.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

17. Proclamation in Honor of Mary Rudge
From: Councilmember Worthington
Recommendation: Adopt a proclamation honoring Mary Rudge to be presented at the 11th Annual Berkeley Poetry Festival on May 11, 2013.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

18. Support SB 52: California DISCLOSE Act
From: Councilmember Worthington
Recommendation: Support SB 52: California DISCLOSE Act.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

19. Support HR 675-Part Time Worker Bill of Rights
From: Councilmember Worthington
Recommendation: Support HR 675- Part Time Worker Bill of Rights.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

20. Support SB 240: Require Polling Places on Higher Education Campuses
From: Councilmember Worthington
Recommendation: Support SB 240: Require Polling Places on Higher Education Campuses.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

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.

Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes.

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.

Action Calendar - Appeals

21. ZAB Appeal: 1152 Amador Avenue
From: City Manager
Recommendation: Adopt a Resolution to affirm the Zoning Adjustments Board's (ZAB) approval of Administrative Use Permit No. 11-20000034 to enlarge an existing single-family residence from 2,645 square feet to 3,944 square feet by expanding the ground floor and constructing a new third floor, increasing the average height from 22 feet to 28 feet, 9 inches, on a 5,472 square foot parcel, in the R-1 (H) District.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400

a. Appeal
1. Colin McGuire

b. Communications
1. Colin McGuire

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. 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.

22. Public Hearing: FY 2014 Street Light Assessment
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution:
1. Confirming the assessments in the Engineer's Report, dated January 2013, and
2. Authorizing the levying of FY 2014 Assessments for Berkeley Street Lighting Assessment District No. 1982-1.

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

23. Public Hearing #1: City Council Redistricting Plan
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, evaluate plans submitted by the public, and provide direction to staff on the elements of a preferred plan to be considered and finalized at the second public hearing on July 2, 2013.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

Action Calendar – Continued Business

B. Extend Commercial Zoning on Fourth Street and Gilman Street *(Continued from April 30, 2013)*
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

C. Berkeley City Councilmembers Jointly Sign the CREDO Action Keystone XL Pledge of Resistance *(Continued from April 30, 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

D. City Manager Referral: Solarizing & Energy Retrofitting Via a Joint Power Agreement *(Continued from April 30, 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 Calendar – Old Business

24. Draft Mayor and Council Office Budget Donation Policy *(Continued from April 2, 2013)*
From: City Manager
Recommendation: Provide comments on a draft Mayor and Councilmember Office Budget Donation policy and, if appropriate, provide direction to the City Manager to return with a draft Resolution modifying the policy for the City Council's consideration.
Financial Implications: No direct fiscal impacts
Contact: Christine Daniel, City Manager, 981-7000

Action Calendar – New Business

25. Paperless Agenda Packet Program
From: City Manager
Recommendation: Review and discuss the proposed Paperless Agenda Packet Program scheduled to be implemented in Fiscal Year 2013 and 2014.
Financial Implications: Estimated savings of approximately $44,000 over four years.
Contact: Mark Numainville, City Clerk, 981-6900

Action Calendar – New Business

26. Tobacco Free Multi-Unit Housing: Amending Berkeley Municipal Code Chapter 12.70
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.70 to prohibit tobacco smoking which involuntarily exposes neighbors to secondhand smoke in all multi-unit housing in the City with enforcement through private right of action; to require that all new leases include a non-smoking clause; and to permit any tenant who is involuntarily exposed to tobacco smoke to terminate his or her lease without penalty if the landlord fails to include or enforce the non-smoking clause.
Financial Implications: None
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Council Action Items

27. Berkeley Bike Sharing Program
From: Councilmember Moore
Recommendation: Direct the City Manager to develop a bike sharing program for the City of Berkeley for Council adoption in 6 months.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120

28. Referral to City Manager: Amendments to Affordable Housing Fee Ordinance
From: Councilmember Arreguin
Recommendation: Refer to the City Manager and Housing Advisory Commission:
1. The proposed changes below to Berkeley Municipal Code (B.M.C.) Section 22.20.065 (Affordable Housing Fee Ordinance) for review and recommendation, and to develop an ordinance for Council discussion and action.
2. Amendments to Berkeley Municipal Code (B.M.C.) Section 22.20.080 (Hardship waiver) to establish more specific criteria for determining whether the fee requirements make a project infeasible and therefore make it eligible for a fee reduction. Is there a baseline standard that staff uses? A specific rate of return on the project? Additionally, explore removing language allowing fees to be waived entirely.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Information Reports

29. Lack of Support for Payroll Adjusting Journal Entries: Grant Revenue at Risk?
From: City Manager
Contact: Robert Hicks, Finance, 981-7300

30. Draft Mayor and Council Office Budget Donation Policy
From: Councilmember Arreguin
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

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 http://www.ci.berkeley.ca.us/video and KPFB Radio 89.3. Archived indexed video streams are available at http://www.ci.berkeley.ca.us/citycouncil. 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 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@cityofberkely.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
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@ci.berkeley.ca.us

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
North Branch – 1170 The Alameda

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.

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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 May 2, 2013.

Mark Numainville, City Clerk

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 23: Public Hearing #1: City Council Redistricting Plan

1. Curtis Manning
2. Jack Litewka

Item 26: Tobacco Free Multi-Unit Housing: Amending Berkeley Municipal Code Chapter 12.70

3. Housing Advisory Commission

Cable Wake Park

4. Jeremy Blanchard

Claim Denials

5. Richard Berkeley

CalPERS Changes

6. Barbara Gilbert

Review of Eye Witness Testimony Policy

7. Police Review Commission