ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, MAY 21, 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

Preliminary Matters

Roll Call: 7:13 p.m. All present.

Ceremonial Matters:

1. Kevin Nierman and Kids n' Clay Day – May 21, 2013

City Manager Comments: None

Public Comment on Non-Agenda Matters: 4 speakers.

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

Consent Calendar

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

Consent Calendar

1. Amendment: FY 2013 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,285–N.S. 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).
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Action: Adopted second reading of Ordinance No. 7,285–N.S.

Consent Calendar

2. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 2, 2013 (special and regular) and April 30, 2013 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.

3. Contract: Badawi & Associates, Certified Public Accountants for Professional Auditing Services
From: City Manager
Recommendation: Adopt a Resolution ratifying the Mayor's decision to select Badawi & Associates as the auditing firm to perform annual financial audits of the City's financial statements and perform annual compliance audits required by the Single Audit Act of 1984 (as amended in 1996), for the period of May 22, 2013 through June 30, 2016, in the amount of $432,263; and to authorize the execution of a three-year agreement with Badawi & Associates, with an option to extend the contract for two additional years.
Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted Resolution No. 66,140–N.S.

4. Affordable Housing Mitigation Fee
From: City Manager
Recommendation: Maintain the Affordable Housing Mitigation Fee as adopted in Ordinance 7,192-N.S. and Resolution 65,920-N.S. and amended by Resolution 66,015-N.S., with no additional exemptions.
Financial Implications: None
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Approved recommendation.

5. Expenditure Contract: Alameda County Public Health Department, Office of Dental Health to Provide Dental Services to the Berkeley Unified School District
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a single-source contract and any amendments or extensions with Alameda County in an amount not to exceed $150,000 to provide dental services in Berkeley Unified School District for the period of July 1, 2013 through June 30, 2016.
Financial Implications: General Fund - $150,000
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,141–N.S.

6. Expenditure Contract: Needle Exchange Emergency Distribution
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments or extensions with Needle Exchange Emergency Distribution (NEED) in an amount not to exceed $150,000 for the period July 1, 2013 through June 30, 2016.
Financial Implications: General Fund - $150,000
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,142–N.S.

Consent Calendar

7. Lease Agreement: Nia House Learning Center for 2234-2240 Ninth Street
From: City Manager
Recommendation: Adopt first reading of an Ordinance:
1. Rescinding Ordinance No. 7,114-N.S. for the sale of 2240 Ninth Street; and
2. Authorizing the City Manager to (1) execute a lease agreement and any amendments to the lease agreement with Nia House Learning Center (Nia House) for three City-owned parcels located at 2234-2240 Ninth Street for the purpose of operating a child care center and (2) give Nia House permission to seek a merger of the three parcels to facilitate its expansion.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted first reading of Ordinance No. 7,286–N.S. Second reading scheduled for June 4, 2013.

8. Revenue Grant: California Family Health Council for Health Services, Education and Outreach Activities
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept grant funds from the California Family Health Council (CFHC) in the amount of $155,014 for one calendar year, January 1, 2013 through December 31, 2013 to support clinical reproductive health services, as well as individual and community health education and outreach activities; and to execute the resultant revenue agreements, contracts, and any amendments and extensions.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,143–N.S.

9. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Promotion, Protection, and Prevention Services
From: City Manager
Recommendation: Adopt six Resolutions authorizing the City Manager to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following revenue agreements for Fiscal Year 2014:
1. Public Health Infrastructure Program in the projected amount of $32,080.
2. Foster Care Program in the projected amount of $85,395.
3. Lead Poisoning Prevention Program in the projected amount of $30,000.
4. Berkeley High School Health Center Program in the projected amount of $155,000.
5. School Linked Health Services Program (Measure A Funding) in the projected amount of $168,000.
6. Tobacco Prevention Program in the projected amount of $69,000.

Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted the following six resolutions:

Consent Calendar

1. Resolution No. 66,144–N.S. (Public Health Infrastructure)
2. Resolution No. 66,145–N.S. (Foster Care Program)
3. Resolution No. 66,146 –N.S. (Lead Poisoning Prevention)
4. Resolution No. 66,147–N.S. (Berkeley High School Health Center)
5. Resolution No. 66,148–N.S. (School Linked Health)
6. Resolution No. 66,149 –N.S. (Tobacco Prevention Program)

10. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Promotion, Protection, and Prevention Services
From: City Manager
Recommendation: Adopt nine Resolutions authorizing the City Manager to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program in the projected amount of $430,000 for Fiscal Year 2014.
2. Maternal, Child and Adolescent Health (MCAH) and Black infant health (BIH) Program, in the projected amount of $307,000 for FY 2014.
3. Public Health Preparedness Program in the projected amount of $236,754 for FY 2014.
4. 510 Free From Tobacco Program in the projected amount of $141,600 per year for two years for a total of $283,200 for Fiscal Years 2014 and 2015.
5. Tobacco Trust Fund in the projected amount of $150,000 for FY 2014.
6. HIV Surveillance Program in the projected amount of $32,927 per year for three years for a total of $98,781 for Fiscal Years 2014, 2015 and 2016.
7. Immunization Program in the projected amount of $41,438 per year for five years, for a total of $207,190, Fiscal years 2014 through 2018.
8. Tuberculosis Control Program in the projected amount of $30,806 for FY 2014.
9. Medi-Cal Administrative Activities (MAA) Program in the projected amount of $175,000 per year for three years, Fiscal Years 2014 through 2016.

Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted the following nine resolutions:

1. Resolution No. 66,150–N.S. (CHDP Program)
2. Resolution No. 66,151–N.S. (MCAH and BIH)
3. Resolution No. 66,152–N.S. (Public Health Preparedness)
4. Resolution No. 66,153–N.S. (510 Free From Tobacco)
5. Resolution No. 66,154–N.S. (Tobacco Trust Fund)
6. Resolution No. 66,155–N.S. (HIV Surveillance)
7. Resolution No. 66,156–N.S. (Immunization Program)
8. Resolution No. 66,157–N.S. (Tuberculosis Control Program)
9. Resolution No. 66,158–N.S. (MAA)

Consent Calendar

11. U.S. Department of Housing and Urban Development for Shelter Plus Care Program Renewal Grants
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the U.S. Department of Housing and Urban Development renewal of the following four Shelter Plus Care grants: 1) $1,979,793 for tenant-based rental assistance for the period May 24, 2013 through May 23, 2014; 2) $125,074 for sponsor-based rental assistance for the Supportive Housing Network for the period of May 28, 2013 through May 27, 2014, with Resources for Community Development as the project sponsor; 3) $121,761 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2013 through May 31, 2014, with Bonita House, Inc. as the project sponsor; and 4) $451,681 in tenant-based rental assistance for the COACH Project grant for the period of December 14, 2013 through December 13, 2014.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,159–N.S.

12. Contract No. 7258B Amendment: KANA Community Relationship Management Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7258B with KANA Software (formerly Lagan Technologies, Inc.) for licensing, maintenance, and services, increasing the amount by $120,374, for a total not to exceed $713,647 from March23, 2007 through June 30, 2015.
Financial Implications: Various Funds - $120,374
Contact: Donna LaSala, Information Technology, 981-6500
Action: Adopted Resolution No. 66,160–N.S.

13. Contract No. 7651A Amendment: BUSD Bus Transportation for Recreation Programs
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7651A with the Berkeley Unified School District for bus transportation services for various camps and recreation programs by extending the contract through October 31, 2013 and adding $35,000 to the current contract authority for a total not-to-exceed amount of $370,000.
Financial Implications: Various Funds - $35,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,161–N.S.

Consent Calendar

14. Contract No. 9169 Amendment: Townsend Management, Inc. for Additional Construction Support Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9169 with Townsend Management, Inc. (TMI) to provide additional construction support services for the Bay Trail Extension project and other parks improvement projects in an amount not to exceed $83,596 for a total contract amount not to exceed $131,096 and extending the term through June 30, 2014.
Financial Implications: Various Funds - $83,596
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,162–N.S.

15. Contract: AJW Construction for the 2013 Safe Routes to School Project
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the 2013 Safe Routes to School Project, Specification No. 13-10713-C;
2. Accepting the bid of AJW Construction, the lowest responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with AJW Construction until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $739,332 which includes a contingency for unforeseen circumstances.
Financial Implications: Various Funds - $739,332
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,163–N.S.

16. Contract: RMC Water and Environment for Sanitary Sewer System Regulatory Compliance On-Call Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with RMC Water and Environment for on-call consultant services for the City's Sanitary Sewer System regulatory compliance, in an amount not to exceed $350,000 for the period July 1, 2013 through June 30, 2016.
Financial Implications: Sanitary Sewer Operation - $350,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,164–N.S.

17. Donation for Pedestrian Beacons on Shattuck Avenue between Cedar and Vine Streets
From: City Manager
Recommendation: Adopt a Resolution:
1. Accepting a donation in the amount of $47,000 from The Taubman Foundation for the purchase and installation of pedestrian activated rectangular rapid flashing beacons for the mid-block crosswalk on Shattuck Avenue between Cedar and Vine Streets.
2. Authorizing the City Manager to enter into agreements necessary for the purchase and installation of pedestrian activated rectangular rapid flashing beacons for the mid-block crosswalk on Shattuck Avenue between Cedar and Vine Streets.

Consent Calendar

Financial Implications: $47,000 (donation)
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,165–N.S.

18. Purchase Order Amendment: Western States Oil for Fuel for City Vehicles and Equipment
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the purchase order with Western States Oil for the purchase of fuel for City vehicles to increase the amount by $3,762,000 for a total amount not to exceed $12,357,809, and to extend the term for two (2) years through June 30, 2015.
Financial Implications: Equipment Maintenance Fund - $3,762,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,166–N.S.

19. Revised Fund Allocation: FY 2013 Transportation Development Act Article 3
From: City Manager
Recommendation: Adopt a Resolution:
1. Authorizing the City Manager to: submit a revised allocation request to the Metropolitan Transportation Commission (MTC) for $258,906 from the Transportation Development Act (TDA) Article 3 funds in FY 2013 for the Berkeley Bicycle Plan Update; accept the funds; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the funds; and
2. Declaring: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; there is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit B to the Resolution, or that might impair the ability of the City of Berkeley to carry out the project; the City of Berkeley attests to the accuracy of and approves the statements in Exhibit A to this Resolution; and that a certified copy of this Resolution and its Exhibits, and any accompanying supporting materials, shall be forwarded to the Alameda County Transportation Commission for submission to MTC as part of the Countywide coordinated TDA Article 3 claim.
Financial Implications: MTC Fund - $258,906
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,167–N.S.

20. Contract No. 7961B Amendment: Kitchell CEM, Inc. for Project Management for Branch Library Renovation
From: Board of Library Trustees
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7961B with Kitchell CEM, Inc. for the provision of construction/project management and LEED commissioning agent services for the branch library bond program, Measure FF, by increasing the expenditure authority $100,000 for a revised contracted total amount not to exceed $1,473,580.
Financial Implications: Measure FF Fund - $100,000
Contact: Donna Corbeil, Library, 981-6100
Action: Adopted Resolution No. 66,168–N.S.

Council Consent Items

21. Youth Spirit Artworks: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Councilmember Maio to Youth Spirit Artworks with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmember who would like to make a contribution.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,169–N.S. revised to include contributions from the following Councilmembers up to the amount listed: Councilmember Anderson - $500. Councilmember Anderson added as a co-sponsor.

22. Opposing US Attorney's Forfeiture Action Against Berkeley Patients Group
From: Councilmembers Moore, Capitelli and Maio
Recommendation: Adopt a Resolution opposing the United States Attorney's forfeiture action against Berkeley Patients Group. Send a copy of adopted resolution to President Obama, US Attorney General Holder, US Attorney Melinda Haag and Congresswoman Barbara Lee stating the City Council's position.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,170–N.S. Councilmember Anderson added as a co-sponsor.

23. Oppose Assembly Bill 162 (Holden)
From: Councilmember Wengraf
Recommendation: Adopt a Resolution strongly opposing Assembly Bill 162 (Holden) which would add Section 65964.5 to the Government Code, relating to telecommunication facilities. Send a copy of the adopted resolution to Assemblywoman Nancy Skinner indicating that the City of Berkeley strongly opposes AB 162.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,171–N.S.

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

24. Oppose Assembly Bill 227
From: Councilmember Wengraf
Recommendation: Adopt a Resolution opposing AB 227, amending section 25249.7 of the Health and Safety Code, relating to toxic substances. Send copy of the adopted resolution to Judiciary Committee Chair, Assemblyman Bob Wieckowski and Assemblywoman Nancy Skinner indicating that the City of Berkeley opposes AB 227.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,172–N.S.

Council Consent Items

25. Refer AB 321 to the Transportation Commission to Consider Implementation of a 15 mph Limit in All Elementary School Zones in Berkeley
From: Councilmember Wengraf
Recommendation: Refer AB 321 to the Transportation Commission and request that they return to the City Council with a recommendation on implementation of 15 mph speed zones within 500 feet of all elementary schools in Berkeley, if they qualify.
Financial Implications: Unknown
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation. Councilmembers Capitelli, Moore, and Wozniak added as co-sponsors.

26. San Francisco LGBT Pride Parade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Worthington
Recommendation: Adopt a Resolution approving the expenditure of up to $500 from Councilmember Worthington, to support the Pacific Center with funds relinquished to the City's general fund for this purpose that the City of Berkeley be represented at the SF LGBT Pride Parade and for costs of having a contingent in the parade from Councilmember Worthington's discretionary Council Office Budget and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,173–N.S. revised to include contributions from the following Councilmembers up to the amount listed: Councilmember Anderson - $500. Councilmember Anderson added as a co-sponsor.

27. Support a Proclamation to Honor June as Lesbian Gay Bisexual Transgender Queer Questioning and Intersex Pride Month and Authorize City Manager to Fly the Rainbow Flag for the Month of June
From: Councilmember Worthington
Recommendation: Adopt a proclamation to honor June as Lesbian Gay Bisexual Transgender Queer Questioning and Intersex Pride Month in the city of Berkeley and authorize the City Manager to fly the rainbow flag for all of June.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved proclamation. Councilmembers Moore, Anderson, and Arreguin added as co-sponsors.

Action Calendar - Appeals

28. ZAB Appeal: 2401 Telegraph Avenue
From: City Manager
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to uphold the Zoning Officer's decision to approve Administrative Use Permit No. 12-20000089 to establish a carry out food service establishment with a take-out window within an existing retail use.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400

Action Calendar – Public Hearings

a. Appeal

1. Gus Shamieh

Action: 17 speakers. M/S/C (Anderson/Arreguin) to set the matter for a public hearing before the City Council. Request that staff provide information on the current uses of existing business that fall under the food service quota categories.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – Bates.

Recess: 8:42 p.m. – 8:54 p.m.

29. LPC Appeal: 2517 Regent Street
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming in part the decision of the Landmarks Preservation Commission to approve Landmark Application LM No.12-40000013 designating the Mary J. Berg House (2517 Regent Street) a Landmark, Structure of Merit and affirming all of the findings for designation while modifying the "Features to be preserved."
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Public Testimony: None.

Action: M/S/C (Maio/Wengraf) to refer the item to the Agenda Committee for scheduling at a future date.
Vote: Ayes - Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.

30. a. Fiscal Year 2014 and Fiscal Year 2015 Proposed Budget Public Hearing #1
From: City Manager
Recommendation: Conduct a public hearing regarding the FY 2014 and FY 2015 proposed budget.
Financial Implications: See Proposed FY 2014 and FY 2015 Budget
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Public Testimony: The Mayor opened the public hearing. 0 speakers.
Action: M/S/C (Maio/Moore) to close the public hearing.
Vote: Ayes - Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.
Action: Discussion held regarding the FY 2014 and FY 2015 proposed budget. Referred the following allocations to the budget process: Additional traffic calming funding - $55,000 (Moore); Women's Daytime Drop-In Center - $20,000 (Maio); New Bridge Foundation - $50,000 (Wengraf); Youth Spirit Artworks - $50,000 (Anderson); Multicultural Institute - $18,000 (Arreguin).

b. City Council Comments on FY 2014 Work Plan
From: City Manager
Recommendation: Discuss comments from Council on the FY 2014 Citywide Work Plan.
Financial Implications: See Work Plan
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action Calendar – Public Hearings

b. Action: 0 speakers. Discussion held regarding comments from Council on the FY 2014 Citywide Work Plan.

31. Fee Hearings – Fiscal Year 2014

a. Animal Care Shelter and Licensing Fees
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution increasing dog and cat board fees, adoption and redemption fees, licensing fees, and rescinding Resolution Nos. 63,776-N.S, 62,538-N.S, 62,058-N.S, 60,564-N.S.
Financial Implications: See report
Contact: William Rogers, City Manager's Office, 981-7000

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Action: M/S/C (Capitelli/Maio) to adopt Resolution No. 66,174–N.S. increasing dog and cat board fees, adoption and redemption fees, licensing fees, and rescinding Resolution Nos. 63,776-N.S, 62,538-N.S, 62,058-N.S, 60,564-N.S.

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

b. Environmental Health Division Fee Schedule
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:
1. Approving existing Environmental Health permit and inspection fees, adding fees for the new Cottage Food program, and modifying select Body Art program fees effective July 1, 2013 and
2. Rescinding Resolution No. 65,718-N.S. effective July 1, 2013.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Action: M/S/C (Maio/Wozniak) to adopt Resolution No. 66,175–N.S.
1. Approving existing Environmental Health permit and inspection fees, adding fees for the new Cottage Food program, and modifying select Body Art program fees effective July 1, 2013 and
2. Rescinding Resolution No. 65,718-N.S. effective July 1, 2013.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – Worthington.

Action Calendar – Public Hearings

c. Marina Fee Increases
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:
1. Approving fees for goods and services at the Berkeley Marina that; a) establish a new rate schedule increasing Marina berth rent by 6%, and b) increase Parking fees for special events by 50%; and
2. Rescinding Resolution No. 65,285-N.S.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Action: M/S/C (Maio/More) to adopt Resolution No. 66,176–N.S.
1. approving fees for goods and services at the Berkeley Marina that; a) establish a new rate schedule increasing Marina berth rent by 6%, and b) increase parking fees for special events by 50%; and
2. rescinding Resolution No. 65,285-N.S.
Vote: Ayes - Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.

d. Development-Related Services Provided by Planning and Development
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees for development-related services provided by the Planning and Development Department, and rescinding Resolution No. 65,721-N.S.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Action: M/S/C (Moore/Wozniak) to adopt Resolution No. 66,177–N.S. approving new fees for development-related services provided by the Planning and Development Department, and rescinding Resolution No. 65,721-N.S.
Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington.

Action Calendar – Public Hearings

32. Parking In-Lieu Fee
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution setting the Parking In-Lieu Fee for the Downtown Plan Area in a graduated range from $15,000 to $30,000 per space, with spaces 1-5 costing $15,000 per space, spaces 6-15 costing $20,000 per space, spaces 16-25 costing $25,000 per space and spaces 26 and up costing $30,000 per space.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Public Testimony: The Mayor opened the public hearing. 0 speakers.

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

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

Action: M/S/C (Worthington/Arreguin) to adopt Resolution No. 66,178–N.S. setting the Parking In-Lieu Fee for the Downtown Plan Area in a graduated range from $15,000 to $30,000 per space, with spaces 1-5 costing $15,000 per space, spaces 6-15 costing $20,000 per space, spaces 16-25 costing $25,000 per space and spaces 26 and up costing $30,000 per space. The Transportation Commission and any other commissions with direct purview will have an advisory role in project expenditure planning.

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

Recess: 10:21 p.m. – 10:26 p.m.

Action Calendar – Old Business

33. 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: Item held over to June 4, 2013.

34. Berkeley City Councilmembers Jointly Sign the CREDO Action Keystone XL Pledge of Resistance *(Continued from April 30, 2013)*
From: Councilmembers Worthington, Anderson and Arreguín
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 Calendar – Old Business

Action: 0 speakers. M/S/C (Worthington/Arreguin) to approve Councilmembers Worthington, Anderson and Arreguín's revised recommendation for the Berkeley City Council members voting in favor of item to go on the record individually to sign the CREDO Action Keystone XL Pledge of Resistance.
Vote: Ayes – Maio, Anderson, Arreguin, Worthington, Bates; Noes – None; Abstain – Moore, Capitelli, Wengraf, Wozniak.

35. City Manager Referral: Allow Video Screen with Advertisements Inside Taxicabs *(Continued from April 30, 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 June 11, 2013.

36. Supporting Enforcement of Draft Proposed Rule to Reduce Exposure to Life-Threatening Silica Dust by the Federal Occupational Safety and Health Administration (OSHA) *(Continued from April 30, 2013)*
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 June 11, 2013.

37. Assembly Bill 975: Charity Care *(Continued from May 7, 2013)*
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

Action: M/S/C (Arreguin/Bates) to accept supplemental material from Councilmember Arreguin on Item 37.
Vote: Ayes - Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.
Action: 0 speakers. Item held over to June 4, 2013.

Action Calendar – Old Business

38. Referral to City Manager: Amendments to Affordable Housing Fee Ordinance *(Continued from May 7, 2013)*
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

Action: 0 speakers. M/S/C (Capitelli/Arreguin) to continue the item to the July 16, 2013 meeting and request that staff prepare a report on the current process for monitoring affordable housing units and enforcing regulatory requirements.

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

39. Commission Term Limits *(Continued from May 7, 2013)*
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

Action: Item held over to July 2, 2013.

Council Action Items

40. Berkeley Medical Marijuana Regulations
From: Councilmember Moore
Recommendation: Postpone taking action on adopting any local medical cannabis regulations in light of several proposals currently being considered by the state legislature.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120

Action: Item held over to June 4, 2013.

Information Reports

41. July 4th Celebration at the Berkeley Marina
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Received and filed.

42. Annual Report - Open Government Commission
From: Open Government Commission
Contact: Kristy van Herick, Commission Secretary, 981-6986
Action: Received and filed.

Public Comment – Including Items Not Listed on the Agenda –

Adjournment in memory of:

1. Barbara Oliver, Actress and Director of the Aurora Theater Company

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

Adjourned at 10:48 p.m.

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

Communications

3001 Telegraph Avenue
1. Nancy Carleton, on behalf of the Halcyon Neighborhood Association

Berkeley Main Post Office
2. Arthur Stopes
3. Save the Berkeley Post Office

2790 Buena Vista
4. Law Offices of Rena Rickles

CNA Newsletter
5. Ted Edlin

Mercury Dental Amalgam
6. Kristin Homme

Supplemental Communications and Reports 1

Item 28: ZAB Appeal: 2401 Telegraph Avenue
7. Kenneth Sarachan
8. Jeffrey Leon
9. Roland Peterson, on behalf of the Telegraph Business Improvement District

Supplemental Communications and Reports 1

Item 29: LPC Appeal: 2517 Regent Street

10. Revised materials, submitted by Planning & Development
11. Susan Cerny, on behalf of the Berkeley Architectural Heritage Association

Supplemental Communications and Reports 2

Item 28: ZAB Appeal: 2401 Telegraph Avenue

12. Sasha Duchin
13. Megan Porter
14. Sarah Pinner
15. Brita Priest
16. Sirin Ozturk

Item 29: LPC Appeal: 2517 Regent Street

17. Christina Dikas
18. Anthony Bruce, on behalf of the Berkeley Architectural Heritage Association
19. Robert Kehlmann
20. Stephanie Manning
21. Daniella Thompson
22. Michael Katz

Item 30a: Fiscal Year 2014 and Fiscal Year 2015 Proposed Budget Public Hearing #1

23. Transportation Commission– Referred to budget process by Councilmember Moore.
24. Barbara Gilbert (2)
25. Witt Monts

Item 39: Commission Term Limits

26. Gene Poschman

Supplemental Communications and Reports 3

Item 25: Refer AB 321 to the Transportation Commission to Consider Implementation of a 15 mph Limit in All Elementary School Zones in Berkeley

27. Lara Hornbeck
28. Joel Gerwein
29. Karen Parolek
30. Ian Moore
31. Nova Blazej
32. Anna Bellomo

Item 28: ZAB Appeal: 2401 Telegraph Avenue

33. Gus Shamieh

Item 29: LPC Appeal: 2517 Regent Street

34. Richard Schwartz

Item 30a: Fiscal Year 2014 and Fiscal Year 2015 Proposed Budget Public Hearing #1

35. Sherry Keith and Robert Girling
36. Silvia Bustamonte

Supplemental Communications and Reports 3

Item 30b: City Council Comments on FY 2014 Work Plan
37. John Caner

Item 37: Assembly Bill 975: Charity Care
38. Revised materials, submitted by Councilmember Arreguin

Item 40: Berkeley Medical Marijuana Regulations
39. Charles Pappas
40. Dan Rush

Landlord Concerns
41. M. Eid Abdallah