ANNOTATED AGENDA BERKELEY CITY COUNCIL MEETING TUESDAY, JUNE 11, 2013 7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 5 – LAURIE CAPITELLI

DISTRICT 2 – DARRYL MOORE

DISTRICT 3 – MAX ANDERSON

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 4 – JESSE ARREGUIN

DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:22 p.m. All present.

Ceremonial Matters:

1. Berkeley World Music Festival

2. Amateur Radio Week, June 16-22

Announcement:

1. Berkeley Patients Group Forfeiture Action from Closed Session on June 10, 2013:

The City Council decided to file a claim and answer in the currently pending civil forfeiture proceeding concerning 2366 San Pablo Avenue, the location of Berkeley Patients Group. The action is: *United States of America v. Real Property and Improvements Located at 2366 San Pablo Avenue, Berkeley, California* (USDC ND CA. No. CV 13 2027)

City Manager Comments: None

Public Comment on Non-Agenda Matters: 6 speakers.

Public Comment on Consent Calendar and Information Items Only: 4 speakers.

Consent Calendar

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

indicated: **Vote:** All Ayes.

1. Paperless Agenda Packet Program - Policy for Elected Officials

From: City Manager

Recommendation: Adopt a Resolution approving the Paperless Agenda Packet

Terms and Use Policy for Elected Officials.

Financial Implications: No direct fiscal impacts Contact: Mark Numainville, City Clerk, 981-6900 **Action:** Adopted Resolution No. 66,193–N.S.

2. Contract: Universal Building Services for Citywide Janitorial Services for Various Locations and Facilities

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year Citywide contract and any amendments with Universal Building Services (UBS) to provide Citywide janitorial services at 27 various City locations and facilities for the period July 1, 2013 to June 30, 2016, in an amount not to exceed \$1,830,000, with an option for two one-year extensions for a total five-year contract for an amount not to exceed \$3,137,000, subject to the City's annual budget appropriation process.

Financial Implications: See report Contact: Robert Hicks, Finance, 981-7300 Action: Adopted Resolution No. 66,194–N.S.

3. FY 2014 Tax Rate: Fund Debt Service on Animal Shelter General Obligation Bonds (Measure I, November 2002 Election)

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the debt service on the Animal Shelter General Obligation Bonds (Measure I, November 2002) at 0.0020%.

Financial Implications: See report Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,287-N.S. Second reading

scheduled for June 25, 2013.

4. FY 2014 Tax Rate: Fund Debt Service on Fire Seismic General Obligation Bonds-Election of 1992 (Measure G, 2002 and 2007 General Obligation Refunding Bonds)

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the debt service on the Fire Seismic General Obligation Bonds (Measure G, 2002 and 2007 General Obligation Refunding Bonds) at 0.0130%.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,288-N.S. Second reading

scheduled for June 25, 2013.

5. FY 2014 Tax Rate: Fund Debt Service on Measure S General Obligation Bonds, Election of 1996 (2007 Refunding Bonds)

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the debt service on the Measure S General Obligation Bonds (Election of 1996, 2007 Refunding Bonds) at 0.020%.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,289–N.S. Second reading

scheduled for June 25, 2013.

6. FY 2014 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds-Election of November 2008 From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008) at 0.0115%.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,290–N.S. Second reading

scheduled for June 25, 2013.

7. FY 2014 Tax Rate: Fund Disaster Fire Protection (Measure Q)

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,291–N.S. Second reading

scheduled for June 25, 2013.

8. FY 2014 Tax Rate: Fund Emergency Services for the Severely Disabled From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the provision of emergency services for the disabled at \$0.01303 (1.303 cents) per square foot of improvements.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,292-N.S. Second reading

scheduled for June 25, 2013.

9. FY 2014 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1222 (12.22 cents) per square foot of improvements.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,293-N.S. Second reading

scheduled for June 25, 2013.

10. FY 2014 Tax Rate: Fund the Provision of Emergency Medical Services

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0327 (3.27 cents) per square foot of improvements.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,294–N.S. Second reading

scheduled for June 25, 2013.

11. FY 2014 Special Tax Rate: Fund the Provision of Library Services From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.1806 (18.06 cents) per square foot for dwelling units and \$0.2730 (27.30 cents) per square foot for industrial, commercial, and institutional buildings.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted first reading of Ordinance No. 7,295–N.S. Second reading

scheduled for June 25, 2013.

12. Temporary Appropriations FY 2014

From: City Manager

Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2013, until the effective date of the FY 2014 Annual Appropriations Ordinance.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300 **Action:** Adopted Resolution No. 66,195–N.S.

13. Notice of Appropriations Limit for Fiscal Year 2014

From: City Manager

Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2014 at its meeting of June 25, 2013; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 10, 2013.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300 **Action:** Adopted Resolution No. 66,196–N.S.

14. Contract: Cigna Group Insurance for Life Insurance

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Cigna Group Insurance (Cigna) to provide Basic Life and Accidental Death and Dismemberment (AD&D) Insurance at the reduced premium rate of \$0.09 per \$1,000 of coverage for eligible employees for Basic Life insurance and \$0.022 per \$1,000 of coverage for eligible employees for AD&D insurance, for a total contract amount not to exceed \$210,000 for three years, from July 1, 2013, through June 30, 2016.

Financial Implications: Payroll Deduction Trust Fund - \$210,000

Contact: David Abel, Human Resources, 981-6800 **Action:** Adopted Resolution No. 66,197–N.S.

15. Contract: Cigna Group Insurance for Long-Term Disability Insurance From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Cigna Group Insurance (Cigna) to provide Long-Term Disability (LTD) Insurance at the reduced premium rate of \$0.270 for every \$100 of active Supplementary Retirement and Income Plan II (SRIP II) participants' covered salaries, for a total contract amount not to exceed \$624,000 for three (3) years, from July 1, 2013, through June 30, 2016.

Financial Implications: Payroll Deduction Trust Fund - \$624,000

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,198–N.S.

16. Contract: Cigna Group Insurance for Third Party Administrative Services for the Supplementary Retirement and Income Plan I Disability Benefit From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Cigna Group Insurance (Cigna) to provide third party administrative services for the Supplementary Retirement and Income Plan I (SRIP I) disability benefit for a total contract amount not to exceed \$183,000 for three years, from July 1, 2013, through June 30, 2016.

Financial Implications: Payroll Deduction Trust Fund - \$183,000

Contact: David Abel, Human Resources, 981-6800

Action: Adopted Resolution No. 66,199–N.S.

17. Contracts: Police Department Towing Services

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager to execute two (2), three-year contracts and any amendments with the following vendors for towing services:

- 1. East Bay Tow, Inc. for an amount not to exceed \$82,000 for the term July 1, 2013 to June 30, 2016 with an option to renew for two, two-year terms;
- 2. Hustead's Towing Inc. for an amount not to exceed \$88,000 for the term July 1, 2013 to June 30, 2016 with an option to renew for two, two-year terms.

Financial Implications: See report

Contact: Michael Meehan, Police, 981-5900

Action: Adopted Resolution No. 66,200-N.S. (East Bay) and Resolution No.

66,201-N.S. (Hustead's).

18. Increase Purchase Order No. 91571 with Alameda County Criminalist Laboratory for Evidence Testing

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to increase FY 2013 Purchase Order No. 91571 to Alameda County Criminalist Laboratory by \$30,000 to remit payment for FY 2013 invoices submitted to the Police Department by County of Alameda Treasurer for the Alameda County Criminalist Laboratory for evidence testing and analysis services provided in FY 2013 as expenditures exceed the purchase limit currently authorized.

Financial Implications: Various Funds - \$30,000 Contact: Michael Meehan, Police, 981-5900 **Action:** Adopted Resolution No. 66,202–N.S.

19. Contract: A-Z Bus Sales, Inc. for Diesel Engine Emission Retrofit Devices From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with A-Z Bus Sales, Inc. for diesel engine emission retrofit devices, in an amount not to exceed \$141,000.

Financial Implications: Equipment Replacement Fund - \$141,000

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,203–N.S.

20. Contract No. 9125 Amendment: Gold Wing Engineering for Sanitary Sewer Project Panoramic Way Area (Phase I)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9125 with Gold Wing Engineering for urgent sanitary sewer rehabilitation in the Panoramic Way area, increasing the amount by \$168,000 for a total amount not to exceed \$571,043.

Financial Implications: Sanitary Sewer Operation - \$168,000

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,204–N.S.

21. Residential and Commercial Refuse Collection Fees: FY 2014 Annual Inflator From: City Manager

Recommendation: Adopt a Resolution: 1) Increasing rates and fees for residential and commercial refuse collection by the Bay Area Consumer Price Index of 2.381%; 2) Adjusting temporary roll-off container rates to reflect current market rates; and 3) Rescinding Resolution No. 65,798-N.S. effective July 1, 2013.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300 **Action:** Adopted Resolution No. 66,205–N.S.

22. HERO Property Assessed Clean Energy Program

From: Energy Commission

Recommendation: Postpone a decision regarding participation in the Home Energy Renovation Opportunity (HERO) program until federal regulations on residential Property Assessed Clean Energy (PACE) loans are clarified and send a letter to the Federal Housing Finance Agency (FHFA) urging the Agency to establish federal rulemaking procedures in connection with residential PACE financing and to rescind directives to Fannie Mae and Freddie Mac that threaten the viability of residential PACE programs throughout the nation.

Financial Implications: None

Contact: Neal De Snoo, Commission Secretary, 981-7439

Action: Moved to Action Calendar. Item held over to July 16, 2013.

23. Municipal Participation in Proposition 39 Funded Programs

From: Energy Commission

Recommendation: Adopt a Resolution asking the California Legislature to allow municipal and other local government jurisdictions and agencies to be eligible for project funding under Proposition 39.

Financial Implications: See report

Contact: Neal DeSnoo, Commission Secretary, 981-7400

Action: Adopted Resolution No. 66,206–N.S.

24. Product Stewardship and Extended Producer Responsibility From: Zero Waste Commission

Recommendation: Adopt a Resolution: 1) Approving an Extended Producer Responsibility Policy; 2) Directing staff to provide written notice of Berkeley's policy to various agencies to encourage state and county legislation requiring those who design, manufacture, and sell products to take responsibility for minimizing environmental impacts through all stages of the product's life cycle, including appropriate disposal using reuse; recycling; anaerobic or aerobic composting; or wasting for unrecyclable residuals; and 3) Authorizing a contribution of \$1,000 to the California Product Stewardship Council from the Import Mitigation Grant in the Alameda County Recycling Board Fund.

Financial Implications: See report

Contact: Andy Schneider, Commission Secretary, 981-6357

Action: Adopted Resolution No. 66,207–N.S.

Council Consent Items

25. Support CA State Senator Steinberg's Proposal for Mental Health Care Improvements

From: Councilmembers Maio and Arreguín

Recommendation: Support Senator Steinberg's proposal for Mental Health Care

improvements.

Financial Implications: None

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

Action: Approved recommendation.

26. Protecting Berkeley's Medical Cannabis Dispensaries

From: Councilmember Moore

Recommendation: Authorize and direct the City Manager and City Attorney to take all necessary and appropriate actions to timely join in or initiate and file a lawsuit opposing the complaint seeking forfeiture of 2366 San Pablo Avenue, Berkeley, the site of Berkeley Patients Group, filed on May 2, 2013, in the United States District Court for the Northern District of California.

Financial Implications: Unknown

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

Action: Item removed from agenda by Councilmember Moore.

27. Assembly Bill 60: Driver's Licenses Eligibility

From: Councilmember Arreguín

Recommendation: Adopt a Resolution supporting Assembly Bill (AB) 60, authored by Assemblymember Luis Alejo, which would require the DMV to issue driver's licenses to persons ineligible for a Social Security Number (SSN) who provide alternative specified documentation. 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 Luis Alejo.

Financial Implications: None

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

Action: Adopted Resolution No. 66,208–N.S.

28. Support Bank on Student Loan Fairness Act

From: Councilmember Worthington

Recommendation: Support the Bank on Student Loan Fairness Act by US Senator Elizabeth Warren 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.

29. Tenth Annual Berkeley World Music Festival

From: Councilmember Worthington

Recommendation: Adopt a Proclamation Designating June 22, 2013 as the

Berkeley World Music Day. **Financial Implications:** None

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

Action: Approved proclamation.

Council Consent Items

30. Support CARA's Campaign to Protect Social Security, Medicare, and Medicaid From: Councilmember Worthington

Recommendation: Support the California Alliance for Retired Americans (CARA) Campaign to Protect Social Security, Medicare, and Medicaid as reflected in Assembly Joint Resolution 7 (Bonta) and to send letters to our federal representatives.

Financial Implications: None

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

Action: Approved recommendation.

31. Refer to the Budget Process: Community Choice Working Group – Berkeley Climate Action Coalition

From: Councilmember Worthington

Recommendation: Refer to the budget process: Community Choice Working Group

Berkeley Climate Action Coalition.

Financial Implications: \$10,000 for FY 2013-2014

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

Action: Approved recommendation.

Action Calendar – Appeals

32. ZAB Appeal: 2433 Martin Luther King, Jr. Way

From: City Manager

Recommendation: Adopt a Resolution to affirm the Zoning Adjustments Board's (ZAB) approval of Use Permit No. 11-10000010 to construct two dwellings in a new two-story, 1,552 square foot building to the rear of an existing one-story, 1,064 square foot, single-family residence, on a 5,200 square foot parcel in the R-3 District.

Financial Implications: None

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

a. Appellant

1. Matthew O'Brien

b. Communications

- 1. Matthew O'Brien
- Minxi Liu

Action: 0 speakers. M/S/C (Capitelli/Moore) to adopt Resolution No. 66,209–N.S. affirming the Zoning Adjustments Board's (ZAB) approval of Use Permit No. 11-10000010 to construct two dwellings in a new two-story, 1,552 square foot building to the rear of an existing one-story, 1,064 square foot, single-family residence, on a 5,200 square foot parcel in the R-3 District, with revised language in the following clauses:

WHEREAS, on March 15, 2011, Minxi Liu, on the behalf of the property owner, filed an application for Use Permit No. 11-10000010, to construct two dwellings within a two-story, 1,665 square foot building to the rear of an existing one-story, 1,064 square foot, single-family residence, on a 5,200 square foot parcel in the R-3 District; and

WHEREAS, on June 25, 2011 and August 18, 2011, the application was revised to reduce the overall floor area and to move the proposed second floor away from the property to the north; and

Action Calendar – Appeals

WHEREAS, on January 10, 2013, new shadow studies depicting shadow impacts on March 21 and September 21 were submitted; and

WHEREAS, on February 14, 2013, the ZAB held a public hearing, received testimony from four speakers, and approved the application by a 7-0-1-1 vote (Yes: Allen, Alvarez Cohen, Donaldson, Mathews, Tregub, Williams; Abstain: Hahn; Absent: Groves); and

Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – Arreguin.

Action Calendar – Public Hearings

33. Amendments to the Berkeley Election Reform Act

a. Electronic Filing

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to provide for the electronic filing of campaign statements and reports and to designate the electronic filing as the filing of record.

Financial Implications: See report

Contact: Kristy van Herick, Commission Secretary, 981-6998

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

M/S/C (Maio/Arreguin) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Bates/Moore) to continue the item to September 10, 2013 and request that staff provide additional information on options for uploading data to create campaign statements.

Vote: Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – Wothington.

b. Technical Changes and Clean Up

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to bring the Act into compliance with state law, make technical changes to outdated provisions, and remove obsolete sections.

Financial Implications: None

Contact: Kristy van Herick, Commission Secretary, 981-6998

Action: M/S/C (Maio/Capitelli) to adopt the first reading of Ordinance No. 7,296–N.S. amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to bring the Act into compliance with state law, make technical changes to outdated provisions, and remove obsolete sections. Second reading scheduled for June 25, 2013.

Vote: All Ayes.

Action Calendar – Continued Business

A. Zoning Amendments to BMC Chapter 23C.08 - Demolition and Dwelling Unit Controls (Continued from June 4, 2013)

From: City Manager

Recommendation: Adopt first reading of an Ordinance repealing and reenacting Berkeley Municipal Code Sections 23C.08.020 and 23C.08.030, and adding Section 23C.08.035 to modify and clarify the conditions under which dwelling units may be demolished.

Financial Implications: See report

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

Action: 7 speakers. M/S/C (Bates/Wengraf) to direct staff to return with alternative

language for 23C.08.020A.4. and 23C.08.020A.5. to provide two options:

- 1) Pay an in-lieu fee for each demolished unit vacant at the time of demolition equal to the Affordable Housing Mitigation Fee, currently set at \$20,000 per unit, or
- 2) Provide a deed restricted replacement unit whose initial rent shall be the last known rent of the unit prior to demolition, or if the rent is unknown, or if the unit was vacant for more than five years prior to demolition, the initial rent shall be set at a level affordable to a tenant at 50% AMI and will be rented to a tenant who meets such income qualifications. After the initial tenancy, vacancy decontrol shall apply pursuant to the Costa –Hawkins Rental Housing Act.

Sitting tenants will be protected as described in Section 23C.08.020 C.

All replacement units, whether vacant or occupied at the time of demolition, will be deed restricted such that rents for those units may only increase by the same amount as the annual general adjustment published by the Berkeley Rent Stabilization Board each year.

Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Bates; Noes – Worthington; Abstain – Arreguin, Wozniak.

B. Greenleaf Wellness Group - 1515 Dwight Way: Determination Regarding a Public Nuisance under BMC Section 23B.64 (Continued from June 4, 2013) From: City Manager

Recommendation: Adopt a Resolution reflecting the City Council's June 4, 2013 action determining that 1515 Dwight Way, operating as Greenleaf Wellness Group is: 1) In violation of: a. BMC Chapter 12.26 The Patients Access to Medical Cannabis Act of 2008; b. BMC Section 23A.12.010; c. Health and Safety Code Section 11362.765(a); and 2) A Public Nuisance under BMC Section 23B.64.020 and ordering the use enjoined and terminated.

Financial Implications: None

Contact: Gregory Daniel, Code Enforcement, 981-2482

Action: Moved to Consent Calendar. Adopted Resolution No. 66,210–N.S. reflecting the City Council's June 4, 2013 action determining that 1515 Dwight Way, operating as Greenleaf Wellness Group is: 1) In violation of: a. BMC Chapter 12.26 The Patients Access to Medical Cannabis Act of 2008; b. BMC Section 23A.12.010; c. Health and Safety Code Section 11362.765(a); and 2) A Public Nuisance under BMC Section 23B.64.020 and ordering the use enjoined and terminated.

Action Calendar – Continued Business

C. a. Budget Referral: Reduction in City Council Non-Personnel Office Budgets (Continued from June 4, 2013)

From: Councilmembers Arreguín and Wozniak

Recommendation: Refer the following to the FY 2014/2015 Budget Process: A

recurring reduction to City Council Non-Personnel Office Budgets.

Financial Implications: See report

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

Action: 0 speakers. M/S/F (Bates/Worthington) to include a 2% reduction in the City

Council Non-Personnel Office Budgets in the FY 2014 – 2015 Budget.

Vote: Ayes – Maio, Worthington, Bates; Noes – Capitelli; Abstain – Moore,

Anderson, Arreguin, Wengraf, Wozniak.

Action: M/S/F (Bates/Worthington) to adopt Councilmembers Arreguín and Wozniak's recommendation to refer the following to the FY 2014/2015 Budget Process: A recurring reduction to City Council Non-Personnel Office Budgets..

Vote: Ayes – Arreguin, Capitelli, Worthington, Wozniak; Noes – Bates; Abstain –

Maio, Moore, Anderson, Wengraf.

Action: M/S/C (Bates/Worthington) to suspend the rules and extend the meeting to

11:15 p.m.

Vote: All Ayes.

b. Draft Mayor and Council Office Budget Donation Policy (Continued from June 4, 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: 0 speakers. M/S/C (Maio/Arreguin) to approve the draft Mayor and Councilmember Office Budget Donation policy amended to require a majority vote for approval of relinquishments that do not attain pre-approval.

Vote: Maio, Moore, Anderson, Arreguin, Wengraf, Worthington, Wozniak, Bates; Noes – Capitelli.

D. North Shattuck Association Chocolate and Chalk Art Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds (Continued from June 4, 2013)

From: Councilmember Arreguín

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember to the North Shattuck Association with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Jesse Arreguín, and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Fund - \$250 Contact: Jesse Arreguín, Councilmember, District 4, 981-7140

Action Calendar – Continued Business

Action: Moved to Consent Calendar. Adopted Resolution No. 66,211–N.S. as originally printed in the June 4, 2013 agenda packet approving the expenditure of an amount not to exceed \$250 per Councilmember to the North Shattuck Association with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Jesse Arreguín, and any other Councilmembers who would like to contribute.

Action Calendar – New Business

34. Authorizing the Issuance of Up To \$15,000,000 in General Obligation Bonds for the Measure M - Street and Integrated Watershed Improvements

From: City Manager

Recommendation: Adopt a Resolution authorizing the issuance of up to \$15,000,000 aggregate principal amount of general obligation bonds (Measure M - Street and Integrated Watershed Improvements), and authorizing actions related hereto.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Moved to Consent Calendar. Adopt Resolution No. 66,212–N.S. authorizing the issuance of up to \$15,000,000 aggregate principal amount of general obligation bonds (Measure M - Street and Integrated Watershed Improvements), and authorizing actions related hereto.

35. FY 2014 Tax Rate: Fund Debt Service on Streets and Watershed General Obligation Bonds-Election of November 2012

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding the debt service on the Streets and Watershed General Obligation Bonds (Measure M, November 2012) that are expected to be issued in January 2014 at 0.0070%.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,297–N.S. setting the FY 2014 tax rate for funding the debt service on the Streets and Watershed General Obligation Bonds (Measure M, November 2012) that are expected to be issued in January 2014 at 0.0070%. Second reading scheduled for June 25, 2013.

36. Borrowing of Funds and the Sale and Issuance of FY 2014 Tax and Revenue Anticipation Notes

From: City Manager

Recommendation: Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2014 Tax and Revenue Anticipation Notes.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Moved to Consent Calendar. Adopted Resolution No. 66,213–N.S. approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2014 Tax and Revenue Anticipation Notes.

Action Calendar – New Business

37. a. Annual Adjustment of Measure GG Tax Rate

From: Disaster & Fire Safety Commission

Recommendation: The Disaster & Fire Safety Commission recommends that there be no increase in the rate of tax imposed under Measure GG in Fiscal Year 2014.

Financial Implications: See report Contact: Aaron Lee, Finance, 981-5502

b. FY 2014 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

From: City Manager

Recommendation: Adopt first reading of an Ordinance setting the FY 2014 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at \$0.04659 (4.659 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.07051 (7.051 cents) per square foot of improvements.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: 0 speakers. M/S/C (Wozniak/Moore) to adopt the first reading of Ordinance No. 7,298–N.S. setting the FY 2014 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at \$0.04659 (4.659 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.07051 (7.051 cents) per square foot of improvements. Second reading scheduled for June 25, 2013.

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

Councilmember Arreguin absent 10:33 p.m. – 10:41 p.m.

Councilmember Worthington absent 10:33 p.m. – 10:42 p.m.

38. Medical Cannabis Ordinance Revisions and Dispensary Selection Process

a. From: Medical Cannabis Commission Recommendation:

- 1. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 12.26.030;
- 2. Adopt first reading of an Ordinance adding BMC by creating a new Chapter 12.27, including the Medical Cannabis Commission's recommendations (Alternative A);
- 3. Adopt a Resolution establishing a ranking process for the selection of additional medical cannabis dispensaries in Berkeley; and
- 4. Refer to the Planning Commission an amendment to BMC Section 23E.16.070 to increase the number of dispensaries permitted from four to six.

Financial Implications: See report

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

Action Calendar – New Business

b. From: City Manager Recommendation:

- 1. Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 12.26.030;
- 2. Adopt first reading of an Ordinance adding BMC Chapter 12.27, including the staff recommendations (Alternative B);
- 3. Adopt a Resolution establishing a ranking process for the selection of additional medical cannabis dispensaries in Berkeley; and
- 4. Refer to the Planning Commission an amendment to BMC Section 23E.16.070 to increase the number of dispensaries permitted from four to six.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Moore/Bates) to table the item to October 1, 2013.

Vote: Ayes – Maio, Moore, Anderson, Wengraf, Wozniak, Bates; Noes – Arreguin, Capitelli, Worthington.

39. Amending Berkeley Municipal Code Chapters 9.48, Chapter 14.48 and Chapter 16.18 to Establish a Two Year Pilot Program Authorizing Sidewalk Displays by Fixed Location Merchants on Telegraph Avenue

From: City Manager

Recommendation: Adopt first reading of three Ordinances:

- 1. Amending BMC Chapter 9.48 regarding regulation of sidewalk vending on Telegraph Avenue; and
- 2. Amending BMC Chapter 14.48 regarding regulation of miscellaneous use of sidewalk, and
- 3. Amending BMC Chapter 16.18 regarding regulation of right of way encroachments. **Financial Implications:** See report

Contact: William Rogers, City Manager's Office, 981-7000

Action: Moved to Consent Calendar. Adopted first reading of the following ordinances:

- 1. Ordinance No. 7,299 –N.S. amending BMC Chapter 9.48 regarding regulation of sidewalk vending on Telegraph Avenue. Second reading scheduled for June 25, 2013.
- 2. Ordinance No. 7,300–N.S. amending BMC Chapter 14.48 regarding regulation of miscellaneous use of sidewalk. Second reading scheduled for June 25, 2013.
- 3. Ordinance No. 7,301–N.S. amending BMC Chapter 16.18 regarding regulation of right of way encroachments. Second reading scheduled for June 25, 2013.

Council Action Items

40. Discussion and Direction on City Council Budget Referrals

From: Mayor Bates

Recommendation: Discuss and provide direction to the City Manager regarding

City Council budget referrals for the FY 2014 and FY 2015 budget process.

Financial Implications: See report Contact: Tom Bates, Mayor, 981-7100

Action: 8 speakers. M/S/C (Capitelli/Arrequin) to accept supplemental material from

Mayor Bates on Item 40.

Vote: All Ayes.

Action: M/S/C (Bates/Maio) to include the organizations and amounts listed in the supplemental material in the FY 2014 and FY 2015 City Budget and request that the Children, Youth, and Recreation Commission and the Homeless Commission develop a suggested proposal for the City Council's consideration to address possible services for homeless youth and it would be the intent of the City Council, after receiving that proposal, to seek funding and to do an RFP for community-based organizations to allow them to provide those services.

Vote: All Ayes.

Information Reports

41. Settlement of Koolish v. City of Berkeley, ACSC No. RG 12 619373

From: City Manager

Contact: Zach Cowan, City Attorney, 981-6950

Action: Received and filed.

42. Community Agency Funding Budget Referrals

From: City Manager

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

Action: Received and filed.

Public Comment - Including Items Not Listed on the Agenda - 3 speakers.

Adjournment in memory of:

1. Patti Dacey, former Planning Commissioner

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

Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates;

Noes - None; Abstain - None; Absent - Anderson.

Councilmember Anderson absent 11:04 p.m. – 11:10 p.m.

Adjourned at 11:10 p.m.

Communications

Item 26: Protecting Berkeley's Medical Cannabis Dispensaries

1. Joe Elford

Parking Regulations

2. Vaughn Sills

FEMA and Fire Risk Reduction

3. Sally Nelson

Tenant Complaint

4. W.B.C

Pedestrian Safety Petition

5. Dan McMullan

Bruce Douglas Reeves

Graham Freeman

L. Karlene Gullone

Franziska Marks

Erik Schmitt

Felipe Fernandez

John Iversen

Judith Grether

Karen Bennett

Alyse Jacobson

Karina Garbesi

Inda Luciano

Gae Henry

Martin Edwards

Ann & John Kadyk

Supplemental Communications and Reports 1

-None

Supplemental Communications and Reports 2

Item 29: Tenth Annual Berkeley World Music Festival

6. Gianna Ranuzzi

Item A: Zoning Amendments to BMC Chapter 23C.08 - Demolition and Dwelling Unit Controls

- 7. Brendan Darrow, on behalf of the East Bay Community Law Center
- 8. Shirley Dean
- 9. Joshua Pfeffer
- 10. Phoebe Sorgen
- 11. David Keenan

Communications

12. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group

13. Katherine Harr

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

14. Charles Pappas

Item 38: Medical Cannabis Ordinance Revisions and Dispensary Selection Process 15. Sean Luse, on behalf of Berkeley Patients Group

Item 40: Discussion and Direction on City Council Budget Referrals

16. Ryan Sin, on behalf of the Berkeley Project

Supplemental Communications and Reports 3

Item 25: Support CA State Senator Steinberg's Proposal for Mental Health Care Improvements

17. Shirley Dean

Item 32: ZAB Appeal: 2433 Martin Luther King, Jr. Way

18. Revised materials, submitted by Planning & Development

Item 33 a: Amendments to the Berkeley Election Reform Act - Electronic Filing 19. Mark Berger

Item A: Zoning Amendments to BMC Chapter 23C.08 - Demolition and Dwelling Unit Controls

20. Brendan Darrow, on behalf of the East Bay Community Law Center

Item C a: Budget Referral: Reduction in City Council Non-Personnel Office Budgets 21. Tim Wallace

Item 38: Medical Cannabis Ordinance Revisions and Dispensary Selection Process 22. Dan Rush

Item 39: Amending Berkeley Municipal Code Chapters 9.48, Chapter 14.48 and Chapter 16.18 to Establish a Two Year Pilot Program Authorizing Sidewalk Displays by Fixed Location Merchants on Telegraph Avenue 23. Carol Denney

Item 40: Discussion and Direction on City Council Budget Referrals

24. Supplemental materials, submitted by Mayor Bates

25. Angela Porter

Pedestrian Safety

26. Dan McMullan

Eids TV

27. M. Eid Abdallah