AGENDA



BERKELEY CITY COUNCIL MEETING TUESDAY, JUNE 25, 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.

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,287-N.S. 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%.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

2. 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 second reading of Ordinance No. 7,288-N.S. 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%.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,289-N.S. 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%.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

4. 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 second reading of Ordinance No. 7,290-N.S. 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%.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

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

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,291-N.S. 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.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

6. FY 2014 Tax Rate: Fund Emergency Services for the Severely Disabled

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,292-N.S. 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.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

7. FY 2014 Tax Rate: Fund the Maintenance of Parks, City Trees and

Landscaping

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,293-N.S. 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.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

8. FY 2014 Tax Rate: Fund the Provision of Emergency Medical Services From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,294-N.S. 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.

First Reading Vote: All Ayes
Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

9. FY 2014 Special Tax Rate: Fund the Provision of Library Services

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,295-N.S. 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.

First Reading Vote: All Ayes
Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

10. Amendments to the Berkeley Election Reform Act - Technical Changes and Clean Up

From: Fair Campaign Practices Commission

Recommendation: Adopt second 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.

First Reading Vote: All Ayes Financial Implications: None

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

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

From: City Manager

Recommendation: Adopt second 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%.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

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

From: City Manager

Recommendation: Adopt second 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.

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

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

13. 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 second reading of:

- 1. Ordinance No. 7,299-N.S. amending BMC Chapter 9.48 regarding regulation of sidewalk vending on Telegraph Avenue; and
- 2. Ordinance No. 7,300-N.S. amending BMC Chapter 14.48 regarding regulation of miscellaneous use of sidewalk, and
- 3. Ordinance No. 7,301-N.S. amending BMC Chapter 16.18 regarding regulation of right of way encroachments.

First Reading Vote: All Ayes

Financial Implications: See report

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

14. Repeal BMC Section 9.08.090 Prohibiting Fliers on Windshields

From: City Manager

Recommendation: Adopt first reading of an Ordinance repealing Berkeley Municipal

Code Section 9.08.090, which prohibits placing fliers on vehicle windshields.

Financial Implications: None

Contact: Zach Cowan, City Attorney, 981-6950

15. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of May 7, 2013 (special, special closed and regular), May 14, 2013 (special closed), May 21, 2013 (special and regular) and May 28, 2013 (special closed and special).

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

16. Appointment of Fire Chief

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Gil Dong as

the Fire Chief to be effective July 7, 2013.

Financial Implications: See report

Contact: Christine Daniel, City Manager, 981-7000

17. Appointment of Director of Parks, Recreation & Waterfront

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Scott Ferris as the Director of the Parks, Recreation & Waterfront Department to be effective July 7, 2013.

Financial Implications: See report

Contact: Christine Daniel, City Manager, 981-7000

18. Appropriations Limit for FY 2014

From: City Manager

Recommendation: Adopt a Resolution establishing the appropriations limit at \$210,837,211 for FY 2014 pursuant to Article XIIIB of the Constitution of the State of California based on the calculations for the appropriations limit.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

19. Purchase Order Agreements: Aramark Uniform Rental and Laundry Service From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into annual Purchase Order agreements with Aramark Uniform Services to provide rental and laundering of uniforms, walk-off mats, towels, and miscellaneous items for various departments as needed for a period covering July 1, 2013 through June 30, 2016 for \$149,800 annually, and a total not to exceed \$449,400 for three (3) years, subject to the City's annual budget appropriation process.

Financial Implications: Various Funds - \$149,800 (annually)

Contact: Robert Hicks, Finance, 981-7300

20. Revenue Grant: FEMA Port Security Grant Program to Fund Acquisition of a Public Safety Response Boat

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency's (FEMA) Port Security Grant Program (PSGP) in the amount of \$690,000 and authorizing the use of \$230,000 in local matching funds to purchase a public safety response boat for public safety, emergency response and environmental protection.

Financial Implications: See report Contact: Gil Dong, Fire, 981-3473

21. Amendment of Senior and Disabled Rehabilitation Loan Program Guidelines From: City Manager

Recommendation: Amend the guidelines for the Senior and Disabled Rehabilitation Loan Program (Program) to increase the total loan amount from \$70,000 to \$80,000 per project, increase the allowable CalHOME portion of the loan by \$20,000 to \$60,000, and expand income eligibility for the program to align with CalHOME and CDBG regulations which allow the program to serve households with up to 80% of Area Median Income.

Financial Implications: See report

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

22. Contract: Easy Does It to Provide Emergency Services to Berkeley Residents with Severe Disabilities

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Easy Does It Emergency Services (EDI) to provide emergency services to Berkeley residents with severe disabilities for the period of July 1, 2013 to June 30, 2014 for a total contract amount not to exceed \$1,004,192; and approve an option authorizing the City Manager to extend the term of the contract annually up to two additional years contingent upon a satisfactory annual performance.

Financial Implications: Measure E Special Tax Fund - \$1,004,192 Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

23. Contract No. 8593 Amendment: Berkeley Youth Alternatives to Counter Pro-Tobacco Influences and Promote Tobacco Cessation

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend and extend Contract No. 8593 with Berkeley Youth Alternatives to reduce tobacco litter and reduce tobacco marketing to youth, increasing the amount by \$141,600 for a total not to exceed amount of \$354,100 through June 30, 2015.

Financial Implications: Health (General) - \$141,600

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

24. Revenue Grant Agreements: Funding Support from the Partner Organizations to Conduct Public Health Promotion, Protection, and Prevention Services From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to submit grant agreements to First 5 Alameda County, YMCA of the Central Bay Area and Berkeley Development Group, 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. First 5 Alameda County, in the projected amount of \$69,431 for FY 2014 and \$45,709 for FY 2015 for a total of \$115,140 for Fiscal Years 2014 and 2015.
- 2. YMCA of the Central Bay Area, in the projected amount of \$10,000 for FY 2014.
- 3. Berkeley Development Group, in the projected amount of \$15,000 for FY 2014. **Financial Implications:** See report

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

25. Contract No. 7911 Amendment: The Lipman Company, Inc. for Retiree Health Premium Assistance Plan Third-Party Administrator

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7911 with The Lipman Company, Inc. (TLC) for administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police; to increase the amount of funding by \$74,000 for Calendar Year 2013, for a total not to exceed amount of \$474,000 for the period January 1, 2013 to December 31, 2013; and extend the term of the contract with TLC for two (2) years, covering the period January 1, 2014 through December 31, 2015, and increasing the contract amount by an additional \$234,000, for a total contract amount not to exceed \$708,000.

Financial Implications: See report

Contact: David Abel, Human Resources, 981-6800

26. Contract No. 7167D Amendment: SunGard Public Sector for Software Maintenance From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7167D with SunGard Public Sector for maintenance and support of the City's FUND\$ system, increasing the contract amount by \$145,000 for a total not to exceed \$1,095,000 from July 1, 2006 through June 30, 2014.

Financial Implications: General Fund - \$145,000

Contact: Donna LaSala, Information Technology, 981-6500

27. Contract No. 7539C Amendment: Rocket Software, Inc. for Change Management Software

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7539C with Rocket Software, Inc. (formerly Aldon, Inc.) for change management software licensing, maintenance, and technical support, increasing the contract amount by \$10,000 for a total not to exceed \$57,996 from February 28, 2008 through June 30, 2015.

Financial Implications: General Fund - \$10,000

Contact: Donna LaSala, Information Technology, 981-6500

28. Waiver of Annual Marina Berth and Storage Fees for Non-Profits From: City Manager

Recommendation: Adopt a Resolution: 1) Affirming the determination by City staff and the Waterfront Commission that three non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project) are in full compliance with all aspects of Resolution No. 58,859-N.S.; and 2) Approving the annual waiver of berth fees for the three groups for FY 2014.

Financial Implications: See report

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

29. Reject Bid and Authorize City Manager to Negotiate in the Open Market – Civic Center Building and Public Safety Building Data Center Upgrades

From: City Manager

Recommendation: Adopt a Resolution: 1) Rejecting the one bid submitted to the City of Berkeley for Specification No. 13-10730-C, Civic Center Building and Public Safety Building Data Center Upgrades Project; and 2) Authorizing the City Manager to negotiate in the open market in accordance with Article XI, Public Works and Supplies, Section 67(a.) of the City Charter.

Financial Implications: There are no fiscal impacts until a contract will be negotiated.

Contact: Andrew Clough, Public Works, 981-6300

30. Grant Funding Agreement for MTC One Bay Area Grant Program From: City Manager

Recommendation: Adopt a Resolution: 1) Authorizing the City to execute and file a funding application to the Metropolitan Transportation Commission (MTC) for \$4,932,702 in Federal funds for the Shattuck Reconfiguration and Pedestrian Safety Improvements and the Hearst Avenue Complete Street Project (Projects), as recommended by the Alameda County Transportation Commission through the FY 2012/13 Coordinated Funding Program; 2) Committing any necessary matching funds; and 3) Stating the City's assurance as to its ability and intent to complete the project.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

31. MOU: EBCSAC Agencies to Share Consultant Services Cost

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Memorandum of Understanding among the East Bay Collection System Advisory Committee agencies regarding cost sharing of consultant services and appropriating funds not to exceed a total of \$250,000 from the Sewer Fund during the 5 year period FY 2014 – FY 2018.

Financial Implications: Sanitary Sewer Operation - \$250,000

Contact: Andrew Clough, Public Works, 981-6300

32. Naming Berkeley's Public Health Clinic for Ann Chandler

From: Public Works Commission

Recommendation: Adopt a Resolution renaming the Public Health Clinic as the

Ann Chandler Public Health Center effective November 18, 2013.

Financial Implications: Nominal cost to revise signage Contact: Jeffrey Egeberg, Commission Secretary, 981-6406

Council Consent Items

33. Senate Bill 467: Email Privacy

From: Councilmember Arreguin

Recommendation: Adopt a Resolution supporting Senate Bill (SB) 467, authored by Senator Mark Leno, which would require a search warrant when a governmental agency is seeking the contents of certain electronic communications, such as email. Copies of the Resolution to be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Senators Mark Leno and Loni Hancock, Assembly Speaker John A. Perez, and Assemblymember Nancy Skinner.

Financial Implications: None

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

34. Berkeley Historical Plaque Project: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Wengraf

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including up to \$500 from Councilmember Wengraf, to the Berkeley Historical Plaque Project with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Wengraf and any other Councilmembers who would like to contribute.

Financial Implications: Councilmember's Discretionary Fund - \$500

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

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. After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal.

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 hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Appeals

35. ZAB Appeal: 2024 Durant Avenue/2025 Channing Way

From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 12-10000017 to demolish a church and construct a six-story, 78-unit, apartment building with a mix of one, two, and three bedroom units and basement level parking with 34 parking spaces.

Financial Implications: None

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

a. Appeal

1. Stephen Stine

b. Communication

1. Avram Gur Arve

36. ZAB Appeal: 2360 Telegraph Avenue

From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 12-10000037 to establish a Quick Service Restaurant (QSR) exceeding the C-T District's limitations on the number and size of such restaurants, with incidental beer and wine service and hours of operation until 2 a.m.

Financial Implications: None

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

a. Appeal

1. Alex Popov

b. Communication

None

Action Calendar – Old Business

37. City Manager Referral: Allow Video Screen with Advertisements Inside

Taxicabs (Continued from May 21, 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

38. Request the Occupational Safety and Health Administration (OSHA) to Move Forward with the Adoption of Draft Proposed Rule to Reduce Exposure to Life-

Threatening Silica Dust (Continued from May 21, 2013)

From: Councilmember Worthington

Recommendation: Adopt a Resolution requesting OSHA move forward with the adoption of the 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 Calendar – New Business

39. FY 2014 & FY 2015 Biennial Budget Adoption

From: City Manager Recommendation:

1. Adopt a Resolution: a) Adopting the FY 2014 & FY 2015 Biennial Budget as contained in the City Manager's FY 2014 & FY 2015 Proposed Biennial Budget that includes the Proposed Capital Budget, presented on May 7, 2013, and as amended by subsequent Council action and accepting the FY 2014 City Wide Work plan presented to Council on May 21, 2013. b) Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2014, as reflected in Attachment 1, and as amended by subsequent Council action.

2. Approve a one-time \$614,857 loan from the Workers' Compensation Fund to the Refuse Fund in FY 2015 to cover the projected deficit in that year, should a rate increase (effective July 2014) fail to be approved.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

40. FY 2014 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2014 Annual Appropriations Ordinance (AAO) in the amount of \$364,296,041 (gross appropriations) and \$313,633,047 (net appropriations).

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

41. a. Referral of Alameda County FRALS Reimbursements to City Auditor From: Disaster and Fire Safety Commission

Recommendation: Refer to the City Auditor reimbursements from Alameda County to the City of Berkeley under the Emergency Medical Services First Responder Advanced Life Support Services Agreement dated February 1, 2012, and prior agreements approved by the City Council on May 31, 2011 (Resolution No. 65,296-NS) and July 19, 2011 (Resolution No. 65,393-N.S.) to confirm that those FRALS reimbursements should be returned to Measure GG funds and not diverted to the General Fund.

Financial Implications: See report

Contact: Aaron Lee, Commission Secretary, 981-3473

b. Referral of Alameda County FRALS Reimbursements to City Auditor From: City Manager

Recommendation: Continue to account for the Alameda County First Responder Advanced Life Support (FRALS) Reimbursements in a separate fund in accordance with Resolution No. 65,493–N.S.

Financial Implications: None Contact: Gil Dong, Fire, 981-3473

Action Calendar – New Business

42. FY 2014 and FY 2015 Measure GG Budget

From: City Manager

Recommendation: Approve additional expenditures for FY 2014 and FY 2015 from Measure GG tax proceeds to include two additional full-time career staff positions, additional disaster readiness classes, enhanced community outreach efforts, disaster caches, roll-off dumpster program, automatic gas shut off valve program, and a reserve fund.

Financial Implications: See report Contact: Gil Dong, Fire, 981-3473

Information Reports

43. Voluntary Time Off Program For FY 2014

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

44. Transmission of Annual Management Letter from Outside Auditors

From: Mayor Bates

Contact: Tom Bates, Mayor, 981-7100

Public Comment - Including Items Not Listed on the Agenda -

Adjournments in Memory of:

1. Patti Dacey, former Planning Commissioner

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.

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.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at http://www.cityofberkeley.info/video and KPFB Radio 89.3. Archived indexed video streams are available at http://www.cityofberkeley.info/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.

Agendas and agenda reports may be accessed via the Internet at http://www.cityofberkeley.info/citycouncil

and may be read at reference desks at the following locations:

City Clerk Department

Libraries: 2180 Milvia Street Main - 2090 Kittredge Street Tel: 510-981-6900 Claremont Branch - 2940 Benvenue

TDD: 510-981-6903 North Branch – 1170 The Alameda Fax: 510-981-6901

Email: clerk@ci.berkeley.ca.us

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 13, 2013.

Mart Morning 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.

Taser Usage

Nigel Renton

Pedestrian Safety Petition

2. Dan McMullan

Detained Teens

Moni Law

FEMA/UC Berkeley Tree Clear-Cutting and Toxins

- 4. Sally Nelson
- 5. Celeste McLean

East Bay Regional Park District & AFSCME Local 2428

6. Jane & Tom Kelly

Tobacco Free Multi-Unit Housing Ordinance

- 7. Cynthia Hallett, on behalf of Americans for Nonsmokers' Rights
- 8. Susan Sawyer
- 9. Carol Denney

Drugs & Youth 10. Renate