ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
TUESDAY, JANUARY 21, 2014

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: 7:15 p.m. Councilmember Worthington absent. Councilmember Worthington present at 7:37 p.m.

Ceremonial Matters:

1. Barbara London Day in Berkeley
2. Presentation by the Berkeley Art Center

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 5 speakers.

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

Consent Calendar

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

Recess Items

1. Grant Award: Alameda County Meals on Wheels Agency for the Berkeley Meals on Wheels Program
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to accept a $1,838 grant award to the Berkeley Meals on Wheels Program from the Alameda County Meals on Wheels Agency.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,443–N.S.

Consent Calendar

2. Technical Corrections to the Zoning Ordinance, Amending BMC Sub-Titles 23A, 23D and 23E
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,323-N.S. amending Berkeley Municipal Code Sub-Titles 23A, 23D and 23E to make non-substantive technical corrections to the Zoning Ordinance.
First reading vote: All ayes.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,323-N.S.
Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – Anderson.

3. General Plan Re-designation and Rezone: 1011-1025 Gilman and Portion of 1000-1010 Gilman
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,324-N.S. amending Berkeley Municipal Code Title 23 (zoning), official zoning map, to rezone the parcel at 1011-1025 Gilman Avenue (APN 060-235500802); and a portion of the parcel identified as 1300-1328 Tenth St, 1000-1010 Gilman St, 1319 Ninth Street (APN 060-235200100) from MU-LI to C-W.
First reading vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,324-N.S.
Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Wozniak, Bates; Noes – Arreguin, Worthington; Abstain – Anderson.

4. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of December 3, 2013 (special and regular) and December 17, 2013 (specials and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.

5. Donation to the Animal Shelter from the Ting Tsung and Wei Fong Chao Foundation at the Direction of Elizabeth Chao
From: City Manager
Recommendation: Adopt a Resolution accepting a donation from the Ting Tsung and Wei Fong Chao Foundation in the sum of $5,000.
Financial Implications: $5,000 (Donation)
Contact: William Rogers, City Manager's Office, 981-7000
Action: Adopted Resolution No. 66,444–N.S.

Consent Calendar

6. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on January 21, 2014
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $5,184,667
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.

7. Revenue Contract: Community Services Block Grant for Calendar Year 2014
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 14F-3001 for the initial amount of $75,674, and execute any resultant agreements and amendments that may increase the contract amount up to an estimated $245,000 to provide low-income services for the period January 1, 2014 to December 31, 2014.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,445–N.S.

8. Mental Health Services Act (MHSA) Innovations (INN) Plan Update and Contract Amendments
From: City Manager
Recommendation:
1. Adopt a Resolution authorizing the City Manager to approve the Mental Health Services Act (MHSA) Innovations (INN) Plan Update.
2. Adopt seven Resolutions authorizing the City Manager to execute amendments for the following seven contracts that are funded through MHSA INN monies, increasing the contract amounts, and expending the INN funds by June 30, 2014:
a. Increasing INN Contract No. 9015A with McGee Avenue Baptist Church in the amount of $20,630 for a total contract amount not to exceed $115,380 to implement a cultural heritage empowerment project to increase positive mental health outcomes for African Americans in South Berkeley;
b. Increasing INN Contract No. 9013A with Options Recovery Services in the amount of $20,630 for a total contract amount not to exceed $115,629 to increase positive mental health outcomes for Ex-Offenders and Veterans returning to the community;
c. Increasing INN Contract No. 9008A with Community Health for Asian Americans (CHAA) in the amount of $20,630 for a total contract amount not to exceed $115,629 to increase access to, and improve the quality of Mental Health services for Asian Pacific Islanders through cultural based outreach and wellness activities;

d. Increasing INN Contract No. 9016A with Niroga Institute in the amount of $20,630 for a total contract amount not to exceed $115,629 to implement holistic health strategies and interventions for transition age youth in an effort to increase access to and the quality of mental health services, and improve outcomes;
e. Increasing INN Contract No. 9009A with Albany Senior Center in the amount of $20,630 for a total contract amount not to exceed $115,629 to decrease isolation and increase positive mental health outcomes for Senior Citizens through the use of Smartphone, tablet, and computer technologies;
f. Increasing INN Contract No. 9029A with Berkeley Food and Housing Project in the amount of $20,630 for a total contract amount not to exceed $115,629 to improve physical and mental health outcomes for Mentally Ill Adults and Older Adults living in Board & Care facilities;
g. Increasing INN Contract No. 9018A with Pacific Center for Human Growth in the amount of $20,630 for a total contract amount not to exceed $115,629 to increase access to, and the quality of, Mental Health services for Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, Inter-sex individuals.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,446–N.S. (Plan Update); Resolution No. 66,447–N.S. (McGee Ave); Resolution No. 66,448–N.S. (Options); Resolution No. 66,449–N.S. (Community Health); Resolution No. 66,450–N.S. (Niroga); Resolution No. 66,451–N.S. (Albany Senior); Resolution No. 66,452–N.S. (Food & Housing); Resolution No. 66,453–N.S. (Pacific Center).

9. Disposition and Development Agreement, 3135 Harper Street
From: City Manager
Recommendation: Adopt first reading of an Ordinance approving a Disposition and Development Agreement ("DDLA") between the City of Berkeley and Satellite AHA Development, Inc., for the disposition and development of the City-owned property at 3135 Harper Street.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted first reading of Ordinance No. 7,325–N.S. Second reading scheduled for February 11, 2014.

10. Conversion of Housing Trust Fund Predevelopment Loan to Permanent Financing for 1320 Addison Street
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving a Development Loan Agreement in the amount of $92,000 with Strawberry Creek Lodge Foundation ("SCLF"), for the purpose of converting $86,250 in HTF predevelopment funds and accrued interest to permanent financing at 1320 Addison Street. 2. Waiving Section V.B.2 of the Housing Trust Fund Guidelines to provide a 0% interest rate for the permanent financing.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,454–N.S.

Consent Calendar

11. Contract: Berkeley Unified School District – Mental Health Career Pathways Program - Mental Health Services Act, Workforce, Education & Training (WET)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Berkeley Unified School District (BUSD) to support a Mental Health Career Pathways program for High School youth utilizing Mental Health Services Act (MHSA) Workforce, Education & Training (WET) funds, for a total contract amount not to exceed $7,000 through June 30, 2014, and to renew the contract annually for up to an additional three years contingent upon satisfactory contract performance and the availability of external funding.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,455–N.S.

12. Contract: Building Opportunities for Self-Sufficiency for Homeless Outreach Services: Mental Health Services Act, Prevention and Early Intervention
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Building Opportunities for Self-Sufficiency (BOSS) for the provision of mental health outreach services and supports for homeless Transition Age Youth (TAY), Adults and Older Adults in Berkeley and Albany in an amount not to exceed $100,000 through January 31, 2015.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,456–N.S.

13. Final Map of Tract 8107: 1337 Henry Street
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8107, a five (5) unit residential condominium conversion project located at 1337 Henry Street.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,457–N.S.

14. Contract: DC Electric Group Inc. for On-Call Electronic Traffic Calming Devices Maintenance Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the On-Call Electronic Traffic Calming Devices Maintenance Project, Specification No. 14-10801-C and accepting the proposal of DC Electric Group, Inc.; and 2. Authorizing the City Managerto execute a contract and any amendments with DC Electric Group Inc., for the on-call general maintenance of electronic traffic calming devices for the period February 14, 2014 to February 13, 2019, with options for up to three 1-year extensions, for an amount not to exceed $350,000.
Financial Implications: Special Gas Tax Improvement Fund - $350,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,458–N.S.

Consent Calendar

15. Authorization for Additional Public Works Commission Meetings in 2013
From: Public Works Commission
Recommendation: Adopt a Resolution authorizing 4 additional meetings of the Public Works Commission in 2013.
Financial Implications: None
Contact: Sean Rose, Acting Commission Secretary, 981-6400
Action: Adopted Resolution No. 66,459–N.S.

Council Consent Items

16. Amending Berkeley City Council Procedure on Appeals
From: Mayor Bates
Recommendation: Refer to the Planning Commission and Housing Advisory Commission amendments to the Berkeley Municipal Code to allow appeals from the Housing Advisory Commission, Landmark Preservation Commission, or the Zoning Adjustments Board be automatically set for public hearings before the City Council.
Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.

17. Vukani Mawethu Choir, Mandela Tribute: Relinquishment of Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Maio
Recommendation: Approve the expenditure of an amount not to exceed $100 per Councilmember including up to $100 from Councilmember Maio to cover a $500 donation for the Vukani Mawethu Choir's appearance at the City Council's tribute to Nelson Mandela, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmembers who would like to contribute. Note: The fee can be reached via $55 per council account.
Financial Implications: Councilmember's Discretionary Fund - $100
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,460–N.S. revised to include contributions from the following Councilmembers up to the amount listed: Councilmember Wozniak – $100; Councilmember Arreguin – $100; Councilmember Capitelli – $100; Councilmember Wengraf – $55; Mayor Bates – $100; Councilmember Moore – $100; Councilmember Anderson – $100.

18. City of Berkeley Official Sponsorship of SHARE El Salvador Delegation
From: Councilmember Moore
Recommendation: Officially sponsor the Berkeley delegation of SHARE El Salvador.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.

Council Consent Items

19. Double Fines for Speeding in School Zones
From: Councilmember Wengraf
Recommendation: Request that the City Manager evaluate the legal feasibility and expense of signage for the doubling of fines for speeding in school zones and report back to City Council with a recommendation.
Financial Implications: To be determined
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Approved recommendation.

20. Urging the Hearst Corporation and the SF Chronicle to Continue Publishing the Stand Alone "Food and Wine" Section of the Newspaper
From: Councilmember Wengraf
Recommendation: Adopt a Resolution urging the Hearst Corporation and the SF Chronicle to continue publishing the stand alone "Food and Wine" section of the newspaper and send it to the Hearst Corporation and the SF Chronicle Editorial Board.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,461–N.S.

21. Reaffirming the City of Berkeley's commitment to Roe v. Wade
From: Councilmember Wengraf
Recommendation: Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade on the 41st anniversary of its passage.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Adopted Resolution No. 66,462–N.S.

22. Sponsorship of Expressions Gallery's "Homelessness" Art Exhibit
From: Councilmember Worthington
Recommendation: Adopt a Resolution co-sponsoring Expressions Gallery's "Homelessness" Exhibit.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Councilmember Anderson added as a co-sponsor. Adopted Resolution No. 66,463–N.S.

Council Consent Items

23. Expressions Gallery Arts and Educational Center: 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 an amount not to exceed $500 per Councilmember including $500 from Councilmember Worthington, to the Expressions Gallery Arts & Educational Center with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Worthington and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 66,464–N.S. revised to include contributions from the following Councilmembers up to the amount listed: Councilmember Worthington – $500; Councilmember Anderson – $500.

Action Calendar – Old Business

24. Telegraph Channing Mall: Follow-up on Tenants Issues and Management
(Continued from December 17, 2013)
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: 14 speakers. Discussion held.

25. Referral to City Manager: Exemption of Fire-Damaged Buildings from Affordable Housing Mitigation Fee *(Continued from December 17, 2013)*
From: Councilmembers Arreguin, Worthington, and Anderson
Recommendation: Refer to the City Manager and Housing Advisory Commission (HAC) the issue of amending Resolution No. 65,920 to clarify and change the criteria for exempting buildings destroyed by fire from the Affordable Housing Mitigation Fee.
Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Item held over to February 11, 2014.

Council Action Items

26. Pending and Outstanding Referrals to the City Manager's Office and City Commissions by the City Council
From: Mayor Bates
Recommendation: 1. Request the City Manager report on pending and outstanding referrals made to the City Manager's Office and City Commissions by the City Councilmembers. 2. The Referral Report will be sent to the Councilmember who made the referral for them to prioritize their top five referrals. 3. After the prioritizing has taken place, the City Manager will provide an estimate of cost, staff time and any other related costs likely to be incurred by the implementation of the referral. 4. Council shall then determine its priority of implementation so they may be reflected in the adoption of its budget.
Financial Implications: Staff time
Contact: Tom Bates, Mayor, 981-7100
Action: 0 speakers. M/S/C (Worthington/Capitelli) to approve the recommendation.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None, Abstain – None; Absent – Worthington.

Councilmember Worthington absent 9:03 p.m. – 9:41 p.m.

27. Temporarily Relocate City Council Chambers to 2020 Bonar Street (West Campus) Until the Maudelle Shirek Building is Seismically Retrofitted
From: Mayor Bates
Recommendation: Request the City Manager work with the Berkeley Unified School District (BUSD) to temporarily relocate City Council, Planning Commission, Rent Board and Zoning Adjustment Board meetings to West Campus located at 2020 Bonar Street until the Maudelle Shirek Building is seismically retrofitted.
Financial Implications: $280,000-$350,000
Contact: Tom Bates, Mayor, 981-7100
Action: 7 speakers. Discussion held. Requested the City Manager return with an Information item on the options for alternate meeting locations.

28. New Agenda Section, Referred Items
From: Councilmember Maio
Recommendation: Create a section of the Council Agenda called "Referred Items" to be placed at the end of the agenda to be used for those Council Items that have significant grammatical or other readability problems, and/or lack background information that is clearly essential and should be available to the public.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Item moved to Consent Calendar. Approved recommendation.
Vote: Ayes – Maio, Moore, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – Anderson; Abstain – Arreguin.

Information Reports

29. 2013 Alameda Countywide Homeless Count and Survey
From: City Manager
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Referred to Agenda Committee to schedule a worksession on the Homeless Count data.

30. Santa Fe Right-of-Way Greenway Cost Estimate
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700; Andrew Clough, Public Works, 981-6300
Action: Received and filed.

31. LPC-NOD: 2210 Shattuck Avenue
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

32. LPC-NOD: 2286 Shattuck Avenue
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

33. LPC-NOD: 48 Shattuck Square
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

34. LPC-NOD: 1045 Ashby Avenue
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

35. LPC-NOD: 2600 Durant Avenue
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

36. Report of the Alameda County Transportation Commission
From: Councilmember Capitelli
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 2 speakers.

Adjournment

Adjourned in memory of Saul Zaentz.
Adjourned in memory of Marty Rabkin.
Adjourned in memory of Jerome Carlin.
Adjourned in memory of Thomas Browne.

Action: M/S/C (Moore/Arreguin) to adjourn the meeting.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Worthington.

Adjourned at 9:41 p.m.

Communications

Work Plan/Response to NAACP Recommendations
1. Housing Advisory Commission

Proposed Refuse Rate Increases
2. Barbara Gilbert
3. Frieda Dilloo
4. Robert Lauriston
5. Walter Wood

Walgreens on Solano Avenue
6. Susan Cerny

Fund Allocation for Civic Arts Program
7. Civic Arts Commission

Tax Breaks for Nonprofit Hospitals
8. Susan Wengraf, District 6 – Referred to the Agenda Committee to schedule a worksession by Councilmembers Maio, Worthington, and Arreguin.

Police & Neighborhood Safety Article
9. W.F. Allen

2201-2205 Blake Street
10. Lozeau Drury LLP

Light Brown Apple Moth Article
11. Jane Kelly

Smokefree Commercial District
12. Carol Denney

Affordable Housing Petition
13. Karen Anderson

Supplemental Communications and Reports 1

-None

Supplemental Communications and Reports 2

Item 27: Temporarily Relocate City Council Chambers to 2020 Bonar Street (West Campus) Until the Maudelle Shirek Building is Seismically Retrofitted

14. Joshua Pfeffer
15. Barbara Vanden Borre
16. Kathy Harr

Supplemental Communications and Reports 3

Item 16: Amending Berkeley City Council Procedure on Appeals

17. Igor Tregub

Item 24: Telegraph Channing Mall: Follow-up on Tenants Issues and Management

18. Gary Miller

Item 27: Temporarily Relocate City Council Chambers to 2020 Bonar Street (West Campus) Until the Maudelle Shirek Building is Seismically Retrofitted

19. Moni Law

Art Exhibits

20. Berkeley Arts Center

Economics

21. M. Eid Abdallah