Office of the City Manager

CONSENT CALENDAR
February 25, 2014

To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION
Approve the minutes for the Council meetings of January 9, 2014 (special closed), January 14, 2014 (special closed), January 21, 2014 (special and regular) and January 28, 2014 (special and regular).

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments:
1. January 9, 2014–Special Closed City Council Meeting
2. January 14, 2014–Special Closed City Council Meeting
3. January 21, 2014–Special City Council Meeting
4. January 21, 2014–Regular City Council Meeting
5. January 28, 2014–Special City Council Meeting
6. January 28, 2014–Regular City Council Meeting

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
THURSDAY, JANUARY 9, 2014
5:30 P.M.

2180 Milvia Street, 1st Floor – Cypress Room

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: 5:33 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmembers Moore and Worthington.

Public Comment – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LABOR NEGOTIATOR; GOVERNMENT CODE SECTION 54957.6:

Negotiators: Christine Daniel, City Manager, Margarita Zamora, Acting Employee Relations Manager, Sarah Reynoso, Assistant City Attorney, Gil Dong, Fire Chief, Eddie Kreisberg, Labor Negotiator.

Employee Organizations: Berkeley Fire Fighters Association.

Action: No reportable action.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Adjournment

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

Meeting adjourned at 6:50 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of January 9, 2014.

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Mark Numainville, CMC, City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, JANUARY 14, 2014
5:30 P.M.

2180 Milvia Street, 1st Floor – Cypress Room

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: 5:33 p.m.

Present: Councilmembers Arreguin, Capitelli, Maio, Moore, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmembers Anderson and Worthington.

Councilmember Worthington present at 5:35 p.m.

Public Comment – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. PERSONNEL EVALUATION; GOVERNMENT CODE SECTION 54957(b)(1):

Title of Position to be Evaluated: City Manager

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Adjournment

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

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

Adjourned at 7:25 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of January 14, 2014.

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Mark Numainville, CMC, City Clerk

MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, JANUARY 21, 2014
5:30 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: 5:36 p.m.

Present: Councilmembers Capitelli, Maio, Wozniak and Mayor Bates.

Absent: Councilmembers Anderson, Arreguin, Moore, Wengraf and Worthington.

Councilmember Moore present at 5:43 p.m. Councilmember Worthington present at 6:04 p.m.

Worksession:

1. **Economic Development Report: The Berkeley Innovation Ecosystem**
   From: City Manager
   Contact: Michael Caplan, Office of Economic Development, 981-7530
   Action: Presentation made and discussion held.

Public Comment – Items on this agenda only: 8 speakers.

Adjournment

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

Councilmember Worthington absent 6:59 p.m. – 7:00 p.m.

Adjourned at 7:00 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of January 21, 2014.

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Mark Numainville, CMC, City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

None

Supplemental Communications and Reports 3

Item 1: Economic Development Report: The Berkeley Innovation Ecosystem

1. Presentation, submitted by Office of Economic Development

MINUTES

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.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmember Worthington.

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

Consent Calendar

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.

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

Consent Calendar

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.

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.

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.

Consent Calendar

Financial Implications: Special Gas Tax Improvement Fund - $350,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,458–N.S.

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.

Council Consent Items

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.

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.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 21, 2014 as approved by the Berkeley City Council.

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Mark Numainville, CMC, City Clerk

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

MINUTES
SPECIAL JOINT MEETING OF THE
BERKELEY CITY COUNCIL AND BERKELEY SCHOOL BOARD

TUESDAY, JANUARY 28, 2014

5:00 P.M.

Council Chambers – 2134 Martin Luther King Jr. Way
Teleconference Location – 4850 Makena Alanui, Kihei, HI 96753

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: 5:25 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmembers Maio, Moore and Worthington.

Councilmember Maio present at 5:33 p.m. Councilmember Worthington present at 6:20 p.m.

Worksession:

1. **Violence Prevention**
   From: City Manager
   Contact: William Rogers, City Manager's Office, 981-7000
   Action: Presentation made and discussion held.

2. **Status Report on 2020 Vision Phase I-III Work Plan**
   From: City Manager
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
   Action: Presentation made and discussion held.

Public Comment – **Items on this agenda only:** 0 speakers.

Adjournment

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

Councilmember Worthington absent 6:26 p.m. – 7:38 p.m.

Adjourned at 7:38 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of January 28, 2014.

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Mark Numainville, CMC, City Clerk

Communications

None

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

None

Supplemental Communications and Reports 3

Item 1: Violence Prevention

1. Presentation, submitted by City Manager's Office

Item 2: Status Report on 2020 Vision Phase I-III Work Plan

2. Presentation, submitted by Parks, Recreation & Waterfront

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, JANUARY 28, 2014
7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
TELECONFERENCE LOCATION - 4850 MAKENA ALANUI, KIHEI, HI 96753

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: 7:48 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Wengraf, Worthington, Wozniak and Mayor Bates.

Absent: Councilmember Moore.

Ceremonial Matters: None

City Manager Comments: None

Public Comment on Non-Agenda Matters: 3 speakers.

Public Comment on Consent Calendar and Information Items Only: 2 speakers.

Consent Calendar

Action: M/S/C (Maio/Worthington) to adopt the Consent Calendar in one motion except as indicated.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore.

1. **Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on January 28, 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 - $1,926,380
   Contact: Robert Hicks, Finance, 981-7300
   Action: Approved recommendation.

Consent Calendar

2. Contract: Berkeley Free Clinic for Clinical Laboratory Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with the Berkeley Free Clinic in an amount not to exceed $50,000 for the period July 1, 2013 through June 30, 2014.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,465–N.S.

Council Consent Items

3. Resources for Community Development (RCD): Relinquishment of Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $100 per Councilmember including up to $100 from Councilmember Maio to Resources for Community Development (RCD) to help ensure they continue their work to providing housing opportunities to low-income residents of our city, 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.
Financial Implications: Councilmember's Discretionary Fund - $100
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,466–N.S.

4. Ashkenaz 40th Anniversary "40 Years Dancing for Peace": Relinquishment of Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $100 per Councilmember including up to $100 from Councilmember Maio to Ashkenaz Music & Dance Community Center in honor of their 40th anniversary year, 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.
Financial Implications: Councilmember's Discretionary Fund - $100
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 66,467–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Maio - $100; Councilmember Wozniak - $100; Councilmember Anderson - $100.

Council Consent Items

5. First Annual Black History Month Celebration: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $250 from Councilmember Anderson to the First Annual Black History Month Celebration hosted by The Berkeley Juneteenth Association, Inc., with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 66,468–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - $100; Councilmember Maio - $100; Councilmember Arreguin - $100; Councilmember Worthington - $250; Councilmember Wozniak - $200; Councilmember Anderson - $250.

Action Calendar – Public Hearing

6. 2133 Parker Street - Determination Re: Public Nuisance
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 65,596-N.S. to incorporate the terms of the Settlement Agreement executed by the City and the property owner.
Financial Implications: None
Contact: Zach Cowan, City Attorney, 981-6950

Public Testimony: The Mayor opened the public hearing. 23 speakers.
M/S/C (Maio/Wengraf) to close the public hearing.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore.

Action: M/S/C (Capitelli/Wengraf) to take no action on the amended Resolution.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore.

7. Fee Increases for Gilman Fields and Revised Policies
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion:
1. Adopt a Resolution amending the Recreation fee schedule to increase the current Gilman Field Permit Fees by 10%, and rescinding Resolution No. 65,719-N.S.; and
2. Adopt a Resolution revising the City's Policies and Procedures for Parks and Recreation Programs and Facilities to include sports fields, and rescinding Resolution No. 65,720-N.S.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action Calendar – Public Hearings

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Wengraf/Arreguin) to close the public hearing.
Vote: Ayes – Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Maio, Moore, Worthington.

Action: M/S/C (Wengraf/Arreguin) to adopt Resolution No. 66,469–N.S. (Fees) and Resolution No. 66,470–N.S. (Policies & Procedures).
Vote: Ayes – Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Maio, Moore, Worthington.

Councilmember Maio absent 9:02 p.m. – 9:04 p.m.

Councilmember Worthington absent 9:02 – 9:04 p.m.

Recess 9:04 p.m. – 9:17 p.m.

8. Berkeley Civic Center District Zoning Overlay
From: City Manager
Recommendation: Provide feedback to staff on the Applicability, Purposes and Uses sections of the working draft overlay ordinance described in the report, so that staff can return with an ordinance for the Council to consider.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.
Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent –Moore.

Action: M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.
Vote: Ayes – Maio, Anderson, Arreguin, Wengraf, Worthington, Wozniak, Bates; Noes – Capitelli; Abstain – None; Absent – Moore.

Action: M/S/Failed (Bates/Capitelli) to discuss all potential uses of the USPS building at the meeting of February 25, 2014.

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

Action: 49 speakers. Discussion held. M/S/C (Arreguin/Anderson) to direct the City Manager to return with an ordinance as soon as practicable to establish a civic center historic zoning district overlay using the draft ordinance presented by staff in the January 28, 2014 Agenda Packet, including the proposed applicability and findings as well as all uses which were considered by the Planning Commission, a maximum height in the district equal to the height of the civic center building at 2180 Milvia, flexible use of the space for community use, grandfathering provision for existing private uses of city buildings, a “museum use” definition, and definition of “civic and community uses.” The motion also includes Council’s intent to pursue a

dual track process of entering into negotiations with the USPS while continuing development of the overlay ordinance.

Uses Considered by Planning Commission:
Telecommunications Facility (not microcell)
Child Care Center
Clubs, Lodges
Columbarium
Community Center
Dwelling Units (Single Family, Duplex, Multi-Family)
Libraries
Microcell Facilities
Surface Parking Lot (less than 8 spaces)
Parks and Playgrounds
Public Safety and Emergency Services
Public Utility Substation, Tanks
Religious Assembly
Private School
Professional Uses
Government and Institutions
Public Utilities
Public Schools
YMCA
Marketplace
Affordable Housing
Group Class Instruction (Business, Vocational, Other)
Gyms and Health Clubs
Dance, Exercise, Martial Arts, and Music Studios
Theaters, Motion Picture and Stage
Entertainment Establishment (Live Entertainment)
Museums
Publicly Owned/Non-Profit Galleries
Civic Use (including performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance)

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

Information Reports

9. Second Response Ordinance Enforcement; Data and Legal Analysis
From: City Manager
Contact: William Rogers, City Manager's Office, 981-7000
Action: Received and filed.

Information Reports

10. Access to Divisional Islands
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 0 speakers.

Adjournment

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

Councilmember Worthington absent 11:27 p.m. – 11:28 p.m.

Adjourned at 11:28 p.m.

Adjourned in Memory of Pete Seeger, American Folk Singer and Activist

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 28, 2014 as approved by the Berkeley City Council.

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Mark Numainville, CMC, City Clerk

Communications

Human Rights Compliance Reports
1. Vicki Alexander

Supplemental Communications and Reports 1

None

Supplemental Communications and Reports 2

Item 6: 2133 Parker Street - Determination Re: Public Nuisance
2. Ali Eslami
3. Jeff & John Angell
4. David Shiver

Item 8: Berkeley Civic Center District Zoning Overlay
5. Shang-Mei Lee
6. Sharon Maldanado
7. Michael Katz

Supplemental Communications and Reports 3

Item 6: 2133 Parker Street – Determination Re: Public Nuisance

8. Gale Garcia
9. Unknown

Item 8: Berkeley Civic Center District Zoning Overlay

10. Cox, Castel & Nicholson LLP
11. Unknown
12. Sharon Maldanado

Song Lyrics

13. Submittee Name

Economics

14. M. Eid Abdallah

Black History Celebration

15. Unknown