AGENDA

BERKELEY CITY COUNCIL MEETING

TUESDAY, MARCH 25, 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

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. Settlement of Claims by Pasand Courtyard, LLC and Rustic Restaurants, LLC
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of claims filed against the City of Berkeley by Pasand Courtyard, LLC and Rustic Restaurants, LLC in the amount of $22,000.
Financial Implications: Public Liability Fund - $22,000
Contact: Zach Cowan, City Attorney, 981-6950

2. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of February 11, 2014 (special and regular) and February 25, 2014 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

3. City Council Rules of Procedure and Order
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to include a new section of the Council agenda entitled "Referred Items" and incorporate procedures pertaining to the new section, and rescinding Resolution No. 66,180-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

Consent Calendar

4. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on March 25, 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 - $675,000
Contact: Robert Hicks, Finance, 981-7300

5. Grant Application: Assistance to Fire Fighters Grant (AFG) Fire Prevention Program
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 Assistance to Fire Fighters Grant (AFG) Fire Prevention Grant Program in the amount of $50,000 to fund arson investigation and comprehensive fire education training, as well as a smoke alarm distribution program.
Financial Implications: See report
Contact: Gil Dong, Fire, 981-3473

6. Substantial Amendment to PY 2013 Annual Action Plan
From: City Manager
Recommendation: Adopt a Resolution approving a substantial amendment to the City of Berkeley's PY 2013 Annual Action Plan which changes the allocation of unspent PY 2013 Emergency Solutions Grant (ESG) funding; and 1. Approving an allocation of $139,475 in PY 2013 ESG for the Berkeley Food and Housing Project (BFHP) public facility improvement project; and 2. Re-allocating $1,800 in CDBG funds allocated for Rapid Re-Housing and Homeless Prevention in FY 2014 to project management costs related to the BFHP public facility improvement project; and 3. Authorizing the execution of resultant agreements and amendments with the Berkeley Food and Housing Project for the above-mentioned funds; and 4. Authorizing the City Manager to submit the ESG Substantial Amendment to the U.S. Department of Housing and Urban Development.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

7. Purchase Order No. 96348 Increase: Alameda County Criminalist Laboratory for Evidence Testing and Analysis Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase Purchase Order No. 96348 to Alameda County by $50,000 for a total amount not to exceed $100,000 to remit payment for FY 2014 invoices submitted to the Police Department by County of Alameda Treasurer for the Alameda County Criminalist Laboratory for evidence testing and analysis services provided in FY 2014 as expenditures exceed the purchase limit currently authorized.
Financial Implications: State - Prop 172 Public Safety Fund - $50,000
Contact: Michael Meehan, Police, 981-5900

Consent Calendar

8. Purchase Order No. 97161 Increase: Alameda County for Access to County Computerized Law Enforcement Records Systems
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to 1. increase Purchase Order No. 97161 to Alameda County by $50,000 for a total amount not to exceed $115,000 for access to County computerized law enforcement records systems; and 2. continue the annual Purchase Order in an amount not to exceed $445,000 for access to the county computerized records systems for a total of four years from FY 2014 to FY 2017.
Financial Implications: Proposition 172 Fund - $50,000
Contact: Michael Meehan, Police, 981-5900

9. Contract No. 7966A Amendment: Clean Harbors Environmental Services, Inc. for Hazardous Waste Removal
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7966A with Clean Harbors Environmental Services, Inc., increasing the amount by $200,000 for a total not to exceed $600,000, and extending the term to June 30, 2017.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300

10. Purchase Order: Leader Industries for 4 Emergency Response Ambulances
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Leader Industries for 4 emergency response ambulances, for an amount not to exceed $972,000.
Financial Implications: Equipment Replacement Fund - $972,000
Contact: Andrew Clough, Public Works, 981-6300

11. Lease Agreement: sodoi coffee, inc. at 2438 Durant Avenue
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with sodoi coffee, inc. for an initial term of May 1, 2014 through April 30, 2024, with an option to extend for an additional 5 years, for the purpose of operating retail and e-commerce sales of coffee beans, sales and rentals of coffee-making equipment, and seminars at 2438 Durant Avenue in the Telegraph Channing Mall.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300

Consent Calendar

12. Appointment of Bart Grossman and Nadine Dixon to Mental Health Commission
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing Bart Grossman in the Albany General Interest category and Nadine Dixon in the Berkeley Special Interest category to the Mental Health Commission for three-year terms beginning March 26, 2014 and ending March 25, 2017.
Financial Implications: None
Contact: Carol Patterson, Commission Secretary, 981-5100

Council Consent Items

13. "Big Splash" on Telegraph Avenue: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Mayor Bates
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $7,500 per Councilmember, including $7,500 from Mayor Bates, to the Telegraph Business Improvement District (TBID) to supplement funding for Block by Block operations on Telegraph Avenue with funds relinquished to the City's General Fund for this purpose from the discretionary Office Budgets of Mayor Bates and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Fund - $7,500
Contact: Tom Bates, Mayor, 981-7100

14. The Persian Center for the Persian New Year Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including up to $500 from Councilmember Arreguín, to the Persian Center for the Persian New Year Festival with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Jesse Arreguín and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

15. Assembly Bill 2405: Ellis Act Reform
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Assembly Bill (AB) 2405, authored by Assemlymember Tom Ammiano, which would amend the Ellis Act to allow local jurisdictions to impose moratoriums on Ellis Act evictions under specified conditions. Copies of the Resolution are to be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Senator Loni Hancock, Assembly Speaker John A. Perez, and Assemblymembers Nancy Skinner and Tom Ammiano.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Council Consent Items

16. Senate Bill 962, the "Cell Phone Kill Switch" Bill
From: Councilmembers Worthington and Arreguin
Recommendation: Adopt a Resolution supporting Senate Bill (SB) 962, authored by State Senator Mark Leno, which would require that any new mobile communications device sold in California to be enabled with a remote solution to render the device inoperable when not in the possession of the rightful owner. Copies of the Resolution are 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

17. Refer to the Budget Process: Recurring Funding for Alcohol Tobacco and Other Drugs (ATOD) Counselors at Berkeley High School, Longfellow and King Middle Schools
From: Councilmembers Capitelli, Maio, and Moore
Recommendation: Refer to the budget process half funding for two full-time Alcohol Tobacco and Other Drugs (ATOD) counselors: one full-time counselor for Berkeley High School and one full-time counselor for both King and Longfellow Middle Schools. The other half funding will be paid by Berkeley Unified School District (BUSD).
Financial Implications: $70,000
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

18. San Francisco Lesbian-Gay-Bisexual-Transgender Pride Parade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Worthington
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $1,000 per Councilmember, including up to $1,000 from Councilmember Worthington, to support the Pacific Center with funds relinquished to the City's General Fund for this purpose sothat the City of Berkeley be represented at the San Francisco Lesbian-Gay-Bisexual-Transgender (LGBT) Pride Parade and for costs of having a contingent in the Parade from Councilmember Worthington's discretionary Council Office Budget and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $1,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

19. City of Berkeley Endorses Alameda County Measure A: Essential Health Care Services Initiative
From: Councilmembers Worthington and Anderson
Recommendation: Support the renewal of Alameda County Measure A: Essential Health Care Services Initiative.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

20. City Manager Referral: Create One Joint Email Address for all Nine Berkeley City Councilmembers
From: Councilmember Worthington
Recommendation: That the City Manager create one joint email address for all nine members of the Berkeley City Council in order to facilitate easier communication with constituents.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

21. Proclamation Honoring Asian Pacific Islander American Heritage Month
From: Councilmember Worthington
Recommendation: Adopt the Proclamation Honoring May as Asian Pacific Islander American Heritage Month.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

22. Commission on the Status of Women Recommendations for Outstanding Women in Berkeley Event
From: Councilmember Worthington
Recommendation: Officially approve the Outstanding Women awards given on March 11, 2014 by the Commission on the Status of Women to: Diane Davenport and Sayre Van Young (joint award); Diana E. H. Russell, Ph.D; Kris Perry and Sandy Stier (joint award);Dr. Marilyn P. Wong, MD; Maia Sciupac; and Title IX.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

23. Independent Arts and Media: 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, to support the Independent Arts and Media's event to End Child Sexual Abuse (CSA) Now! with funds relinquished to the City's general fund for this purpose that the City of Berkeley is able to provide a community program supporting the end of child sexual abuse, community recognition and education about the preventing, addressing, and ending child sexual abuse, and bring unity among Berkeley residents from Councilmember Kriss Worthington's discretionary Council Office Budget and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action 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.

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.

24. ZAB Appeal: 2635 Ashby Avenue
From: City Manager
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to adopt a negative declaration and approve Use Permit No. 2013-0033 to establish a 5,282-square-foot Full Service Restaurant within an existing two-story commercial building, to exceed the C-E District's numerical limit on such restaurants, to establish incidental service of beer, wine and distilled spirits with food, and to exceed the C-E District's standard operating hours to allow a 12 midnight closing, Friday and Saturday.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400

a. Appeal

1. Stuart and Louise Beattie on behalf of the Elmwood Neighborhood Association

b. Communications

1. Joanne Harano
2. Holly Hartley

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and 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.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

25. a. Use Permit No. 2014-0004: Bicycle Repair/Rental and Vocational Training at 90 Bolivar Drive, Aquatic Park
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the Zoning Adjustments Board's approval of Use Permit No. 2014-0004, subject to the findings of BMC Section 23E.92.090, to occupy a vacant, City-owned building in Aquatic Park for use as a bicycle rental and repair outlet, with community meeting/lecture/classroom space and an incidental café with indoor seating in the Unclassified (U) District.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400

b. Lease Agreement: Waterside Workshops for the Property at 90 Bolivar Drive, Aquatic Park
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Waterside Workshops for the use and management of the City's property at 90 Bolivar Drive in Aquatic Park for a term of five years with one five-year option.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action Calendar – Public Hearings

26. a. Use Permit No. 2014-0005: Youth Musical Theater at 2925-2945 Bolivar Drive, Aquatic Park
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution affirming the Zoning Adjustments Board's approval of Use Permit No. 2014-0005, subject to the findings of BMC Section 23E.92.090, to allow two vacant, City-owned buildings at Aquatic Park to be used by a theater company for rehearsal space, classes and workshops, and set design and construction, in the Unclassified (U) District.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400

b. Lease Agreement: Youth Musical Theater Company for the Property at 2925 and 2945 Bolivar Drive, Aquatic Park
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company ("YMTC") for the use and management of the City's properties at 2925 and 2945 Bolivar Drive in Aquatic Park for a term of five years with one five-year option.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action Calendar – New Business

27. Audit: Construction Permits - Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service
From: Auditor
Recommendation: Accept the recommendations in the audit report and request that the City Manager report back on September 16, 2014, and every six months thereafter until management reports full implementation of all recommendations.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750

28. Proclamation for Berkeley Police Department's Special Response Team
From: Police Review Commission
Recommendation: Issue a proclamation congratulating the Berkeley Police Department's Special Response Team and its individual members on their first-place finish in the 2013 Urban Shield competition.
Financial Implications: None
Contact: Katherine Lee, Commission Secretary, 981-4960

Council Action Items

29. Opposition to Rail Transport of Hazardous Crude Oil through Berkeley and the East Bay
From: Councilmembers Maio and Moore
Recommendation: Adopt a Resolution opposing the transport of hazardous crude by rail along the Union Pacific railway through California and the East Bay, and show a short video at the March 25 meeting on the topic.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110

30. Wearable Video Cameras for Police Officers
From: Councilmembers Arreguin and Wozniak
Recommendation: Refer to the City Manager and the Police Review Commission to investigate the usage of wearable video cameras for police officers by other jurisdictions, including any reported benefits, attendant issues, and adopted policies, and to provide a report to Council on the issue. A recommendation or proposal is not needed at this time.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

31. City Manager Referral: Questions and Concerns about Western Burrowing Owls and Squirrels in Cesar Chavez Park and about the over 6,000 Disappeared Emails from In Defense of Animals Supporters to City Council
From: Councilmember Worthington
Recommendation: Refer to the City Manager: A). to provide a report on what happened to over 6,000 disappearing emails from In Defense Of Animals supporters; B). to schedule a community meeting for dialogue with concerned members of the public; C). to delay implementation of the pilot plan until after a vote of the City Council; and D). to provide answers to the two sets of questions and one list of alternatives suggested.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

32. City Manager Referral: Approve a Deferred Payment Plan for Outstanding Fees on Construction of Sequoia Apartment Building at 2441 Haste Street
From: Councilmember Worthington
Recommendation: Approve a deferred payment plan by which the owner of the Sequoia Apartment Building at 2441 Haste St. can pay the remaining building permit fees owed to the City of Berkeley right before obtaining a Certificate of Occupancy.
Financial Implications: See report
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Information Reports

33. New Location for City Council Meetings
From: City Manager
Contact: Mark Numainville, City Clerk, 981-6900

Information Reports

34. FUND$ Status Report
From: City Manager
Contact: Donna LaSala, Information Technology, 981-6500

35. Median Dry-Growth Garden Pilot Project Proposal
From: Councilmember Arreguin
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

36. Access to Divisional Islands
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300

Public Comment – Items Not Listed on the Agenda –

Adjournment

***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.*

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
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue
West Branch – 1125 University
North Branch – 1170 The Alameda
South Branch – 1901 Russell

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.

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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 March 13, 2014.

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.

Gophers/Squirrels at Cesar Chavez Park

1. Kelle Kacmarcik
2. J. Capozzelli

Youth Musical Theater Company

3. Jennifer Boesing
4. Bob Kliger

Vote Clarifcation

5. Judith Scherr

Dog Park at Cesar Chavez Park

6. Gina Telcocci
7. Gordon Wozniak, District 8

Smokefree Ordinance

8. Carol Denney
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