

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, NOVEMBER 18, 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: 7:06 p.m.

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

Absent: None.

Ceremonial Matters:

1. Recognition of Sharon Kidd, BART Citizen Review Board Citizen of the Year
2. Recognition of Carl Anthony, Community Activist

City Manager Comments: None.

Public Comment on Non-Agenda Matters: 2 speakers.

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

Consent Calendar

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

Vote: All Ayes.

1. Lease Agreement: Moe's Flowers at 2446 Durant Avenue

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,380-N.S. authorizing the City Manager to execute a lease agreement with Mohammad Mohayedj, dba Moe's Flowers, for an initial term of 5 years with an option to extend for two additional 5-year periods for the purpose of operating a retail flower store located at 2446 Durant Avenue in the Telegraph Channing Mall.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted second reading of Ordinance No. 7,380-N.S.

Consent Calendar

- 2. Lease Agreement: Mohammad Mohayedji DBA Moe's Flowers for a Flower Stand and Storage Area at Telegraph Channing Mall**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,381-N.S. authorizing the City Manager to execute a lease agreement with Mohammad Mohayedj, dba Moe's Flowers Shop, for the purpose of operating a retail flower stand and storage area at Telegraph Channing Mall. The lease is for an initial term of 5 years with an option to extend for two additional 5-year periods.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,381-N.S.
- 3. Lease Agreement: Michelle's Yogurt & Sweets at 2430 Durant Avenue**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,382-N.S. authorizing the City Manager to execute a lease agreement with Charles Lee, dba Michelle's Yogurt & Sweets, for an initial term of 5 years with an option to extend for two additional 5-year periods, located at 2430 Durant Avenue in the Telegraph Channing Mall.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,382-N.S.
- 4. Modifying Findings in BMC Section 23E.16.040, Alcoholic Beverages**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,383-N.S. modifying the findings for Berkeley Municipal Code Section 23E.16.040, Alcoholic Beverages.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted second reading of Ordinance No. 7,383-N.S.
- 5. Amendment: FY 2015 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2015 Annual Appropriations Ordinance No. 7,357-N.S. for fiscal year 2015 based upon recommended re-appropriation of committed FY 2014 funding and other adjustments authorized since July 1, 2014, in the amount of \$52,984,910 (gross) and \$48,838,985 (net).
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Action: Adopted first reading of Ordinance No. 7,384-N.S. Second reading scheduled for December 9, 2014.

Consent Calendar

- 6. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 7, 2014 (special and regular), October 21, 2014 (special and regular), and October 28, 2014 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 7. Berkeley Tourism Business Improvement District Annual Report and Contract**
From: City Manager
Recommendation: Adopt two Resolutions:
1. Approving the Annual Report and preliminary budget for the Berkeley Tourism Business Improvement District (BTBID) for FY 2015 as recommended by the BTBID Owners' Association.
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Berkeley Convention and Visitors' Bureau, d.b.a. Visit Berkeley, for \$248,212 of BTBID funds to support tourism marketing and promotion for the period of January 1, 2015 to June 30, 2015.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 66,837–N.S. (Annual Report) and Resolution No. 66,838–N.S. (Visit Berkeley)
- 8. Revision of BMC 20.64.020 Alterations of Nonconforming Signs**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 20.64.020 to allow for alterations of nonconforming signs in cases where such alterations may facilitate preservation and maintenance.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted first reading of Ordinance No. 7,385–N.S. Second reading scheduled for December 9, 2014.
- 9. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on November 18, 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 - \$3,415,000
Contact: Christine Daniel, Finance, 981-7300
Action: Approved recommendation.

Consent Calendar

- 10. Contract: First Alarm Security and Patrol, Inc. dba: First Security Services (FSS) for Citywide Security Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with First Security Services to provide Security services at various City locations and facilities for an amount not to exceed \$1,297,110 for the period of January 1, 2015 through June 30, 2017 with the option to extend for two additional 1 year periods for a total of 5 years for a total not to exceed \$2,334,798 subject to the City's annual budget appropriation process.
Financial Implications: Various Funds - \$2,334,798
Contact: Henry Oyekanmi, Finance, 981-7300
Action: Adopted Resolution No. 66,839–N.S. amended to change “5 years” to “4.5 years” in the Resolved clause.
- 11. Contract: Freitas Landscape and Maintenance for Public and Private Property Abatement Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a three year contract with Freitas Landscape and Maintenance for the period of December 1, 2014 to November 30, 2017, in an amount not to exceed \$15,000 for necessary abatement services related to public nuisance and/or an immediate and severe health hazard as determined by the Environmental Health Division.
Financial Implications: Various Funds - \$15,000
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,840–N.S.
- 12. Contracts: Alameda County Housing and Community Development Department and Dorothy Day House for Winter Homeless Shelter Programs**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute resultant contracts and amendments with:
1. Alameda County Housing and Community Development Department (ACHCD) in the amount of \$60,000 to augment an existing contract with Bay Area Community Services (BACS) to expand outreach and engagement, case management and housing navigation services tied to clients served through the North County inclement weather homeless response ("North County Housing Connect Project");
and
2. Dorothy Day House (DDH) in the amount of \$13,895 for expanded bed capacity at the Berkeley Emergency Storm Shelter (BESS).
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,841–N.S. (ACHCD) and Resolution No. 66,842–N.S. (DDH)

Consent Calendar

- 13. Donation: Trust Gift from Ms. Muriel Minnis from the Leona M. Brown Revocable Trust**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$31,530 trust donation to the South Berkeley Senior Center for trips from Ms. Muriel Minnis and the Leona M. Brown Revocable Trust.
Financial Implications: \$31,530.23 (Donation)
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,843–N.S.
- 14. Oxford Retail - BEDI Loan Modifications**
From: City Manager
Recommendation: Direct the City Manager to prepare and execute an amendment to the City's Brownfields Economic Development Initiative (BEDI) loan to the Oxford Plaza and David Brower Center projects which retroactively reduces the loan's interest rate to 0%.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Approved recommendation.
- 15. Grant Application: America's Promise Alliance for a GradNation Community Summit Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply to the America's Promise Alliance for a GradNation Community Summit grant for up to \$15,000 to convene a summit in FY 2015.
Financial Implications: \$15,000 (Revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,844–N.S.
- 16. Funding Agreement: Priority Development Area (PDA) Planning Grant for Adeline Corridor and South Shattuck**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a funding agreement and any amendments with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) and accepting the \$750,000 Priority Development Area (PDA) grant award from Cycle Six of the PDA Planning Program for the period of January 2015 to June 2017.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,845–N.S.

Consent Calendar

- 17. Contract: MIG for Professional Planning Services for the Adeline Corridor Specific Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manger to execute a contract and any amendments with MIG to perform professional planning services for the Adeline Corridor Specific Plan for an amount not to exceed \$750,000 for the period January 1, 2015 to June 30, 2017.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,846–N.S.
- 18. Contract: Ecology Center for Community Choice Aggregation Outreach and Education**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract with the Ecology Center for the period from January 1, 2015 through December 31, 2015 in the amount of \$8,600 for education and outreach related to community choice aggregation.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,847–N.S.
- 19. Mills Act Contracts: 2506 Dwight Way, 2501 Telegraph Avenue, and 2509 Telegraph Avenue**
From: City Manager
Recommendation: Adopt three Resolutions directing the City Manager to enter into Mills Act contracts for the properties located at 2506 Dwight Way, 2501 Telegraph Avenue, and 2509 Telegraph Avenue.
Financial Implications: See report
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Adopted Resolution No. 66,848–N.S. (2506 Dwight); Resolution No. 66,849–N.S. (2501 Telegraph); and Resolution No. 66,850–N.S. (2509 Telegraph)
- 20. Revenue Grant: Urban Areas Security Initiative Grant Program (UASI) to Fund Acquisition of Specially Equipped Panel Van**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Department of Homeland Security Bay Area Urban Areas Security Initiative (UASI) Grant Program in the amount of \$149,000, to fund the purchase of a Panel Van equipped with internal ballistic-grade steel panels, and ballistic grade windows.
Financial Implications: See report
Contact: Michael Meehan, Police, 981-5900
Action: Moved to Action Calendar. 8 speakers. M/S/C (Capitelli/Arreguin) to adopt Resolution No. 66,851–N.S. authorizing the City Manager to apply for and accept a grant, and any amendments, from the Department of Homeland Security Bay Area Urban Areas Security Initiative (UASI) Grant Program in the amount of \$149,000, to fund the purchase of a Panel Van equipped with internal ballistic-grade steel panels, and ballistic grade windows.

Consent Calendar

Vote: All Ayes.

- 21. Lease Agreement: University Copy Service at 2425 Channing Way**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Choonghoon Lim and Dongwook Rhim dba University Copy Service, for an initial term of 5 years with an option to extend for 2 additional 5-year periods, located at 2425 Channing Way in the Telegraph Channing Mall.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,386–N.S. Second reading scheduled for December 9, 2014.
- 22. Contract No. 9555 Amendment: Traffic Development Services for Electronic Traffic Calming Devices Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9555 with Traffic Development Services for the Electronic Traffic Calming Devices Replacement Project, increasing the contract amount by an additional \$21,743 for a total contract amount not to exceed \$200,000.
Financial Implications: Special Gas Tax Improvement Fund - \$21,743
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,852–N.S.
- 23. Expansion of Medical Cannabis Cultivation Beyond the Manufacturing (M) District**
From: Medical Cannabis Commission
Recommendation: Request the Planning Commission consider amending the Zoning Ordinance to allow for medical cannabis cultivation in zoning districts beyond the Manufacturing (M) District.
Financial Implications: See report
Contact: Elizabeth Greene, Commission Secretary, 981-7400
Action: Moved to Action Calendar. 1 speaker. M/S/C (Worthington/Moore) to request the Planning Commission consider amending the Zoning Ordinance to allow for medical cannabis cultivation in zoning districts beyond the Manufacturing (M) District and give consideration to the MUR district and impacts on residential areas..
Vote: All Ayes.
- 24. Leave of Absence Request for Cameron Silverberg**
From: Mental Health Commission
Recommendation: Approve a leave of absence for Cameron Silverberg from the Mental Health Commission for the period January 1, 2015 through March 31, 2015.
Financial Implications: None
Contact: Carol Patterson, Commission Secretary, 981-5100
Action: Approved recommendation.

Council Consent Items

- 25. Referral to the Commission of the Status of Women: Letter of Support for the Work of Anita Sarkeesian**
From: Councilmembers Maio and Wengraf
Recommendation: Refer the issue to the Commission of the Status of Women of sending a letter of support to Anita Sarkeesian's organization Feminist Frequency, in support of her work, and her campaign against misogyny and the harassment of women.
Financial Implications: Staff time
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 26. Urge the Federal Government to Provide Additional Aid to Stem Ebola Outbreak**
From: Councilmember Moore
Recommendation: Adopt a Resolution urging President Obama and Congress to provide additional foreign aid to West African countries to contain the current Ebola outbreak.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 66,853–N.S.
- 27. Refer \$3,000 to the FY 2015/2016 Budget Process for a Security Camera System for Berkeley Youth Alternatives**
From: Councilmember Moore
Recommendation: Refer \$3,000 to the FY 2015/2016 budget process for a security camera system for Berkeley Youth Alternatives.
Financial Implications: \$3,000
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 28. Refer \$25,000 to the FY 2015/2016 and FY 2016/17 Biennial Budget Process, \$50,000 Total, to Continue K to College Service in Berkeley**
From: Councilmember Moore
Recommendation: Refers the following to the budget process: A request for \$25,000 for each year of the FY 2015/2016 and FY 2016/2017 biennial budget, a total of \$50,000, for continued service of K to College in Berkeley.
Financial Implications: \$25,000
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.

29. Measure D Panel of Experts

From: Councilmembers Capitelli and Maio

Recommendation:

1. The Mayor to establish a subcommittee of three Councilmembers to draft application for membership to a Panel of Experts. Two members of the Healthy Children's Coalition shall advise the council subcommittee.
2. This recommendation is conditioned upon the passage of measure D on the November 4, 2014 ballot.

Financial Implications: Minimal

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: Moved to Action Calendar. 3 speakers. M/S/C (Capitelli/Maio) to approve the recommendation amended to specify a subcommittee of four Councilmembers.

Vote: All Ayes.

30. City Manager Referral: Implement the PayByPhone Parking Technology as Used by San Francisco and UC Berkeley

From: Councilmembers Worthington and Wozniak

Recommendation: Refer to the City Manager to examine the feasibility of implementing the PayByPhone parking technology as used by the City of San Francisco and UC Berkeley.

Financial Implications: \$1,500

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

Action: Approved recommendation.

Action Calendar – Appeals

31. Appeal: Imposition of Lien; Maxaco LLC, Property Owner of 3049 Adeline/1909 Essex Street, Berkeley CA

From: City Manager

Recommendation: Conduct a hearing and, upon its conclusion, adopt a Resolution rejecting the property owner's objection to the \$26,600 in administrative fines issued for failure to comply with Notices of Violation and Orders to Correct dated January 7, 2013 and January 16, 2013 at 3049 Adeline / 1909 Essex Street and allowing the special assessment lien to be recorded as written.

Financial Implications: See report

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

Action: Moved to Consent Calendar and held over to January 27, 2015.

Action Calendar – Appeals

32. Appeal: Imposition of Liens to Recover Housing Code Enforcement Fees at 2243 and 2245 Ashby Avenue

From: City Manager

Recommendation: Conduct a hearing and, upon its conclusion, adopt a Resolution denying the appeal of Dominion Associates LLC, owned by Kariv & Martha Zafrir (owner) and rejecting the objection to the proposed liens of \$22,175 for unpaid Housing Code Enforcement (HCE) re-inspection fees and costs associated with the enforcement of housing code violations at the rental property located at 2243 and 2245 Ashby Avenue (APN 052-1580-013-00), and approving the special assessment liens on the property to be filed with the County of Alameda in order to collect the outstanding debt.

Financial Implications: See report

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

Action: 0 speakers. M/S/C (Bates/Wozniak) to adopt Resolution No. 66,854–N.S. denying the appeal of Dominion Associates LLC, owned by Kariv & Martha Zafrir (owner) and rejecting the objection to the proposed liens of \$22,175 for unpaid Housing Code Enforcement (HCE) re-inspection fees and costs associated with the enforcement of housing code violations at the rental property located at 2243 and 2245 Ashby Avenue (APN 052-1580-013-00), and approving the special assessment liens on the property to be filed with the County of Alameda in order to collect the outstanding debt.

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

Councilmember Maio absent 8:40 p.m. – 8:47 p.m.

Action Calendar – Public Hearing

33. Public Hearing and Levying of Assessments in the Elmwood Business Improvement District for 2015

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, "the District", "the Elmwood BID" or "the BID") for 2015 and, if no majority protest exists, levy annual assessments in the District for calendar year 2015 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Public Testimony: The Mayor opened the public hearing. 1 speakers.

M/S/C (Moore/Wengraf) to close the public hearing.

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

Action Calendar – Public Hearing

Action: M/S/C (Worthington/Moore) to adopt Resolution No. 66,855–N.S. confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, "the District", "the Elmwood BID" or "the BID") for 2015 and, if no majority protest exists, levy annual assessments in the District for calendar year 2015 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

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

34. Public Hearing and Levying of Assessments in the Solano Avenue Business Improvement District for 2015

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, "the District", "the Solano BID" or "the BID") for 2015 and, if no majority protest exists, levy annual assessments in the District for calendar year 2015 to finance services and improvements and authorize a fiscal agency contract with Livable Berkeley for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

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

M/S/C (Anderson/Worthington) to close the public hearing.

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

Action: M/S/C (Moore/Worthington) to adopt Resolution No. 66,856–N.S. confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, "the District", "the Solano BID" or "the BID") for 2015 and, if no majority protest exists, levy annual assessments in the District for calendar year 2015 to finance services and improvements and authorize a fiscal agency contract with Livable Berkeley for receipt and expenditure of District funds.

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

35. Fees for Medical Cannabis Dispensary Applications

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing two separate fees: 1. A graduated fee schedule for Medical Cannabis Dispensary applications ranging from \$878 for Round 1, \$2,948 for consideration in Round 2, and \$2,948 for consideration in Round 3. An additional fee of \$2,000 would be required in Round 2 for each additional location submitted with an application; and 2. A fee of \$71 for the Police Department review of the Live Scan criminal record reports.

Financial Implications: See report

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

Action Calendar – Public Hearing

Public Testimony: The Mayor opened the public hearing. 1 speakers.
M/S/C (Moore/Anderson) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Moore/Worthington) to adopt Resolution No. 66,857–N.S. establishing two separate fees: 1. A graduated fee schedule for Medical Cannabis Dispensary applications ranging from \$878 for Round 1, \$2,948 for consideration in Round 2, and \$2,948 for consideration in Round 3. An additional fee of \$2,000 would be required in Round 2 for each additional location submitted with an application; and 2. A fee of \$71 for the Police Department review of the Live Scan criminal record reports.
Vote: All Ayes.

**36. Extend Residential Preferential Parking Permit Program on Four Streets
From: City Manager**

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Sections 25E and 25L of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on four (4) streets.

Financial Implications: General Fund - \$3,341
Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Capitelli/Worthington) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Worthington/Capitelli) to adopt Resolution No. 66,858–N.S. amending Sections 25E and 25L of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on four (4) streets.
Vote: All Ayes.

Action Calendar – Old Business

**37. City Manager Referral: Cell Phone Ordinance Referral to City Manager
(Continued from October 28, 2014)**

From: Councilmember Anderson

Recommendation: Refer to City Manager for the creation of an ordinance to have cell phone retailers give to consumers who purchase a phone, a factual, informational handout referring the user to their cell phone manufacturers' disclosure regarding the recommended separation distance for use against the body.

Financial Implications: See report
Contact: Max Anderson, Councilmember, District 3, 981-7130

Action: M/S/C (Worthington/Wengraf) to accept revised material from Councilmember Maio on Item 37.

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

Action Calendar – Old Business

Councilmember Arreguin absent 8:51 p.m. – 8:53 p.m.

Action: 29 speakers. M/S/Failed (Bates/Wengraf) to refer to the City Attorney and Professor Lessig to draft language that is more positive in nature taking into to consideration the language proposed by Councilmember Maio and Councilmember Anderson.

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

Action: M/S/C (Anderson/Worthington) to refer the items from Councilmember Anderson and Councilmember Maio to the City Attorney to confer with Professor Lessig on drafting the ordinance and disclosure language that is the most defensible and effective as possible.

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

38. Replace the Residential and Commercial Energy Conservation Ordinances, BMC Chapters 19.16 and 19.72, with a Building Energy Saving Ordinance, BMC Chapter 19.81

From: Energy Commission

Recommendation:

1. Adopt first reading of an Ordinance repealing the Residential and Commercial Energy Conservation Ordinances (RECO and CECO), BMC Chapters 19.16 and 19.72, and adding the Building Energy Saving Ordinance, BMC Chapter 19.81.
2. Direct the City Manager to establish incentives for energy efficiency improvements equivalent to one-third of the property transfer tax, but no more than \$3,000 per building, to encourage improvements in residential buildings.

Financial Implications: See report

Contact: Neal DeSnoo, Commission Secretary, 981-7400

Action: 0 speakers. M/S/C (Capitelli/Worthington) to:

1. Adopt first reading of Ordinance No. 7,387–N.S. amended to change “April” to “May” in Section 19.81.050.C. Second reading scheduled for December 16, 2014.
2. Direct the City Manager to establish incentives for energy efficiency improvements equivalent to one-third of the property transfer tax, but no more than \$3,000 per building, to encourage improvements in residential buildings.

Vote: All Ayes.

39. a. Update of the 5-Year Street Paving Plan for FY 2016

From: Public Works Commission

Recommendation: Adopt a Resolution updating the City's 5-Year Street Paving Plan for FY 2016, including two new areas of green infrastructure.

Financial Implications: See report

Contact: Sean Rose, Commission Secretary, 981-6300

Action Calendar – New Business

b. City Repaving Plan and Green Infrastructure

From: Community Environmental Advisory Commission

Recommendation: Require the Department of Public Works to install an equivalent to one or more green infrastructure elements in every block of street that receives a paving or reconstruction treatment, except for minor repairs and slurry seals, beginning in 2016. Exceptions for streets where green infrastructure installations are infeasible shall require approval of the Public Works Commission as part of its approval of the five year paving plan.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7400

Action: M/S/C (Bates/Maio) to suspend the rules and extend to meeting to 11:30pm.

Vote: All Ayes.

Action: M/S/Failed (Worthington/Arreguin) to adopt 39.a. and 39.b. amended to delete "block of" and change "2016" to "2017".

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

Action: 4 speakers. M/S/C (Wengraf/Moore) to adopt Resolution No. 66,859-N.S. updating the City's 5-Year Street Paving Plan for FY 2016, including two new areas of green infrastructure.

Vote: All Ayes.

40. a. Fuel Station Carbon Dioxide Labels

From: Community Environmental Advisory Commission

Recommendation: Request that the City Manager draft an ordinance within the next three months, enforceable under Berkeley Codes, to require climate change labels at fuel dispensing facilities, in compliance with applicable laws. The draft ordinance should be submitted to Community Environmental Advisory Commission and Energy Commission for review.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7400

b. Fuel Station Carbon Dioxide Labels

From: Energy Commission

Recommendation: Adopt a Resolution directing the City Manager to prepare an ordinance requiring climate change labels at fuel dispensing facilities.

Financial Implications: See report

Contact: Neal DeSnoo, Commission Secretary, 981-7400

Action: M/S/C (Bates/Maio) to suspend the rules and extend to meeting to 11:45pm.

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

Action Calendar – New Business

Action: 12 speakers. M/S/C (Capitelli/Worthington) to:

1. Adopt items 40.a. and 40.b. directing the City Manager to prepare an ordinance requiring climate change labels at fuel dispensing facilities and submit the draft ordinance to the commissions for review.
2. Review the implementation of the ordinance in one year.
3. Direct the Community Environmental Advisory Commission and the Energy Commission to explore the idea of climate change labels at the point of sale of automobiles.

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

41. a. Centralize Services for Homeless Transition Age Youth

From: Homeless Commission

Recommendation: Adopt a Resolution directing the City Manager to issue a Request For Proposals (RFP) for a centralized transition-age youth center, proposals to be submitted with other applications for funding for homeless services during the December 2014 funding cycle. The RFP should state that substantial consideration should be given to applicants qualified to provide services to transition-age youth who provide evidence of measurable outcomes.

Financial Implications: See report

Contact: Andrew Wicker, Commission Secretary, 981-5400

b. Centralize Services for Transition Age Youth

From: City Manager

Recommendation: Incorporate services for transition age youth (TAY) between the ages of 18 – 25 into the proposed Housing Crisis Resolution Center which was identified following a comprehensive analysis of current homeless services provided in Berkeley.

Financial Implications: See report

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

Action: Item held over to December 9, 2014.

Council Action Items

42. Future Development of the 4th Street Area

From: Councilmembers Maio and Capitelli

Recommendation: Request that the Planning Commission return to Council with possible options to ensure that future development of the 4th Street area is harmonious with the successful existing retail district.

Financial Implications: Staff time

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

Action: Moved to Consent Calendar. Approved recommendation.

Information Reports

43. **FY 2014 Year End Review and FY 2015 First Quarter Review**
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
Action: Received and filed.
44. **Condominium Conversion Program - Annual Report**
From: City Manager
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Received and filed.
45. **Open Data Portal (ODP) Pilot: December 15, 2014 - June 30, 2015**
From: City Manager
Contact: Donna LaSala, Information Technology, 981-6500
Action: Received and filed.
46. **LPC-NOD: 2503, 2509, 2511 Regent Street**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
47. **LPC-NOD: 1861-1877 Solano Avenue**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.
48. **LPC-NOD: 1025 Ashby Avenue**
From: City Manager
Contact: Eric Angstadt, Planning and Development, 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 1 speakers.

Adjournment

Adjourned at 11:45 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of November 18, 2014 as approved by the Berkeley City Council.



Mark Numainville, CMC, City Clerk

Communications

Item 18: Contract: Ecology Center for Community Choice Aggregation Outreach and Education

1. Erica Etelson
2. Asa Kamer
3. Amy Kiser, on behalf of the Ecology Center

Item 38: Replace the Residential and Commercial Energy Conservation Ordinances, BMC Chapters 19.16 and 19.72, with a Building Energy Saving Ordinance, BMC Chapter 19.81

4. Erica Etelson

Item 40: Fuel Station Carbon Dioxide Labels

5. James Brooks

Ebola

6. Sybil Hatch

Disaster Preparedness

7. Antone Braga

Measure S Arguments

8. League of Women Voters of Berkeley, Albany and Emeryville

CNA Newsletter

9. Ted Edlin

Smokefree Ordinance

10. Carol Denney

Public Health Division Health Priorities

11. Community Health Commission

Taser Usage

12. Community Health Commission

Supplemental Communications and Reports 1

Item 20: Revenue Grant: Urban Areas Security Initiative Grant Program (UASI) to Fund Acquisition of Specially Equipped Panel Van

13. Police Review Commission

Item 36: Extend Residential Preferential Parking Permit Program on Four Streets

14. Glenn Alex

Supplemental Communications and Reports 2

Item 29: Measure D Panel of Experts

15. Poki Namkung

Item 37: City Manager Referral: Cell Phone Ordinance Referral to City Manager

16. Phoebe Sorgen
17. Mandy Lee, on behalf of the California Retailers Association
18. Berkeley Citizens Action Steering Committee
19. Cynthia Franklin

Supplemental Communications and Reports 2

Item 38: Replace the Residential and Commercial Energy Conservation Ordinances, BMC Chapters 19.16 and 19.72, with a Building Energy Saving Ordinance, BMC Chapter 19.81

20. Nancy Bickel, on behalf of the League of Women Voters Berkeley, Albany, Emeryville

Item 39: Update of the 5-Year Street Paving Plan for FY 2016

21. Ann-Marie Hogan

Item 40: Fuel Station Carbon Dioxide Labels

22. Gabriela Mota

23. Catherine Reheis-Boyd, on behalf of the Western States Petroleum Association

Supplemental Communications and Reports 3

Item 18: Contract: Ecology Center for Community Choice Aggregation Outreach and Education

24. Jack Chai

Item 23: Expansion of Medical Cannabis Cultivation Beyond the Manufacturing (M) District

25. Presentation, submitted by the Medical Cannabis Commission

Item 37: City Manager Referral: Cell Phone Ordinance Referral to City Manager

26. Gerard Keegan, on behalf of CTIA-The Wireless Association

27. Linda Maio, District 1

28. Joel Maskowitz

29. Lisa Bailey

30. Traci Frantz

31. John West

32. Dmitri Belser

33. Unknown

Item 40: Fuel Station Carbon Dioxide Labels

34. Unknown (2)

Policy Issues

35. Mansour Id-Deen, on behalf of the Berkeley NAACP