BERKELEY CITY COUNCIL AGENDA COMMITTEE SPECIAL MEETING

BERKELEY CITY COUNCIL SPECIAL MEETING

MONDAY, DECEMBER 3, 2012
2:30 P.M.

6th Floor Conference Room, 2180 Milvia Street

Committee Members:

Mayor Bates, Councilmembers Linda Maio and Gordon Wozniak
(Alternate: Councilmember Anderson)

AGENDA

1. Roll Call

2. Public Comment

3. Approval of Minutes: November 26, 2012

4. Review and Approve draft agenda for December 18, 2012
   a. 12/18/12 – 7:00 p.m. Regular City Council Meeting
   b. Adjournments in memory of -

5. Upcoming Council Items:
   a. Proposed Upcoming Council Worksessions
      1. Employee Safety and Workers' Compensation
      2. Alta Bates Summit Community Benefits Plan
      3. Sugared Beverage Tax
   b. Councilmember Office Budget Donation Policy

6. Land Use Calendar – accept and file

7. Adjournment – next meeting January 7, 2013

Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure Resolution No. 65,337-N.S., Article III, C3c - Agenda - Submission of Time Critical Items

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

This is a meeting of the Berkeley City Council Agenda Committee. Since a quorum of the Berkeley City Council may actually be present to discuss matters with the Council Agenda Committee, this meeting is being noticed as a special meeting of the Berkeley City Council as well as a Council Agenda Committee meeting.

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, Acting City Clerk, 981-6900.

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.
Please refrain from wearing scented products to this meeting.

I hereby certify that the agenda for this special 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 November 29, 2012.

Mark Numainville, CMC, Acting City Clerk

BERKELEY CITY COUNCIL AGENDA COMMITTEE
SPECIAL MEETING MINUTES

03

MONDAY, NOVEMBER 26, 2012
2:30 P.M.

6th Floor Conference Room, 2180 Milvia Street

Committee Members:

Mayor Bates, Councilmembers Linda Maio and Gordon Wozniak
(Alternate: Councilmember Anderson)

1. Roll Call: 2:30 p.m. All present.

2. Public Comment: 0 speakers.

3. M/S/C (Maio/Wozniak) to approve the Minutes of November 13, 2012.

4. Review and Approve draft agendas for December 11, 2012

a. M/S/C (Maio/Wozniak) to approve the agenda of the 12/11/12 – 5:30 p.m. Special City Council Meeting revised to reflect the following:
   - *Start time moved to 6:00 p.m.*

b. M/S/C (Bates/Wozniak) to approve the agenda of the 12/11/12 – 7:00 p.m. Regular City Council Meeting revised to reflect the following:
   - *Item Added: Confirming the Results of the November 6, 2012 General Municipal Election (City Manager).*
   - *Item 22: Revising the Recording of Council Annotated Agendas and Minutes to Include All Voted On (Arreguin) – Item moved to Action Calendar.*

c. Adjournments in memory of – none.

5. Upcoming Council Items:

a. Proposed Upcoming Council Worksessions
   1. Employee Safety and Workers' Compensation
   2. Alta Bates Summit Community Benefits Plan

b. Five Minute Grace Period for Pay and Display Meters (Capitelli)

c. Councilmember Office Budget Donation Policy

6. Land Use Calendar – accepted and filed.

7. Adjourned at 2:56 p.m.

Mark Numainville, CMC, Acting City Clerk

DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING

TUESDAY, DECEMBER 18, 2012

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, Acting 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. **Contract No. 9024 Amendment: Andes Construction, Inc for Sanitary Sewer Project in the Union Pacific Railroad Right-of-Way**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9024 with Andes Construction, Inc. for urgent sanitary sewer rehabilitation in the Union Pacific Railroad Right-of-Way (ROW) along the ROW formerly known as Southern Pacific ROW (and formerly known as 3rd Street), increasing the amount by $350,000 for a total amount not to exceed $1,396,408.
   Financial Implications: Sanitary Sewer Fund - $350,000
   Contact: Andrew Clough, Public Works, 981-6300

2. **Formal Request for Information from Federal Agencies Conducting Radiation Fly-over Research Study**
   From: Peace and Justice Commission
   Recommendation: Adopt a Resolution formally requesting information from the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO) and the National Nuclear Security Administration (NNSA) on its August 27, 2012 and September 1, 2012 radiation fly-over research study, and that copies of the Resolution be sent to the Department of Homeland Security DNDO, the NNSA, President Barack Obama, Senators Barbara Boxer and Dianne Feinstein, and Congressperson, Barbara Lee.
   Financial Implications: None
   Contact: Eric Brenman, Commission Secretary, 981-5114

Consent Calendar

3. Proclaim Berkeley a No Drone Zone and Enact an Ordinance to that Effect
From: Peace and Justice Commission
Recommendation: Adopt a Resolution and Proclamation proclaiming: 1) Berkeley a No Drone Zone and instructing the City Attorney to perform the necessary legal tasks to transform this declaration of a No Drone Zone into an Ordinance for the City of Berkeley wherein drones are hereby banned from airspace. 2) That drones will not be purchased, leased, borrowed, tested or otherwise used by any agency of the City of Berkeley over the City of Berkeley, including drones in transit. 3) That exemptions will be made for hobbyists to continue to fly remote controlled model aircraft in specified areas, away from dwellings and the urban cityscape of people and buildings as long as those devices are not equipped with any kind of camera or audio surveillance equipment.
Copies of this Resolution shall be sent to Governor Jerry Brown, California Attorney General Kamala Harris, State Senator Loni Hancock, Assemblymember Nancy Skinner, the Alameda County Sheriff, Senator Dianne Feinstein, Senator Barbara Boxer, Representative Barbara Lee, President Barack Obama, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense.
Financial Implications: Unknown
Contact: Eric Brenman, Commission Secretary, 981-5114

4. Support for S. 1925: The Violence Against Women Reauthorization Act of 2011
From: Peace and Justice Commission
Recommendation: Endorse and call for immediate passage of S. 1925, The Violence Against Women Reauthorization Act of 2011 to protect all victims.
Financial Implications: None
Contact: Eric Brenman, Commission Secretary, 981-5114

Council Consent Items

5. City Manager Referral: Amend BMC to Address Mold
From: Councilmember Worthington
Recommendation: Refer to the City Manager amending BMC to define and address mold growth in Berkeley residences.
Financial Implications: Unknown
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

6. Scheduling Quarterly Economic Development Worksession
From: Councilmember Worthington
Recommendation: Schedule four Quarterly Economic Development Worksessions for 2013.
Financial Implications: Staff time
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.

Council Action Items

7. Compassionate Sidewalks Plan
From: Councilmember Arreguin
Recommendation: Direct the City Manager to convene a working group of representatives of City staff, the Homeless, Housing Advisory, Human Welfare & Community Action, and Police Review Commissions, the Police Department, and other stakeholders, including but not limited to business owners, homeless persons, service providers, students, and academic experts to develop a Compassionate Sidewalks Plan over a series of workshops. The working group should focus but is not limited to the following topics: 1) The demographics and causes of homelessness 2) A survey of existing homeless services 3) An assessment of potential funding needs and sources 4) Existing laws and enforcement 5) Best Practices
Financial Implications: Staff time
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Public Comment – Including 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.*

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6908 or clerk@cityofberkely.info for further information.

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

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue

North Branch – 1170 The Alameda

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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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Peace and Justice Commission

CONSENT CALENDAR
December 18, 2012

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: George Lippman, Chairperson, Peace and Justice Commission

Subject: Formal Request for Information from Federal Agencies Conducting Radiation Fly-over Research Study

RECOMMENDATION

Adopt a Resolution formally requesting information from the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO) and the National Nuclear Security Administration (NNSA) on its August 27, 2012 and September 1, 2012 radiation fly-over research study, and that copies of the Resolution be sent to the Department of Homeland Security DNDO, the NNSA, President Barack Obama, Senators Barbara Boxer and Dianne Feinstein, and Congressperson, Barbara Lee.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on September 10, 2012, the Peace and Justice Commission adopted the following recommendation:

Adopt a Resolution formally requesting that the DHS DNDO and the NNSA release a copy of the results of its recent radiation flyover research project to the City of Berkeley.

M/S/C: (Meola/Bohn)

Ayes: Bohn, El-Quolaq, Haney, Kenin, Lippman, Maran, Meola, Siegel, Sochet

Noes: None.

Abstain: None.

Absent: Nicely (unexcused)

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, recommends that the Council support this

Resolution and formally request information on the results of recent radiation fly-over research studies.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager takes no position on the Commission's recommendations or the contents of its Report.

CONTACT PERSON
Robert Meola, Commissioner, Peace and Justice Commission, 510-644-1102
Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachments:
1. Resolution
2. Background Materials

RESOLUTION NO. ##,###-N.S.

REQUEST INFORMATION FROM THE DHS DNDO AND NNSA REGARDING THE FLY-OVER RADIATION STUDY THEY CONDUCTED IN THE BAY AREA

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070); and

WHEREAS, the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO) and the National Nuclear Security Administration (NNSA) conducted a joint research project via helicopter flyovers of the Bay Area between August 27 and September 1 of this year, 2012, "to assess natural background radiation levels"; and

WHEREAS, due to radioactive pollution produced in the environment since July 16, 1945, the research project is misidentified and cannot measure naturally occurring background radiation levels.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley formally requests the DHS DNDO and the NNSA to release a copy of the results of that flyover research project to the City of Berkeley.

BE IT FURTHER RESOLVED that the results report specifically and individually on the amounts and types of radiation detected in the areas of the Lawrence Berkeley Labs and atom smashing facilities, the Lawrence Livermore Labs and the former military sites at Treasure Island and Hunters Point in San Francisco as well as all other areas flown over in the course of the research project.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Department of Homeland Security Nuclear Detection Office, the National Nuclear Security Administration, President Barack Obama, Senators Barbara Boxer and Dianne Feinstein, and Congressperson, Barbara Lee. A record signature copy of said Resolution to be on file in the office of the City Clerk.

Western States Legal Foundation

655 - 13TH STREET, SUITE 201 ✆ OAKLAND, CA 94612
PHONE: (510)839-5877 • FAX: (510)839-5397
WEB: www.wslfweb.org

August 30, 2012

Department of Homeland Security Domestic Nuclear Detection (DNDO) Public Affairs Office

To Whom it May Concern:

We have received a number of inquiries and are curious ourselves about the helicopter repeatedly flying over the area around office in Oakland, California. According to the NNSA's press release of August 24, 2012, this helicopter is "taking measurements of naturally-occurring background radiation." The press release is rather vague in its description of the purpose of these measurements.

It is also incorrect in its characterization of current levels of radiation being "naturally-occurring." Prior to July 16, 1945 it would have been possible to measure naturally occurring levels of background radiation, but this has not been the case for 67 years. The U.S. "Trinity" test at Alamogordo, New Mexico, followed in short order by the atomic bombings of Hiroshima and Nagasaki, produced the first wind-borne plumes of long-lived radioactive particles to traverse the globe. Since that time, over 2,000 nuclear test explosions have been conducted around the world, above ground, underwater and underground, dumping huge amounts of radiation into the environment. 25% were exploded in the atmosphere, over 200 of these by the United States. Major and routine releases of radiation from more than 400 nuclear power plants around the world, including the catastrophic accidents at Three-Mile Island, Chernobyl, and Fukushima – which is ongoing – have also contributed. At the local/regional level, the Lawrence Berkeley Lab (originally called the Lawrence Berkeley Radiation Lab), the Lawrence Livermore National nuclear weapons Lab, the General Electric research reactors at Vallecitos, the decontamination of naval vessels exposed to fallout from atmospheric nuclear tests in the Pacific at Hunters Point, and the transportation of nuclear weapons and nuclear fuel at sea and over land have made their own contributions. You may be able to come up with a 2012 "baseline" radiation measurement, but it will not be from "naturally-occurring" radiation.

The community notice sent by the Oakland Police Department suggested that we contact your office for more information about the helicopter flyovers. We have some questions:

1) What is the significance of the timing of this data collection?
2) What criteria was used in selecting the areas for the flyovers?
3) What will the data be used for?

4) Will a report on the findings be released to the public? If so, when?
5) Are additional flyovers planned for the future? Is so, when and where?

Western States Legal Foundation was established in 1982, “To secure, for individuals and organizations seeking to protect the natural environment, all constitutional, civil and statutory rights to which they are entitled under the law.” We believe that the public has a right to know the answers to the above questions. Thank you for your prompt reply.

Sincerely,

Jacqueline Cabasso
Executive Director

Op-Ed submitted to the "San Francisco Chronicle" by Jacqueline Cabasso

This week, residents of San Francisco, Pacifica and Oakland are experiencing a low-flying helicopter criss-crossing their neighborhoods. According to the National Nuclear Security Administration (NNSA), this helicopter is "taking measurements of naturally-occurring background radiation."

The NNSA's press release is misleading in its characterization of current levels of radiation as "naturally-occurring." Prior to July 16, 1945 it would have been possible to measure naturally occurring levels of background radiation, but this has not been the case for 67 years. The U.S. "Trinity" test at Alamogordo, New Mexico, followed in short order by the atomic bombings of Hiroshima and Nagasaki, produced the first wind-borne plumes of long-lived radioactive particles to traverse the globe. Since that time, over 2,000 nuclear test explosions have been conducted around the world – above ground, underwater and underground – dumping huge amounts of radiation into the environment. 25% were exploded in the atmosphere, over 200 of these by the United States. Major and routine releases of radiation from more than 400 nuclear power plants worldwide, including the catastrophic accidents at Three-Mile Island, Chernobyl, and Fukushima have also contributed.

At the local/regional level, the Lawrence Berkeley Laboratory (originally called the Lawrence Berkeley Radiation Laboratory), the Lawrence Livermore National nuclear weapons Laboratory, the General Electric research reactors at Vallecitos, the decontamination at Hunters Point of Navy ships exposed to fallout from U.S. atmospheric nuclear tests in the Pacific, and the transportation of nuclear weapons and nuclear fuel at sea and over land, have made their own contributions of long-lived man-made radiation. It may be possible to come up with 2012 "baseline" radiation measurements, but they will not be from "naturally-occurring" radiation.

We have some questions. What is the significance of the timing of this data collection? What criteria were used in selecting the areas for the flyovers? How will the data be used? Will a report on the findings be released to the public? Are additional flyovers planned for the future? We believe the public has a right to know the answers to these questions.

Almost seven decades into the nuclear age, it is disingenuous for our government to perpetuate the myth of "naturally-occurring background radiation." Like global warming, radioactive contamination of the environment is almost entirely the result of human activities. These include uranium mining and processing, generation of nuclear energy, and production, use and testing of nuclear weapons. Invisible radioactive isotopes, some of which remain lethal for hundreds of thousands of years, don't respect national borders and present a cumulative, universal threat to public health, leading to cancers, leukemia, and birth defects.

Rather than misleading the public, our government should provide reliable information about current sources of radioactive pollution, whether from the Livermore Lab or the

ongoing releases from Fukushima, and their potential health impacts. Instead of continuing to invest in life-threatening nuclear technology, the U.S. should lead negotiations for the global elimination of nuclear weapons and nuclear power, investing instead in life-affirming sustainable, renewable energy sources, protection of public health, and long-term stewardship of deadly radioactive nuclear waste.

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Excerpt From:

Councilmember Susan Wengraf
CITY COUNCIL DISTRICT 6

Newsletter #22

September 2012

Low-flying Helicopter

Late on the afternoon of August 29th, after enduring several hours of very loud noise and vibrations, I received this press release from the National Nuclear Security Administration via the Berkeley Police Department. The helicopter was flying directly over my home at about 300 feet above the ground all afternoon. I know that many of you had a similar experience. I apologize for the lack of information that you were given regarding these maneuvers. I am personally not satisfied with the information and intend to pursue it further.

Press Release

Aerial Survey of Bay Area Planned Aug. 27 - Sept. 1

Beginning Aug. 27, a helicopter may be seen flying at a low-level altitude over portions of San Francisco, Pacifica and Oakland, Calif. The helicopter will be taking measurements of naturally-occurring background radiation. The helicopter will make daily flights between Aug. 27 and Sept. 1, 2012.

The flyovers are a part of a joint research project between the Department of Homeland Security's Domestic Nuclear Detection Office (DNDO) and the National Nuclear Security Administration (NNSA) to assess natural background radiation levels. The survey will cover approximately 69 square miles over the selected locations. NNSA's twin-engine Bell 412 helicopter, operated by the Remote Sensing Laboratory Aerial Measuring System in Las Vegas, Nev., will perform the survey. The helicopter will fly in a grid pattern over the locations about 300 feet above the ground. The

flights will be limited to daylight hours and the survey is estimated to take about five days to complete.

The background data will be used by DNDO and NNSA to improve aerial radiation measurement capabilities used by local, state and federal entities.

Peace and Justice Commission

CONSENT CALENDAR
December 18, 2012

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: George Lippman, Chairperson, Peace and Justice Commission

Subject: Proclaim Berkeley a No Drone Zone and Enact an Ordinance to that Effect

RECOMMENDATION

Adopt a Resolution and Proclamation proclaiming:

1. Berkeley a No Drone Zone and instructing the City Attorney to perform the necessary legal tasks to transform this declaration of a No Drone Zone into an Ordinance for the City of Berkeley wherein drones are hereby banned from airspace

2. That drones will not be purchased, leased, borrowed, tested or otherwise used by any agency of the City of Berkeley over the City of Berkeley, including drones in transit.

3. That exemptions will be made for hobbyists to continue to fly remote controlled model aircraft in specified areas, away from dwellings and the urban cityscape of people and buildings as long as those devices are not equipped with any kind of camera or audio surveillance equipment.

Copies of this Resolution shall be sent to Governor Jerry Brown, California Attorney General Kamala Harris, State Senator Loni Hancock, Assemblymember Nancy Skinner, the Alameda County Sheriff, Senator Dianne Feinstein, Senator Barbara Boxer, Representative Barbara Lee, President Barack Obama, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense.

FISCAL IMPACTS OF RECOMMENDATION

Unknown.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on September 10, 2012, the Peace and Justice Commission adopted the following recommendation:

Adopt a Resolution and, by Proclamation, proclaim Berkeley a No Drone Zone, and instruct the City Attorney to perform the necessary legal tasks to transform this declaration of a No Drone Zone into an Ordinance for the City of Berkeley wherein drones are hereby banned from airspace over the City of Berkeley, including drones in transit. Under that Ordinance, flying of a drone within the airspace of the City of Berkeley shall be considered a misdemeanor carrying a maximum penalty of up to one year in jail and a fine not to exceed $10,000. Each offense that is more than one offense of flying a drone within said airspace will be considered to be an additional misdemeanor, with jail time and fines based on the number of violations.

M/S/C: (Meola/Bohn)

Ayes: Bohn; El-Quolaq; Haney, Kenin, Lippman; Meola; Siegel; Sochet

Noes: Maran.

Abstain: None.

Absent: Nicely (unexcused)

RATIONALE FOR RECOMMENDATION
The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, recommends that the Council support this Resolution and adopt this Proclaiming Berkeley a No Drone Zone banning drones from Berkeley airspace and instructing the City Attorney to present an Ordinance with such a ban for City Council adoption.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager takes no position on the Commission's recommendations or the contents of its Report.

CONTACT PERSON
Robert Meola, Commissioner, Peace and Justice Commission, 510-644-1102
Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachments:
1. Resolution (*with footnotes and links*)
2. Additional Information

RESOLUTION NO. –N.S.

PROCLAIM BERKELEY A NO DRONE ZONE AND ENACT AN ORDINANCE TO THAT EFFECT

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070); and

WHEREAS, Berkeley has a history of standing up for peace, justice, civil liberties, and the welfare of people; and

WHEREAS, United States airspace is the busiest in the world, with up to 87,000 flights per day, including commercial airliners and freight haulers, air taxis and private and military aircraft; and

WHEREAS, "Statistics show unmanned aircraft have an accident rate seven times higher than general aviation and 353 times higher than commercial aviation;"[1] and

WHEREAS, Unmanned Aerial Vehicles, also known as Drones, are not now allowed in United States general airspace because of the threat they present to other aircraft and under the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012 the FAA is directed to create regulations that will enable drones to fly throughout United States airspace by September, 2015; and

WHEREAS, small drones, 25 pounds or under, are now permitted to fly in general airspace below 400 feet for the use of police and first responders, with FAA permission; and

WHEREAS, drones have limitations in "vision" compared to the vision of human pilots, do not have the same capability to avoid other aircraft as aircraft piloted by humans, and there has been at least one instance outside the United States of a drone collision with an aircraft with a human pilot on board and another incident, as well, of a near miss and these instances occurred in airspace much less crowded than that of the United States[2]; and

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[1] http://www.startribune.com/local/163304886.html?refer=y
Spies in the sky signal new age of surveillance

[2]Midair Collision Between a C-130 and a UAV | Defense Techhttp://www.salon.com/2012/05/18/denvers_drone_near_disaster/singleton/German Army Luna UAV vs. Ariana Afghan Airlines Airbus A300B4 – YouTube
Drones Most Accident-Prone U.S. Air Force Craft: BGOV Barometer – Bloomberg

WHEREAS, drones have at times gotten out of human control, in at least one instance having to be shot down[3], and drones are susceptible to electronic interference and having control seized electronically by unauthorized operators; and

WHEREAS, drones have the capability of carrying a variety of weapons, including 12-guage shot guns, tear gas, rubber bullet guns, bombs and missiles, but drones have significant limitations in identifying specific individuals and groups; and

WHEREAS, Unmanned Aerial vehicles (drones) have the capability to watch individuals, groups and populations on a 24-hour basis, following and recording their movements for days and weeks in an unprecedented way; and

WHEREAS, drones have the capability to continuously monitor cell-phone and text messaging of individuals, groups and populations; and

WHEREAS, drones are being developed that will use computerized facial images to target individuals and, once launched, to operate, autonomously, without further human involvement, to locate and kill those individuals; and

WHEREAS, drones would present an unreasonable and unacceptable threat to public safety in the air and to persons and property on the ground in the City of Berkeley, due to limitations in drone "vision", capability to avoid other aircraft and adequate control; and

WHEREAS, armed drones and surveillance drones would present an unreasonable and unacceptable threat to the rights of individual privacy, freedom of association and assembly, equal protection and judicial due process in the City of Berkeley.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley, with this Resolution and by Proclamation proclaims Berkeley a No Drone Zone, and instructs the City Attorney to perform the necessary legal tasks to transform this declaration of a No Drone Zone into an Ordinance for the City of Berkeley wherein drones are hereby banned from airspace over the City of Berkeley, including drones in transit. Under that Ordinance, flying of a drone within the airspace of the City of Berkeley shall be considered a misdemeanor carrying a maximum penalty of up to one year in jail and a fine not to exceed $10,000. Each offense that is more than one offense of flying a drone within said airspace will be considered to be an additional misdemeanor, with jail time and fines based on the number of violations.

BE IT FURTHER RESOLVED that drones will not be purchased, leased, borrowed, tested or otherwise used by any agency of the City of Berkeley.

BE IT FURTHER RESOLVED that exemptions will be made for hobbyists to continue to fly remote controlled model aircraft in specified areas, away from dwellings and the

[3] Out-of-control drone shot down by US jet plane before it flew into Tajikistan | World news | guardian.co.uk

urban cityscape of people and buildings as long as those devices are not equipped with any kind of camera or audio surveillance equipment.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Jerry Brown, California Attorney General Kamala Harris, State Senator Loni Hancock, Assemblymember Nancy Skinner, the Alameda County Sheriff, Senator Dianne Feinstein, Senator Barbara Boxer, Representative Barbara Lee, President Barack Obama, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense.[4]

[4] USAF reports on drone crashes that likely would not have happened had there been a pilot on board. This is just from skimming crash reports, and there likely are more.

http://usaf.aib.law.af.mil/ExecSum2011/MQ-1B_AOR_ExecSum_%205%20May%2011.pdf
http://usaf.aib.law.af.mil/ExecSum2010/MQ9A_31%20Aug%2010.pdf

ADDITIONAL DRONE ARTICLES RELEVANT TO A BERKELEY NO DRONE ZONE
http://www.wired.com/threatlevel/2012/08/faa-documents-raise-questions-about-safety-of-drones-in-u-s-airspace/all/

https://www.eff.org/deeplinks/2012/06/help-eff-find-out-how-your-local-police-agency-using-drones

http://www.slate.com/blogs/future_tense/2012/07/03/auvsi_issues_domestic_drone_code_of_conduct_.html
http://www.washingtonpost.com/world/national-security/drone-operations-over-somalia-pose-danger-to-air-traffic-un-report-says/2012/07/24/gJQALvnf7W_story.html

http://usahitman.com/nycndz/ NY Claiming 'No Drone Zone', Hopefully More States Will Follow

http://www.salon.com/2012/06/12/hatred_what_drones_sow/

http://www.salon.com/2012/06/19/drones_spur_debt_and_polio/singleton/

http://www.salon.com/2012/06/14/rand_paul_stop_the_drones/singleton/The Kentucky senator wants to curb unmanned flights, but the Air Force tells Salon about its plans to expand them

http://www.salon.com/2012/06/07/un_rights_chief_calls_for_drone_probe/singleton/

http://www.salon.com/2012/06/05/electing_an_assassin_in_chief/singleton/

http://www.salon.com/2012/06/01/another_right_wing_drone_skeptic/singleton/

http://www.salon.com/2012/05/31/losing_yemeni_hearts_and_mind/singleton/

http://www.salon.com/2012/05/30/states_fight_for_drone_biz/singleton/

http://www.salon.com/2012/05/29/the_face_of_collateral_damage/singleton/

http://www.salon.com/2012/05/21/who_will_drones_target_who_in_the_us_will_decide/singleton/

http://www.salon.com/2012/05/22/drones_new_weapon_p_r/singleton/

http://www.salon.com/2012/05/17/conservatives_turn_on_drones/singleton/Right-wing writers, from Charles Krauthammer to Matt Drudge, join the left in criticizing domestic drone use

http://www.salon.com/2012/05/15/faa_approves_bigger_drones/singleton/The FAA has decided to allow larger drones to fly in U.S. airspace

http://www.salon.com/2012/05/10/drone_war_defensive/singleton/

http://www.salon.com/2012/05/08/fear_the_zombie_drone/singleton/How do you safely launch thousands of new aircraft into already crowded skies? The safety concerns of domestic UAVs

http://www.salon.com/2012/05/01/drones_on_campus/singleton/Universities are buying drones faster than police departments -- and the military is helping foot the bill

http://www.salon.com/2012/04/30/drone_victims_defender_speaks/singleton/
http://www.salon.com/2012/04/24/drones_for_urban_warfare/singleton/Manufacturers are targeting U.S. police forces for sales, as drones move from the Middle East to Main Street

http://www.salon.com/2012/04/19/petraeus_and_the_signature_of_u_s_terror/singleton/

http://www.salon.com/2012/04/05/air_force_ramps_up_drone_war/singleton/

http://www.salon.com/2011/12/05/in_iowa_occupiers_picket_a_drone_factory/singleton/

http://articles.nydailynews.com/2012-06-17/news/32285738_1_drones-unmanned-aerial-vehicles-faa

http://www.washingtonpost.com/world/national-security/drone-operations-over-somalia-pose-danger-to-air-traffic-un-report-says/2012/07/24/gJQALvnf7W_story.html

http://articles.nydailynews.com/2012-06-17/news/32285738_1_drones-unmanned-aerial-vehicles-faa

http://www.gao.gov/assets/650/648348.pdf UNMANNED AIRCRAFT SYSTEMS

The domestic use of drones has been steadily expanding. >

Look up in the sky and see a drone

MALOU INNOCENT AND MEDEA BENJAMIN

Sunday, June 17, 2012

Ready or not, drones are coming to a law enforcement agency near you.

Unmanned Aerial Vehicles, or drones, have been primarily used for surveillance and targeted killings in wars in faraway lands. Now, with apparently minimal debate, local police departments have begun using them for surveillance directed at American citizens.

To us, this is a grim illustration of the post-9/11 militarization of America.
While drones can serve valid purposes, like monitoring forest fires, surveying land and search-and-rescue missions, they pose a threat to our freedoms.

Their domestic use should be strictly controlled, and current legal standards updated to reflect this powerful new technology.

Instead, it has been authorized largely outside the public eye.

The Federal Aviation Administration began issuing permits for the domestic experimental use of drones in 2006. A lawsuit by the Electronic Frontier Foundation forced the FAA to start releasing the names of government agencies, companies and universities that have been granted permits. The FAA has issued about 750 permits, some 300 of which are still active.

The FBI, the Department of Homeland Security and Customs and Border Protection applied for these permits, as did local police departments from small towns like Gadsden, Ala., to big cities like Houston. Many police departments received Homeland Security grants to buy drones and train their police forces to use them.
Facing slowing business as the wars in Iraq and Afghanistan wind down, drone manufacturers solicited the help of the 58-member Congressional Unmanned Systems Caucus to speed up the pace of the FAA permit process.

In February, Congress passed sweeping legislation that forces the FAA to fully integrate drones into our national airspace by 2015, and sooner for government agencies. By May, the FAA waived the application process for police use of drones weighing up to 25 pounds, and is now streamlining the approval process for larger drones.

As the Electronic Privacy Information Center explains, enhanced drone technology is capable of “peering inside high-level windows, and through solid barriers, such as fences, trees, and even walls.”

Worse, drones could move from surveillance to offensive action. The Montgomery County sheriff’s office in Texas used a $300,000 Homeland Security grant to buy a helicopter drone. The CEO of Vanguard Defense, the company that sold the drone, said

it is designed to be weaponized and could easily be outfitted with tasers and stun batons.

This is a slippery slope. If confronted with a stand-off similar to the one at the Branch Davidian compound in Waco in 1993, will authorities resort to drones?

When FBI Director Robert Mueller was asked at a congressional hearing in March if Americans could be targeted for assassination by drones here at home, he simply said that he did not know. That's not very reassuring.

All Americans should be asking their elected officials about the limits of the use of drones — before it's too late.

One option is to eliminate federal grants that subsidize drones for police departments. Another is to mandate that police obtain a warrant in circumstances where drones can surveil a private residence or anywhere else citizens have a reasonable expectation of privacy.

Militarization at home, as the Founding Fathers argued centuries ago, is inconsistent with the values of a free society.

Since 9/11, some in Washington seem to have forgotten that a free society depends on a citizenry whose natural rights are protected by a limited and accountable government — not by a government that uses high-tech, stealth video cameras to constantly surveil the public wherever and whenever it wants.

Innocent is a foreign policy analyst at the Cato Institute. Benjamin is the author of "Drone Warfare: Killing by Remote Control."

http://www.knowdrones.com/

Video Clip: http://www.latimes.com/videogallery/71178113/News/Congress-Domestic-drones-pose-potential-threats

Congress: Domestic drones pose potential threats

The House Homeland Security Subcommittee held a hearing Thursday about the domestic use of drones. Rep. Michael McCaul expressed concern that drones not only could be hijacked and flown against a target, but also pose other safety issues. (July 19)

[As far as the need to use drones for certain purposes, I would quote Mayor Bates' comment quoted in "Berkeleyside" on July 5th regarding the need for the Berkeley Police to have an armored vehicle: "'It's highly unlikely it will be needed very often if at all,' Bates said.]

//////////////

Peace and Justice Commission

4a.04

CONSENT CALENDAR
December 18, 2012

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: George Lippman, Chairperson, Peace and Justice Commission

Subject: Support for S. 1925: The Violence Against Women Reauthorization Act of 2011

RECOMMENDATION

Endorse and call for immediate passage of S. 1925, The Violence Against Women Reauthorization Act of 2011 to protect all victims.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on September 10, 2012, the Peace and Justice Commission adopted the following recommendation:

Endorse and calls for passage of S. 1925, The Violence Against Women Act

M/S/C: (Kenin/Meola)

Ayes: Bohn, El-Quolaq, Haney, Kenin, Lippman, Maran, Meola, Siegel, Sochet

Noes: None.

Abstain: None.

Absent: Nicely (unexcused)

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, recommends that the Council endorses and calls for passage of S. 1925 which passed the U.S. Senate April 26, 2012 to reauthorize the Violence Against Women Act with provisions that provide extra securities and support for certain hard-hit communities, including immigrant, LGBT, Native American, and young women. Any national policy designed to protect women from violence must protect all victims.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager takes no position on the Commission's recommendations or the contents of its Report.

CONTACT PERSON
Wendy Kenin, Commissioner, Peace and Justice Commission, 510-504-4937
Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachments:
1. Background Materials and Links

Background Materials and Links:

Summary of S. 1925 The Violence Against Women Reauthorization Act of 2011:
http://thomas.loc.gov/cgi-bin/bdquery/z?d112:SN01925:@@@L&summ2=m&

The House of Representatives alternatively passed H.R. 4970 on May 16, 2012 which omits special protections for certain at-risk populations from the S. 1925. Partisan politics have stalled the Real VAWA from passing through the summer of 2012 and thru the Congress' summer recess, while thousands of women continue to be sexually assaulted.

Separately, August 10, 2012 President Obama signed Executive Order: Preventing and Responding to Violence Against Women Globally. Read more at:
http://www.whitehouse.gov/the-press-office/2012/08/10/executive-order-preventing-and-responding-violence-against-women-and-gir

News Links:
Senate Approves Tougher Penalties on Domestic Violence
http://thehill.com/blogs/floor-action/senate/224109-senate-approves-violence-against-women-act

House Passes Violence Against Women Act, Grudgingly
http://www.csmonitor.com/USA/DC-Decoder/2012/0516/House-passes-Violence-Against-Women-Act-grudgingly

Time is Running Out to Re-Authorize the Violence Against Women Act
http://www.rhrealitycheck.org/article/2012/07/31/time-is-running-out-to-pass-violence-against-women-act-vawa

Kriss Worthington
Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170 FAX 510-981-7177 kworthington@ci.berkeley.ca.us

CONSENT CALENDAR
December 18, 2012

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: City Manager referral: amend BMC to address mold.

RECOMMENDATION
Refer to the City Manager amending BMC to define and address mold growth in Berkeley residences.

BACKGROUND
In the City of Berkeley many residential buildings and dwelling units have experienced continuous mold problems. Although tenants are responsible to take adequate actions within their control to limit the potential growth of mold, landlords should also be held responsible for tenant's living conditions when the problem persists. As of now, there are no existing permissible mold guidelines or regulations in the City of Berkeley despite the numerous complaints from local residents.

The city of SF appears to have a practical solution to this problem. Mold growth in residential units is clearly defined as a nuisance under Section 105 Chapter 4 of the City of San Francisco Housing Code. Residential mold is also considered to be unsanitary as stated under Section 1306 of the City of San Francisco Housing Code.

According to the San Francisco Department of Public Health, mold is a common type of fungus whose functions include composting of vegetation and producing penicillin—an antibiotic. It grows in damp conditions and unventilated spaces, and uses wood, paper, leaves, cloth, and leather for food. Exposure to significant amounts of indoor mold over time can cause symptoms and health effects. This is often more pronounced in sensitive individuals, infants and children, the elderly, immune compromised/cancer patients, and persons with respiratory conditions.

Allergic reactions to mold can include nasal congestion, reddened eyes, light sensitivity, dry hacking cough, and worsening of asthma or allergy. These health related issues prove that the existence of mold is detrimental to the health, safety and welfare of their occupants.

Hence, the Berkeley City Council should consider an ordinance similar to the City of San Francisco Housing Code that will allow the appropriate city officials to address complaints about mold issues in Berkeley residences and correct violations. The

enactment and enforcement of an ordinance addressing residential mold growth is a necessary local governmental function in the interest of health, safety and welfare of the people of Berkeley. It is in the public interests of the people of Berkeley to protect and promote the existence of residential units free of mold.

FINANCIAL IMPLICATIONS
Unknown.

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170

Attachment:
1. San Francisco Mold Guidelines and Control

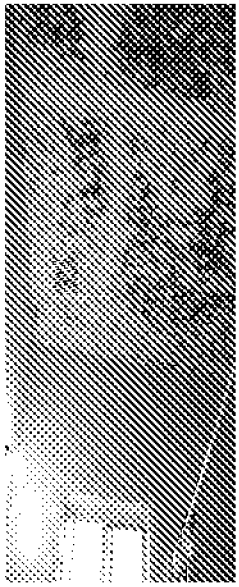
What Is Mold?

Mold is a common type of fungus. Thousands of species of mold are found indoors and outdoors. Mold has useful functions, such as composting of vegetation and producing penicillin, an antibiotic. It grows in damp conditions and unventilated spaces, and uses wood, paper, leaves, cloth, and leather for food.

Identification

The presence of mold can be verified by visual observation or a musty odor. There is generally no need to professionally test the mold to identify a particular type before starting clean-up efforts.

The San Francisco Department of Public Health does not perform mold testing.



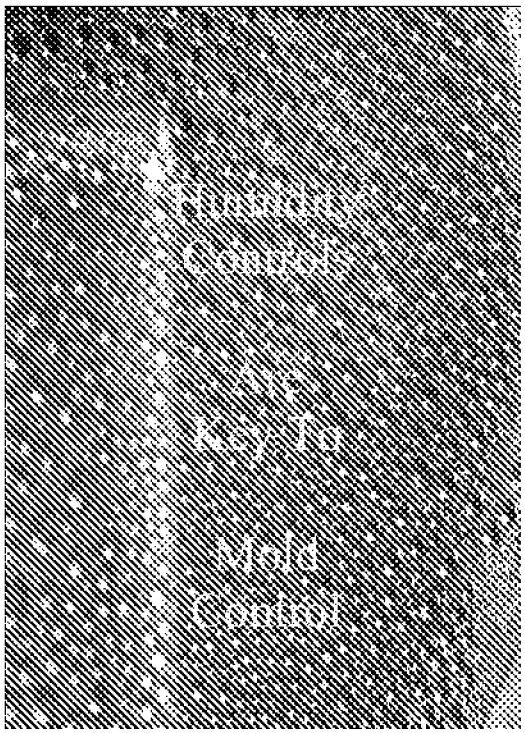
Is Mold Dangerous to My Health?

We are all exposed to mold everyday. Significant visible indoor mold (more than a small amount on windows or bathroom tiles that cannot be controlled by routine cleaning) in homes, schools, or daycare centers is considered a Health Nuisance and a violation of the San Francisco Health Code.

Exposure to a significant amount of indoor mold over time can cause symptoms and health effects in sensitive individuals, infants and children, the elderly, immune compromised/cancer patients, and persons with respiratory conditions. Allergic reactions, such as those listed below are most common.

- Nasal and sinus congestion
- Burning, watery, and reddened eyes; blurry vision; light sensitivity
- Dry, hacking cough
- Worsening of asthma or allergy in sensitive individuals

See your doctor if you are concerned about your symptoms.



Prevention/Control

The most effective method of mold control is moisture control. A "Relative Humidity" (RH) of 50% or less will reduce mold growth. RH can be measured using a hygrometer. Inexpensive hygrometers are sold at most hardware stores.

Common sources of humidity/moisture are:

- Improper repairs from prior water damages
- Leaky roofs, windows or plumbing
- Damp basements/concrete slabs
- Use of humidifiers
- Steam from cooking and showering
- Numerous plants and aquariums
- Inadequate ventilation

To prevent excessive mold growth, building repairs may be needed and occupants may need to make some changes such as:

- Wash mold off hard surfaces and dry completely. Absorbent materials with mold, such as ceiling tiles carpet and sheet rock, may need to be replaced
- Fix leaky plumbing or other sources of water
- Keep drip pans in your air conditioner, refrigerators, and dehumidifier clean and dry
- Ensure that exhaust fans or windows in kitchens and bathrooms are operable and use them when showering, cooking, or using the dishwasher
- Vent clothes dryers to the outside
- Maintain low indoor humidity, between 30-50% relative humidity

Dehumidifiers can help control relative humidity when underlying moisture sources cannot be readily eliminated. Water collection traps and hoses in the dehumidifiers **must be cleaned routinely** or they too will become a source of moisture for mold growth.

How To Safely Remove Mold

- **Hard surfaces** such as walls, hard flooring, ceilings, glass, plastic, wooden furniture or metal may be washed.
- Use **detergent** in hot water and scrub with a stiff brush or cleaning pad on block wall or uneven surfaces where excessive mold is present. Rinse clean with water.
- Curtains, clothes, linens, and any other items that can be **laundered or dry-cleaned** may be double bagged and removed for cleaning.
- **Steam Cleaning** of carpet is adequate in some cases. Heavily contaminated carpet padding needs to be replaced. There are other treatments available for valuable items.
- Heavily contaminated **upholstered furniture, carpets, and mattresses** need to be wrapped and discarded.
- **Discard** contaminated materials that cannot be cleaned, such as paper, rags, plaster, carpet padding, etc. in double plastic bags.
- **Bleach** and other biocides are **not recommended** for cleaning up mold. (Biocides are substances that destroy living organisms such as mold.)

  Killing mold may not be enough. Dead mold may still cause allergic reactions. **Mold spores must be contained and removed.**

  - If the musty smell continues or visible mold returns, you may have **to repeat the process.**
  - Certain **mildew-retarding paints** are effective.

Never mix bleach with other products that contain ammonia; the mixture will produce toxic vapors.

Code Enforcement Program

The Environmental Health (EH) Code Enforcement Program can assist you to remedy a variety of Public Health Nuisances. **The San Francisco Health Code holds property owners responsible for maintaining their property nuisance-free.** Tenants are responsible for routine housekeeping. **For information, advice, referrals, and to report a nuisance condition like large amounts of indoor mold, call the EH Code Enforcement Program at (415) 252-3805.**
An investigator will work with you to address your mold concerns.

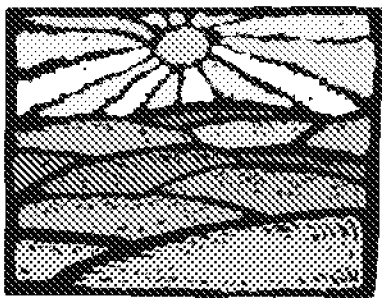
For building structural problems, like leaks, call the **Department of Building Inspection, Housing Division at (415) 558-6220.**

Online Resources

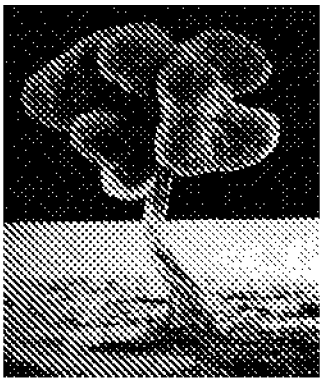
1) Environmental Protection Agency
www.epa.gov/iedweb00/schools/tfs/guideh.html

2) California Department of Health Services
www.cal-iaq.org

3) Centers for Disease Control and Prevention (CDC)



MOLD Guidelines and Control



City & County Of San Francisco
Department of Public Health

Environmental Health Services
1390 Market Street, Suite 210
San Francisco, CA 94102

Code Enforcement Program
Phone: (415) 252-3805

this brochure may be downloaded at
www.sfdph.org/eh/pubs/mold.pdf

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CONSENT CALENDAR
December 18, 2012

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: Scheduling Quarterly Economic Development Worksession

RECOMMENDATION
Schedule four Quarterly Economic Development Worksessions for 2013.

BACKGROUND
When we proposed economic development worksessions it was designed to be a quarterly report to help the city address apparent trends. It is important to set a proposed schedule so that staff, business persons, and residents of Berkeley know when economic development will specifically be discussed at Council meetings.

We refer to the Agenda Committee to schedule the four dates of the Quarterly Economic Development Worksessions.

These worksessions should have a component of proactively evaluating city sales tax receipts, geographically by business district and based on business classification/category. In doing so, the City Council should receive a copy of the summary pages of the City's sales tax report. The information needed is only a summary of sales taxes based on geography and business classification/category. Simply providing the information in these categories will continue to provide confidentiality on information of individual businesses.

FINANCIAL IMPLICATIONS
Primarily using existing staff time.

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170

Jesse Arreguín
Councilmember, District 4

4a.07

ACTION CALENDAR
December 18, 2012

To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguín

Subject: Compassionate Sidewalks Plan

RECOMMENDATION:
Direct the City Manager to convene a working group of representatives of City staff, the Homeless, Housing Advisory, Human Welfare & Community Action, and Police Review Commissions, the Police Department, and other stakeholders, including but not limited to business owners, homeless persons, service providers, students, and academic experts to develop a Compassionate Sidewalks Plan over a series of workshops.

The working group should focus but is not limited to the following topics:

1) The demographics and causes of homelessness
2) A survey of existing homeless services
3) An assessment of potential funding needs and sources
4) Existing laws and enforcement
5) Best Practices

BACKGROUND:
After months of contentious debate, Berkeley voters concluded with over 52% of the vote that Measure S, also known as Civil Sidewalks, was not the correct approach to address homeless individuals sitting upon commercial sidewalks. However, the rejection of Measure S is not an endorsement of inaction; it is a call to Council to do the job that it was elected to do: formulate solutions based on research and consultation with stakeholders.

The issues of homelessness are incredibly complex and demand in-depth research and discussion. Any proposal addressing homelessness requires an understanding of the demographics of the homeless population, the causes of homelessness, existing laws, a survey of existing resources and services, and an evaluation of best practices, among other things, if it is to be effective and successful.

We are a smart and compassionate city. With community collaboration and some critical and creative thinking, we can find solutions that make sense and reflect our values.

FINANCIAL IMPLICATIONS:
Unknown, some staff time

CONTACT PERSONS:
Jesse Arreguín, Councilmember, District 4 981-7140

Upcoming Workshops		
Scheduled Dates		
December 11	FY 2012 Year End Review and FY 2013 First Quarter Review	Worksession

CITY CLERK DEPARTMENT
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS
BEFORE THE CITY COUNCIL

Address	Board/ Commission	Appeal Period Ends	Council Date for Determination on Appeal Submitted	Council Date for Public Hearing[1]	Notes
NOD – Notices of Decision					
2504 Dana Street (Foster Care Center)	ZAB	11/30/2012			
1332 Harmon Street (residential addition)	ZAB	11/30/2012			
1600 Shattuck Avenue (Sprint antennas)	ZAB	11/30/2012			
2517 Regent Street (Mary J. Berg House)	LPC	12/12/2012			
Appeals Submitted					
740 Heinz Ave. (Copra Warehouse)	ZAB		1/22/2013		
1214 Glen Avenue (Residence)	ZAB		2/5/2013		
1488 Keoncrest Dr. (residence addition)	ZAB		2/5/2013		
1861 Solano Avenue (AT&T antennas)	ZAB	11/30/2012	3/5/2013		
245 Tunnel Road (Bentley School)	ZAB	11/28/2012	TBD		
Public Hearings Scheduled					
Remanded to ZAB or LPC					

Last Updated: 11/28/12

[1]Dates for public hearings as directed by the City Council.