

SUMMARY

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, NOVEMBER 14, 2000

Preliminary Matters

Roll Call: 7:06 p.m. All present.

Ceremonial Matters: Proclamation: Sylvia Schild for her good works in the Berkeley community

Action: Presented Proclamation.

Comments from the City Manager:

The City is working with UCB to prepare for Big Game weekend.

Kate O'Connor has been hired as Animal Services Manager.

Expressed appreciation to the City Clerk and her staff for managing an outstanding election.

Comments from the Public: Nine speakers.

Youth Forum: No speakers.

Emergency Item

Winter Shelter Vouchers

From: Mayor Dean

Recommendation: Make the required findings that there is a need to take immediate action and that the need for action came to the attention of the Council subsequent to the agenda being posted at least 72 hours before this meeting.

Contact: Shirley Dean, Mayor, 644-6484

Actions: Moved, seconded, carried (Spring/Armstrong) to make findings and add this item to the agenda as an emergency item. Moved, seconded, carried (Worthington/Shirek) to adopt Resolution No. 60,823-N.S. allocating \$35,000 for the purpose of providing vouchers to families and individuals with mobility impairments and medically fragile individuals for winter shelter at the YMCA and local motels; and allocating an additional \$35,000 as baseline funding for the Winter Shelter Program in FY2002 & FY2003 Biennial Budget.

Consent Calendar

Action: Moved, seconded, carried (Shirek/Worthington) to approve the Consent Calendar in one motion except as indicated.

1. **Needle Exchange Emergency Distribution**
From: City Manager
Recommendation: Adopt a Resolution reviewing and confirming the continued existence of a local emergency with regard to HIV transmission from use of HIV-infected needles among injection drug users, and authorizing the Director of Public Health to take steps to enable the operation of needle exchange emergency distribution.
Contact: Sherry Kelly, City Clerk, 644-6480
Action: Adopted Resolution No. 60,824-N.S

2. **Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for Council meetings of: a).October 17, 2000 (regular) and b) October 24 (special).
Contact: Sherry M. Kelly, City Clerk, 644-6480
Action: Approved minutes of October 17, 2000 as revised by Mayor Dean. The minutes of October 24, 2000 were held over to a future meeting by Councilmember Spring and Mayor Dean.

3. **Vendor Assisted Tobacco Sales** (*first reading vote: Absent - Woolley*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.62, Sections 13.62.010 B, E and F, Section 13.62.020 G, adding 13.62.020 H, I, J, and K, amending 13.62.050 B, and adding Sections 13.62.035, 13.62.045 and 13.62.070 which would a) require all tobacco products be offered for sale exclusively by means of vendor assistance; b) prohibit the sale or display for sale of any tobacco products by means of self-service rack, counter-top or shelf display that allows self-service sales for any tobacco products; and c) amend title of BMC, Chapter 13.62 from "Tobacco Vending Machines and Free Sampling" to "Vendor Assisted Tobacco Sales, Vending Machines and Free Sampling."
Contact: Fred Medrano, Health and Human Services, 665-6879
Action: Adopted Ordinance No. 6588-N.S, effective December 14, 2000.

4. **New Building Codes** (*first reading vote: Absent - Maio, Woolley, Worthington*)
From: City Manager
Recommendation: Adopt the following: 1) second reading of an Ordinance repealing the Berkeley Building, Electrical, Mechanical and Plumbing Codes and related procedural provisions in BMC Chapters 19.28, 19.30, 19.32 and 19.36 (Ordinance No. 6312-N.S.) and adopting new BMC Chapters 19.28, 19.30, 19.32 and 19.36 and procedural provisions; and 2) second reading of two Ordinances enacting new BMC Chapter 19.76, Regulating the Moving of Buildings, and Chapter 19.80, Minimum Security in the City of Berkeley.
Contact: Wendy Cosin, Planning and Development, 705-8108
Action: Adopted Ordinance No.6589-N.S, Ordinance No. 6590-N.S, and Ordinance No. 6591-N.S. Effective December 14, 2000.

5. **Contract: Sanitary Sewer Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located at Blake Street, Parker Street, Spruce Street, Monterey Avenue, Sacramento Street, Alamo Avenue and Halkin Lane; accepting the bid of JSJ Pipeline Company; and authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$976,404, for a period of 240 calendar days.
Contact: Rene Cardinaux, Public Works, 665-3460
Action: Adopted Resolution No. 60,825-N.S

6. **Grant: Transfer Station Upgrade**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant from the Alameda County Waste Management Authority (ACWMA) in the amount of \$726,000 and execute a contract and any amendments with the ACWMA to accept this grant, to be used to construct an expanded tipping area and loading ramp for the storage and shipping of organic waste.
Contact: Rene Cardinaux, Public Works, 665-3460
Action: Adopted Resolution No. 60,826-N.S

7. **Contract: Elevator Accessibility Alterations**
From: City Manager
Recommendation: Adopt a Resolution approving the plans and specifications for the elevator accessibility alterations at Old City Hall, accepting the bid of Empire Elevator Company, and authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$32,400.
Contact: Rene Cardinaux, Public Works, 665-3460
Action: Adopted Resolution No. 60,827-N.S

8. **Contract: Urgent Storm Water Corrective Work**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to McNamara and Smallman Construction, Inc.'s contract in an amount not to exceed \$200,000 for urgent storm water corrective work to prevent localized flooding at 444 Vassar, intersection of Euclid and Keith Avenues, intersection of Keith and Shasta Road, near 252 Uplands, intersection of Sacramento and Alcatraz, Carlotta near Hopkins, Shattuck and Allston Way, Menlo Place, and an alternate site at 662 Wildcat Canyon Road (if savings are available), and extend the contract period for an additional sixty days for the storm water work.
Contact: Rene Cardinaux, Public Works, 665-3460
Action: Adopted Resolution No. 60,828-N.S

9. **City Manager Expenditure Authority and Update of Civic Center Project**
From: City Manager
Recommendation: Adopt a Resolution increasing the City Manager's expenditure authority by \$550,000 to a new total of \$2,350,000 for furniture, fixtures and equipment for the seismic upgrade and renovation of the Martin Luther King Jr. Civic Center Building.
Contact: Rene Cardinaux, Public Works, 665-3460
Action: Adopted Resolution No. 60,829-N.S. Councilmember Spring requested the City Manager consider environmentally sensitive floor products for the 6th floor if sufficient funds can be found.

10. **Alameda County Tobacco Settlement Funds**
From: City Manager
Recommendation: Adopt a Resolution requesting the Alameda County Board of Supervisors allocate a share of the Master Tobacco Settlement Agreement funds designated for public health initiatives to the City of Berkeley in proportion to Berkeley's population within Alameda County to support the implementation of public health strategies to expand tobacco control and prevention programs, and develop alcohol and other drug prevention programs for youth; and that the City of Berkeley receive and manage these funds annually.
Contact: Fred Medrano, Health and Human Services, 665-6879
Action: Adopted Resolution No. 60,830-N.S

11. **Grant: Nutrition and Physical Activity Promotion**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant in the amount of \$31,052 from the California Nutrition Network for Healthy, Active Families, State of California, Department of Health Services, to expand the development and implementation of a nutrition education and physical activity promotion program for low income women, children and adolescents in Berkeley, for the period October 1, 2000 through September 30, 2001; and to execute the resultant agreement and any amendments.
Contact: Fred Medrano, Health and Human Services, 665-6879
Action: Adopted Resolution No. 60,831-N.S. amended by Councilmember Breland to add low income women "and men" if the grant allows.

12. **Application-Agreement: Medicare Coverage**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Application-Agreement for Medicare coverage for certain employees who are members of the California Public Employees' Retirement System (CalPERS).
Contact: Ron Brown, Human Resources, 665-7614
Action: Adopted Resolution No. 60,832-N.S

13. **Side Letter of Agreement with SEIU Local 535**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Social Services Union/SEIU Local 535 to modify Section 14.5 (Emergency Call Back) and Section 14.6 (Standby Pay) of the Memorandum of Agreement.
Contact: Ron Brown, Human Resources, 665-7614
Action: Adopted Resolution No. 60,833-N.S

14. **Subdivision Ordinance Amendments**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 21.16, Subdivisions, by adding Section 21.16.048 to codify existing practice with respect to review and approval of tentative subdivision maps which are required solely in order to permit the establishment of condominiums in newly constructed buildings in which the units which are proposed to be condominiums have never been rented.
Contact: Manuela Albuquerque, City Attorney, 644-6380
Action: Adopted first reading of Ordinance. Second reading: November 21, 2000.

15. **Subdivision Ordinance Amendments - Appeal of Planning Commission**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 21.16.050 adopting special procedures for certain appeals from decisions concerning subdivision maps.
Contact: Manuela Albuquerque, City Attorney, 644-6380
Action: Adopted first reading of Ordinance. Second reading: November 21, 2000.

16. **Zoning and Landmarks Ordinance Amendments - Appeal Provision**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Sections 23B.32.050C, 23B.32.060E, and 3.24.300A, adopting special procedures for certain appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission.
Contact: Manuela Albuquerque, City Attorney, 644-6380
Action: Withdrawn by the City Manager.

17. **Landmarks Preservation Ordinance Amendment - Appeal Provision**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 3.24.300 concerning procedures for appeals from decisions of the Landmarks Preservation Commission, to conform the process to appeals under the Zoning Ordinance.
Contact: Manuela Albuquerque, City Attorney, 644-6380
Action: Withdrawn by the City Manager.

18. **Settlement: Alexander Blair v. City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing a settlement of Public Liability Claim No. 00-160, Alexander Blair, in the amount of \$9,215.
Contact: Manuela Albuquerque, City Attorney, 644-6380
Action: Adopted Resolution No. 60,834-N.S

19. **Contract: Job Training for Residents in High Tech Businesses**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Oakland Metropolitan Chamber of Commerce in the amount of \$30,000 for services related to technology business services and workforce development in the East Bay.
Contact: Bill Lambert, Economic Development, 705-8180
Action: Adopted Resolution No. 60,835-N.S

20. **Grant: University Avenue Pathway Rehabilitation at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution approving an application for a grant from the State of California's Recreational Trails Program in the amount of \$394,100 to be matched by \$78,820 in City funds.
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
Action: Adopted Resolution No. 60,836-N.S

21. **Grant: Pathway Rehabilitation at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution approving submission of a grant application to the Coastal Conservancy in the amount of \$200,000 to be matched by \$50,000 from the Marina Fund for the design and environmental review process for a possible pathway along the southern side of University Avenue in the Marina and a promenade along Seawall Drive.
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
Action: Adopted Resolution No. 60,837-N.S

22. **Urgency Ordinance - Berkeley Skate Park**
From: City Manager
Recommendation: For the immediate preservation of the public peace, health, and safety, adopt Urgency Ordinance adding Section 6.32.095 to the Berkeley Municipal Code (BMC) relating to skate parks.
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
Action: Adopted Ordinance No. 6592-N.S., effective immediately.

23. **Staffing of Police Traffic Enforcement Team**
From: Councilmember Armstrong
Recommendation: Request an oral report from the Police Chief about Police Department staffing generally and, specifically, about staffing of the traffic enforcement team.
Contact: Polly Armstrong, Councilmember District 8, 644-6401
Action: Approved recommendation and scheduled the presentation for December 5, 2000.
24. **Community-Wide Forum on Impact of Gentrification and Commercial Expansion**
(to be delivered)
From: Councilmember Maio
Recommendation: Co-sponsor a community-wide forum, in January, focusing on the impact of gentrification and commercial expansion on the availability of housing, work space for arts, and space for our nonprofits; how these pressures are impacting the cultural richness and ethnic diversity of our city; and what can be done in response.
Contact: Linda Maio, Councilmember District 1, 644-6359
Action: Approved recommendation. (Noes – Olds)
25. **Proclamation Honoring Jane Brown**
From: Councilmember Woolley
Recommendation: Approve a proclamation honoring Jane Brown, to be presented by Councilmember Woolley at the November 21 Council meeting.
Contact: Diane Woolley, Councilmember District 5, 644-6294
Action: Approved recommendation.
26. **Proclamation Honoring Berkeley Video Festival**
From: Councilmember Spring
Recommendation: Approve a proclamation in honor of the East Bay Media's 7th Annual Berkeley Video and Film Festival on Saturday and Sunday, November 18 and 19, at Fine Arts Cinema, 2451 Shattuck Avenue.
Contact: Dona Spring, Councilmember District 4, 644-6266
Action: Approved recommendation and presented Proclamation.
27. **Parking Permits at North Berkeley Senior Center**
From: Councilmember Spring
Recommendation: Request the City Manager issue 25 parking permits for the residential parking district surrounding the North Berkeley Senior Center and designate them for specific blocks so as to disperse the impact on any one nearby residential block.
Contact: Dona Spring, Councilmember District 4, 644-6266
Action: Removed from the Consent Calendar by Councilmember Olds. Moved, seconded, carried (Spring/Breland; Absent – Maio, Woolley to refer the matter to the City Manager including the possibility of holding a neighborhood meeting.

28. **Hawkbox Crosswalks**
From: Councilmember Worthington
Recommendation: Refer to the City Manager and Transportation Commission installation of Hawkbox Crosswalks.
Contact: Kriss Worthington, Councilmember District 7, 644-6398
Action: Approved recommendation.
29. **Proclamations: New Life Metropolitan Community Church and Pastor Barry Wichmann**
From: Councilmembers Worthington, Breland and Maio
Recommendation: Support proclamations affirming New Life Metropolitan Community Church and Pastor Barry Wichmann's outstanding service to the Lesbian, Gay, Bisexual, Transgender and Questioning community.
Contact: Kriss Worthington, Councilmember District 7, 644-6398; Margaret Breland, Councilmember District 2, 644-6400; Linda Maio, Councilmember District 1, 644-6359
Action: Approved recommendation.
30. **Final Environmental Impact Report (EIR): Underhill Area Master Plan**
From: Councilmember Worthington
Recommendation: Approve a City response to the Final EIR of the Underhill Area Master Plan at the UC Regents Committee meeting.
Contact: Kriss Worthington, Councilmember District 7, 644-6398
Action: Removed from the Consent Calendar by Councilmember Armstrong. Moved, seconded, carried (Spring/Worthington; Noes - Armstrong, Olds, Woolley, Dean) to adopt Resolution No. 60,838-N.S. with language proposed by Councilmember Worthington and to deliver by hand or fax to the UC Regents Committee on Grounds and Buildings meeting on Wednesday and to the UC Regents meeting in Los Angeles on Thursday. The Mayor stated for the record that she voted "no" because she has not seen the plan.
31. **Early Voting Machines**
From: Mayor Dean
Recommendation: Request the City Manager send a letter to the Alameda County Registrar of Voters expressing appreciation and public approval of the new touch screen voting machines used by the County and a few select cities in the County, including Berkeley, and encourage the Registrar to increase the distribution of these machines to not only include every City Clerk's Office in Alameda County but throughout the City of Berkeley as soon as possible for use in the next election.
Contact: Shirley Dean, Mayor, 644-6484
Action: Approved recommendation amended by Councilmember Spring to request the Registrar to place an early voting station on the UC campus for the next election.

32. **Mid Year Budget Process - Ed Roberts Campus**
From: Mayor Dean
Recommendation: 1) Refer to the City Manager a \$25,000 shortfall in matching funds incurred by the Ed Roberts Campus (ERC) with respect to a \$300,000 grant from the U.S. Department of Transportation (DOT); 2) request the City Manager assist the ERC in raising the \$25,000 from outside sources; and 3) express general support for these efforts, which will be reviewed at the midyear budget process and, if the funding problem has not been resolved, consider a City allocation for \$25,000.
Contact: Shirley Dean, Mayor, 644-6484
Action: Approved recommendation.
33. **Oppression of Females by the Taliban in Afghanistan and Pakistan**
From: Mayor Dean
Recommendation: Refer to the Commission on the Status of Women and the Peace and Justice Commission, for report back within 45 days; 1) a request for support for a series of programs (sponsored by the Feminist Majority Foundation) to aid the women and girls oppressed by the Taliban militia in Afghanistan and Pakistan; and 2) request the two commissions work together in contacting the Berkeley-Albany YWCA and the Berkeley Unified School District administration in formulating recommendations on local participation in an international aid program without the expenditure of City funds.
Contact: Shirley Dean, Mayor, 644-6484
Action: Approved recommendation (Abstain - Armstrong).
34. **Use of Skateboards, Rollerblades, Bicycles, Scooters, and Similar Machines or Equipment during Certain Outdoor Public Events**
From: Mayor Dean
Recommendation: Request the City Attorney draft an ordinance, for return to Council as soon as possible, which would prohibit the use or operation of skateboards, rollerblades, bicycles, scooters, and similar machines or equipment, on the streets or sidewalks at special events where City streets have been closed and/or vehicular traffic has been banned, such ordinance to include circumstances under which exemption would be granted.
Contact: Shirley Dean, Mayor, 644-6484
Action: Withdrawn by Mayor Dean.
35. **Transitional Housing for Survivors of Domestic Violence**
From: Commission on the Status of Women
Recommendation: Include the need for transitional housing for survivors of domestic violence in the current revision of the General Plan for the City.
Contact: Ruby Primus, Secretary, 665-6923
a. City Manager Report
Recommendation: Concurs with recommendation of the Commission.
Contact: Fred Medrano, Health and Human Services, 665-6879
Action: Approved the recommendation.

Appeals:

36. **1608 Fourth Street -Zoning Appeal of Use Permit to construct a three-story building containing 450 parking spaces at the basement, ground floor and second floor levels and 45,000 square feet of office space at the third floor; to construct a three-story, 50,000 square foot office building; to permit the establishment of a driveway on Virginia Street that exceeds 20 feet in width at the property line; to move 5,825 square feet of industrially used floor area off site; to demolish a 5,825 square foot industrial building; and to allow the use of off-site parking on an interim basis during construction of the buildings approved as part of the second phase of construction on the site, at 1608 Fourth Street**
- a. Appeal filed by Rhiannon, 731 Virginia Street**
Contact: Sherry Kelly, City Clerk, 644-6480
- b. City Manager Report**
Recommendation: Adopt a Resolution denying the appeal and upholding the decision of the Zoning Adjustments Board.
Contact: Wendy Cosin, Planning and Development, 705-8108
- c. Communications**
1. Rhiannon for Oceanview Tenants Association re appeal process.
 2. Laura & Eric Peterson
 3. René Lawscha, re: Development at 1608 4th Street

Actions: Moved, seconded (Worthington/Spring) to set the matter for a public hearing.

Moved, seconded, carried (Olds/Armstrong; Noes - Breland, Worthington; Abstain - Spring, Woolley) a substitute motion to adopt Resolution No. 60,839-N.S upholding the decision of the Zoning Adjustments Board and dismissing the appeal.

Old Business:

37. **Sanitary Sewer Program** (*removed from Consent Calendar by Councilmember Spring and held over from October 10*)
From: Councilmember Woolley
Recommendation: Review and evaluate the City's current Sanitary Sewer Program and solicit recommendations and possible courses of action from the Public Works and Budget Commissions in order to be conversant with the state of Berkeley's sewer system for future budgeting, planning and priority setting: 1) Request the Public Works Commission review the current Sanitary Sewer Program and its Master Plan and report back to Council with: a) presentation on the City's Sanitary Sewer Program, including that portion of the program mandated by the Federal Environmental Protection Agency under a cease and desist order, b) recommendations on how to update the Sewer Master Plan, and c) possible financial strategies for the Plan's implementation; and 2) Request the Citizens Budget Review Commission to: a) investigate and report back on the use of Sewer Funds loaned to the General Fund, and b) recommend the amount of General Fund to be repaid to the Sewer Fund.
Contact: Diane Woolley, Councilmember District 5, 644-6294

Action: Moved, seconded, carried (Woolley/Maio; Absent - Olds) to approve the recommendations contained in a letter from Jay Miyazaki of the Citizens Budget Review Commission to 1) request the Public Works Commission to review the current sanitary sewer program and its master plan and report back to the Council with a) a presentation on the City's overall sanitary sewer program, including that portion of the program mandated by the federal Environmental Protection Agency under a cease and desist order; b) recommendations on how to update the master plan; and c) possible financial strategies for the master plan implementation; and 2) request the Citizens Budget Review Commission to review any financial and budgetary issues regarding the use of Sewer Fund that may arise from Item 1 above and report back to the City Council with specific recommendations; and to also approve Councilmember Spring's recommendations that the Council request staff return with a report on 1) how the sewer overflows are to be addressed; 2) that staff give a detailed report on how the indirect costs are assessed to the sewer fund including the formula used for calculating indirect costs to this and other funds within the City; and 3) how many loans have been taken and repaid to the sewer fund by the City in the last five years.

38. **Peace and Justice Commission Review of Contracts with University of California**
(held over by City Manager from October 10)

From: Councilmember Spring

Recommendation: Adopt a Resolution 1) providing that all proposals to contract with entities engaged in work for nuclear weapons, including any contracts between the University of California Berkeley and the City which involve the provision of revenue to the University, and the exchange of services without monetary compensation, except for the nine contracts specifically enumerated in Resolution No. 59,763-N.S., be subject to review by the Peace and Justice Commission, prior to being noticed on any Council agenda; and rescinding Resolution No. 59,779-N.S. and 2) authorizing the Peace and Justice Commission (a) to provide a rationale to the Council in keeping with the purposes of the Nuclear Free Act for repeated annual review of waivers of the Nuclear Free Berkeley Act for contracts with the University of California; and (b) that Council-approved reviews of waivers occur at least eight weeks prior to the time the contract is submitted to the Council, or at the earliest time when the City Manager becomes aware that actions being proposed will require a waiver of the Nuclear Free Berkeley Act.
Contact: Dona Spring, Councilmember District 4, 644-6266

a. City Manager Report

Recommendation: Adopt a Resolution providing that: 1) a list, including a description, expiration date, and contact person for any contracts between the University of California, Berkeley and/or Lawrence Berkeley Laboratory and the City which involve the provision of revenue to the University, and the exchange of services without monetary compensation, except for the nine contracts specifically enumerated in Resolution No. 59,763-N.S., be provided to the Peace & Justice Commission; 2) the Peace & Justice Commission shall confer with the staff in order to determine a) what proposals are subject to the Ordinance, b) what proposals may be approved as a categorical matter because there is no reasonable alternative, and c) what proposals must be reviewed on an individual basis; 3) the Commission shall thereupon propose a process to address the issues in 2 above; and 4) to the extent the City Manager differs, he may propose alternatives and modifications thereto.

Contact: Phil Kamlarz, Deputy City Manager, 644-6580

Action: Moved, seconded, carried (Armstrong/Olds; Abstain - Olds) to adopt Resolution No. 60,840-N.S. 1) approving the City Manager's recommendation; and 2) approving the portion of Councilmember Spring's recommendation that provides that all proposals to contract with entities engaged in work for nuclear weapons, including any contracts between UC and the City which involve provision of revenue to the University, and the exchange of services without monetary compensation, except for the nine contracts specifically enumerated in Resolution No. 59,763-N.S. be subject to review by the Peace and Justice Commission prior to being noticed on any Council agenda and rescinding Resolution No. 59,779-N.S.; and 3) to exclude review of mitigation agreements until such time as the agreements are approved.

39. **Vindictive, Discriminatory, Sexist and Racist Prosecutions** (*withdrawn by Councilmember Woolley and held over from October 10*)

From: Councilmember Woolley

Recommendation: Adopt a Resolution requesting the U.S. Attorney General and all officers of the U.S. courts discontinue: 1) all forms of racial, sexist, political and religious profiling in US law enforcement; 2) all forms of "secret evidence" prosecutions, in which accused are deported or held indefinitely, without charge, on the basis of evidence withheld from the defendants, their attorneys and the public; 3) a) all uses of conspiracy charges in political cases; b) request the Los Angeles District Attorney drop all charges against Sara Jane Olson and request the Governor of the State of California grant her a pardon; and c) urge our national elected representatives and the Congress of the United States to pass the pending legislation, H.R. 2121 and S. 3139 that would end the use of secret evidence in deportation proceedings.

Contact: Diane Woolley, Councilmember District 5, 644-6294

Actions: Moved, seconded, carried (Woolley/Shirek) to adopt Resolution No. 60,841-N.S. approving Recommendation 1.

Moved, seconded, carried (Woolley Shirek; Abstain – Armstrong) to adopt Resolution No. 60,842-N.S. approving Recommendations 2, 3a and 3c and to include 3c as part of 2. (Councilmember Armstrong asked the record to reflect that she did not know enough about the subject matter to vote on these recommendations.)

40. **Pardon: Sarah Jane Olson (AKA Kathleen Ann Soliah)** (*Removed from the Consent Calendar by Councilmember Armstrong and held over from July 11, July 25, September 12, October 10*)

From: Peace and Justice Commission

Recommendation: Adopt a Resolution requesting the Los Angeles District Attorney drop all charges against Sara Jane Olson (aka) Kathleen Ann Soliah, and for Judge James Ideman to dismiss all charges to end a vindictive prosecution; and request Governor Gray Davis to pardon Sara Jane Olson (aka Kathleen Ann Soliah) during her period of alleged activities with and on behalf of the Symbionese Liberation Army, so this turbulent period can finally be put to rest.

Contact: Manuel Hector, Secretary, 665-6880

a. City Manager Report

Recommendation: The City Manager takes no position concerning the recommendations of the Commission.

Contact: Fred Medrano, Health and Human Services, 665-6879

Action: Moved, seconded and carried (Spring/Breland; Abstain - Armstrong, Olds, Dean) to approve Councilmember Spring's recommendation that the City Clerk send a letter to Judge James Idelman and Governor Gray Davis on behalf of the Berkeley City Council expressing the serious concern on behalf of some of Berkeley's citizens regarding the fairness of the trial and the charges leveled against Sara Jane Olson, particularly the conspiracy charges; and request that the court take into consideration the contribution that Ms. Olson has made to society in the last 25 years.

41. **Measure B Paratransit Allotment Formula** (*held over from October 24*)

From: Commission on Aging

Recommendation: Direct the City Manager to seek a change in the Measure B allotment formula to more accurately reflect Berkeley's senior population by using Alameda County Needs Assessment Oversight Committee statistics.

Contact: Suzanne Ryan, Secretary, 644-6107

a. City Manager Report

Recommendation: Take no action on the recommendation of the Commission to seek a change in the formula for distributing Measure B funds among County of Alameda cities.

Contact: Stephen Barton, Housing, 665-3481

Action: Moved, seconded, carried (Spring/Breland) to schedule a presentation regarding Measure B Paratransit Allotment Formula and to invite the Commissions on Disability and Aging as well as other commissions that have interest in this matter.

New Business:

42. **Amendment to Housing Code - Gas Heating Equipment (CR 99-165, 99-173)**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 19.40.040, Berkeley Housing Code, to add subsection 701.4 - Certification of Gas Heating Equipment, to ensure the proper functioning of gas heating appliances in residential units.

Contact: Stephen Barton, Housing, 665-3481

Action: Moved to Consent Calendar by Councilmember Worthington. Adopted first reading of Ordinance. Second reading: November 21, 2000.

43. **Hiring Berkeley Seniors for City Positions**
From: Commission on Aging
Recommendation: That any search for candidates for the positions of City Manager and department heads begin with candidates from Berkeley's own senior population; and support the fostering of civic service among Berkeley residents by recruiting seniors to serve in positions of City Manager and other department heads at nominal salaries.
Contact: Suzanne Ryan, Secretary, 644-6107
- a. City Manager Report**
Recommendation: That the recruitment practices for City Manager and executive classes remain the same as they have been in the past and that Council not approve this item. City residents have always been welcome to apply for executive positions with the City. In fact, we have been fortunate to select some well-qualified Berkeley residents for executive positions. The salaries for these positions are set in consideration of the skills and abilities and the duties and responsibilities required of the position. While knowledge of the City and an understanding of the values of Berkeley is important, job related experience is also very necessary in meeting the challenges of an executive position with the City. In addition to professional journals, the recruitments are advertised on the City of Berkeley Human Resources Department telephone hotline, in the Employment Opportunities Bulletin which is mailed to many Berkeley community agencies, and on the City's web page. In order to better give these recruitments more community exposure, we will examine the use of the local media as another source of advertising. Hiring from within the community is highly desirable, but it is not practical to seek the level of executive skills demanded by the citizens of Berkeley with an offer of \$10,000 to \$15,000.
Contact: Ron Brown, Human Resources, 665-7614
Action: Moved to Consent Calendar by Councilmember Maio to approve the City Manager recommendation.

Information Reports

44. **Cancer Screening Leave (CR 159-00)**
From: City Manager
Contact: Ron Brown, Human Resources, 665-7614
Action: Received and filed.
45. **Final Report on Implementation of City Auditor's Departmental Budget Monitoring Audit Recommendations - CR 99-149**
From: City Manager
Contact: Phil Kamlarz, City Manager's Office, 644-6580
Action: Received and filed.
46. **Cable Television Franchise Fee Audit**
From: City Manager
Contact: Phil Kamlarz, City Manager's Office, 644-6580
Action: Received and filed.
47. **Early Voting and Touch-Screen Voting Activity**

From: City Manager

Contact: Sherry M. Kelly, City Clerk, 644-6480

Action: Received and filed.

Communications

The following communications were read, noted and filed, unless otherwise noted:

- 1) R. Gramalkin, re: Smith & Wesson
firearms purchase decision **Breland, Dean**

- 2) Re: Relocation of Congregation Beth El at 1301 Oxford St., Berkeley
 - a) Margie Gurdziel
 - b) Joel Zeldin
 - c) Neil & Jane Levy
 - d) Andrea Lichtenstein Glover
 - e) Sierra Club
 - f) Tamara Robbin Greenberg A.D.T.R.
 - g) Edith Black
 - h) Gail Keleman
 - i) Manuela Albuquerque, City Attorney, City of Berkeley
 - j) Ginny Roemer

- 3) Rachel A. Rupert, CEO, Berkeley Chamber of Commerce, re: Equal Benefits Ordinance

- 4) Jill Ellis, M.Ed., Executive Director and Co-Founder, Center for the Education of the Infant Deaf, re: Space issues, portable office on site **Maio, Breland, Spring, Worthington, Dean**

- 5) Daveed Mandell, re: Safety for blind pedestrians **Breland**

- 6) Re: Shellmound development
 - a) Meaveen O'Connor **Maio**
 - b) Laura & Eric Peterson

- 7) Community Action Team, letter signed by 17 members, re: Health Disparities Budget Allocation **Breland and Worthington**

- 8) John Allman, re: UC Berkeley Office of Environmental Health & Safety **Maio, Worthington, Dean**

- 9) InetJalopy, re: Eleanor Pepples campaign signs (*additional pages available for review in the City Clerk's office*)

- 10) Howie and Connie Muir, re: 2700 San Pablo Ave.

- 11) Sanne DeWitt, re: Parking on Fairlawn Drive **Maio**

Item 38 - Peace and Justice Commission Review of Contracts with University of California

- 29. Peace and Justice Commission
- 301. Elliot Cohen

Item 39 - Vindictive, Discriminatory, Sexist and Racist Prosecutions

- 31. James B. Chanin
- 32. Wayne M. Collins

Item 40 - Pardon: Sarah Jane Olson (AKA Kathleen Ann Soliah)

- 33. Councilmember Spring, Motion

COMMUNICATIONS RECEIVED AT THE MEETING

Item 36 - 1608 Fourth Street Appeal

- 34. Steve Bloom, Conservation Chair, Sierra Club **Worthington**
- 35. Rhiannon

Adjournment

The meeting adjourned in honor of David Brower at 10:34 p.m.