

# AGENDA

## BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, DECEMBER 19, 2000

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### Preliminary Matters

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**Roll Call:** 7:00 p.m.

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**Receive Accreditation Award from American Public Works Association**

**Proclamation: Marissa Tolero, Champion Gymnast**

**Proclamation: Holiday Season and New Year**

**Proclamation Recognizing Police Officers Dozier, Lindenau, Louis, Luna, Mercado, Pon, and Wilson for Meritorious Service**

**Comments from the City Manager:** *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.*

**Comments from the Public:** *A total of thirty (30) minutes is scheduled. Each speaker is limited to a maximum of three (3) minutes.*

**Council Action:** *The City Council may take action related to any subject listed on the Agenda.*

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### Consent Calendar

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*The Council will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion. Items removed from the Consent Calendar will be taken up after the "Action Calendar" unless the Council reorders the agenda.*

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

## Consent Calendar

2. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for Council meetings of: a) November 13, 2000 (special); b) November 14, 2000 (regular); c) November 21, 2000 (regular); d) November 21, 2000 (special); and e) December 5, 2000 (regular).  
Contact: Sherry M. Kelly, City Clerk, 644-6480
3. **Lease: 1947 Center Street** (*first reading vote: Armstrong absent 12/12*)  
**From: City Manager**  
**Recommendation:** Adopt second reading of an Ordinance amending the City's lease agreement with 1947 Center Street Associates to increase the rent by \$2,688,063 for the five year extension period and extend the term through December 31, 2005 with an option to extend for an additional three years in order to house the staff of Public Works Engineering, Capital Improvement Projects and other City support services as may be needed at 1947 Center Street.  
Contact: Rene Cardinaux, Public Works, 665-3460
4. **Lease: 2081 Center Street** (*first reading vote: Armstrong absent 12/12*)  
**From: City Manager**  
**Recommendation:** Adopt second reading of an Ordinance increasing the City Manager's expenditure authority by \$155,365 for the lease agreement with Seagate Shattuck Associates, LLC, for the property located at 2081 Center Street.  
Contact: Rene Cardinaux, Public Works, 665-3460
5. **Grant: Tree Planting (Trees for the Millenium)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving an application for a "Trees for the Millennium" grant of \$42,232 from the State of California Department of Forestry and Fire Protection.  
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
6. **Grant: Tree Planting - (Environmental Enhancement Management Program)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving an application for an Environmental Enhancement Management Program (EEMP) grant of \$199,300 from the State of California Resources Agency.  
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
7. **Contract: Public Health Clinic**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the plans and specifications for Berkeley Public Health Clinic Design/Build Criteria for Heating and Ventilation Upgrade at 830 University Avenue; accepting the bid of Walter Mork Company, Inc., and authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$74,800.  
Contact: Rene Cardinaux, Public Works, 665-3460

## Consent Calendar

8. **Contract: Move Coordination Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Raney Unlimited in an amount not to exceed \$30,477 to cover unforeseen costs that may be necessary to assist the City with the relocation of City offices to the Civic Center Building, for a new contract total not to exceed \$84,392 for the term ending June 30, 2001.  
Contact: Rene Cardinaux, Public Works, 665-3460
9. **Janitorial Services - Public Safety Building**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the purchase order with Universal Building Services by \$15,000 to an amount not to exceed \$40,000 through December 31, 2000.  
Contact: Rene Cardinaux, Public Works, 665-3460
10. **Contract: Public Safety Building Janitorial Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Universal Building Services (UBS) for performance of janitorial services at the Public Safety Building for the period January 1, 2001 to December 31, 2001 in an amount not to exceed \$120,000; and approve an option to extend the contract for four additional one-year periods up to a maximum of five years at the City's discretion.  
Contact: Rene Cardinaux, Public Works, 665-3460
11. **Purchase of Solid Rubber Tires**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to purchase four solid rubber tires for the wheel loader at the Transfer Station from Don's Tire Service, in an amount not to exceed \$30,310.  
Contact: Rene Cardinaux, Public Works, 665-3460
12. **Contract: Alta Bates Medical Center Traffic Studies**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Fehr and Peers Associates, Inc., by increasing the contract in an amount not to exceed \$78,500 for a total not to exceed \$402,200 for traffic monitoring for 2001 for the Alta Bates Medical Center and extending the term to December 31, 2001.  
Contact: Wendy Cosin, Planning and Development, 705-8108

## Consent Calendar

13. **Contract: Public Art Consultant for Measure S**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the contract for the services of Steven Huss, Consultant for Measure S Public Art, to include the University Avenue Median project for an increase of \$5,600 for a total contract not to exceed \$29,600. The total cost of art at this site will not exceed \$50,000.  
Contact: Bill Lambert, Economic Development, 705-8180
14. **Contract: Seventh Street Improvement Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the existing contract with Associated Right of Way Services, Inc., to extend the term to April 30, 2001, and increase the amount from \$24,900 to \$30,900 for the Seventh Street Improvements Project.  
Contact: Bill Lambert, Economic Development, 705-8180
15. **Contract: Community Services Block Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept Contract 01F-4002 and any related agreements in the amount of \$160,000 from the State Department of Community Services and Development.  
Contact: Stephen Barton, Housing, 665-3481
16. **Deglamorizing Tobacco in Films**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution encouraging California filmmakers and actors to: 1) support films which do not glamorize the use of tobacco; 2) realistically reflect smoking as an addictive behavior rather than as a positive social activity; 3) accurately portray the cosmetic, social and physical consequences of tobacco use; 4) show that, in reality, the vast majority of people in the USA do not smoke; and 5) accurately portray state and local laws prohibiting smoking in indoor workplaces.  
Contact: Fred Medrano, Health and Human Services, 665-6879
17. **Grant: Homeless Mentally Ill**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept appropriate grants from the State Department of Mental Health in the amounts of \$708,333 for FY2001 and \$1,000,000 for each of FY2002 and FY2003 to fund Adult Systems of Care (ASOC) services.  
Contact: Fred Medrano, Health and Human Services, 665-6879

## Consent Calendar

18. **Contract: Computer Network Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Convergent Computing, Inc. for the maintenance of the City's computer networks for a total not to exceed \$40,000 for the period December 31, 2000 to December 31, 2001 with an option to renew for two additional years.  
Contact: Chris Mead, Information Systems, 665-7661
19. **Aurora Theater Loan** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate a loan to the Aurora Theater in an amount not to exceed \$350,000 under similar conditions as the Freight & Salvage loan.  
Contact: Phil Kamlarz, Deputy City Manager, 644-6580
20. **Contract: Easy Does It**  
**From**  
**Recommendation:** Adopt a Resolution amending the Easy Does It FY2001 contract for an increase of \$50,000, for a total FY2001 contract amount of \$761,000; the two-year total not to exceed \$1,364,000.  
Contact: Phil Kamlarz, Deputy City Manager, 644-6580
21. **Fourth Bore to the Caldecott Tunnel**  
**From: Councilmember Armstrong and Councilmember Hawley**  
**Recommendation:** Send a letter to the California Transportation Commission protesting their funding of preliminary work for a fourth bore of the Caldecott Tunnel before appropriate public review of an Metropolitan Traffic Commission (MTC) study is completed.  
Contact: Polly Armstrong, Councilmember District 8, 644-6401; Mim Hawley, Councilmember District 5, 644-6294
22. **KBLX Property for Aquatic Park**  
**From: Councilmembers Breland, Worthington and Maio**  
**Recommendation:** Direct the City Manager to investigate all possibilities to acquire the privately owned property between the Ashby Avenue onramp to I-80 and Aquatic Park for inclusion into the park; and to research all available funding options and apply for appropriate granting programs.  
Contact: Margaret Breland, Councilmember District 2, 644-6400; Kriss Worthington, Councilmember District 7, 644-6398; Linda Maio, Councilmember District 1, 644-6359.
23. **Emergency Repairs at Harrison House** *(to be delivered)*  
**From: Councilmember Maio**  
**Recommendation:** Direct the City Manager to make immediate emergency repairs to Harrison House including repairing the leaking roofs, sewer repair, and restoring the pathways enabling use of their trailers for training and educational programs.  
Contact: Linda Maio, Councilmember District 1, 644-6359

## Consent Calendar

24. **Berkeley Marina Radisson Hotel Boycott**  
**From: Mayor Dean**  
**Recommendation:** Upon official notification by the Hotel and Restaurant Employees Union Local 2850, that the contract negotiated between management and the workers' bargaining committee has been ratified by the Berkeley Marina Radisson Hotel workers, 1) immediately terminate the City's boycott of the Berkeley Marina Radisson Hotel and rescind Resolution No. 60,480-N.S. which established the rationale for the boycott and outlined the possibility of lease termination for the Radisson; and 2) request the City Manager notify the media of these actions.  
Contact: Shirley Dean, Mayor, 644-6484
25. **Tree Planting in South Berkeley**  
**From: Mayor Dean and Vice Mayor Shirek**  
**Recommendation:** Request the City Manager review the City's tree planting schedule to determine if there is a way to hasten the proposed planting in South Berkeley (Area 8 on the Forestry Management Area Map) without undue disruption to the scheduled planting commitments to the other areas.  
Contact: Shirley Dean, Mayor, 644-6484; Maudelle Shirek, Councilmember District 3, 644-6243
26. **Moratorium on Installation of Telecommunications Antennae**  
**From: Mayor Dean, Councilmembers Hawley and Olds**  
**Recommendation:** Declare an immediate moratorium on the installation of telecommunications antennae in the City.  
Contact: Shirley Dean, Mayor, 644-6484; Mim Hawley, Councilmember District 5, 644-6294; Betty Olds, Councilmember District 6, 644-6399
27. **Support Assembly Bill 25 (Domestic Partners)**  
**From: Councilmember Worthington**  
**Recommendation:** Support Assembly Bill 25 which provides coverage for domestic partners; and send letters of support to State Assemblywoman Carole Migden, State Assemblywoman Dion Aroner, State Senator Don Perata and Governor Gray Davis.  
Contact: Kriss Worthington, Councilmember District 7, 644-6398
28. **Support Boycott Campaign of Pasand Restaurant**  
**From: Councilmember Worthington, Maio, Vice Mayor Shirek**  
**Recommendation:** Adopt a Resolution supporting Women Against Sexual Slavery (WASS) boycott campaign of Pasand Restaurant.  
Contact: Kriss Worthington, Councilmember District 7, 644-6398; Linda Maio, Councilmember District 1, 644-6359; Maudelle Shirek, Councilmember District 3, 644-6243

## Consent Calendar

29. **Instant Runoff Voting**  
**From: Councilmember Worthington**  
**Recommendation:** (1) Refer to the City Manager and City Clerk to study the feasibility of implementation and transition into Instant Runoff Voting for council and mayor elections. (2) Place on next election ballot an amendment to the City Charter to include Instant Runoff Voting. (3) Send letters to Governor Gray Davis, State Assemblywoman Dion Aroner, State Senator Don Perata requesting the State of California to support or introduce legislation that would amend the current voting system to Instant Runoff Voting for elected California state officials and representatives. (4) Send letters to the next United States President, Congresswoman Barbara Lee, US Senator Dianne Feinstein, and US Senator Barbara Boxer to support or introduce legislation that would amend or change the current Electoral Voting system in favor of Instant Runoff Voting for elected Federal officials and representatives, including the President of the United States.  
Contact: Kriss Worthington, Councilmember District 7, 644-6398
30. **Certification of Election - Representatives of the Poor**  
**From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt a Resolution certifying the results of the November 14, 2000 election for representatives of the poor to the Human Welfare and Community Action Commission (HWCAC). Elected to four-year terms are Eunice Francis (District 3) and Carol Hughes-Willoughby (District 2).  
Contract: Marianne Graham, Secretary, 665-3475
- a. City Manager Report**  
**Recommendation:** Concurs with the content and recommendation of the Commission.  
Contact: Stephen Barton, Housing, 665-3481

## Action Calendar

### Appeals:

31. **Zoning Appeal of Use Permit #00-20000059, 1861 Solano Avenue**
- a. Appeal filed by Constance Sutton** of the Zoning Adjustments Board decision of October 12, 2000, which approved Use Permit with findings and conditions, to erect twelve wireless telecommunications antennas on the roof and sides of the Oaks Theater.
- b. City Manager Report**  
**Recommendation:** Adopt a Resolution denying the appeal of Use Permit and upholding the Zoning Adjustments Board decision to affirm the Zoning Officer's approval of Use Permit #00-20000059 to erect twelve wireless telecommunications antennas on the roof of the Oaks Theater at 1961 Solano Avenue  
Contact: Wendy Cosin, Planning and Development, 705-8108
- c. Communications**
1. John Taylor
  2. Constance Sutton
  3. David W. Trotter, Bowles & Verna
- Contact: Sherry M. Kelly, City Clerk, 644-6480

## Action Calendar

**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.

### Priority

32. **Decision on Appeal of Tentative Map Condo Conversion - 1177-83 Delaware Street** *(continued from September 19, October 17, November 21, December 12)*
- a. Appeal of Kenneth J. Schmier, Eric S. Schmier, David Darlington and Louise Lo of Planning Commission Decision of July 26, 2000.**  
Contact: Sherry Kelly, City Clerk, 644-6480
- b. From: City Manager**  
**Recommendation:** Adopt a Resolution 1) rejecting the appeal; and 2) affirming the decision of the Planning Commission granting the parcel map subject to the conditions required by Section 21.28.120 of the Berkeley Municipal Code (Subdivision Ordinance).  
Contact: Wendy Cosin, Planning and Development, 705-8108
- c. Communications:**
1. Michael Lott
  2. Lisa Lerner
- Contact: Sherry Kelly, City Clerk, 644-6480
33. **Continued Public Hearing - Regulate Installation of Telecommunications Facilities**  
**From: City Manager**  
**Recommendation:** Continue public hearing and upon conclusion, adopt first reading of an Ordinance regulating telecommunications providers in Berkeley regarding the time, place, and manner of their installation, operations, and maintenance activities. Contact: Chris Mead, Information Systems, 665-7661; Manuela Albuquerque, City Attorney, 644-6380
34. **Approval of Minutes** *(removed from the Consent Calendar by Mayor Dean and held over from 11/14)*  
**From: City Manager**  
**Recommendation:** Approve minutes of the meeting of October 24, 2000 (special) with revisions.  
Contact: Sherry Kelly, City Clerk, 644-6480
35. **Landmark Preservation Commission: Possible Conflict of Interest** *(held over from 12/5)*  
**From: City Manager**  
**Recommendation:** Discussion and possible further action for a second opinion and oral update by City Attorney. *(no written report)*  
Contact: Manuela Albuquerque, City Attorney, 644-6380

## Action Calendar

36. **Fair Elections in Florida** (*removed from the Consent Calendar by Councilmember Maio and held over from 12/5*) (*to be delivered*)  
**From: Councilmember Maio and Councilmember Armstrong**  
**Recommendation:** Because fair elections are essential to our democracy, it is requested that the Council go on record as expecting that a fair and democratic election be conducted in Florida, meaning that every vote should be counted; and as deploring irregular and illegal actions such as the one that occurred in Seminole County, Florida, wherein the Supervisor of Elections permitted only Republican party operatives to correct 4,700 Republican absentee ballot applications so they would not be thrown out; and that the Council take appropriate action to disseminate this position and encourage citizens, especially other elected officials and bodies, to take similar actions.  
Contact: Councilmember Linda Maio, District 1, 644-6359; Polly Armstrong, Councilmember District 8, 644-6401
37. **Prohibiting the Use of Skateboards, Rollerblades, Bicycles, Scooters, and Similar Devices During Special Events** (*removed from the Consent Calendar by Councilmember Shirek and held over from 12/5*)  
**From: Mayor Dean and Councilmember Mim Hawley**  
**Recommendation:** Request the City Attorney draft an ordinance which would prohibit the use of skateboards, rollerblades, bicycles, scooters, and similar devices at special events when City streets have been closed and crowded conditions endanger pedestrians, but continuing to allow this use when pedestrian safety is not an issue.  
Contact: Mayor Shirley Dean, 644-6484; Councilmember Mim Hawley, District 5, 644-6294
38. **City Staff Assistance to Respond to a Project of the National League of Cities on Public Finance for the 21<sup>st</sup> Century** (*removed from the Consent Calendar by Councilmember Worthington and held over from 12/5*)  
**From: Mayor Dean**  
**Recommendation:** Approve the provision of City staff assistance to the Mayor's Office to participate as requested in the National League of Cities (NLC) project *Toward a System of Public Finance for the 21<sup>st</sup> Century: A Framework for Public Discussion*.  
Contact: Mayor Shirley Dean, 644-6484
39. **Re-Name Certain Streets in the Marina Area** (*removed from the Consent Calendar by Councilmember Maio and held over from 12/5*)  
**From: Mayor Dean and Councilmember Olds**  
**Recommendation:** Refer to the City Manager, Waterfront, Planning, Parks and Recreation, Transportation, and other Commissions as appropriate, this proposal to re-name certain streets west of I-80 as follows: 1) University Avenue from Marina Boulevard to Seawall to become Tom Bates Boulevard; and 2) Seawall to become David Brower Way  
Contact: Mayor Shirley Dean, 644-6484, Councilmember Betty Olds, District 6, 644-6399

## Action Calendar

40. **West Berkeley Air Quality Study** (*removed from the Consent Calendar by Councilmember Maio and held over from 12/5*)  
**From: Mayor Dean**  
**Recommendation:** Request the City Manager 1) develop a recommendation to the City Council on the scope of services necessary to conduct an adequate West Berkeley ambient air quality study and health risk assessment, which would interpret the results from the data of such a study; 2) in addition to the staff resources of the City, consult with the Community Environmental Advisory and Health Commissions, the Bay Area Air Quality Management District (BAAQMD), the California Department of Health Services, UC's School of Public Health, and others as he deems appropriate; and 3) consider the costs of such a study in conjunction with the mid-year budget review process.  
Contact: Mayor Shirley Dean, 644-6484
41. **West Berkeley Air Quality Study**  
**From: Councilmember Maio**  
**Recommendation:** *Substitute Motion:* Convene a group of experts in the field of air quality to analyze the findings in the West Berkeley Air Quality Monitoring Study, Phase I, to: 1) interpret the findings of our Phase I study in language a lay person can understand, including recommendations for future study, with the aim that citizens and the Council are able to understand what is being put into our air from what sources and what additional is needed; 2) determine what next steps would be required, including a review of existing studies and literature that would complement our study, to document the sources and levels of air pollution we are experiencing in Berkeley; and 3) ultimately hold a joint discussion session with the City Council and the Citizens Environmental Action Commission (CEAC), inviting such groups as Citizens for a Better Environment (CBE) and the West County Toxics Coalition, to determine what concerted actions we might undertake together to reverse the increasing levels of pollutants we are experiencing.  
Contact: Linda Maio, Councilmember District 1, 644-6359
42. **Cost of Netanyahu Event** (*removed from the Consent Calendar by Councilmember Worthington and held over from 12/12*)  
**From: Councilmember Spring**  
**Recommendation:** Request the City Manager provide information regarding the costs to the taxpayers regarding the Netanyahu event at the Berkeley Community Theater and consider billing the promoter/s of the event for these expenses; and commend the City Manager, Police Chief and Police Department for their efforts to keep the peace at this event in a humane and professional manner.  
Contact: Dona Spring, Councilmember District 4, 644-6266

## Action Calendar

43. **Illegal Sewer Line -Storm Drain Connections** (*removed from the Consent Calendar by Councilmember Hawley and held over from 12/12*)  
**From: Councilmember Maio**  
**Recommendation:** Refer the matter of illegal connections between storm water drains and sanitary sewer lines to the staff and Public Works Commission to research the matter and come up with a plan to: 1) alert homeowners as to the health hazards of overflows caused by illegal storm drain connections to the sanitary sewer line on private property; 2) conduct an education campaign as to how homeowners can check for an illegal connection; and 3) if an illegal connection is detected, outline steps the homeowner would need to follow to eliminate the connection.  
Contact: Linda Maio, Councilmember District 1, 644-6359
44. **Aquatic Park Expansion and Funding** (*removed from the Consent Calendar by Councilmember Worthington and held over from 12/12*)  
**From: Mayor Dean**  
**Recommendation:** The City Manager investigate the possibility that funds may be available to acquire private property for the purpose of expanding Aquatic Park through two programs administered by the California State Parks Office, the Land and Water Conservation Fund and the Murray-Hayden Grant Program.  
Contact: Shirley Dean, Mayor, 644-6484
45. **Acquisition of American Soils Property**  
**From: Parks and Recreation Commission**  
**Recommendation:** Direct staff to investigate the feasibility of acquiring the American Soils Products site for inclusion into Aquatic Park.  
Contact: Jay Kelekian, Secretary, 644-6952 ext. 230
- a. City Manager Report**  
**Recommendation:** The type of feasibility study requested by the Commission would be a significant undertaking involving several departments (Economic Development, Planning, Toxics, City Attorney and Parks and Waterfront), and have a budget and work plan implications. A proper feasibility study would not only look at the availability of funding to acquire the property but also examine the short-term and long-term financial impacts of such acquisition. Ideally, such a study would examine if the property in question is really the best site to acquire for the stated purposes or if other sites could potentially be procured for less overall impact. Council is considering another proposal this evening which asks staff to investigate if California State Parks funding would be available to acquire the property. Staff could do a preliminary analysis of funding sources for this type of project and report back to Council. At that time, a decision can be made about performing a more detailed study and what the budgetary and workflow implications would be.  
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
- b. Parks and Recreation Commission - Supplemental Information**  
Contact: Jay Kelekian, Secretary, 644-6970 ext. 230

## Action Calendar

### New Business:

46. **Appointment to Alameda County Mosquito Abatement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reappointing Dr. Jan Washburn to the Board of Trustees of the Alameda County Mosquito Abatement District for a two-year term, January 2, 2001 through January 1, 2003.  
Contact: Sherry M. Kelly, City Clerk, 644-6480
47. **Status of the Tree Preservation Ordinance**  
**From: City Manager**  
**Recommendation:** Direct the City Manager and the Parks and Recreation Commission to return in three months with a tree preservation ordinance that protects Coast Live Oak trees over six (6) inches in diameter on private property city-wide and all trees regardless of species, over twelve (12) inches in diameter on properties with multi-unit buildings, and base it upon the "neighbor-to-neighbor" approach.  
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
48. **International Council for Local Environmental Initiatives' (ICLEI) North America Preparatory Conference** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Consider whether to provide financial assistance of up to \$30,000 and staff support to the ICLEI conference in order to bring it to Berkeley.  
Contact: Stephen Barton, Housing, 665-3481
49. **Underground Utilities District Procedures**  
**From: City Manager**  
**Recommendation:** Adopt the Public Works Commission recommendation to extend the 20A District moratorium for one year and schedule a discussion to develop policies and priorities for the creation of 20A Districts by the end of FY2002; and 2) adopt the Public Works Commission procedures for the creation of 20B Underground Districts with the following clarifying modifications: a) property owners will be required to advance funds for the creation of an undergrounding utilities district; and b) clarify the extent of City assistance to very low-income property owners.  
Contact: Phil Kamlarz, Deputy City Manager, 644-6580
- a. From: Public Works Commission**  
**Recommendation:** Extend the present Rule 20A moratorium for one year, until January 14, 2002, in order to allow the regulatory framework to be clarified by the CPUC and the legislature, and to permit the City to respond to these changes with due deliberation.  
Contact: Jeff Egeberg, Secretary, 665-3425
- b. From: Public Works Commission**  
**Recommendation:** Endorse the procedures pertaining to forming Rule 20B Undergrounding Utility Districts in the City of Berkeley.  
Contact: Jeff Egeberg, Secretary, 665-3425

## Action Calendar

**c. Berkeley Without Wires - A Citywide Plan for The Undergrounding of Utilities**

**From: Undergrounding Utilities Task Force and Council Subcommittee on Undergrounding** *(removed from Consent Calendar by Councilmember Worthington and held over from 11/21)*

**Recommendation:** 1) Receive the report, "Berkeley Without Wires Principles

Contact: Dick White, Chair, Utilities Undergrounding Task Force

**d. Rule 20B: - Undergrounding Utilities Districts** *(removed from Consent Calendar by Councilmember Maio and held over from 11/21, 12/5)*

**From: Undergrounding Utilities Task Forces**

**Recommendation:** Adopt a Resolution allocating \$50,000 for undergrounding utilities to be used for low-income individuals located within Rule 20B undergrounding utility districts.

Contact: Dick White, Chair, Utilities Undergrounding Task Force

50. **PG&E Rates and Deregulation**

**From: Commission on Aging**

**Recommendation:** Send a letter to the California Public Utilities Commission expressing opposition to any rate increase for Pacific Gas and Electric, urging that electricity rates be rolled back to the level they were before deregulation, and urging that full regulation of the electrical utilities industry be restored; and that copies of the letter be sent to Governor Gray Davis, Assemblywoman Dion Aroner and State Senator Don Perata.

Contact: Suzanne Ryan, Secretary, 644-6107

**a. City Manager Report**

**Recommendation:** Take no action on the recommendation. On September 26, 2000 Council requested that the Berkeley Energy Commission and the City Manager develop recommendations on utility rates and regulations. A report with those recommendations will be submitted for Council consideration in January 2001.

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

51. **Electric Company for Berkeley**

**From: Commission on Aging**

**Recommendation:** Explore the possibility of municipal ownership of electricity generation and transmission, as is now the practice in the City of Alameda and other municipalities.

Contact: Susanne Ryan, Secretary, 644-6107

**a. City Manager Report**

**Recommendation:** Take no action until the issue has been referred to the Energy Commission for review and analysis. This complex issue needs thorough review and to be included in the comprehensive report on energy issues in development by the Energy Commission.

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

## Action Calendar

52. **Reform of the Electoral College**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution authorizing the Peace and Justice Commission to approach leading election reform organizations, educational institutions, and other organizations to explore the possibility of holding a public forum and debate on the issue of electoral reform.  
Contact: Manuel Hector, Secretary, 665-6880
- a. City Manager Report**  
**Recommendation:** The Peace and Justice Commission and the community should do the planning work required if Council approves the recommendation of the Commission. In addition, any resulting public forum to be conducted without expenditure of City funds. Contact: Fred Medrano, Health and Human Services, 665-6879

## Information Reports

53. **Arts District Public Art Program**  
**From: City Manager**  
Contact: Bill Lambert, Economic Development, 705-8180
54. **Interim Update on Cancer Prevention Efforts (CR# 210-00)**  
**From: City Manager**  
Contact: Weldon Rucker, City Manager, 644-6580
55. **Transmittal of Final Environmental Report - Proposed Playing Fields at East Campus**  
**From: City Manager**  
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
56. **Commuter Check Program - (CR# 127-00)**  
**From: City Manager**  
**Recommendation:** Direct the City Manager to implement the Commuter Check and pre-tax transit programs for City employees beginning in Fiscal Year 2002, provided that the program is funded in the FY2002 budget.  
Contact: Wendy Cosin, Planning and Development, 705-8108
57. **Progress Report - Equal Benefits Ordinance (CR# 35-99; 20-00)**  
**From: City Manager**  
Contact: Phil Kamlarz, Deputy City Manager, 644-6580

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## **Communications**

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*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations.*

Page No.

1. Councilmember Dona Spring, re: Berkeley Speaker Series
2. Gail S. Greenwood, re: no parking zones surrounding BART stations.
3. Congresswoman Barbara Lee; response to Council letter re: Secret Evidence Repeal Act.
4. 1301 Oxford Street, Congregation Beth El Project
  - a. Andrea Fajans
  - b. Dr. David Schneider
  - c. Ric Lucien and Remi Omodele
  - d. Daniel J. Fingerman
  - e. Barbara Budnitz
  - f. David and Phyllis Ritvo
  - g. Mary T. Hess
5. Smeeta S. Rishi, re: refund of overpaid taxes.
6. Emily H. Benner, re: David Brower memorial.
7. Andrea Land, re: acquisition of American Soils property.

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## **Adjournment**

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