

SUMMARY

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, DECEMBER 19, 2000

Preliminary Matters

Roll Call: 7:00 p.m., All present.

Ceremonial Matters:

Receive Accreditation Award from American Public Works Association

Action: Received Award.

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

Action: Presented Proclamations.

Comments from the City Manager:

On Saturday December 16, the Police Department and the US Marine Corps joined in a project giving 600 toys to children in need.

The Fire Department and the Lions Club joined in a project giving food baskets to senior citizens.

On December 22 the Police Department will prepare food boxes for delivery to needy families.

The Fire Fighters Association and the Red Cross are co-sponsoring a blood drive Tuesday December 26, 8:00 to 1:00 at Station 2, 2029 Berkeley Way.

Comments from the Public: Twelve speakers.

Consent Calendar

Action: Moved, seconded, carried (Armstrong/Hawley) 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. 60,875-N.S.

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
Action: Approved minutes. (Hawley abstained on items a, b, c and d.)

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
Action: Adopted Ordinance No. 6605-N.S. Effective: January 18, 2001.
Councilmember Spring requested the City Manager prepare a report on a process to evaluate the feasibility of building a new addition to to the new Civic Center.

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
Action: Adopted Ordinance No. 6606-N.S. Effective: January 18, 2001.

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
Action: Adopted Resolution No. 60,876-N.S.

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
Action: Adopted Resolution No. 60,877-N.S.

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
Action: Adopted Resolution No. 60,878-N.S.
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
Action: Adopted Resolution No. 60,879-N.S.
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
Action: Adopted Resolution No. 60,880-N.S.
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
Action: Adopted Resolution No. 60,881-N.S.
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
Action: Adopted Resolution No. 60,882-N.S.

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
Action: Adopted Resolution No. 60,883-N.S.
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
Action: Adopted Resolution No. 60,884-N.S. and amended by Councilmember Spring to also refer the issue of disability access in siting public art locations along with Item 53 to the Commission on Disability.
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
Action: Adopted Resolution No. 60,885-N.S.
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
Action: Adopted Resolution No. 60,886-N.S.
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
Action: Adopted Resolution No. 60,887-N.S.

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
Action: Adopted Resolution No. 60,888-N.S.
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
Action: Adopted Resolution No. 60,889-N.S.
19. **Aurora Theater Loan**
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
Action: Adopted Resolution No. 60,890-N.S.
20. **Contract: Easy Does It**
From: City Manager
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
- Actions:** Removed from the Consent Calendar by Councilmember Worthington. Moved, seconded, carried (Armstrong/Olds) to adopt Resolution No. 60,891-N.S amended by Mayor Dean to increase the contract by \$30,000 and to refer the contract to the Commission on Disability for review of the \$20,000 balance.
- Moved, seconded, carried (Spring/Maio) to refer to the City Manager the issue of Easy Does It administrative salaries as compared to other non-profit organizations.

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 a Metropolitan Traffic Commission (MTC) study is completed.
Contact: Polly Armstrong, Councilmember District 8, 644-6401; Mim Hawley, Councilmember District 5, 644-6294
Action: Approved recommendation.
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.
Action: Removed from the Consent Calendar by Councilmember Hawley. Moved, seconded, carried (Hawley/Breland) to approve the recommendation and include language that the City Manager investigate all financing possibilities to acquire, restore and maintain the property.
23. **Emergency Repairs at Harrison House** (*no report*)
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
Action: Held over to January 16, 2001 by Councilmember Maio.
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
Action: Adopted Resolution No. 60,892-N.S. rescinding Resolution No. 60,480-N.S. and terminating the City's boycott of the Berkeley Marina Radisson Hotel. Vice Mayor Shirek requested the Commission on Labor continue to monitor the situation at the hotel.

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
Action: Approved recommendation.
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

Action: Adopted Urgency Ordinance No. 6607-N.S. imposing a forty-five (45) day moratorium on telecommunications antennas; specified exceptions; and to refer the matter to the Planning Commission,

Moved, seconded, carried (Hawley/Olds; Absent - Maio) to clarify that the moratorium applies to all pending applications.
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
Action: Approved recommendation.
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
Action: Removed from the Consent Calendar by Councilmember Armstrong. Moved, seconded, carried (Worthington/Breland; Noes - Armstrong, Hawley) to adopt Resolution No. 60,893-N.S.

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) Have the City Attorney prepare ballot language to 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

Actions: Removed from the Consent Calendar by Councilmember Hawley. Moved, seconded, carried (Worthington/Spring) to approve Recommendations 1 through 4. On the severed motion: Recommendations: (1) Unanimous; (2) Noes - Armstrong, Hawley, Olds, Dean; (3) Noes - Armstrong, Abstain - Dean; (4) Noes - Armstrong, Olds, Dean.

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: Adopted Resolution No. 60,894-N.S.

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: Moved, seconded, carried (Hawley/Worthington; Absent - Maio) to set the matter for public hearing. Scheduled for January 23, 2001.

Old Business

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

Action: Moved, seconded, carried (Spring/Shirek) to adopt Resolution No. 60,895-N.S. rejecting the appeal; and affirming the decision of the Planning Commission.

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

Public Testimony: Heard ten speakers. Moved, seconded, carried (Spring/Maio) to close the public hearing.

Actions: Moved, seconded carried (Spring/Maio; Noes - Worthington; Abstain - Shirek)) to adopt first reading of the Ordinance. Second reading December 22, 2000.

Moved, seconded, carried (Spring/Maio; Noes - Worthington) to hold a special meeting on December 22, 2000 to hear second reading of the Ordinance with ten minute Public Comment period.

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
Action: Moved to the Consent Calendar by Councilmember Worthington. Approved minutes (Abstain - Hawley).
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: Withdrawn by City Manager.
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
Action: Withdrawn by Councilmembers Maio and Armstrong.
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 the Solano Stroll.
Contact: Mayor Shirley Dean, 644-6484; Councilmember Mim Hawley, District 5, 644-6294
Action: Recommendation revised by Mayor Dean and held over to January 16, 2001.

38. **City Staff Assistance to Respond to a Project of the National League of Cities on Public Finance for the 21st 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 21st Century: A Framework for Public Discussion*.
Contact: Mayor Shirley Dean, 644-6484
Action: Withdrawn by Mayor Dean.
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: Moved to the Consent Calendar by Mayor Dean and approved revised recommendation as amended by Mayor Dean to 1) Respectively request the Parks and Recreation Commission complete the development of a naming process in a timely manner and stating Council's appreciation for the process they have undertaken; 2) Refer (upon completion of the renaming policy) the recognition of David Brower and Tom Bates to the Parks and Recreation and Waterfront Commissions for consideration of appropriate ways of recognizing their outstanding contributions to the citizens of Berkeley through their successful efforts to preserve Berkeley's waterfront. Add to this referral the recognition of Sylvia McLaughlin, Kay Kerr and Esther Gulick for founding the organization, Save the Bay.
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
Action: No action taken, see Item 41.

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

Action: Moved, seconded, carried (Maio/Worthington; Abstain - Olds) to approve Councilmember Maio's revised recommendation as follow: 1) Staff to interpret the findings of our Phase I study in language a lay person can understand; 2) request the Air Resources Board undertake a study that will complement and expand Berkeley's study to determine what impacts are occurring to the air quality in West Berkeley; put particular emphasis on diesel particulates as they are linked to asthma; 3) contact the Bay Area Air Quality Management Board (BAAQMD) and request that they engage in monitoring at the source and monitoring fugitive emissions from the suspect industries; this would allow us to study the constituents against state standards; and 4) 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. (The Mayor stated for the record that she voted "yes" but believes the two recommendations (Items 40 and 41) are not incompatible.

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: Held over to January 16, 2001.

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

Action: Moved to the Consent Calendar by Councilmembers Maio and approved the recommendation with the understanding that the Commission is working on this and would return to Council in February.

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

Action: No action taken. See Item 45.

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: Moved, seconded, carried (Worthington/Hawley) to approve the City Manager recommendation as amended by Councilmember Hawley to include the language availability of funding to acquire, restore and maintain the property.

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
Action: Moved to the Consent Calendar by Councilmember Worthington. Adopted Resolution No. 60,896-N.S.
47. **Status of the Tree Preservation Ordinance (CR# 97-123)**
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
Action: Held over to January 16, 2001.
48. **International Council for Local Environmental Initiatives' (ICLEI) North America Preparatory Conference**
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
Action: Moved to the Consent Calendar by Councilmember Maio as amended to enable the City Manager to provide financial assistance and adopted Resolution No. 60,897-N.S. allocating up to \$30,000 in financial assistance and staff support to the ICLEI conference to bring it to Berkeley.
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

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

Actions: Moved, seconded, (Armstrong/Olds) to adopt the revised recommendation as submitted by Mayor Dean.

Moved, seconded, carried (Worthington/Spring) a substitute motion to approve the recommendation by Councilmember Spring as follows: 1a) pass 49-b Public Works Commission recommendation to endorse the procedures pertaining to forming Rule 20B Undergrounding Utility Districts as modified by the City Manager recommendation in 49a; 1b) property owners will be required to advance funds for the creation of an underground utilities district; 2) request the Public Works Commission establish priority streets for incoming Rule 20A money; that these priorities include major arterial streets that are to be used as evacuation routes in case of disaster and that they return with specific procedures in place for implementing the priority streets and there shall be a 20A District moratorium until these priorities and procedures have been established; 3) refer 49c(1), the report by the Underground Utilities Task Force, to the Public Works, Fire and Planning Commissions and any other appropriate commissions; and 4) refer to the City Council for consideration any request for subsidies by low income property owners in designated districts who cannot afford to participate, and all other financing possibilities have been explored including reverse mortgages.

On the severed motion: Recommendations 1 through 3 carried: (Noes – Olds; Abstain – Armstrong, Hawley, and Dean). Recommendation 4 failed: (Noes – Hawley, Olds, Spring, Dean; Abstain – Armstrong). Councilmember Spring asked the record reflect she voted "no" because she wanted a cap. Mayor Dean asked the record reflect she voted no because she believed the main motion was a better motion.

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
Action: Moved to Consent Calendar by Councilmember Maio the City Manager's recommendation with a referral to the Energy Commission including a statement of the Council's support.
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: Moved to the Consent Calendar by Councilmember Maio (Noes - Armstrong) to approve the City Manager recommendation and refer to the Energy Commission for review and analysis.
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

Action: Moved to the Consent Calendar by Councilmember Maio to approve both the City Manager's and Commission's recommendations and adopt Resolution No. 60,898-N.S.

Information Reports

53. **Arts District Public Art Program**
From: City Manager
Contact: Bill Lambert, Economic Development, 705-8180
Action: Referred to the Commission on Disability by Councilmember Spring.
54. **Interim Update on Cancer Prevention Efforts (CR# 210-00)**
From: City Manager
Contact: Weldon Rucker, City Manager, 644-6580
Action: Received and filed.
55. **Transmittal of Final Environmental Report - Proposed Playing Fields at East Campus**
From: City Manager
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222
Action: Received and filed.
56. **Commuter Check Program - (CR# 127-00)**
From: City Manager
Contact: Wendy Cosin, Planning and Development, 705-8108
Action: Moved to Action Calendar by Councilmember Spring. Moved, seconded, carried (Spring/Worthington; Absent - Maio) to refer to the midyear budget process to implement the program and to also ask the City Manager to investigate subsidizing discounts for all employees and receiving discounts from BART and AC Transit.
57. **Progress Report - Equal Benefits Ordinance (CR# 35-99; 20-00)**
From: City Manager
Contact: Phil Kamlarz, Deputy City Manager, 644-6580
Action: Received and filed.

Communications

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. **Maio, Breland, Dean**

3. Congresswoman Barbara Lee; response to Council letter re: Secret Evidence Repeal Act.
4. 1301 Oxford Street, Congregation Beth El Project **Maio, Hawley**
 - 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. **Maio, Worthington, Dean**
6. Emily H. Benner, re: David Brower memorial. **Maio, Dean**
7. Andrea Land, re: acquisition of American Soils property. **Maio, Hawley**

SUPPLEMENTAL COMMUNICATIONS

Items 5, 6 and 47 - Grants for Tree Planting and Status of Tree Preservation Ordinance

8. Charles L. Smith **Olds**

Item 29 - Instant Runoff Voting

9. JoAnn B. Price, President, Lois Brubeck, Action Vice President, League of Women Voters **Worthington, Hawley**

Item 31 - Zoning Appeal of Use Permit #00-2000059, 1861 Solano Avenue

10. Councilmembers Dona Spring and Kriss Worthington, Emergency Moratorium on Wireless Antennae
11. Steve Douglas and Dawn Swanson **Hawley**
12. John Taylor **Hawley**
13. Trudy and John Forte **Hawley**
14. Zelda Bronstein, President, Thousand Oaks Neighborhood Association **Hawley**

Item 33 - Continued Public Hearing - Regulate Installation of Telecommunications Facilities

15. Allan P. Donnelly, Lead Counsel, Metricom, Inc. **Worthington**
16. Karen K. Boles, Public Works Coordinator SBC **Worthington**
17. Paul S. Sieracki, Staff Director-Government Affairs, Sprint (2 letters) **Worthington**
18. Jeff Markiewicz, Municipal Affairs, MCIWorldCom **Worthington**

Item 37 - Prohibiting the Use of Skateboards, Rollerblades, Bicycles, Scooters and Similar Devices During Special Events

19. Mayor Shirley Dean and Councilmember Mim Hawley, revised

Item 39 - Re-Name Certain Streets in the Marina Area

20. Mayor Shirley Dean and Councilmember Betty Olds, revised

Items 40 and 41 - West Berkeley Air Quality Study

21. Mayor Shirley Dean, revised

Item 42 - Cost of Netanyahu Event

22. Brad Mayer

Item 44 - Aquatic Park Expansion and Funding

23. Mayor Shirley Dean, supplemental information

Item 49 - Underground Utilities District Procedures

24. Stephanie Manning **Maio, Worthington**, and to refer the letter to the Undergrounding Task Force.

Item 56 - Commuter Check Program

25. Weldon Rucker, Acting City Manager, Supplemental Information

26. L. A. Wood, re: **Worthington**

27. L. A. Wood, re: **Worthington**

Adjournment

Actions: Moved, seconded, carried (Worthington/Hawley) to extend the meeting to 11:45 p.m. to complete certain agenda items.

Moved, seconded, carried (Worthington/Spring; Noes - Breland, Shirek) to extend the meeting to 12:00 a.m. to complete certain agenda items.

Moved, seconded, carried (Spring/Worthington) to suspend Council rules and extend the meeting to 12:10 a.m. to complete certain agenda items.

The meeting adjourned at 12:06 a.m.