

**SUMMARY**  
**BERKELEY CITY COUNCIL REGULAR MEETING**  
**TUESDAY, MARCH 20, 2001**

---

**Preliminary Matters**

---

**Roll Call:** 7:13 p.m. All present.

**Ceremonial Matters:**

**Proclamation Honoring Youth Radio**

**Action:** Presented Proclamation.

**Proclamation for the Persian New Year**

**Action:** To be presented at a another location and date.

**Comments from the City Manager:**

Several trees located within the Downtown Shattuck Project had to be taken down and no replanted because of root damage as determined by an Arborist.

A team of observers from the City Managers Office were sent to Seattle after the February 28, 2001 earthquake.

**Comments from the Public:** Twelve speakers.

**Youth Forum:** No speakers.

---

**Consent Calendar**

---

**Action:** Moved, seconded, carried (Armstrong/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 Local Health Officer to take steps to enable the operation of needle exchange emergency distribution.

Contact: Sherry Kelly, City Clerk, 981-6900

**Action:** Adopted Resolution No. 60,968-N.S.

2. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the meetings of a) January 30, 2001 (special); b) February 13, 2001 (regular); c) February 13, 2001 (special); d) February 20, 2001 (regular); e) February 27, 2001 (regular); f) February 27, 2001 (special); and g) March 6, 2001 (special).  
Contact: Sherry M. Kelly, City Clerk, 981-6900  
**Action:** Approved minutes.
  
3. **Vacation of a Portion of Carleton Street** (*first reading vote 2/27 - Armstrong absent*)  
**From: City Manager**  
**Recommendation:** Adopt second reading of an Ordinance vacating a portion of the public right-of-way of Carleton Street from its westerly terminus at the Union Pacific railroad right-of-way extending 592.41 feet easterly and authorizing the City Manager to accept a deed for real property and execute a quit claim deed.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted second reading of Ordinance No. 6618-N.S. Effective: April 19, 2001.
  
4. **Settlement: James Waldrop v. City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. 800863-7 entitled James Waldrop v. City of Berkeley in the amount of \$11,776.48.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted Resolution No. 60,969-N.S.
  
5. **Settlement: Crum & Forster Insurance Co. v. City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the settlement of the Alameda County Superior Court-Berkeley Action No. 2000 084879 entitled Crum & Forster Insurance Co. v. City of Berkeley in the amount of \$15,000.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted Resolution No. 60,970-N.S.
  
6. **Settlement: Johnny Liu v. City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a settlement of Public Liability Claim Number 01-083, Johnny Liu, in the amount of \$8,277.71.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted Resolution No. 60,971-N.S.
  
7. **Settlement: Barbara Maiss for Papyrus v. City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a settlement of Public Liability Claim Number 01-104, Barbara Maiss as claimant for Papyrus, in the amount of \$11,479.82.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted Resolution No. 60,972-N.S.

8. **Settlement: Sequoia Financial as Subrogee for Del Marie Anderson v. City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a settlement of Public Liability Claim Number 00-258, Sequoia Financial as Subrogee for Del Marie Anderson, in the amount of \$6,566.76.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted Resolution No. 60,973-N.S.
  
9. **Settlement: Baldwin v. City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the settlement of Alameda County Superior Court Action No. 823733-4 entitled Clarice Isom Baldwin v. City of Berkeley, in the amount of \$22,500.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted Resolution No. 60,974-N.S.
  
10. **Regulation of Street Events and Block Parties (CR# 15-01)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance repealing and reenacting Chapter 13.44 of the Berkeley Municipal Code (BMC), Assemblies and Parades.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted first reading of Ordinance as revised by the City Manager to add language to Section 9-D. Second reading March 27, 2001. Councilmember Spring referred a request for an alcohol use policy for street events similar to the one in place for City parks.
  
11. **Ordinance: Advance Notice to Police Department (CR# 10-01)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance enacting new Chapter 13.47 of the Berkeley Municipal Code (BMC) to require promoters of large indoor events to give at least two weeks notice of such events to the Police Chief.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted first reading of Ordinance. Second reading March 27, 2001.
  
12. **Agreement: Low-Income Energy Program Revenues**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a Low-Income Home Energy Assistance Program (LIHEAP) revenue agreement and any amendments with the State Department of Community Services and Development, in the amount of \$92,614, for the period February 1, 2001 through December 31, 2001 to provide bill payment assistance and weatherization assistance to eligible residents of Berkeley, Albany and Emeryville.  
Contact: Stephen Barton, Housing, 981-5400  
**Action:** Adopted Resolution No. 60,975-N.S.

13. **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 \$61,725 to assist the City with relocation of City offices to the Civic Center Building, for a new contract total not to exceed \$146,117 for the term ending June 30, 2001.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Resolution No. 60,976-N.S.
14. **Contract: Construction Management, Civic Center Building Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Swinerton Management & Consulting for construction management services for the Martin Luther King, Jr. Civic Center Building project by increasing the contract amount by \$180,000 for a new contract total amount not to exceed \$2,360,000 and extending the period through July 31, 2001.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Resolution No. 60,977-N.S.
15. **Contract: Martin Luther King, Jr. Civic Center Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution rescinding Resolution No. 60,748-N.S. which amended the contract with Donaldson Associates to prepare a Focused Environmental Impact Report for the Measure 'S' improvements to Martin Luther King, Jr. Civic Center Park in a total amount not to exceed \$37,855 and adopting a new Resolution to amend said contract in a corrected amount not to exceed \$48,155 and extending the term through December 31, 2001.  
Contact: Lisa Caronna, Parks and Waterfront, 981-6700.  
**Action:** Adopted Resolution No. 60,978-N.S.
16. **Donation from City of Albany for Harrison Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a \$50,000 donation from the City of Albany and authorizing the City Manager to use these funds to pay for development of the Gabe Catalfo Fields at Harrison Park.  
Contact: Lisa Caronna, Parks and Waterfront, 981-6700; Fred Medrano, Health and Human Services, 981-5100  
**Action:** Adopted Resolution No. 60,979-N.S.
17. **Contract: Martin Luther King, Jr. Youth Services Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution 1) approving the plans and specifications for mechanical and electrical improvements for Martin Luther King, Jr. Youth Services Center at 1730 Oregon Street; 2) rejecting all bids; and 3) authorizing the City Manager to negotiate on the open market and execute two contracts and any amendments for a combined total amount not to exceed \$58,000, including construction contingencies.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Resolution No. 60,980-N.S. Mayor Dean requested the City Manager consider solar energy for the heating system.

18. **City/Redevelopment Agency Loan Agreement**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending the City/Redevelopment Agency multi-year loan agreement to reduce the interest rate charged to the Redevelopment Agency from twelve (12) percent to the average Local Agency Investment Fund (LAIF) rate over the life of the balance plus one (1) percent.  
Contact: Wendy Cosin, Planning and Development, 705-8102  
**Action:** Adopted Resolution No. 60,981-N.S.
  
19. **Final Map of Tract 7220**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving Final Map of Tract 7220, conversion of an existing live-work project at 1450 Fourth Street to fifteen condominium units.  
Contact: Wendy Cosin, Planning and Development, 705-8102  
**Action:** Adopted Resolution No. 60,982-N.S. Councilmember Maio referred a request for information on how to regulate and/or prevent live-work units from converting to condo units.
  
20. **Final Map of Tract 7046**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving Final Map of Tract 7046, conversion of an existing seven-unit Tenancy-in-Common (TIC) Project at 30 Domingo Street to seven condominium units.  
Contact: Wendy Cosin, Planning and Development, 705-8102  
**Action:** Adopted Resolution No. 60,983-N.S.
  
21. **Transportation Demand Management (TDM) Study**  
**From: City Manager**  
**Recommendation:** Set time at the April 17, 2001 meeting for a presentation on the Transportation Demand Management (TDM) Study which was published on March 9, 2001.  
Contact: Wendy Cosin, Planning and Development, 705-8102  
**Action:** Approved recommendation.
  
22. **Contract: Air Monitoring Study, Harrison Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments in the maximum amount of \$39,700 with Applied Measurement Science to perform an air monitoring study at Harrison Park.  
Contact: Fred Medrano, Health and Human Services, 981-5100; Lisa Caronna, Parks and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 60,984-N.S.

23. **Contract: User Computer Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Applications Associates for user computer training services, for a total contract amount not to exceed \$70,000 for the period April 1, 2001 to April 1, 2002, with an option to renew for two additional years.  
Contact: Chris Mead, Information Systems, 981-6500  
**Action:** Adopted Resolution No. 60,985-N.S.
24. **Job Training/Job Placement Programs and Community Agency Contracts**  
**From: City Auditor**  
**Recommendation:** Request the City Manager incorporate implementation of the audit recommendations during the course of the upcoming two year budget planning and agency contracting process, and report results to Council at the December 18, 2001 Council meeting.  
Contact: Ann-Marie Hogan, City Auditor, 981-6750  
**Action:** Removed from the Consent Calendar by Mayor Dean and held over to April 17, 2001.
25. **Eastshore State Park Planning**  
**From: Councilmember Olds**  
**Recommendation:** Write a letter to the planning team for the State and East Bay Regional Park District (EBRPD) endorsing and supporting the Sierra Club/San Francisco Bay Chapter policies regarding the planning of Eastshore State Park.  
Contact: Betty Olds, Councilmember District 6, 981-7160  
**Action:** Withdrawn by Councilmember Olds.
26. **Waive Fees: "Sybase Walk for Sight 2001"**  
**From: Councilmember Olds and Mayor Dean**  
**Recommendation:** Waive all required permit fees for the Foundation Fighting Blindness "Sybase Walk for Sight 2001: event on May 6 at Cesar Chavez Park.  
Contact: Betty Olds, Councilmember District 6, 981-7160, Shirley Dean, Mayor, 981-7100  
**Action:** Adopted Resolution No. 60,986-N.S.
27. **Council/AC Transit Workshop**  
**From: Councilmember Hawley**  
**Recommendation:** Invite representatives of AC Transit to take part in a workshop with the City Council to discuss the transit agency's plans for changes in services in Berkeley and to engage in a collaborative process to address transit needs in the City. A representative of the Transportation Commission and a representative of the Commission on Disabilities would be invited to participate.  
Contact: Mim Hawley, Councilmember District 5, 981-7150  
**Action:** Approved recommendation.

28. **Budget Referral: Sonoma Hopkins Triangle Mini-Park**  
**From: Councilmember Hawley and Mayor Dean**  
**Recommendation:** Refer \$21,750 to the FY2001/2002 budget process to provide supplemental funding for the major cost elements of construction of a mini-park at the intersection of Sonoma Avenue, Josephine Street and Hopkins Street.  
Contact: Mim Hawley, Councilmember District 5, 981-7150; Shirley Dean, Mayor, 981-7100  
**Action:** Approved recommendation.
29. **Grant Application: State Jobs Housing Balance Incentive Grant Program**  
**From: Mayor Dean**  
**Recommendation:** Refer to the City Manager for immediate consideration an application for funding under the Jobs Housing Balance Incentive Grant Program (JHBIG) of the State Department of Housing and Community Development (HCD).  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Approved recommendation.
30. **Grant Application: Safety Net Health Care Services**  
**From: Mayor Dean**  
**Recommendation:** Refer to the City Manager for immediate consideration an application for funding under the Community Access Program (CAP) of the federal Health Resources and Services Administration, to undertake the expansion and integration of local health services to uninsured and underinsured Berkeley residents.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Approved recommendation.
31. **Refund of Business License Taxes Erroneously Paid**  
**From: Mayor Dean**  
**Recommendation:** Request the City Manager review the Berkeley Municipal Code to determine the feasibility of adding language which would allow the City to refund up to three years of Business License taxes which have been paid erroneously.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Approved recommendation.
32. **Waive Fees: Cesar Chavez Day**  
**From: Mayor Dean**  
**Recommendation:** 1) Approve the waiver of \$973 in fees with respect to the events on March 30 at Cesar Chavez Park to commemorate and celebrate Cesar Chavez Day; and 2) approve a Council proclamation, to be developed by the Mayor's Office, to be read at the event.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Adopted Resolution No. 60,987-N.S.

33. **Support SB63X, Incentive Rebates for Electric Energy Conservation**  
**From: Mayor Dean**  
**Recommendation:** 1) Support SB63X, introduced by Senator Perata, which provides \$1 billion in state funding to underwrite incentive rebates to residential and small business electricity energy consumers during the period May 1, 2001-September 30, 2001, with the goals of reducing electricity demand and consumption, the likelihood of blackouts, state energy expenditures, and the overall outflow of money from California; and 2) request the City Clerk notify the bill sponsor and the Sacramento legislators and lobbyist of the City's position.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Approved recommendation.
34. **Support University Professional and Technical Employees (UPTE), CWA Local 9119**  
**From: Mayor Dean**  
**Recommendation:** 1) Adopt a Resolution support University Professional and Technical Employees (UPTE), CWA Local 9119, in their current labor dispute with the University of California; and 2) write a letter to Richard Atkinson, President, University of California, indicating our support and urging the UC Office of the President negotiate in good faith and reach settlement without delay.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Adopted Resolution No. 60,988-N.S.
35. **Bay Area Solar Consortium**  
**From: Mayor Dean and Vice Mayor Shirek**  
**Recommendation:** Declare that in order to advance the development of solar power in the City, that Council supports the City officially joining the Bay Area Solar Consortium.  
Contact: Shirley Dean, Mayor, 981-7100; Maudelle Shirek, Councilmember District 3, 981-7130  
**Action:** Approved recommendation.
36. **Budget Referral: Family Violence Law Center**  
**From: Councilmember Maio**  
**Recommendation:** Refer \$36,800 to the budget process for the Family Violence Law Center.  
Contact: Linda Maio, Councilmember District 1, 981-7110  
**Action:** Approved recommendation.
37. **Co-sponsor UC Berkeley Earth Day 2001 Committee Presentation**  
**From: Councilmember Maio**  
**Recommendation:** Co-sponsor with Ecocity Builders and the UC Berkeley Earth Day 2001 committee, a presentation by Maria do Rocio Quandt on the history of Curitiba, Brazil's environmental policy and project development, scheduled for April 19, 2001.  
Contact: Linda Maio, Councilmember District 1, 981-7110  
**Action:** Approved recommendation.

38. **Proclamations Honoring Sean Lampley, Courtney Johnson, and the UC Men's Basketball Team**  
**From: Councilmember Worthington**  
**Recommendation:** Honor Sean Lampley for becoming a member of the men's all PAC 10 team and Player of the Year; Courtney Johnson for her becoming a member of the women's all PAC 10 team; and the UC men's basketball team for achieving a place in the NCAA tournament by approving three proclamations commending their significant achievements.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Approved recommendation and waived Council rules to allow presentation of the Proclamation on March 27, 2001
39. **Support ACR21 Repealing SP-1, UC's Measure Banning Affirmative Action Policies in Admissions**  
**From: Councilmember Worthington and Vice Mayor Maudelle Shirek**  
**Recommendation:** Support Assembly Concurrent Resolution 21 (ACR21) repealing SP-1 approved by the UC Regents.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Approved recommendation.
40. **Support Berkeley Disabled Student Union's Disability Rights Petition Drive**  
**From: Councilmembers Worthington and Spring**  
**Recommendation:** Support Berkeley Disabled Student Union's disability rights petition drive.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170; Dona Spring, Councilmember District 4, 981-7140  
**Action:** Approved recommendation.
41. **Task Force on Citywide Transit Pass**  
**From: Councilmember Worthington**  
**Recommendation:** End the term of the Task Force on Citywide Transit Pass and refer the issue to the City Manager and the Transportation Commission.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Removed from the Consent Calendar by Councilmember Hawley and held over to April 17, 2001.
42. **Waive Fees: Central Works Theater**  
**From: Councilmember Worthington**  
**Recommendation:** Waive permit fees for an application for temporary space for the Central Works Theater ensemble.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Removed from the Consent Calendar by Councilmember Armstrong. Moved, seconded, carried (Worthington/Maio; Noes - Olds) to adopt Resolution No. 60,989-N.S. for an amount not to exceed \$3,000 in fee waivers to apply for a Use Permit for temporary use of facilities.

43. **Support Proposed Ridge to Bay Project**  
**From: Parks and Recreation Commission**  
**Recommendation:** Direct the City Manager to send a letter to the San Francisco Bay Trail Project indicating conceptual support for and willingness to be a partner in conducting a planning and design study for the Ridge to Bay Project as proposed by Berkeley Partners for Parks.  
Contact: Jay Kelekian, Secretary, 981-6707  
**a. City Manager Report**  
**Recommendation:** Concurs with the Commissions recommendations.  
Contact: Lisa Caronna, Parks and Waterfront, 981-6700  
**Action:** Approved recommendation.
44. **Policy: Consensual Encounters**  
**From: Police Review Commission (PRC)**  
**Recommendation:** Request the City Manager: 1) request the City Attorney review the legal parameters of consensual encounters between police officers and members of the public and other requests for identification, with consideration of liability issues, and with the intended outcome being to revise General Order R-29 (Field Interviews) to instruct officers that they must not coerce responses to inquiries during field interviews; and research the legal history regarding the issues of this policy recommendation to determine when and how often the law changes around these issues; and 2) request the Berkeley Police Department (BPD) develop a new training bulletin or general order instructing officers that they are not allowed to demand compliance in consensual encounters and other stops involving requests for identification unless there is evidence of illegal activity.  
Contact: Barbara Attard, Police Review Commission, 644-6716  
**a. City Manager Report**  
**Recommendation:** Concurs with the recommendations of the PRC. Officers should be instructed to act within Constitutional limitations when making consensual encounters with members of the public. A Training and Information Bulletin defining the parameters of consensual encounters has been drafted by BPD and will be completed in the near future. The Training and Information Bulletin will be reviewed by the City Attorney and will review the matters requested by the PRC.  
Contact: Barbara Attard, Police Review Commission, 644-6716  
**Action:** Approved recommendation.

---

## Presentation

---

45. **Library Project Update**  
**From: Library Board of Trustees**  
Contact: Mary Lou Mull, Acting Director, 644-6095 ext. 17  
**Action:** Heard presentation.

**Appeals:**

46. **Zoning Appeal of Use Permit, 2700 San Pablo Avenue**
- a. Appeal filed by Christopher J. Hudson**, applicant, of the Zoning Adjustments Board decision of November 9, 2000, which denied: Use Permit 99-10000095 with findings, to demolish an existing building and construct a 4-story mixed use building and for a quick service food use located at 2700 San Pablo Avenue.
- b. City Manager Report** (*to be delivered*)
- Recommendation:** Set the matter for public hearing on April 24, 2001.
- c. Communications**
1. Amara T. Smith
  2. M. E. Herrera
  3. Jay Musler Stupios
  4. Huey P. and Eva M. Richardson
  5. R. Campbell
  6. Eric Burkhart
  7. Barbara Bent
  8. Woldeselassie Ober
  9. Sally Swing
  10. Karen Rothblatt
  11. Mary Lynn Morales
  12. Michael and Barbara A. Starns
  13. Leon West
  14. Peter Teichner and Theola Robinson
  15. Betsey Strange
  16. David A. Thompson
  17. Mrs. Freddie M. Scott
  18. Carol Henderson
  19. Marvin Lipofsky
  20. Lisa London
  21. Linda Belonger and Anthony Elkan
  22. Robert A. Johnson
  23. Eddress Moore
  24. Jessie Hamilton
  25. Marylese A. Mitchell
  26. Mary L. Smith
  27. Lana Farson
  28. Mary Kirwin Veloz
  29. Stephani Lesh
  30. Paul Purcell
  31. Helga Alessio
- Contact: Sherry Kelly, City Clerk, 981-6900

**Action:** Moved, seconded, carried (Breland/Spring; Noes - Worthington; Absent - Hawley to approve the recommendation to set a public hearing for April 24, 2001 with instructions to the developer by Councilmember Breland to come back with a more interesting project as it relates to the frontage and to minimize the shadow impact on surrounding residents and to present different options at the public hearing. Councilmember Spring requested a report from the City Manager on total dollars being requested in the way of subsidies or fee waivers by the City. Mayor Dean stated her concerns for the height of project. Councilmember Hawley recused herself on advice of the City Attorney and left the room.

**Priority: Budget Related Information Reports and Actions to be Considered:**

47. **Misuse of Visitor Parking Permits and Improvements to Residential Permit Parking Enforcement (CR# 67-00 and 253-00) (to be delivered)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to fill five new Parking Enforcement Representative (PER) positions this fiscal year to improve enforcement in Residential Permit Parking zones throughout the City and refer to the FY2002 budget process the hiring of five additional PERs and one Supervisor; and support the current implementation of revised Administrative Rules that govern the issuance of temporary and visitor permits under the Residential Preferential Parking program.

Contact: Fran David, Finance, 981-7300; D. E. Butler, Police, 981-5700

**Action:** Moved, seconded, carried (Worthington/Armstrong) to adopt Resolution No. 60,990-N.S. authorizing the City Manager to fill five new Parking Enforcement Representative (PER) positions this fiscal year to improve enforcement in Residential Permit Parking zones throughout the City and refer to the FY2002 budget process the hiring of five additional PERs and one Supervisor; and to direct the City Manager to meet with community members referred to staff by councilmembers to review and suggest changes to the Administrative Rules and to come back to Council by the end of April with these recommendations.

48. **Police Traffic Enforcement Information Report (CR# 253-00)**

**From: City Manager**

Contact: D. E. Butler, Police, 981-5700

**Action:** Heard and filed report.

49. **Community Energy Plan**

**From: City Manager**

**Recommendation:** 1) Adopt a Resolution authorizing \$84,750 in budget expenditures for the current fiscal year for immediate response to the energy crisis and authorizing a commitment of \$434,750 in FY 2001/2002 for immediate programs; 2) Refer other programs estimated at \$481,000 to the FY 2002/2003 budget process; and 3) Schedule a Council workshop on renewable energy, conservation and efficiency.

Contact: Stephen Barton, Housing, 981-5400

**Actions:** Moved, seconded, carried (Armstrong/Olds) to adopt Resolution No. 60,991-N.S. approving the City Manager's recommendations.

Moved, seconded, carried (Worthington/Maio; Noes - Olds, Armstrong; Abstain - Shirek, Dean) adopting Resolution No. 60,992-N.S. committing an allocation of \$85,000 from FY 2002/2003 to proceed with the action plan proposed in the City Manager's report related to public power ownership.

Mayor Dean requested the City Manager track expenses incurred by the City during rolling black outs.

50. **Commuter Check Program Options Information Report**  
**From:** City Manager  
Contact: Wendy Cosin, Planning and Development, 705-8102  
**Action:** Moved to Information Reports by Councilmember Hawley. Received and filed.
51. **Jobs For Berkeley Residents Information Report**  
**From:** City Manager  
Contact: Phil Kamlarz, Deputy City Manager, 981-7000  
**Action:** Moved to Information Reports by Mayor Dean. Received and filed.
52. **Sponsoring David Brower Day Public Events**  
**From:** Councilmembers Maio and Spring  
**Recommendation:** Adopt a Resolution co-sponsoring public events with the Earth Island Institute and other environmental organizations in celebration of David Brower Day, July 1, 2001.  
Contact: Linda Maio, Councilmember, District 1, 981-7110, Dona Spring, Councilmember, District 4, 9817140  
**Action:** Moved to Consent Calendar by Councilmember Spring. Adopted Resolution No. 60,993-N.S.
53. **Survey of Telecommunications Needs** (*removed from the Consent Calendar on 2/27 and held over to March 6*)  
**From:** Task Force on Telecommunications  
**Recommendation:** Adopt a Resolution authorizing the City Council to allocate \$20,000 to obtain professional quality survey of telecommunication needs of businesses and related institutions (training sites and institutes, distance teaching programs, hospitals, etc.) in Berkeley to be used in the Master Plan for Telecommunications due to Council in June 2001.  
Contact: Phil Kamlarz, Secretary, 981-7000  
**a. Communications**  
1. Sally Williams, Chair Telecommunications Task Force  
**Action:** Moved, seconded, carried (Worthington/Armstrong) to adopt Resolution No. 60,994-N.S. approving the Task Force's recommendation with the proviso that the monies would be borrowed from funds allocated for public outreach and repaid through fees paid.

## Old Business:

54. **Minutes for Approval** (*removed from the Consent Calendar by Mayor Dean and held over from 2/20*)  
**From: City Manager**  
**Recommendation:** Approve the minutes for Council meeting of January 30, 2001 (special) as revised.  
Contact: Sherry M. Kelly, City Clerk, 981-6900  
**Action:** Moved to Consent Calendar by Councilmember Worthington. Approved minutes.
55. **Amend Definition of "Creek"** (*removed from the Consent Calendar by Councilmember Worthington and held over from 1/16*)  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 17.08.030.A to define "creek" as any above-ground creek appearing on the most recent version of the Berkeley Creeks map prepared by the Department of Public Works Engineering Division.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Withdrawn by the City Manager.
56. **Bicycles Parked Against Parking Meters** (*Held over from 2/20 by Councilmember Worthington*)  
**From: Councilmember Worthington**  
**Recommendation:** Amend Berkeley Municipal Code 14.68.180 (Ord. 4957-NS) to allow bicycles to park against parking meters.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Held over to May 15, 2001 by Councilmember Worthington.

## New Business:

57. **Medical Marijuana Ordinance (CR# 99-171)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of a Medical Marijuana Ordinance and adding Berkeley Municipal Code (BMC) Section 12.26 to establish protocols for medical cannabis; 2) reject the Medical Marijuana Ordinance proposed by the Community Health Commission (CHC); and 3) adopt a Resolution directed to the Alameda County District Attorney requesting that he not seek a felony conviction against first offenders arrested for the sale of a small amount of marijuana.  
Contact: Fred Medrano, Health and Human Services, 981-5100  
**Action:** Moved, seconded, carried (Armstrong/Maio; Noes - Maio, Spring, Dean) to hold discussion during this meeting and to waive Council rules in order to schedule a vote on the matter on March 27, 2001.

58. **Policy: Compatibility of Outside Employment by Members of Boards and Commissions**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance adding Berkeley Municipal Code (BMC) section 3.02.050 providing for Council determination as to whether outside employment of public officials is incompatible and providing for automatic termination of board and commission appointments under certain circumstances, as determined by the Council.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Held over to March 27, 2001 as requested by Councilmember Armstrong and waived Council rules in order to schedule consideration of the matter on March 27, 2001.
59. **Whether Gordon Wozniak is Engaged in Employment Incompatible with Membership on the Community Environmental Advisory Commission**  
**From: City Manager**  
**Recommendation:** Consider and determine whether Gordon Wozniak is engaged in an employment, activity or enterprise for compensations which is inconsistent, incompatible or in conflict with his or her duties as a member of the Community Environmental Advisory Commission.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Held over to March 27, 2001 as requested by Councilmember Armstrong and waived Council rules in order to schedule consideration of the matter on March 27, 2001.
60. **HUD Section 108 Loan Guarantee Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution taking the following actions to participate in the Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program in order to utilize funding for eligible housing, economic development and public works activities: 1) approving the use of the Community Development Block Grant (CDBG) allocation as the principal subsidy in order to participate in the Section 108 Program; 2) amending the Annual Action Plan of the City's Consolidated Plan to reflect participation in the 108 Loan Program; 3) approving staff submittal of Section 108 Loan applications to HUD for consideration on the Adeline Street Apartments, the University Neighborhood Apartments and Hope Homes; and 4) authorizing the City Manager to execute all necessary certifications and related documents required for participation in the Section 108 Loan Guarantee Program.  
Contact: Stephen Barton, Housing, 981-5400  
**Action:** Moved, seconded, carried (Spring/Worthington; Noes - Olds; Abstain – Armstrong; Absent - Maio) to adopt Resolution No. 60,995-N.S. Councilmember Armstrong asked the record to reflect she abstained because she felt there needed to be a more public process before taking action. Councilmember Maio recused herself due to a conflict of interest concerning the proximity of her residence from the University Neighborhood Apartments project.

61. **Council Delegate(s) to ABAG**  
**From: City Manager**  
**Recommendation:** Appoint a delegate and an alternate to the Association of Bay Area Governments (ABAG) for the General Assembly meeting to be held on Thursday, April 12, 2001.  
Contact: Sherry Kelly, City Clerk, 981-6900  
**Action:** Moved to the Consent Calendar by Mayor Dean appointing Councilmember Hawley and Mayor Dean as delegate and alternate and authorizing the City Manager to delegate someone if neither can attend.
62. **Policies: Wood Smoke Generation**  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Adopt a Resolution recognizing the adverse effects of wood smoke on air pollution and directing staff to take action necessary to: 1) establish policies and long-term educational programs to limit the use of wood in fireplaces; 2) prohibit the installation of open fireplaces in new residential construction; 3) require abatement equipment on all new non-residential wood burning apparatus to reduce smoke emissions; and 4) prepare a comprehensive study of Berkeley air pollution, including wood smoke.  
Contact: Nabil Al-Hadithy, Secretary, 705-8155  
**a. City Manager Report**  
**Recommendation:** Concurs with the recommendations of the Commission to establish policies on the known adverse health effects of wood smoke, and to take actions to limit the use of wood in fireplaces, prohibit the installation of open fireplaces in new residential construction, and require abatement equipment on all new non-residential wood burning apparatus to reduce smoke emissions. Refer the establishment of a long-term educational program and preparation of a comprehensive study of Berkeley air pollution, including wood smoke, to the budget process.  
Contact: Wendy Cosin, Planning and Development, 705-8108  
**Action:** Moved to the Consent Calendar by Councilmember Spring to approve the City Manager recommendation which approves the Commission's recommendations with the exception of referring budget matters and adopted Resolution No. 60,996-N.S.
63. **Fire Department Budget and Fire Hazards**  
**From: Fire Safety Commission**  
**Recommendation:** Restore the Fire Department budget to prior levels and adjust for inflation, and the Council provide sufficient funds to the Fire Department in addition to necessary safety programs.  
Contact: Reginald Garcia, Secretary, 981-3473  
**a. City Manager Report**  
**Recommendation:** The recommendations contained in the report affect budget and/or other programs; consider as part of the budget process.  
Contact: Reginald Garcia, Fire, 981-3473  
**Action:** Moved to the Consent Calendar by Councilmember Spring to approve the City Manager recommendation.

64. **Facilities Maintenance and Repair**  
**From: Public Works Commission**  
**Recommendation:** The 2001-2002 budget include the amount of \$1,561,800 to provide funding for the operating fund portion of the Facilities Maintenance and Repairs/Budget and Management Plan; 2) the "capital fund" portion also to be funded for a total of \$4,023,100 annually; and 3) the first several years of the capital fund to be utilized to address the remainder of the backlog of deferred maintenance already identified in the remaining amount of \$7,500,000.  
 Contact: Jeff Egeberg, Secretary, 665-3425
- a. City Manager Report**  
**Recommendation:** The recommendations contained in this report affect budget and/or other programs. Refer to the budget process.  
 Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Moved to the Consent Calendar by Councilmember Breland to approve the City Manager recommendation and requested a report and presentation by the Public Works Commission on how they arrived at the dollars needed.

---

### Information Reports

---

65. **Formal Bid Solicitations and Request for Proposals Scheduled for Next 30 Days**  
**From: City Manager**  
 Contact: Fran David, Finance, 981-7300  
**Action:** Received and filed.
66. **Revelatory Landscapes Exhibition**  
**From: Public Works Commission**  
 Contact: Jeff Egeberg, Secretary,  
**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. Regarding East Bay Depot for Creative Reuse.
  - a. Dara Wolochow
  - b. Eleassia Davis, TykeLand Family ChildCare
  - c. J. Richman
  - d. Katherine Dunham
  - e. Lisa Glicksman
  - f. Lana Jean Rose, Executive Director, Renaissance of Papermaking
  - g. Toby Stewart
  - h. Phil Arias
  - i. Sarah Buddenhagen Strand
  - j. Genevieve Frisch
  - k. Priscilla Hine
  - l. Sarah Neider

- m. Gail Greenlees
  - n. Susan Runyan
2. Regarding proposed moratorium on new offices in the MULI district of West Berkeley.
    - a. Rachel A. Rupert, Chief Executive Officer, Berkeley Chamber of Commerce
  3. Julian Swig, Peoples Law Association, regarding Public Records Act. **Dean**
  4. Dr. L. Schwartzburd, regarding telecommunications moratorium, two letters
  5. Helen Wheeler, Housing Authority Commissioner, regarding attendance stipend for commission meetings. **Breland, Dean**
  6. Moped45, regarding energy crisis.
  7. Richard Register, regarding the General Plan and community gardens.
  8. Richard Register, regarding the Ecocity Amendment.
  9. Richard Register, regarding presentation by Maria do Rocio Quandt, Chief Information Officer of Curitiba, Brazil. **Olds, Dean**
  10. David Phillips, Executive Director, Earth Island Institute, regarding plans for David Brower Day in Berkeley.
  11. Jo Ann B. Price, President, League of Women Voters, regarding Conflict of Interest Determinations and Ex Parte Contacts as to Members of Boards and Commissions. **Maio, Spring, Hawley, Dean**
  12. Regarding General Plan and Housing Element Review
    - a. Frank Davis, Jr., President, Black Property Owners Association, regarding General Plan and Housing Element Review.
    - b. Marie Bowman, responses to General Plan
  13. Tom Sinclair, Interim City Administrator, City of Albany, check for \$50,000 to be used for the playfields at Fifth and Harrison Streets.
  14. Dr. Leonard Schwartzburd, regarding Study: Civic Work, Happiness Linked (two letters)
  15. Chuck Sheldon, regarding Berkeley Guardians.
  16. MAAGNA Steering Committee and members, regarding overparking - BHS request for parking permits in RPP. **Maio, Spring, Dean**
  17. Regarding CEAC predicament.
    - a. Jami Caseber and Pam Webster,
    - b. Nick Morgan, support of above letter.
    - c. Gordon Wozniak

18. Bob Vella, regarding Pet Owner/Pet Guardian. **Breland, Dean**
19. Michael M. Sims, Attorney, regarding General Rent Board Matters, evidence of low income.
20. Daniel Caraco, regarding possibility of conflict of interest by Michael Issel in regard to 1301 Oxford. **Maio, Spring, Dean**
21. Nestor Padron and Elizabeth Padron Vos, regarding Tool Library. **Maio, Dean**

**Action:** Councilmember Spring requested a report on the Tool Library in regard to the many letters recently received by Council.

22. Jason Meggs, Director, Bicycle Civil Liberties Union, regarding Public Works complicity in illegal destruction of property by police.
23. David M. Weitzman, regarding deterioration in traffic, transportation and parking
24. Ernest Landauer, regarding air rights at the BART Ashby parking lot for affordable housing. **Maio, Hawley, Dean**
25. Walter Wood, 1719-1725 University Avenue
26. David Anderson, regarding affordable housing.
27. Patrick Kennedy, article entitled "A Return to Paris"
28. Regarding Temple Beth El Project, 1301 Oxford
  - a. J. Amelia Ellis
  - b. Alan S. Kay
  - c. Carole Selter Norris
  - d. Mary Ann Brewin
  - e. Becky O'Malley
  - f. Juliet Lamont, two letters
29. Needle Exchange Emergency Distribution (NEED), regarding budget enhancement and permanent adjustment.
30. Gene Bernardi, regarding IFEU Workshop
31. Thomas E. Margro, General Manager, BART, regarding efficiency lighting in Berkeley stations. **Breland, Hawley, Dean**
32. Attica Peece, regarding Gilman & Highway 80 intersection. **Maio, Hawley, Dean**

**SUPPLEMENTAL COMMUNICATIONS  
AND AGENDA REPORTS**

**Item 25 - Eastshore State Park Planning**

- 33. Stephen Swanson
- 34. Paul Kamen
- 35. Doug Fielding

**Item 46 - Zoning Appeal of Use Permit, 2700 San Pablo Avenue**

- 36. Daniele Spellman
- 37. Tim Isao Sano
- 38. Students for a Livable City **Breland, Dean**
- 39. Ruth Y. Okimoto
- 40. Topaz Y. Sano
- 41. Wayne Salazar
- 42. Howie & Connie Muir
- 43. Howie & Connie Muir
- 44. Howie & Connie Muir

**Item 57 - Medical Marijuana**

- 45. Weldon Rucker, City Manager, clarification

**Item 66 - Revelatory Landscapes Exhibition**

- 46. Tom Leader

---

**Adjournment**

---

**Action:** Moved, seconded, carried (Spring/Worthington) to extend the meeting to complete specific agenda items.

The meeting adjourned at 11:40 p.m. in memory of James F. Wood, Jane Ash and Theodore Resnick.