

AGENDA

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, MARCH 20, 2001

Preliminary Matters

Roll Call: 7:00 p.m.

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

Proclamation Honoring Youth Radio

Proclamation for the Persian New Year

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.*

Youth Forum: *A total of fifteen (15) minutes is designated to allow youth an opportunity to address the Council. 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.*

Consent Calendar

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 Local Health Officer to take steps to enable the operation of needle exchange emergency distribution.

Contact: Sherry Kelly, City Clerk, 981-6900

Consent Calendar

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

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

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

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

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

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

Consent Calendar

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
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
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
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
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
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

Consent Calendar

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
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.
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
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
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

Consent Calendar

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

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

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

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

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

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

Consent Calendar

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
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
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
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
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
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

Consent Calendar

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
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
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
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
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

Consent Calendar

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
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
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
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
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
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

Consent Calendar

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
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
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

Presentation

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

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 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: 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
48. **Police Traffic Enforcement Information Report (CR# 253-00)**
From: City Manager
Contact: D. E. Butler, Police, 981-5700
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
50. **Commuter Check Program Options Information Report**
From: City Manager
Contact: Wendy Cosin, Planning and Development, 705-8102
51. **Jobs For Berkeley Residents Information Report**
From: City Manager
Contact: Phil Kamlarz, Deputy City Manager, 981-7000

Action Calendar

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
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

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
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
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

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
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
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
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 Calendar

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
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
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 Calendar

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

Information Reports

65. Formal Bid Solicitations and Request for Proposals Scheduled for Next 30 Days

From: City Manager

Contact: Fran David, Finance, 981-7300

66. Revelatory Landscapes Exhibition

From: Public Works Commission

Contact: Jeff Egeberg, Secretary,

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

Communications

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.
4. Dr. L. Schwartzburd, regarding telecommunications moratorium, two letters
5. Helen Wheeler, Housing Authority Commissioner, regarding attendance stipend for commission meetings.
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.
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.
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.
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

Communications

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.
21. Nestor Padron and Elizabeth Padron Vos, regarding Tool Library.
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.
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.
32. Attica Peece, regarding Gilman & Highway 80 intersection.

Adjournment
