

# **.AGENDA**

## **BERKELEY CITY COUNCIL REGULAR MEETING**

**TUESDAY, MAY 8, 2001**

**The Regular Council meeting will adjourn at 8:30 p.m. for the purpose of conducting a special joint meeting with the Berkeley Unified School District Board of Trustees, and the Council will reconvene at approximately 10:00 p.m.**

---

### **Preliminary Matters**

---

**Roll Call:** 6:00 p.m.

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

**Proclamation for Day of the Teacher**

**Proclamation for Older Americans Month**

**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.*

---

### **Presentation**

---

- Presentation of the City Manager's Fiscal Year 2002-2003 Biennial Budget**  
**From:** City Manager  
Contact: Weldon Rucker, City Manager, 981-7000

## 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.*

2. **Procedural Amendment to Berkeley Municipal Code (BMC)** *(first reading vote 4/24 - unanimous)*  
**From: City Manager**  
**Recommendation:** Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 3.02.040C to eliminate numerical reference to an old, rescinded resolution.  
Contact: Sherry Kelly, City Clerk, 981-6900
3. **Annual Appropriations Ordinance** *(first reading vote 4/24 - unanimous)*  
**From: City Manager**  
**Recommendation:** Adopt second reading of an Ordinance amending Annual Appropriations Ordinance No. 6553-N.S. for FY 2001 based upon changes in funding in the amount of \$2,541,155.  
Contact: Phil Kamlarz, Deputy City Manager, 981-7006
4. **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
5. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve minutes for the meetings of a) April 17, 2001 (special); b) April 17, 2001 (regular); c) April 24, 2001 (special); d) April 24, 2001 (regular); and e) April 26, 2001 (adjourned regular).  
Contact: Sherry M. Kelly, City Clerk, 981-6900
6. **Agreement: California Highway Patrol Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments with the State of California Department of California Highway Patrol for participation in certain training programs at no cost to the City.  
Contact: D. E. Butler, Police, 981-5700

## Consent Calendar

7. **Grant: Juvenile Accountability Incentive**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the grant application to the State Office of Criminal Justice Planning (OCJP) in the amount of \$49,691 to promote greater accountability of juveniles in the Justice System; authorizing matching funds in the amount of \$5,521; and authorizing the City Manager to execute any resultant agreement and amendments.  
Contact: D. E. Butler, Police, 981-5700
8. **Contract: Purchase of Fire Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Allstar Fire Equipment to purchase protective coats and trousers or turnouts for one year in an amount not to exceed \$42,050.  
Contact: Reginald Garcia, Fire, 981-3473
9. **Purchase Order: Temporary Agency Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to approve a purchase order with Procurement Services Associates, from July 1, 2000 through January 24, 2001, not to exceed \$35,000, for temporary employment to the Purchasing Division in the Finance Department.  
Contact: Fran David, Finance, 981-7300
10. **Lease: 1950 Addison Street**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to make monthly lease payments for the remaining two years of a five-year lease with 1950 Addison Street Associates LLC in an amount not to exceed \$170,955 for lease payments, plus \$17,255 for operating expenses, for a total not to exceed \$188,210 to house the Berkeley WorkSource Employment Program at 1950 Addison Street, and repealing Ordinance No. 6405-N.S.  
Contact: Fran David, Finance, 981-7300
11. **Owner/Guardian Ordinance and Provisions Regarding Service Dogs (CR# 33-01)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 10.04 (Dog and Cat Licenses and Regulations) to change the term "owner" to "owner/guardian," clarify exceptions that apply to service dogs, and make other minor clarifications.  
Contact: Manuela Albuquerque, City Attorney, 981-6950

## Consent Calendar

12. **Building Code Amendment**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 19.28.130A, to amend language in order to ensure life safety standards for all live/work and work/live occupancies.  
Contact: Wendy Cosin, Planning and Development, 705-8102
13. **Contract: As-Needed Refuse Hauling Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments to the Waste Management Davis Street Transfer Station for as-needed long haul services, for the period May 10, 2001 through June 30, 2002, for a total not to exceed \$50,000.  
Contact: Rene Cardinaux, Public Works, 981-6300
14. **Contract: Accessible Restroom Remodel**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to 1) approve plans and specifications for the Accessible Restroom Remodel at Old City Hall; 2) accept the bid of Eternal Construction Inc.; and 3) authorize the City Manager to execute a contract and any amendments in an amount not to exceed \$85,920.  
Contact: Rene Cardinaux, Public Works, 981-6300
15. **Business License and Use Permit Criteria for Medical Cannabis Cooperative Distribution Centers**  
**From: Councilmembers Breland, Maio and Worthington**  
**Recommendation:** 1) Request the City Manager recommend criteria and a process for the licensing and permitting of medical cannabis store/outlet "cooperatives", including a quota of such establishments; and 2) the City Manager halt the granting of new permits and review the permits of the existing cooperatives to determine an appropriate review process.  
Contact: Margaret Breland, Councilmember District 2, 981-7120; Linda Maio, Councilmember District 1, 981-7110 ; and Kriss Worthington, Councilmember District 7, 981-7170
16. **Pedestrian Safety Program of Crosswalk Flags**  
**From: Councilmember Armstrong**  
**Recommendation:** Request the City Manager to refer to the Public Works Department a new pedestrian safety program of crosswalk flags.  
Contact: Polly Armstrong, Councilmember District 8, 981-7180

## Consent Calendar

17. **Fee Waiver: Woman's Will Shakespeare Company**  
**From: Councilmember Armstrong**  
**Recommendation:** Adopt a Resolution waiving the special event permit fees associated with performances by Woman's Will Shakespeare Company in Live Oak Park this summer on July 21 and 22.  
Contact: Polly Armstrong, Councilmember District 8, 981-7180
18. **Traffic Signs: Alternate Route to Highway 24**  
**From: Councilmember Armstrong**  
**Recommendation:** Request the Traffic Engineering Department post signs on Dwight Way west of Telegraph Avenue, and on eastbound Ashby Avenue west of Telegraph Avenue, informing drivers that Telegraph Avenue is a route to Highway 24.  
Contact: Polly Armstrong, Councilmember District 8, 981-7180
19. **Fee Waiver: Berkeley Arts Festival Opening Day**  
**From: Councilmember Spring**  
**Recommendation:** Adopt a Resolution waiving the permit fees for the Berkeley Arts Festival Opening Day, Saturday, June 16, 2001.  
Contact: Dona Spring, Councilmember District 4, 981-7140
20. **Fee Waiver: Downtown Berkeley Association Summer Noon Concert Series**  
**From: Councilmember Spring**  
**Recommendation:** Adopt a Resolution waiving the sound and special event permit fees for the Downtown Berkeley Association's free summer noontime concert series in the months of June and July 2001.  
Contact: Dona Spring, Councilmember District 4, 981-7140
21. **Fee Waiver: Berkeley Arts and Crafts Collective**  
**From: Councilmember Spring**  
**Recommendation:** Adopt a Resolution waiving the permit fees for reinforcing the URM at the thirty year old Berkeley Arts and Crafts Collective at 1652 Shattuck Avenue, ACCI.  
Contact: Dona Spring, Councilmember District 4, 981-7140
22. **Stages Accessible to People in Wheelchairs**  
**From: Councilmember Spring**  
**Recommendation:** Refer to the City Manager a request for a good faith effort at making the stages at City facilities wheelchair accessible.  
Contact: Dona Spring, Councilmember District 4, 981-7140

## Consent Calendar

23. **Fee Waiver: 18<sup>th</sup> Annual Himalayan Fair**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution waiving all fees associated with the 18<sup>th</sup> Annual Himalayan Fair, May 26 to May 27, at Live Oak Park including fees for park usage, rental fee for the Live Oak Recreation Center, sound permit fees from 1 to 5 p.m., fees for Port a Potty services and food permit fees; waive Berkeley Municipal Code (BMC) Section 20.24.040 to permit two banners to be hung over or near Shattuck Avenue.  
Contact: Linda Maio, Councilmember District 1, 981-7110
24. **Fee Waiver: Pro Arts Open Studio Event**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution waiving all fees for the use of the West Berkeley Senior Center (including courtyard and some side rooms) for the Pro Arts Open Studio event to be held on the weekends of June 8-10 and June 15-17, and allow an exemption to Berkeley Municipal Code (BMC) Section 20.24.040 allowing a banner to be hung near the Center to advertise this event.  
Contact: Linda Maio, Councilmember District 1, 981-7110
25. **Fee Waiver: Dedication of Sustainable Earth Wall Building at Northside Gardens**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution waiving fees for the dedication event for a City building at the Northside Community Garden on June 3, 2001; and approve a proclamation supporting the construction and dedication of the building to the City.  
Contact: Linda Maio, Councilmember District 1, 981-7110
26. **Support Senate Bill 993, The Early Education and Wage Equity Act**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a Resolution supporting California Senate Bill 993, The Early Education and Wage Equity Act, authored by Senator Liz Figueroa.  
Contact: Linda Maio, Councilmember District 1, 981-7110
27. **Geneva's Path**  
**From: Councilmember Maio**  
**Recommendation:** Name the short path stretching from Neilson to Curtis to Gilman "Geneva Agnes Gates Foote", after a neighborhood activist who is also being honored this year by the Commission on the Status of Women.  
Contact: Linda Maio, Councilmember District 1, 981-7110
28. **Young Artists Work Space Project**  
**From: Councilmember Maio**  
**Recommendation:** Refer to the budget process a request of \$15,000 for the Young Artists Work Space (YAWS) Project.  
Contact: Linda Maio, Councilmember District 1, 981-7110

## Consent Calendar

29. **Budget Referral: West Berkeley Market**  
**From: Councilmembers Maio and Breland**  
**Recommendation:** Refer to the budget process a request for \$45,000 in funding to the West Berkeley Neighborhood Development Corporation (WBNDC) to support the first season of the West Berkeley Market.  
Contact: Linda Maio, Councilmember District 1, 981-7110; Margaret Breland, Councilmember District 2, 981-7120
30. **Free Parking and Incentives to the Use of Clean-Air Vehicles**  
**From: Mayor Dean**  
**Recommendation:** Request the City Manager investigate, with a report back to Council, the immediate implementation of a two-year pilot program of free parking at City garages and parking meters for clean-air (low/no emission non-polluting) vehicles, the Clean Vehicle Parking Program.  
Contact: Shirley Dean, Mayor, 981-7100
31. **Berkeley High Students in Class *(to be delivered)***  
**From: Mayor Dean**  
**Recommendation:** Express support for Berkeley Unified School District to have all students in class between 2<sup>nd</sup> and 6<sup>th</sup> period by requesting the City Manager work with the School Board, Superintendent and Berkeley High School personnel to move students out of Civic Center Park and into the school they should be attending during the hours school is in session (except for lunch period); urge the School Board eliminate gaps in student schedules by establishing mandatory study halls, staffed by volunteers temporarily until the end of this school year, while working on a permanent solution for next year.  
Contact: Shirley Dean, Mayor, 981-7100
32. **Budget Referral and Establishment of "Artisan District" to Support Berkeley Artists *(to be delivered)***  
**From: Mayor Dean**  
**Recommendation:** Refer to the City Manager the establishment of a West Berkeley "Artisan District" and refer to the budget process an allocation of \$30,000 to create signs, banners and marketing program to designate the area.  
Contact: Shirley Dean, Mayor, 981-7100
33. **Opposition to Drilling for Oil and Gas in the Alaskan Arctic Wildlife Refuge**  
**From: Mayor Dean**  
**Recommendation:** Reaffirm opposition to the proposal to explore and drill for oil and gas in the Alaskan Arctic Wildlife Refuge and inform the President, Secretary of the Interior, Energy Secretary and our state and federal legislators of Council's opposition.  
Contact: Shirley Dean, Mayor, 981-7100

34. **Support Senate Bill 1074 - Sales and Use Tax Exemptions**  
**From: Mayor Dean**  
**Recommendation:** 1) Support SB 1074 (Soto) which authorizes sales and use tax exemptions for specified green energy-generating equipment; and 2) request the City Clerk notify the bill sponsor, the Governor, and the City's Sacramento legislators and lobbyist; include in these letters a note to the effect that the City's prior support of SBX1 1 (authorized by Council on April 24) should be corrected to the new bill number, SB 1074.  
Contact: Shirley Dean, Mayor, 981-7100
35. **Budget Referral: Creation of a Lesbian, Gay, Bisexual, Transgender, Feminist Community Center**  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the budget process \$25,000 to assist in the planning process to explore the creation of a Lesbian, Gay, Bisexual Transgender, Feminist Community Center.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170
36. **Standards for Arsenic in Drinking Water**  
**From: Commission on Aging**  
**Recommendation:** Send a letter to the Environmental Protection Agency (EPA) Chief Christie Whitman protesting the failure of the EPA to adopt new and more stringent standards that would cut the allowable amounts of arsenic in drinking water, and a copy to President George Bush, Senator Diane Feinstein and Senator Barbara Boxer.  
Contact: Lisa Ploss, Secretary, 644-6050
- a. City Manager Report**  
**Recommendation:** The City Manager takes no position concerning the recommendations of the Commission.  
Contact: Fred Medrano, Health and Human Services, 981-5100
37. **Safe Routes to School Grant**  
**From: Transportation Commission**  
**Recommendation:** Establish a top priority to ensure implementation of the \$450,000 Safe Routes to School grant from CalTrans which may be in jeopardy due to the lack of progress on the project and the necessity to meet a funding obligation deadline of September 2001.  
Contact: Joe Kott, Secretary, 705-8134
- a. City Manager Report**  
**Recommendation:** Adopt a Resolution accepting Federal funds in the amount of \$450,000 for the Safe Route to Schools Project along Telegraph Avenue between Derby Street and Russell Street, and authorizing \$50,000 of General Funds (Fund 010) to be used as matching funds.  
Contact: Rene Cardinaux, Public Works, 981-6300

## Action Calendar

### Priority:

38. **Decision on Zoning Appeal of Use Permit, 2700 San Pablo Avenue** (*see agenda packet of March 20 for reports and communications; new materials marked with \*; public hearing held on April 24, 2001*)
- 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 Information Report**  
Contact: Wendy Cosin, Planning and Development, 705-8102
- c. Communications**
1. Ali R. Kashani, Executive Director, Affordable Housing Associates\*
  2. Howie Muir\*
  3. Joshua Polston\*
  4. Gem Diwa\*
  5. Matt Raimi\*
  6. Lisa Polston\*
  7. Ken Fox\*
  8. Jennifer Gibbons\*
  9. David Tabb\*
  10. John M. Benson\*
  11. Alex Bernstein\*
  12. Benjamin Grant\*
  13. Jubilee Courtyard Apartments\*
  14. Howie and Connie Muir\*
  15. Richard Register\*
  16. Louis J. Bonfiglio\*
  17. Linda and Harvey Matlof\*
  18. Jana Overbo\*
  19. Egon Terplan\*
- Contact: Sherry Kelly, City Clerk, 981-6900

## Action Calendar

39. **Decision on Community Development Block Grant (CDBG) Funding for FY2002-2003** (*see agenda packet of April 24 for report and communications; new materials marked with \*; public hearing held April 26*)  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving the City Manager's final funding recommendations and budgets for the CDBG, ESB, GF/CSBG Anti-Poverty Program; and the Measure O Homeless Services Program; 2) authorizing the City Manager to execute contracts with agencies receiving funding and make two-month advance payments to those agencies; 3) authorizing two-year contracts for all community agencies receiving funding in the GF/CSBG Anti-Poverty Program, the Measure O Homeless Services Program, and the recipients of CDBG funding in the public services category with the exception of Housing Rights, Inc.'s Affordable Housing Advocacy Program, and the Ecology Center's Farmers Market Project which shall receive one-year funding; 4) allocating \$117,000 in Federal HOME monies to administer the HOME Program and placing \$1,053,000 into the Housing Trust Fund; 5) authorizing the City Manager to determine the Living Wage Implementation grant amount to applicable community agencies and execute resultant contracts; and 6) authorizing the City Manager to finalize and submit the 2001 Annual Action Strategy of the 5-year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD) which includes the applications for CDBG, EST, and HOME Program funding, and to execute the resultant agreements.  
Contact: Stephen Barton, Housing, 981-5400
- a. From: Housing Advisory Commission**  
**Recommendation:** Approve the Housing Advisory Commission (HAC) funding recommendations for the FY2001-2002 CDBG and ESG Program.  
Contact: Oscar Sung, Secretary, 981-5410
- b. From: Human Welfare and Community Action Commission**  
**Recommendation:** Adopt two Resolutions: 1) approving the City Manager's final recommendations and budgets for the GF/CSBG Anti-Poverty Program and authorizing the City Manager to execute contracts with agencies receiving funding and make a two month advance payment to these agencies; and 2) authorizing the City Manager to add \$168,253 General Fund money to the budget to fund certain community agencies to provide services to poverty level Berkeley residents for FY2002 and 2003 and execute contracts with the recommended community agencies, further stipulating that contractors may receive a two-month advance payment.  
Contact: Marianne Graham, Secretary, 981-5416
- c. From: Homeless Commission**  
**Recommendation:** Approve the Homeless Commission's funding recommendations for the FY2002-2003 CDBG, ESG, GF/CSBG Anti-Poverty Program and Measure O Homeless Service Programs.  
Contact: Jane Micallef, Secretary, 981-5426

## Action Calendar

### **Old Business:**

*Reports and communications related to public hearings that were distributed to Council when the issue was first heard are not included. However, new material has been noted with an \*.*

40. **Contract: Design Guidelines for San Pablo Avenue** *(removed from the Consent Calendar by Councilmember Breland and held over from 4/24)*  
**From: City Manager \***  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the existing contract with Community Design + Architecture for a streetscape improvements plan for San Pablo Avenue to add preparation of design guidelines for private properties to the scope of services, and increase the contract amount by \$10,000.  
Contact: Bill Lambert, Economic Development, 705-8180
41. **Regulation of Street Events and Block Parties (CR# 15-01)** *(first reading vote 3/20/01 - unanimous) (removed from Consent Calendar by Councilmember Worthington and held over from 3/27, 4/17)*  
**From: City Manager**  
**Recommendation:** Adopt second 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  
**a. BMC Chapter 13.44 (current)**  
Contact: Sherry Kelly, City Clerk, 981-6900
42. **Policy: Compatibility of Outside Employment by Members of Boards and Commissions** *(held over from 3/20, 3/27, 4/17)*  
**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  
**a. Information Report**  
**From: City Manager**  
Contact: Manuela Albuquerque, City Attorney, 981-6950
43. **Whether Gordon Wozniak is Engaged in Employment Incompatible with Membership on the Community Environmental Advisory Commission**  
**From: City Manager** *(held over from 3/20, 3/27, 4/17)*  
**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 Calendar

44. **Application: New Housing Incentive Program (HIP)** (*moved from Information Reports to Action Calendar by Councilmember Spring and held over from 3/27, 4/17*)  
**From: City Manager**  
Contact: Wendy Cosin, Planning and Development, 705-8102
- a. Information Report**  
**From: City Manager**  
Contact: Wendy Cosin, Planning and Development, 705-8102
- b. Communications**
1. Deborah Badhia, Executive Director, Downtown Berkeley Association.  
Contact: Sherry Kelly, City Clerk, 981-6900
45. **Protecting Creeks from Sewer Overflows and Sewer Program Status Report (CR# 6-01)** (*moved to Action Calendar by Councilmember Olds and held over from 4/24*)  
**From: City Manager**  
Contact: Rene Cardinaux, Public Works, 981-6300
46. **Rule Against *Ex-Parte* Contacts (CR# 187-00)** (*held over from 4/17*)  
**From: City Manager**  
**Recommendation:** Adopt a Resolution rescinding Resolution No. 60,848-N.S. Council Rules of Procedure, and adopting new rules which clarify the rule prohibiting *ex parte* contacts.  
Contact: Manuela Albuquerque, City Attorney, 981-6950
47. **Sidewalk Benches and Planters, Encroachments** (*held over from 4/17*)  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance adding Chapter 23E.26 to the Berkeley Municipal Code (BMC) relating to sidewalk benches and planters and adding a new Section 16.18.040 relating to encroachments.  
Contact: Wendy Cosin, Planning and Development, 705-8102
48. **Zoning Amendments Status Report and Planning Commission's Prioritization of ZORS Referral List** (*moved to Action Calendar by Councilmember Armstrong and held over 4/17*)  
**From: City Manager**  
Contact: Wendy Cosin, Planning and Development, 705-8102
49. **Job Training/Job Placement Programs and Community Agency Contracts** (*removed from the Consent Calendar by Mayor Dean and held over from 3/20*)  
**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 Calendar

50. **Task Force on Citywide Transit Pass** (*removed from the Consent Calendar by Councilmember Hawley and held over from 3/20, 4/17*)  
**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
51. **Low and Moderate Income Housing Projects** (*removed from the Consent Calendar by Councilmember Spring and held over from 3/27, 4/17*)  
**From: Councilmembers Breland and Hawley**  
**Recommendation:** Refer to the City Manager, *Planning Commission*, and the Housing Advisory Commission the policies and procedures for encouraging the development of low-income and market-rate housing in Berkeley, and report to Council within ninety days with recommendations for implementation.  
Contact: Margaret Breland, Councilmember District 2, 981-7120; Mim Hawley, Councilmember District 5, 981-7150  
a) **Priority Processing for Low Income Housing Projects**  
**From: Councilmember Spring**  
**Recommendation:** This recommendation is a substitute motion for the recommendation on this subject titled “Priority Processing for Low and Moderate Income Housing Projects” by Councilmembers Breland and Hawley; this substitute motion refers to the City Manager, Zoning Board and the Planning Commission the goal of streamlining procedures for encouraging low-income housing development projects that provide a substantial amount of more affordable housing to people at 60% or lower than Average Median Income or Section 8 housing than already required by law.  
Contact: Dona Spring, Councilmember District 4, 981-7140
52. **Sunshine Ordinance** (*removed from the Consent Calendar by Councilmember Armstrong and held over from 3/27, 4/17*)  
**From: Councilmember Worthington**  
**Recommendation:** Refer to the City Clerk and the City Manager studying the feasibility of a Berkeley Sunshine Ordinance and a process of implementation.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170
53. **Regional Appointments/Special Assignments** (*removed from the Consent Calendar by Councilmember Worthington and held over from 4/24*)  
**From: Mayor Dean**  
**Recommendation:** Adopt a Resolution designating members of the Council to serve as appointees to regional bodies and/or special assignments.  
Contact: Shirley Dean, Mayor, 981-7100

## Action Calendar

54. **6<sup>th</sup> Annual Berkeley Free Folk Festival** (*removed from the Consent Calendar by Councilmember Worthington and held over from 4/17*)  
**From:** Councilmembers Armstrong and Maio  
**Recommendation:** Refer to the budget process \$5,000 funding for the 6<sup>th</sup> Annual Berkeley Free Folk Festival tentatively scheduled for Saturday, November 17, 2001.  
Contact: Polly Armstrong, Councilmember District 8, 981-7180; Linda Maio, Councilmember District 1, 981-7110
55. **Budget Referral: Funds for Peace and Justice Commission** (*removed from the Consent Calendar by Councilmember Hawley and held over from 3/27, 4/17*)  
**From:** Peace and Justice Commission  
**Recommendation:** Refer \$15,000 to the FY2002 and FY2003 budget process to provide funding to enable the Peace and Justice Commission to carry out its mandate to educate and inform citizens on matters of peace and social justice.  
Contact: Manuel Hector, Secretary, 981-5110  
**a. City Manager Report**  
**Recommendation:** Refer the funding request to the budget process.  
Contact: Fred Medrano, Health and Human Services, 981-5100
56. **Small Cab Companies** (*held over from 4/17*)  
**From:** Commission on Aging  
**Recommendation:** 1) Recruit and assist locally owned small taxicab owners to provide taxi scrip rides; 2) mandate a percentage or number of taxi scrip fares per day or week must be provided in the contracts with such companies; 3) waive the 10% rebate to the City; and 4) pay the taxi scrip vouchers twice a month; and allow ten minutes for two presenters to speak on behalf of the Commission on Aging's recommendations.  
Contact: Lisa Ploss, Secretary, 644-6050  
**a. City Manager Report**  
**Recommendation:** Concur in concept with the recommendations of the Commission and will come back to Council on May 22, 2001 with a resolution and proposed actions to implement improvements to the Taxi Scrip Program.  
Contact: Stephen Barton, Housing, 981-5400  
**b. Taxi Scrip Allotment and Cab Company Provisions** (*held over from 4/17*)  
**From:** Commission on Aging  
**Recommendation:** Direct the City Manager to ensure 1) that a minimum allotment of twenty scrip books be offered to taxi scrip riders during the 4<sup>th</sup> quarter 2001; 2) that all taxi scrip riders be informed clearly in writing of the "partial payment" procedures which appears to have been started with the issuance of ten free books; 3) to further inform these riders of the number of free books which each rider may still obtain and the number and cost of any additional books over the thirteen free books up to and including a total of twenty books, as well as detailed instructions of the process of ordering and/or obtaining additional books over the ten already received; 4) further, the Commission on Aging respectfully requests a copy of such a letter, if it has already been mailed, and copies of any subsequent mailings to taxi scrip users; 5) that in addition to other

## Action Calendar

provisions in contracts between cab company licensees and the City, a provision be included which may include the forfeiture of a license to operate a taxicab in the City, if the licensee refuses to participate in, or cooperate in, an agreement to serve taxi scrip riders; and 6) that appropriate staff members allow sufficient time for citizen input at appropriate commission meetings prior to implementation of changes or new proposals to the taxi scrip program.

Contact: Lisa Ploss, Secretary, 644-6050

**c. City Manager Report**

**Recommendation:** Concur in concept with the recommendations of the Commission and will come back to Council on May 22, 2001 with a resolution and proposed actions to implement improvements to the Taxi Scrip Program.

Contact: Stephen Barton, Housing, 981-5400

57. **Potentially Environmentally Risky Businesses in the East Bay** (*held over from 4/17*)

**From: Commission on Aging**

**Recommendation:** Send a letter to the Association of Bay Area Governments (ABAG) and State Assemblymember Dion Aroner urging them to work on moving businesses that are potentially environmentally risky out of residential neighborhoods in the East Bay.

Contact: Lisa Ploss, Secretary, 644-6050

**a. City Manager Report**

**Recommendation:** Take no action on the recommendation of the Commission. Many community businesses and services, including car repair facilities, hospitals and photo labs, may generate products that could potentially pose an environmental risk; however, city, federal and state standards are currently in place that include inspection, record keeping and training. These businesses are vital to our communities. The City of Berkeley Toxics Management Division regulates and maintains records of the chemical use and waste generation for all Berkeley businesses.

Contact: Wendy Cosin, Planning and Development, 705-8102

58. **Peace and Justice Film Festival** (*held over from 4/17*)

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution authorizing the Peace and Justice Commission to develop a Berkeley Peace and Justice Film Festival to promote educational and cultural exchange for a two-day weekend in the Fall 2001; and report back to Council with a proposed budget.

Contact: Manuel Hector, Secretary, 981-5110

**a. City Manager Report**

**Recommendation:** The Peace and Justice Commission should do the research on costs prior to Council approval. This is a major effort requiring substantial costs and staff support. Information should be available prior to Council action.

Contact: Fred Medrano, Health and Human Services, 981-5100

## Action Calendar

59. **Development in the MU-LI (Mixed Use-Light Industrial) District** (*held over from 4/17, 4/24 – see agenda packet of 4/17/01 for report; new material indicated by \**)

**From: Planning Commission**

**Recommendation:** 1) Adopt an interim ordinance for a period of one year a prohibition on the issuance of permits for new office uses, excluding Ancillary office uses, in the MU-LI District in West Berkeley; and 2) direct the Planning Commission to determine the effects of MU-LI office development and conversion on a) light industry, b) good blue-collar jobs, c) the City's environmental economy, d) artists and artisans, e) traffic problems, f) the implementation of the West Berkeley Plan.

Contact: Karen Haney-Owens, Secretary, 705-8137

**a. City Manager Report**

**Recommendation:** 1) Do not adopt a moratorium on office conversion and development in the MU/LI district at this time; 2) direct staff to track applications and permitting activity in West Berkeley and report on a regular basis to Council, Planning Commission and Zoning Adjustments Board; and 3) direct staff to explore options to promote, create and retain space for artists and artisans.

Contact: Wendy Cosin, Planning and Development, 705-8102

**b. From: Councilmember Maio\***

**Recommendation:** 1) Pursue interim controls on substantial (>10,000 ft sq) conversions and new construction projects in the MU/LI district and refer the consideration of such controls to the Planning Commission which includes the holding of another public hearing. This is consistent with section 65091 and clarifies the Manager's request (page 2 of the staff report) that Council select an appropriate process; 2) as recommended by the City Manager, direct staff to track applications and permitting activity in West Berkeley and report on a regular basis to Council, Planning Commission, and the ZAB; 3) as largely recommended by the City Manager, direct staff to explore and evaluate options to promote, create and retain space for industry, artists, artisans and (added language) nonprofit groups; 4) direct the Planning Commission to undertake those inquiries outlined in the Planning Commission's recommendation, Attachment 1, section 2 (page 785); 5) request the Commission clean up contradictory language in its recommendation regarding the definition of ancillary or incidental office uses; and 6) request the Commission propose methods wherein the City can support the reuse of vacant, industrial buildings, that are not suitable for use for industry, as artists cooperatives.

Contact: Linda Maio, Councilmember District 1, 981-7110

## Action Calendar

### New Business:

60. **Limiting the Number of Agenda Items from the Council**  
**From: Councilmember Breland**  
**Recommendation:** Adopt a policy limiting the number of agenda items at each Council meeting to no more than three (3) items per Councilmember per meeting; that no additional items be allowed on following agendas until one or more of the original items have been addressed; and that any "pending" items be voted on by the end of three regular meetings.  
Contact: Margaret Breland, Councilmember District 2, 981-7120
61. **Parking Permits at North Berkeley Senior Center**  
**From: Commission on Aging**  
**Recommendation:** Request the City Manager approve thirty of the annual E parking permits for senior attending the North Berkeley Senior Center.  
Contact: Lisa Ploss, Secretary, 644-6050  
**a. City Manager Report**  
**From: City Manager (CR# 238-00)**  
**Recommendation:** Support the recommendation of the Traffic Engineer to deny the issuance of annual parking permits for the North Berkeley Senior Center in the "E" Residential Permit Parking (RPP) Zone based on parking survey results which reveal a lack of parking capacity in the immediate nine block area surrounding the senior center.  
Contact: Rene Cardinaux, Public Works, 981-6300 .
62. **Green Roof on the South Berkeley Senior Center**  
**From: Commission on Aging**  
**Recommendation:** Direct the City Manager to ensure that any new roof installed at the South Berkeley Senior Center be energy efficient with solar panels and other appropriate technology.  
Contact: Lisa Ploss, Secretary, 644-6050  
**a. City Manager Report**  
**Recommendation:** The recommendations contained in this report affect budget and/or other programs. Refer to the Community energy planning process approved by Council at the March 20, 2001 meeting.  
Contact: Fred Medrano, Health and Human Services, 981-5100

## Action Calendar

63. **Study of Spoiled Ballots**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution requesting the appropriate person(s), such as the City Clerk and the Alameda County Board of Elections, investigate and report to the City Council, Peace and Justice Commission and the public on the following matters: 1) A review of double-punched ballots, under-punched ballots, and any other patterns of election results that may indicate disparities in voters' casting of their intended votes in different precincts or areas of the City; 2) an analysis of voter turnout and voting results to identify any unexpected patterns that may hint at disparities in voters' ability to cast their intended votes; 3) solicitation of the observations, comments, and suggestions of poll workers in the November 2000 election about any factors or conditions that may have unduly affected voting in the polling places where they worked, including voting equipment issues, and all other conditions, including those that may persist should the City replace its current punch-card voting system with another mechanism; 4) solicitation of similar input from poll workers in the November 2001 and November 2002 elections, by scheduling a meeting of those poll workers, announced in advance of the election and scheduled to occur shortly after the election; 5) a public invitation for voters to provide their observations and suggestions regarding polling places where they voted, including a comment form on the City of Berkeley Web site; 6) an investigation of voting technologies, including paper ballots, newer punch-card systems, and others, to identify mechanisms feasible for Berkeley that ensure the highest possible reliability, accuracy and integrity with the least potential for tampering; 7) an investigation of whether there are variations in the age or maintenance of voting machines in different precincts of the City, and of the general condition of the voting equipment presently in use; and 8) providing sufficient funds and personnel to adequately monitor the above concerns in future elections in the City of Berkeley.

**a. City Manager Report**

**Recommendation:** Deny the recommendations of the Commission. The Registrar of Voters for Alameda County, who conducted the November 2000 election, has indicated that much of the information requested is not readily available, and that it would be a very time consuming and expensive task to perform by both the County and the City. The task would require the hiring of new staff with expertise in statistical analysis, voting patterns, etc.

Contact: Fred Medrano, Health and Human Services, 981-5100

## Information Reports

64. **Investment Report for Second Quarter Ending December 31, 2000**

**From: City Manager**

Contact: Fran David, Finance, 981-7300

65. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issue in the Next Thirty Days**

**From: City Manager**

Contact: Fran David, Finance, 981-7300

---

## Information Reports

---

66. **Fiscal Year 2001 General Audit Work Plan**  
**From: City Auditor**  
Contact: Ann-Marie Hogan, City Auditor, 981-6750
67. **Implementation Status of Various Audits**  
**From: City Manager**  
Contact: Fran David, Finance, 981-7300

---

## Communications

---

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

1. Regarding 1301 Oxford Street, Temple Beth El Project
  - a. Nancy Werthan
  - b. Jenelle Marcus
  - c. Sharon E. Duggan, Attorney
  - d. Mona Cain
  - e. Florence Borkon
  - f. Ruth Spear
  - g. Joyce Vollmer and Eric Van Vliet
  - h. Frances and Ernest Alexander
  - i. Theresa Bakalchuk
  - j. Alex Bergtraun, AIA
  - k. Karin Bliman and Lon Poole
  - l. Esta L. Braud
  - m. Mary Anna C. Colwell, Ph.D
  - n. Pam and Mike Crane
  - o. Martin and Jill Dodd
  - p. Claude Fischer and Ann Swidler
  - q. Judith and Ralph Greif
  - r. Edythe Heda
  - s. Leigh Marymor, Bay Area Rock Art Research Assn.
  - t. Alan Miller
  - u. Dorothy and Milt Mozen
  - v. Arlene and Jonathan Noble
  - w. Lenore Dale Ralston, Ph.D.
  - x. Eloise H. Schmidt
  - y. Michelle and Piera Segre
  - z. Judith S. Tabb
  - aa. Edward Vine
  - bb. Joel Zeldin, Shartsis, Friese & Ginsburg
  - cc. Shirley and Ernest Weiner
  - dd. Bruce Feingold
  - ee. Carolyn Ziegler Wilson, M.D.
  - ff. Approximately 40 identical postcards

---

## Communications

---

2. Regarding Pedestrian Safety
  - a. Deborah Houy
  - b. Barbara Materna
  - c. Karen Hipkins
  - d. Loring Dales
3. Arlene Merryman, regarding hazardous conditions for disabled people.
4. Fran Segal, Ph.D., regarding traffic in Berkeley
5. Robert D. Fletcher, Chief, Planning and Technical Support Division, Air Resources Board, regarding air quality monitoring study in West Berkeley and enclosing report Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles.
6. Bob Smith, United States Senate, regarding MTBE, in response to Council letter.
7. Ms. Hughes, regarding the Berkeley Arts Festival 2001.
8. Merrilie Mitchell, regarding Draft General Plan (article).
9. Regarding the David Brower Center
  - a. Fritjof Capra, Ph.D.
  - b. David W. Orr, Professor and Chair, Environmental Studies Program, Oberlin College
10. Charles L. Smith, regarding the roundabout at 1-80/Gilman
11. Lori Sharpe, Director and Advisory to Attorney General, U.S. Department of Justice, regarding discontinuing all forms of “secret evidence” prosecutions.
12. Walter Wood, regarding project at 1719-1715 University Avenue.
13. Wendy Alfsen, transmitting petition signed by approximately 16 people, regarding T-36 public expenditures on public parking in the downtown and the southside.

---

## Adjournment

---