

SUMMARY
BERKELEY CITY COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 27, 2001

Preliminary Matters

Roll Call: 7:09 p.m.; All present.

Comments from the City Manager:

Winter break activity for school kids at various City recreation centers from December 24, 2000 through January 4, 2002. For more information call 981-5150.

Holiday Food Basket distribution in conjunction with Berkeley Boosters. For more information call 981-5150.

Various grant awards to Homeless Services including the Emergency Food Project and Mental Health Program.

Report on downed trees and an extended power outage over the weekend caused by the most recent storm.

Comments from the Public: 11 speakers

Actions: Councilmember Armstrong referred comments made by Kalief Lahutt regarding use of the former police station as a winter shelter to the City Manager.

Consent Calendar

Action: Moved, seconded, and carried (Armstrong/Maio) to adopt the Consent Calendar in one motion except as indicated:

1. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the Special Council Meeting of November 6, 2001.

Contact: Sherry M. Kelly, City Clerk, 981-6900

Action: Approved minutes.

2. **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. 61,349-N.S.
3. **Memorandum of Understanding: Berkeley Police Association** (*first reading 11/13/01 – unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance implementing the amendment to the City's contract with CalPERS to provide the 3% at Age 50 Retirement Formula to take effect on June 30, 2002 and repealing Ordinance Nos. 6633-N.S. and 6649-N.S.
Contact: Ron Brown, Human Resources, 981-6800
Action: Adopted Ordinance Nos. 6663. Effective December 27, 2001.
4. **Declaration Of 2507-09 McGee Avenue As A Public Nuisance**
From: City Manager
Recommendation: Adopt a Resolution declaring the property at 2507-09 McGee Avenue as a public nuisance and its abatement.
Contact: Carol Barrett, Planning & Development, 705-8102
Action: Adopted Resolution No. 61,350-N.S.
5. **Line of Succession in the Event of an Officially Declared Disaster**
From: City Manager
Recommendation: Adopt a Resolution approving an order of succession to the position of Director of Emergency Services in the event the Director is unavailable to attend meetings and otherwise perform duties during an emergency.
Contact: Weldon Rucker, City Manager, 981-7000
Action: Adopted Resolution No. 61,351-N.S.
6. **Annual Appropriations Ordinance Amendment**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending FY 2002 Annual Appropriations Ordinance No. 6635-N.S. based upon recommended re-appropriation of unexpended FY 2001 funding changes in the amount of \$53,596,327.
Contact: Phil Kamlarz, Deputy City Manager, 981-7006
Action: Adopted first reading of the Ordinance. Second reading scheduled for December 11, 2001.

7. **Patrol Officer Recruit - Salary Adjustments**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 60,633-N.S., Classification and Salary Resolution for Unrepresented Employees, to approve cost of living adjustments for the Patrol Officer Recruit classification.
Contact: Ron Brown, Human Resources, 981-6800
Action: Adopted Resolution No. 61,352-N.S.
8. **Temporary Appointment: Acting Housing Authority Manager**
From: City Manager
Recommendation: Adopt a Resolution authorizing the extension of a temporary appointment of the Housing Authority Manager, Rick Mattessich, to June 30, 2002.
Contact: Ron Brown, Human Resources, 981-6800
Action: Adopted Resolution No. 61,353-N.S.
9. **Settlement Authority of City Attorney**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 7.12.020 to increase the City Attorney's administrative settlement authority for public liability claims and litigation from \$4,999 to \$15,000, and to clarify authorized expenditures for legal services.
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted first reading of the Ordinance. Second reading scheduled for December 11, 2001.
10. **Contract: Manufacturing Services for Addison Street Poetry Panels**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with Southwestern Porcelain Steel Corporation (SPSC) in the amount of \$32,616 for manufacturing services associated with the Addison Street Poetry Panels, for the period December 1, 2001 to June 30, 2002.
Contact: Bill Lambert, Economic Development, 705-8180
Action: Adopted Resolution No. 61,354-N.S.
11. **Borrowing of Funds and the Sale and Issuance of Fiscal Year 2001-02 Tax and Revenue Anticipation Notes**
From: City Manager
Recommendation: Adopt a Resolution providing for the borrowing of funds and the sale and issuance of Fiscal Year 2001-02 Tax and Revenue Anticipation Notes.
Contact: Fran David, Finance, 981-7300
Action: Adopted Resolution No. 61,355-N.S.

12. **Proclamation for World AIDS Day**
From: Mayor Dean
Recommendation: Approve a proclamation for World AIDS Day, and waive Council rules to allow the presentation of the proclamation on November 27, 2001 after completion of the Consent Calendar.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation as revised by Mayor Dean and amended by Vice Mayor Shirek to also endorse the march to be held on November 30, 2001. Proclamation presented.

13. **National Tritium Labeling Facility Decontamination**
From: Councilmember Worthington
Recommendation: Adopt a Resolution to ensure the National Tritium Labeling Facility (NTLF) at Lawrence Berkeley National Laboratory (LBNL) and affected environs, including the Lawrence Hall of Science, be properly decontaminated, and all cutting, chipping and shipping of trees contaminated with tritium to Korean and Japanese paper mills or elsewhere cease.
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Removed from the Consent Calendar by Councilmember Armstrong. Held over to the meeting of December 11, 2001.

14. **California Youth Vote Platform**
From: Councilmember Worthington
Recommendation: Adopt a Resolution for California Youth Vote Platform sponsored by California Student Public Interest Research Group (CALPIRG) and the University of California Student Association.
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Removed from the Consent Calendar by Councilmember Armstrong. Held over to the meeting of December 11, 2001.

15. **Status of Parking Meters**
From: Councilmember Armstrong
Recommendation: Ask the City Manager for an oral report on the status of, and plans for improving, our parking meter functions on city streets.
Contact: Polly Armstrong, Councilmember District 8, 981-7180
Action: Approved recommendation.

16. **Converting Radio Station 1610 AM to an Emergency Station**
From: Mayor Dean & Councilmember Olds
Recommendation: Request that the City Manager proceed with purchasing and installing the necessary equipment to convert radio station 1610 AM to a true emergency information source for the citizens of Berkeley.
Contacts: Shirley Dean, Mayor, 981-7100; Betty Olds, Councilmember District 6, 981-7160
Action: Approved recommendation.

17. **Conversion of 1610 to a Proper Berkeley Emergency Radio Station**
From: Councilmember Armstrong
Recommendation: Ask the City to complete the conversion of our community radio station (1610 AM) into a real emergency radio station.
Contact: Polly Armstrong, Councilmember District 8, 981-7180
Action: Approved recommendation.
18. **Update on Bus Shelters**
From: Mayor Dean & Councilmember Hawley
Recommendation: Request the City Manager and Planning Department staff provide an update as soon as possible on the status of plans for the bus shelters in Berkeley, including anticipated dates for installing shelters and plans for their locations.
Contact: Shirley Dean, Mayor, 981-7100; Councilmember Hawley, District 5, 981-7150
Action: Approved recommendation. Mayor Dean stated for the record that if the City is unable to achieve performance on installation of the bus shelters within a reasonable amount of time then the City should consider another contractor.
19. **Support for Small Schools Event**
From: Councilmember Maio
Recommendation: Cosponsor the “Big Action for Small Schools” event being organized by the Parents of Children of African Descent (PCAD) scheduled for Saturday, December 1, 2001 from 12-3 p.m. and adopt a Resolution waiving all fees associated with the event.
Contact: Linda Maio, Councilmember District 1, 981-7110
Action: Removed from the Consent Calendar by Councilmember Hawley. Moved, seconded, carried (Maio/Worthington) to approve the recommendation revised by Councilmember Maio to eliminate co-sponsorship of the event and adopt Resolution 61,356-N.S. waiving fees.
20. **Promoting Berkeley Businesses**
From: Councilmember Maio
Recommendation: Request the City Manager, working with Chamber and the Visitor’s Bureau, set up a website link directly from the City’s homepage to a list of Berkeley businesses that do internet commerce to assist supporters from across the country who wish to affirmatively patronize Berkeley businesses.
Contact: Linda Maio, Councilmember District 1, 981-7110
Action: Removed from the Consent Calendar by Councilmember Olds. Held over to the meeting of December 11, 2001.

21. **Free Transit for Holiday Shoppers**
From: Councilmembers Hawley & Armstrong
Recommendation: Request that the City Manager work with downtown Berkeley merchants and AC Transit to provide free transit fares for people who patronize commercial districts on Saturdays during the upcoming holiday season, to the extent possible considering the short time frame. 2) Adopt a policy to provide free transit passes whenever and wherever the City provides free parking at parking meters for patrons of commercial districts.
Contacts: Mim Hawley, Councilmember District 5, 981-7150; Polly Armstrong, Councilmember District 8, 981-7180
Action: Removed from the Consent Calendar by Councilmember Spring. Held over to the meeting of December 11, 2001.
22. **Fee Waiver: Holiday Music in Downtown**
From: Councilmember Spring
Recommendation: Adopt a Resolution waiving the sound and special event permit fees for holiday music in the downtown Berkeley Park Plaza for the following dates: November 29, December 1, 6, 8, 13, 15, 20, and 22 and allow for the hanging of a banner across Shattuck Avenue to promote the event.
Contact: Dona Spring, Councilmember District 4, 981-7140
Action: Adopted Resolution No. 61,357-N.S.
23. **Stem Cell Research**
From: Commission on Aging
Recommendation: Send a letter to President George W. Bush expressing support for stem cell research and urging the lifting of the restrictions that allow federal research support only to existing stem cell lines. Copies of this letter to be sent to Vice-President Richard Cheney, Representatives Barbara Lee, Richard Gephardt and Dennis Hastert, and Senators Dianne Feinstein and Barbara Boxer.
Contact: Lisa Ploss, Secretary, 644-6050
From: City Manager
Recommendation: The City Manager takes no position.
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Approved recommendation. (Abstain – Breland)
24. **Metropolitan Transportation Commission Free Student Bus Plan**
From: Berkeley Youth Commission
Recommendation: Direct the City Manager to send a letter to the Metropolitan Transportation Commission (MTC): 1) expressing support of the free and low cost subsidized bus pass program for students proposed by AC Transit; and 2) urging the MTC, when they meet on December 19, 2001 to adopt its Regional Transportation Plan, to include ample funding for low-income Berkeley youth to benefit from this pilot program.
Contact: Philip Harper-Cotton, Secretary, 644-6226 Ext. 22
From: City Manager
Recommendation: The City Manager takes no position.
Contact: Lisa Caronna, Parks and Waterfront, 981-6700
Action: Approved recommendation.

25. **Citizens' Option for Public Safety Program**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution authorizing the City Manager to accept approximately \$208,597 from the State of California Citizens' Option for Public Safety (COPS) Program for supplemental Police Department staffing between December 2001 and October 2002 and training and equipment costs associated with preparations for potential threats.

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

Public Testimony: The Mayor opened the public hearing. No speakers heard. Moved, seconded, carried (Worthington/Hawley) to close the public hearing.

Action: Moved, seconded, carried (Worthington/ Hawley) to adopt Resolution No. 61,358-N.S.

26. **Extend Residential Permit Parking**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution amending Section 25E of Resolution No. 56,508-N.S. by adding subsections to extend residential permit parking on the south side of Hearst Avenue between California Street and McGee Avenue, on both sides of California Street between Berkeley Way and Hearst Avenue, and on the south side of Cedar Street between Bonita Avenue and Milvia Street; and authorizing the use of \$900 from the operating budget of the Public Works Department to cover implementation costs.

Contact: Rene Cardinaux, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. Two speakers heard. Moved, seconded, carried (Maio/Armstrong) to close the public hearing.

Action: Moved, seconded, carried (Worthington/Maio) to adopt Resolution No. 61,359-N.S.

27. **Center Street Garage Rate Increase**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution increasing the evening flat rate at Center Street garage from \$4.00 to \$5.00; and approving a pilot program to test the affect of applying a mixed-rate approach to patrons arriving in the garage by, and remaining after, 5:00 pm.

Contact: Fran David, Finance, 981-7300

Public Testimony: The Mayor opened the public hearing. No speakers heard. Moved, seconded, carried (Worthington/Armstrong) to close the public hearing.

Action: Moved, seconded, carried (Worthington/ Armstrong) to adopt Resolution No. 61,360-N.S. to increase the fee to \$5.00 and further amended by Councilmember Armstrong to make the increase effective January 1, 2002 providing for noticing to the public of the change and to include a six month evaluation.

28. **Referendum Petition on Redistricting Ordinance**

From: City Manager

Recommendation: Reconsider the Redistricting Ordinance and take one of the following actions as provided by Article XIV, Section 93, of the Charter of the City of Berkeley: 1) A) Adopt a Resolution: i) calling for a Special Municipal Election to be consolidated with the Statewide Primary Election to be held on March 5, 2002; ii) requesting the Alameda County Board of Supervisors consolidate the City of Berkeley Special Municipal Election with the Statewide Primary Election; and iii) authorizing the City Clerk to take any necessary procedural actions to conduct this election; and B) Adopt a Resolution submitting to the Berkeley electorate a referendum measure against Ordinance No. 6657-N.S., known as the "Adjustment of Berkeley City Council District Boundaries pursuant to Section 9, Article V, of the Berkeley City Charter, to equalize population in the districts as a result of population changes reflected in the 2000 decennial federal census" and requesting the Alameda County Board of Supervisors consolidate said measure on the March 5, 2002 ballot; or 2) A) Adopt first reading of an Ordinance repealing Ordinance No. 6657-N.S.; and B) establish a process and time line for consideration and adoption of a new redistricting ordinance (plan).

Contact: Sherry M. Kelly, City Clerk, 981-6900

Actions: Moved, seconded, failed (Hawley/Olds; Noes – Breland, Maio, Shirek, Spring, Worthington) a substitute motion to call for an election in March and to place the redistricting ordinance on the March ballot.

Moved, seconded, carried (Maio/Shirek) to adopt first reading of an Ordinance repealing Ordinance No. 6657-N.S., the redistricting ordinance. Second reading scheduled for December 11, 2001.

Moved, seconded, carried (Armstrong/Hawley; Abstain – Shirek) approval of : 1) establishing a time line to start in January and to end prior to April 1, 2002 for consideration and adoption of a new redistricting plan as recommended by the City Manager.; 2) establishing a public process of notification and to allow for submission of new plans or previously submitted plans (with the exception of the plan that was subject to the referendum or the first version of that plan) from members of the public and the council; 3) that prior to voting on the plans, all plans be evaluated by staff and include an analysis by staff with regard to the census figures and any known undercounts; and 4) agreement that Council will not vote on a plan or a revision of a plan without review of the plan and the staff analysis by the public and the Council.

29. **General Plan (to be delivered)**

From: City Manager

Recommendation: That the City Council: 1) Finalize the City Council Issues List (Attachment A), 2) Review the November 27th draft Amendment List (Attachment B), and 3) Call a special meeting for December 4, 2001 to discuss Housing Element amendments and other issues on the City Council Issues List.

Contact: Carol Barrett, Planning & Development, 705-8102

Action Calendar

Actions: Moved, seconded, carried (Worthington/Spring; Abstain – Olds, Dean) to call a special meeting on December 4, 2001 for no longer than three hours, starting at 7:00 p.m. to focus on the Housing Element and to also discuss other issues related to the General Plan.

Moved, seconded, carried (Armstrong/Hawley) for Council to commit to completing the Housing Element of the General Plan by December 18, 2001.

Moved, seconded, carried (Worthington/Armstrong) to notice the special meeting as a General Plan discussion and to also include recommendations on time line.

Information Reports

30. **Grant: Nutrition Education**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Received and filed.
31. **Transit Options for the Downtown (CF 183-00)**
From: City Manager
Contact: Carol Barrett, Planning and Development, 705-8102
Action: Received and filed.
32. **Formal Bid Solicitations and Request for Proposals**
From: City Manager
Contact: Fran David, Finance, 981-7300
Action: Received and filed.
33. **FY 2002 First Quarter Update of Work Plan (to be delivered)**
From: City Manager
Contact: Phil Kamlarz, Deputy City Manager, 981-7000
Action: Received and filed.
34. **FY 2002 First Quarter Financial Status**
From: City Manager
Contact: Phil Kamlarz, Deputy City Manager, 981-7000
Action: Received and filed.

The following communications were read, noted, and filed, unless otherwise noted:

Page No.

1. Regarding the Afghanistan Resolution:
 - a) Identical form letters, signed by 106 people.
 - b) Judy Crandall, Chris Poirot, James Phipps, Noel Field, Norman MacLeod, Matthew Girdvainis, James Milligan, Randy Kantack, Jeffrey Macri, Jim LeBlanc, Betty Marchessault, WASAFUZZ, Phil, Jo Nipper, Paul Klenk, Brian White, Sean Olson, Ken Mann, Curtis Born, Seth Koen, Kimberly Ziock, Jim Bauer, Steve Caputo, Gordon Hom, Jeff Beliveau, Tom Kirby, Ross Harvey, Chris Charla, Paul Grote, Michael Betancourt, bluribon, Carl Bronstein, dev-null, Richard Williams, David Buzzell, Phil, John Ferguson, Andrew Paizis PhD, Coalition of Radical American Pacifists (CRAP), Nora Freeman, Clarice Feldman, Christina Anderson, Richard Anderson, Ben Fay, Mr. & Mrs. Bill Schliem, Scott Cramer, Joe & Barbara Engleson, Daniel Yocum, Clemsoncoc, Robert Aiani, Mike Macy, James Knowles, Dan Dunaway, Dale Karr, Fred Stueve, Paulette Brimley, Mad, Jon Roberson, Joanna Slaton, Christopher Budd, GC2500, David Fay, John Harris, RAMAR444444, Glen Robinson, Tom Oxtoby, Chris Fountain, Phillip Petta, Kathleen Callaghan & Marty Mendenhall, Richard Reynolds, Craig Tuttle, WMIDPATH, Harry, Allen Wiesen, Jerry Mucha, Les Cofer, A. & M. Stoermer, Bob Brunner, Deborah Shaw, Joe Matejka, Douglas Van Buren, Kevin Hulsey, John Tamplin, C.T., Glenda Rogers Stocco, Harl Koch & Mole, W.D. Lewis, VJGLAW, Wayne Warlick, JCJCMAG, Glen Barr, Ron Crawford, Jeff, BUDLYTE, Skip Strasbourger, Dan DiPrimeo, R. Lindstrom, JDIXON, Carl Holland, Coldwell Banker Counce-Hooper Realty, Ken Roosevelt, STEVE, Darren McKethan, George Lindley, Satomi Ohishi, Kevin Berry, James Whitsett, Bob Lebacken, Chester, Steve Dracos, Laura H., Dennis McCusker, Richard Pooley, Norm Williams, Bruce Miner, Gabrielle Busuioc, William T. Blythe, Lucille Gloria, Amazing Larry, Vincente Vitale, Ken Smith, Bill Bruner, JOIN.THE.CHAMBER, H.K. DiPillo, Edward Oswalt, Mark & Mary Thompson, Keith Atkinson, Mark Dees, Patricia Estrada, REDLEG62N, Martha Horan, Ed Higginbotham, Fred Brewen, Shawn P. O'Donnell, Andrew Bishop, Bill Wardlaw, George Thorward, Leuren Moret, Jerry Thomas, L. Darlene Pratt, Dana Ferguson, Joe Ryan, Mary Rosales & Dan Solano, Noel Webster, Perry Lutz,
2. Frank Schnurr, regarding the banning of U.S. flags on fire trucks.
3. Petition, signed by 21 people, regarding the Berkeley Integrated Service Team at Erna P. Harris Court.

4. Regarding the General Plan:
 - a) Petition, signed by 17 people.
 - b) Petition, signed by 18 people.
 - c) Terry Cochrell, Helen Meyer, Claire Yskamp, , Lise Yskamp, Damian Cano, Shannon Dodge, Ted Gartner, Jenny Wenk, Aperio Gifts, Hope Towner, Jack D. Gardner, Dae Beck, Constance Fraser, Christine Vida, Jim Orjala, Evelyn Fisher, Anne Eastland, Richard Thomason, Deborah Badhia, Richard Register – Ecocity Builders, L. Gigli, Carrie K., Barbara Steuart, Sara Stutz, Thea Lerner, Phyllis Gorelick, Edna O'Brien-Brenner & Cecilia Aragon, Bonnie Hughes, Vincent Rubio, Alan Gould, Anthony Santangelo, Mark Foy, Jennifer Powell, Susie Medak, Doris Willingham, Chris Dutra, M.D., Martha Nicoloff.
 - d) Petition, signed by 489 people.
 - e) Identical form letters, signed by 86 people.
5. Dale Anania, regarding rezoning.
6. Ray Dobard, regarding discriminatory garbage collection. **Dean**
7. Terry Cochrell, regarding smoke detector batteries in Berkeley apartments. **Dean**
8. Linda Olivenbaum, Chairperson, Commission on Early Childhood Education, regarding childcare provisions of the General Plan. **Breland, Spring, Maio, Dean**
9. Regarding residential parking;
 - a. David Speiler
 - b. David Rist
10. Petition, signed by 18 people, regarding transit. **Dean, Spring**
11. Jerry Carlin, regarding the Fire Safety Commission. **Olds**
12. Gene Bernardi, regarding Superfund status of Lawrence Berkeley Laboratory. **Spring, Dean**
13. Gene Bernardi, regarding radioactive eucalyptus trees at Lawrence Berkeley Laboratory. **Spring, Dean**
14. Merrilie Mitchell, regarding Berkeley's second highest crime rate in the state. **Olds**

Supplemental Communications and Reports

Item 12: World AIDS Day

1. Revised Item from Mayor Dean regarding proclamation
2. Emergency Item for Vice Mayor Shirek regarding march

Item 29. Communications regarding the General Plan:

15. Six identical postcards
16. Sarah Barnes, Debra Berliner, Arman Syed, Pam Johnson, Adriana Valencia, Geoff Holton, Chae Pak, Christine Shearer, Molly Sullivan, Mark Zucker & Penny Werner, Charles Siegel, Khalil Bendib,

Adjournment

Adjournment: 10:35 p.m.