

SUMMARY

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, JULY 16, 2002

Preliminary Matters

Roll Call: 7:00 p.m. Absent - Spring

Comments from the City Manager:

1. The California Theater reopened on June 28, 2002 after an extensive retrofit to meet earthquake standards.
2. Introduced Acting Police Chief Roy Meisner.

Comments from the Public: 9 speakers.

Consent Calendar

Action: Moved, seconded, carried (Breland/Worthington; Absent - Spring) to adopt the Consent Calendar in one motion except as indicated:

1. **Restrictions on Barbecues and Fires on Public Property**
From: City Manager
Recommendation: Adopt the first reading of an Ordinance adding Berkeley Municipal Code (BMC) Chapter 6.15 entitled "Restrictions on Barbecues and Fires on Public Property."
Contact: Manuela Albuquerque, City Attorney 981-6950
Actions: Adopted first reading of Ordinance. Second reading scheduled for July 23, 2002.
2. **Contract: Legislative Representation Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$49,970 with Lynn Suter & Associates to provide the City with legislative representation services in Sacramento from July 1, 2002 to June 30, 2003.
Contact: Phil Kamlarz, City Manager 981-7000
Action: Adopted Resolution No. 61,676-N.S.

3. **Contract: The Berkeley Alliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Berkeley Alliance for \$80,000 to provide administrative support and project services for this partnership endeavor with the Berkeley Unified School District (BUSD) and the UC Berkeley (UCB) campus from July 1, 2002 to June 30, 2003.
Contact: Phil Kamlarz, City Manager 981-7000
Action: Adopted Resolution No. 61,677–N.S.

4. **Contract: South Berkeley Neighborhood Development Corporation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend a contract with the South Berkeley Neighborhood Development Corporation (SBNDC) by increasing the amount of the contract by \$24,835 to \$98,670 for the period August 3, 2001 to December 31, 2003 and to amend the Scope of Services to provide for the SBNDC’s planned activities by its Board and Executive Director for Fiscal Year 2003.
Contact: Thomas Myers, Economic Development, 705-8180
Action: Adopted Resolution No. 61,678–N.S.

5. **Contract: Economic Revitalization and Community Development, Telegraph/Southside**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments in the amount of \$54,000 with the Telegraph Area Association (TAA) to support economic revitalization and community development in the Telegraph/Southside neighborhood for Fiscal Year ending June 30, 2003.
Contact: Tom Myers, Economic Development, 705-8123
Action: Adopted Resolution No. 61,679–N.S.

6. **Contract: Bank of the West**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the contract amount for banking services with Bank of the West in an amount not to exceed \$383,000 for a term ending June 30, 2003.
Contact: Fran David, Finance, 981-7300
Action: Adopted Resolution No. 61,680–N.S.

7. **Contract: Energy Efficient Products**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Ecology Center for marketing services related to the bulk purchase of energy efficient products and materials in the amount of \$40,000 for the period June 1, 2002 to August 31, 2003.
Contact: Stephen Burton, Housing, 981-5400
Action: Adopted Resolution No. 61,681–N.S.
8. **Purchase Order: Temporary Employment Services**
From: City Manager
Recommendation: Adopt a Resolution increasing the purchase order by \$17,000 with Volt Service Group for a total amount not to exceed \$42,000 for temporary employee services for the Police Department.
Contact: Dash Butler, Police, 981-5700
Action: Adopted Resolution No. 61,682–N.S.
9. **Grant: Computer Equipment for Police Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept \$62,144 in grant funding from the State of California, California Law Enforcement Equipment Program (CLEEP), to purchase computer equipment.
Contact: Dash Butler, Police, 981-5700
Action: Adopted Resolution No. 61,683–N.S.
10. **Parking Prohibited in Marina Areas**
From: City Manager
Recommendation: Adopt first reading of Ordinance amending the Berkeley Municipal Code (BMC) to add section 6.20.255 to prohibit parking of all vehicles and trailers between 2:00 A.M. and 6:00 A.M. daily on designated streets in the Berkeley Marina area.
Contact: Peter Hillier, Transportation, 981-7000
Action: Referred to the Waterfront Commission by Councilmember Maio.
11. **Maintaining a Fire Break along Buffer Zone**
From: Councilmember Olds
Recommendation: Send a letter to the East Bay Regional Parks District (EBRPD) requesting they immediately restore a program to maintain a fire break along the buffer zone between Berkeley and Tilden Park.
Contact: Betty Olds, District 6, 981-7160
Action: Withdrawn by Councilmember Olds.

12. **Map of Berkeley Footpaths on or Linked to City Website**
From: Mayor Dean
Recommendation: Refer to the City Manager the expansion of the City Website to include the newly published map of the Berkeley footpaths by the Berkeley Path Wanderers Association.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
13. **Support AB 2739: Multilingual Services**
From: Mayor Dean
Recommendation: 1) Support AB 2739 requiring the provision of cultural and linguistic services to limited English-proficient patients (LEP) of Healthy Families and Medi-Cal (Patients) and by every provider contracting with the State to provide Healthy Families and Medi-Cal services (Providers), such as Kaiser and Blue Cross; and 2) ask the City Clerk to notify the bill sponsor, the City's Sacramento legislators and lobbyist.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
14. **Recycling of Radioactive Waste into Household Items**
From: Councilmember Spring
Recommendation: Adopt a Resolution, and prior to the end of the comment period on July 29, 2002, send a letter to the Secretaries of the US NRC, US DOT and US DOE, Representative Lee and Senators Boxer and Feinstein,
1) expressing great concern and opposition to the proposed rules that would a) deregulate radioactive wastes and materials, b) allow the deliberate dispersal of radioactive materials into raw materials, products, the market place and our surroundings, and c) weaken domestic nuclear transport regulations; and
2) requesting the US and international governments prohibit release of radioactive waste and materials from nuclear power and weapons into the marketplace.
Contact: Dona Spring, District 4, 981-7140
Action: Removed from the Consent Calendar by Councilmember Hawley and held over to July 23, 2002.

15. **Arctic Wildlife Refuge**
From: Councilmember Spring
Recommendation: Refer to the City Manager a selective purchasing resolution requiring the City to refrain from knowingly purchasing goods or services from a company that purchases, leases or develops oil fields in the coastal plain of the Arctic National Wildlife Refuge; 2) request that the City Manager write a letter to the head of the four companies that want to drill in the refuge informing them of the Council's opposition to drilling in the Arctic National Wildlife Refuge; and 3) send a letter to Berkeley's federal elected officials urging them to support the Arctic Refuge Wilderness bill and designate the coastal plain as a protected wilderness area.
Contact: Dona Spring, District 4, 981-7140
Action: Removed from the Consent Calendar by Councilmember Olds and held over to July 23, 2002.
16. **Grant Funding Recommendations for the Arts**
From: Civic Arts Commission
Recommendation: Adopt a Resolution approving the Civic Arts Commission funding recommendations authorizing 61 grants to various organizations to support arts and cultural activities during FY 2003 in the amount of \$257,716.
a. From: City Manager
Recommendation: The City Manager concurs with the Commission report.
Contact: Mary Ann Merker, Secretary, 705-8183
Action: Adopted Resolution No. 61,684–N.S.
17. **California Statewide Pedestrian Bills**
From: Transportation Commission
Recommendation: Adopt a Resolution supporting the California Statewide Pedestrian Bills AB 1886, AB 1058, SB 1636, SB 1555; opposing SB1918 and federal Bill SB 2024; and communicating to the California State Legislation the importance of supporting pedestrian-related safety bills.
a. From: City Manager
Recommendation: The City Manager concurs with the Commission report.
Contact: Peter Hillier, Transportation, 981-7000
Action: Adopted Resolution No. 61,685–N.S.

Action Calendar – Priority

18. **Transfer of Cable Franchise** (*held over from 6/25/02*)
From: City Manager
Recommendation: Adopt a Resolution denying 'local consent' to the transfer of control of the AT&T cable franchise to AT&T Comcast.
Contact: Phil Kamlarz, City Manager 981-7000
Action: Moved, seconded, carried (Worthington/Maio; Absent – Spring) to hold the matter over to July 23, 2002 at the recommendation of the City Manager.

Action Calendar – Public Hearings

19. **Telegraph Property and Business Improvement District**
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution confirming the Annual Report on the Telegraph Property and Business Improvement District for Fiscal Year 2002 and levying assessments in the District for Fiscal Year 2003.
Contact: Tom Myers, Economic Development, 705-8123
Public Testimony: The Mayor opened the public hearing. No speakers. Moved, seconded, carried (Worthington/Maio; Absent – Spring) to close public hearing.
Action: Moved, seconded, carried (Worthington/Maio; Absent - Spring) to adopt Resolution No. 61,686–N.S.

20. **Elmwood Theater Business Improvement Area**
From: Advisory Board for the Elmwood Theater Business Improvement Area
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution confirming the Annual Assessment Report for the Elmwood Theater and Business Improvement District for Fiscal Year 2002 and levying assessments in the Area for Fiscal Year 2003.
 - a. **From: City Manager**
Recommendation: The City Manager concurs with the content and recommendations of the Commission’s report.
Contact: Dave Fogarty, Secretary, 705-8184
Public Testimony: The Mayor opened the public hearing. No speakers. Moved, seconded, carried (Armstrong/Worthington; Absent - Spring) to close public hearing.
Action: Moved, seconded, carried (Armstrong/Worthington; Absent - Spring) to adopt Resolution No 61,687–N.S.

21. **Planning and Development Fees**
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution amending Chapter B of Exhibit A of Resolution No 61,578–N.S. to include: 1) fees for General Plan and Specific Plan amendments, re-zoning/ reclassification requests, Waterfront Master Development Plan permits and dedicated project review of Use Permit applications; 2) language clarifying the administration of these fees: permitting progress billings, requiring prompt payment and describing the possible consequences for failure to pay; and 3) corrections to the hourly rate for Use Permit applications and Design Review projects valued over \$5,000,000 and the description of the fee for preparing and Environmental Impact Report (EIR) or Expanded Initial Study.
Contact: Carol Barrett, Planning, 705-8105
Public Testimony: The Mayor opened the public hearing. 1 speaker. Moved, seconded, carried (Worthington/Maio; Absent - Spring) to close public hearing.
Action: Moved, seconded, carried (Worthington/Breland; Abstain–Maio; Absent - Spring) to adopt Resolution No. 61,688–N.S.
22. **Final Environmental Impact Report and Use Permits: 3000 Shasta Road Fire Station**
a. Appeal filed by Mr. Sanford M. Skaggs, Attorney, representing Mr. And Mrs. Cukor of the Zoning Adjustments Board decision of March 14,2002, approving the project.
Contact: Sherry M. Kelly, City Clerk, 981-6900
b. Appeal filed by Irene Winston of the Zoning Adjustments Board decision of March 14,2002, approving the project.
Contact: Sherry M. Kelly, City Clerk, 981-6900
c. City Manager Report of June 11, 2002
Recommendation: Set a public hearing on the Zoning Adjustments Board decision to approve the following permits: 1) Use Permit to construct and operate a fire station in the R-1 Single Family Residential District; 2) Use Permit to allow parking within the required front yard; 3) Variance to allow an approximately 36 foot wide driveway at the property line at 3000 Shasta Road.
Contact: Carol Barrett, Planning and Development, 705-8102
d. City Manager Report of July 16, 2002 (to be delivered)
Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution to: 1) certify an Environmental Impact Report; 2) approve Use Permit to allow parking within the required front yard; and 3) approve Variance #01-10000057 to allow an approximately 36 foot wide driveway at the property line at the 3000 Shasta Road fire station
Contact: Carol Barrett, Planning, 705-8105

e. Communications Submitted for June 11, 2002

1. David and Marilyn Nasatir
2. Barbara Gilbert
3. David J. Ourisman
4. Alyce Tom
5. George Leitmann
6. John Panozzo
7. John and Jane Dang
8. Julie Stokstad
9. Katharine Young
10. Marie Wilson
11. Patricia Scott
12. Lawrence and Vivian Talbot
13. Robert Flasher
14. Tom & Marge Madigan
15. Harold Wilensky and Mary Sharman
16. Joanne Kerbavaz, Alameda & Contra Costa Counties CA Native Plant Society
17. Annie-May de Bresson
18. Polly Robbins White
19. Lauren Armstrong
20. Collin Murphy
21. Vonnie Gurgin
22. Priscilla Birge
23. Louise Larson

f. Supplemental Communication Submitted for June 11, 2002

24. Eric Rakowski, Yen Trac
25. Professor Erwin and Natalie Hahn
26. Laurie Stevens and La Dell Dangerfield III
27. Roger Hamilton
28. Frank Norick and Donna Garaventa
29. Helen Lewy
30. Austin Olson
31. Sibyl Donn
32. Surinder Brar
33. Betty and Frank Saarni
34. Gay Rose Soque
35. Nancy Brenner
36. Cary and Denise Lapidus
37. Robert and Barbara Allen
38. Jerome and Joy Carlin
39. Hung-Hsi Wu
40. June Jirhirin
41. Thom Seaton
42. Patricia Wong
43. Baird and Mary Ann Whaley

44. Geraldine Stokes
45. Genevieve Dreyfus
46. Jane and James Ware
47. Bruce Smith
48. Ralph and Bessie Gish
49. Alice Kahn
50. Barbara and Ray Addicott
51. Lynn Richards
52. Thomas and Jeanne Olson
53. Rita Friedman
54. Ruth Maguire
55. Juliann Beckendorf
56. Thomas Cline and Barbara Meyer
57. Richard and Linda Scheffer
58. Margareta and Carlo Sequin
59. Alan and Sharonn Gittelsohn
60. Gerd Rosenblatt
61. Bruce Ackerman
62. Nirmal Das
63. Hildegard Wilson
64. Mary Lou Chapman
65. Steven Beckendorf
66. William, Suzanne and Bradford Berry
67. Jack Washburn
68. Lawrence Stark
69. Zvezdelina Stankova
70. Kuniko Weltin-Wu
71. Stanley Michael
72. Alison Greene and Don Moats
73. Pat Wadleigh
74. David Baer Tierkel
75. Robert and Barbara Allen
76. Catherine Dower
77. Victoria Belco
78. John McCarthy
79. Marc and Jan Rieffel
80. Joan Lester
81. Sidney and George Ferrell
82. Natalie and Ferdinand Leimkuhler
83. Nelson and Kathy Graburn
84. Charlotte Rieger
85. Cathy and Jack Romanski
86. Edgar Knobloch
87. Ruth Gorevin
88. Jean Atthowe
89. Betty Parsons

90. Lucy Campbell
91. Harry and Kathleen Heckman
92. Frank and Bliss De Natale (2)
93. Harold and Amy Bush
94. Paul and Marnie Peterson
95. Howard Gruber
96. Alice Gruber
97. Rex Dietderich
98. George Leonoff
99. Audrey Sabol
100. Elizabeth Pulling
101. Jim Lunt
102. Georjana Barnes
103. David Drubin
104. Jeanne Mueller
105. Barbara Hirschlee
106. Patricia DiRubbo
107. Ted Johnston
108. Ehtel and Wallace MacMillan
109. Wosene Worke Kosrof
110. Jacque Ensign
111. Jay Claiborne
112. Nancy Steele
113. Joseph Deuere
114. Elizabeth Deuere
115. Penelope Hanan-Dahmen
116. Gloria Bowles
117. Jeanne and Joseph Landisman
118. Rhea Garboos
119. Winston Thomas
120. Kirk Mitchel
121. Harold and Amy Bush
122. Carol Shon
123. Kate Frankel
124. Casey Drubin
125. Dr. Glen Keator
126. Wayne Curt Huber
127. Milton and Dorothy Mozen
128. Sun Family
129. Beatriz Manz and Harley Shaiken
130. Reiko Weltin
131. Judith and Joseph Workman
132. Bill McClung
133. Katherine Rendahl and Donald Rio
134. Clarence and Carol Weinmann
135. Fire Safety Commission

g. Communications Submitted for July 16, 2002

- 136. Pauline and John Velton
- 137. Lynn and Donald Glaser
- 138. William Craig
- 139. Robert H. and Frances V. Whitman
- 140. Sally S. Senior
- 141. Holly Wilson
- 142. Janice Thomas, President-Panoramic Hill Association
- 143. Collin G. Murphy
- 144. Jo Ann and Tom Moseley
- 145. Austin C. Olsen
- 146. Professor Charles S. Chihara and Professor Carol J. Chihara
- 147. Kevin Hurley
- 148. Alan and Sharon Gittelsohn
- 149. Sylvia Rock
- 150. Edith McClusky Zinn and Donald S. Zinn
- 151. Stephen Jong
- 152. Kirk G. Mitchel
- 153. Diane Dowall
- 154. Peter Johansson
- 155. William and Virginia Baker
- 156. Mina and Jim Jenner
- 157. John Armitage

Public Testimony: The Mayor opened the public hearing. 48 speakers. Moved, seconded, carried (Shirek/Hawley; Absent–Armstrong, Spring) to close public hearing.

Action: Moved, seconded, carried (Olds/Hawley; Absent–Armstrong, Spring, Worthington) to direct staff to bring back a resolution with conditions and findings at the meeting of July 23, 2002 certifying the EIR and approving the use permits and variances and dismissing the appeal, along with an ordinance allowing for the removal of a live oak tree at 3000 Shasta Road.

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 5009(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.

Communications

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

Page No.

1. Traffic Calming **Maio—a and b only**
 - a. Kelly Hammargren and Hank Clayton
 - b. Rachel Beckett and Dari Gordon
 - c. Petition from inhabitants of Bancroft Way - between Sacramento and Martin Luther King Jr. Way (66 signature)

2. Buffer Zone Using Goats
 - a. Letter from Summit Road Neighborhood Association (29 signatures)

3. Skateboarding as Transportation **Worthington, Maio**
 - a. Jillian Doke-Magruder

4. Home at Last
 - a. Alan Katz, Home at Last

5. General Plan Policy T-20 Correction Request **Maio**
 - a. Kate Nichol

6. Pledge of Allegiance
 - a. Roger Phillips

7. Anti-terrorism Legislation
 - a. Barbara Boxer

**SUPPLEMENTAL AGENDA AND COMMUNICATIONS INFORMATION
PART I**

Item 22: 3000 Shasta Road Fire Station

8. Janet Stromberg
9. Sandra Rouverol
10. Arthur Day
11. Sue Markland Day
12. Ruth Halbach
13. Karl and Marion Dewies
14. Emily Burton
15. Vera Penzl
16. John and Matjorie Fendel
17. Rick Wilter
18. Carl Wilson
19. Robert Smith, Sonia Smith, Chris Giardina, Allen Fish
20. Lorraine Sykes, Craig Hanciaett, Arruw Gratch, Beverly Cheney,
 Malcolm Fierebly, Mel Lavine
21. James and Joan Moura
22. Jim and Juanita McSweeney
23. Tran Oui Thau
24. Trong Bach, M.D.
25. Annete and Robin Pennell, Ginette and Leon Henkin, Mary
 Glasson, R.C. Strotman, Roger Raiche, David McCrory, Marion
 Ross
26. Geoffrey and Denyse Chew, Allison Pennell, Norah Brower
27. Buena Vista Neighbors
28. Sally Polder, Henry Bovenhuis, Jan Rautzuns, Ken and Kuniko
 King, Kirsten Berg, Bill and Beverly Bauwsma, Steven Ganotis,
 Louise Anduron
29. Judith Baker, Michael Cooper
30. Leah Haygood, Ph.D.
31. Gladys Pedersen
32. Betty and Frank Saarni (2)
33. Helen Lewy
34. Vanroy Burdick, Ernie Karsten
35. Roy Cohn
36. Rachel Balsley
37. Linda Perry
38. Irene Conlin Drapeau
39. Robert Smith
40. Robert Grant
41. William Hein
42. Judith Hein
43. Nathan Hultman

44. Margeurite Smukler
45. Margaret Marilyn Taylor
46. Lawrence and Helen Grossman
47. Robert and Marla Kane
48. Mr. And Mrs. Gifford Dickel
49. Charlan Jeanne Nemeth
50. Marna Clark
51. Sibyl Donn
52. Tom Edwards
53. Perry Smith
54. Bruce and Susan Stangeland
55. Becky Osborn-Coolidge and John Coolidge
56. Vonnie Gurgin
57. Helen Ullrich
58. Richard and Myriam Misrach
59. Michael Luby
60. Marcia Cavell, Donald Davidson
61. Genevieve and Hubert Dreyfus
62. Robin Shourie
63. Ty Shipman
64. Deborah Kendall
65. J.B. Neilands
66. Bruce Harris
67. Cary and Denise Lapidus
68. Brigitte and Darren Brady-Harris
69. Alicia and Christopher Thomas
70. David and Irene Winston
71. Andrew Streitwieser
72. Francoise Costa
73. Joy and Jerome Carlin
74. Fredrica Drotos
75. Lucy Connealy, Stephen Wood
76. Melvin Webber
77. Elizabeth Thomas
78. Alex and Hollis Hantke
79. Jean Gray Hargrove
80. Karen Lou
81. Robert Stokstad
82. Ken Brower
83. Pauline Lou
84. Craig and Vivian Fendel
85. Kenow Lou
86. Martin and Helen Wachs
87. Emma Nemiru
88. Dorothy Baker
89. John Brenners

- 90. 78 Signatures in Support of the 3000 Shasta Road Fire Station
- 91. Ruth Bonnie Glaser
- 92. Gloria Bowles
- 93. Elizabeth Steffen
- 94. Luanne Gilbert
- 95. David and Mary-Hoe Love
- 96. Marcia Hamer
- 97. Nancy Steele
- 98. Aryeh Tolmin and Diana Kaffan
- 99. John "Ernie" Arens
- 100. Ljiliana Stambolija
- 101. D.R. Haines and E. Lilygren
- 102. Karl Georgi
- 103. Trena Cleland
- 104. Tor Neilands
- 105. Mike and Christina Lederer
- 106. Marie Wilson
- 107. Nancy Lawrence
- 108. Janet Stronberg
- 109. Ray and Rhoda Alvarez
- 110. Michel de Latour

**SUPPLEMENTAL AGENDA AND COMMUNICATIONS INFORMATION
PART II**

Item 22: 3000 Shasta Road Fire Station

- 111. Frederick M. Guenzel and Margot P. Murphy
- 112. Anthony and Mary Thompson
- 113. Jack and Michele Lieberum
- 114. Anthony and Mary Thompson
- 115. Paul M. Merz
- 116. Zachary R. Walton for Paul, Hastings, Janofsky & Walker, LLP

Item 21: Planning and Development Fees

- 117. Jennifer Hernandez, Beveridge & Diamond, P.C. **Hawley**

Adjournment

Adjourned at 10:47 p.m. in memory of Dwight Steele.