

SUMMARY

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, SEPTEMBER 10, 2002

Preliminary Matters

Roll Call: 7:01 p.m., All present

Ceremonial Matters:

Oath of Office

Pledge of Allegiance to the Flag

Comments from the City Manager:

Announced events in commemoration of September 11, 2001.

Announced opening of the skate park on Saturday, September 14, 2002.

Announced "eAgenda" on the City's website and captioning of Council meetings over B-TV.

Comments from the Public: 12 speakers. **Councilmember Worthington referred comments from members of the public regarding police actions and policies towards the homeless to the City Manager.**

Comments from Youth: 4 speakers.

Consent Calendar

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

1. **Recess Items**

a. Contract: Bicycle Boulevard Pavement Legends

From: City Manager

Recommendation: Adopt a Resolution accepting the bid of Sierra Striping, Inc., for purchasing and installing pavement legends for designated bicycle boulevards and authorizing the City Manager to execute a contract in an amount not to exceed \$231,000 and any amendments.

Contact: Peter Hillier, Transportation, 981-7000

Action: Adopted Resolution No. 61,727-N.S.

b. Contract: Signs on Bicycle Boulevards

From: City Manager

Recommendation: Adopt a Resolution accepting the bid of the Chrisp Company for assembling and installing signs for designated bicycle boulevards and authorizing the City Manager to execute a contract in an amount not to exceed \$51,450 and any amendments.

Contact: Peter Hillier, Transportation, 981-7000

Action: Adopted Resolution No. 61,728–N.S.

c. Fee Waiver: Interfaith Prayer Vigil

From: City Manager

Recommendation: Adopt a Resolution waiving certain fees in the amount of \$510 for the Interfaith Prayer Vigil hosted by the First Congregational Church of Berkeley on September 11, 2002 in the Martin Luther King Jr. Civic Center Park.

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

Action: Adopted Resolution No. 61,729–N.S.

2. Sewer Easement Deed Agreement: 11 Maryland Avenue *(First Vote – Unanimous, July 23, 2002)*

From: City Manager

Recommendation: Adopt second reading of an Ordinance accepting an Easement Deed Agreement at 11 Maryland Avenue, for sanitary sewer pipe construction, with Andrew R. Greenwood and Sharan L. Ikeda (husband and wife) property owners.

Contact: Rene Cardinaux, Public Works, 981-6400

Action: Adopted Ordinance No. 6703–N.S.

3. Storm Sewer Easement Deed Agreements: 455 Boynton Avenue and 459 Boynton Avenue *(First Vote – Unanimous, July 23, 2002)*

From: City Manager

Recommendation: Adopt second reading of Ordinances: 1) accepting an easement deed agreement for storm sewer drainage facilities with Paul Newacheck and Phyllis Fetto (husband and wife) of 455 Boynton Avenue; and 2) accepting an easement deed agreement for storm drainage facilities with Lisa Burnham of 459 Boynton Avenue.

Contact: Rene Cardinaux, Public Works, 981-6400

Action: Adopted Ordinance Nos. 6704–N.S. and 6707–N.S.

4. Vacating the Northern Most 180.5 Feet of the Alley Between 9th and 10th Streets *(First Vote – Unanimous, July 23, 2002)*

From: City Manager

Recommendation: 1) Adopt second reading of an Ordinance summarily vacating a portion of the public right-of-way, conveying the City's interests in the vacated property to Carl and Susan Brodsky in exchange for the payment of \$8.70 per sq. ft. of easement to the City, said amount to cover the fair market value of the right-of-way to be vacated; and 2) use the money collected for creek and drainage improvements needed at Codornices Creek and 9th Street.

Contact: Rene Cardinaux, Public Works, 981-6400

Action: Adopted Ordinance No. 6705–N.S.

- 5. Lease: Quality Computers (Ken Chu)–2435 Channing Way in the Sather Gate Mall for the Purpose of Operating a Computer Hardware/Software Retail Store** *(First Vote – Unanimous, July 23, 2002)*
From: City Manager
Recommendation: Adopt second reading of an Ordinance authorizing the execution of a lease agreement and any amendments with Quality Computers at 2435 Channing Way in the Sather Gate Mall, at \$2,198 per month for the purpose of operating a computer hardware/software retail store for a period of five years with an option for an additional five years.
Contact: Fran David, Finance, 981-7300
Action: Adopted Ordinance No. 6706–N.S.
- 6. 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 the 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. 61,730–N.S.
- 7. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for Council meetings of: a) July 16, 2002 (regular); b) July 23, 2002 (regular); and c) July 23, 2002 (special).
Contact: Sherry Kelly, City Clerk, 981-6900
Action: Approved recommendation.
- 8. Readopt Stipend Resolution to Correct Clerical Error**
From: City Manager
Recommendation: Adopt a Resolution readopting the Stipend Resolution to correct a clerical error and rescinding Resolution Nos. 60,505–N.S. and 46,721–N.S.
Contact: Sherry Kelly, City Clerk, 981-6900
Action: Adopted Resolution No. 61,731–N.S.
- 9. Council Meeting Calendar: Year 2003**
From: City Manager
Recommendation: Adopt a Resolution establishing a calendar for the City Council regular meetings for the Year 2003 with starting times of 7:00 p.m. and workshop meetings to be scheduled on specific dates starting at 5:30 p.m.
Contact: Sherry Kelly, City Clerk, 981-6900
Action: Removed from the Consent Calendar by Councilmember Spring and held over to September 24, 2002 with a request that the City Clerk develop an alternate schedule.

- 10. Amend Council Rules: Captioning Recess**
From: City Manager
Recommendation: Adopt a Resolution amending Council Rules of Procedure, Section IV, Conduct of Meeting, to provide for a ten-minute recess every two hours to allow for accurate captioning of Council meetings.
Contact: Sherry Kelly, City Clerk, 981-6900
Action: Adopted Resolution No. 61,732–N.S.
- 11. Repealing and Reenacting the Massage Parlor Permit Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance repealing and reenacting Berkeley Municipal Code (BMC) Chapter 9.32 to codify the application requirements for a therapeutic massage permit; to allow the police to conduct criminal background checks on applicants and those individuals involved in the operation of a massage parlor; and to eliminate the requirement that a permittee be convicted of two public or criminal offenses before revocation of the permit can occur.
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted first reading of Ordinance. Second reading scheduled for September 17, 2002.
- 12. Contract: 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 Cherokee Porcelain and Enamel Corporation in the amount of \$35,816 for manufacturing services associated with the Addison Street Poetry Panels, for the period October 1, 2002 to June 30, 2003.
Contact: Tom Myers, Economic Development, 981-7532
Action: Adopted Resolution No. 61,733–N.S.
- 13. Lease: City's Central Duplicating and Mail Services (2055 Center Street)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with RILCO-CENTER, LLC for a portion of 2055 Center Street to be used for the City's Central Duplicating and Mail Services, and authorizing rental payments of \$5,250 per month, for a total of \$63,000 in FY 2003, based on the letter of confirmation from Seagate Properties and authorizing additional operating expenses of \$12,000 for maintenance and utilities.
Contact: Fran David, Finance, 981-7300
Action: Adopted first reading of Ordinance. Second reading scheduled for September 17, 2002.

- 14. Purchase Order: Pedestrian Countdown Signals**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Centennial Distributors in an amount not to exceed \$50,000 for pedestrian countdown signals for purchases through June 30, 2003.
Contact: Peter Hillier, Transportation, 981-7000
Action: Adopted Resolution No. 61,734–N.S. with a request by Councilmember Maio for an analysis on the effectiveness of the signals.
- 15. Abandoned Vehicle Abatement Program**
From: City Manager
Recommendation: Adopt a Resolution supporting the extension of the Alameda County Abandoned Vehicle Abatement Program through May 2013.
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 61,735–N.S.
- 16. Contract: Dental Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Alameda County Public Health Department, Office of Dental Health for the provision for dental services, education and outreach to eligible elementary schools in Berkeley for the period July 1, 2002 through June 30, 2004 in an amount not to exceed \$100,000.
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 61,736–N.S.
- 17. Contract: HIV Test Counseling**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Berkley Free Clinic to perform the HIV antibody pre/post test counseling for the two-year period July 1, 2002 to June 30, 2004, with the second year contingent upon continued funding from the State of California Office of AIDS, in an amount not to exceed \$92,000.
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 61,737–N.S.
- 18. Grant: Enforcement of Local Tobacco Control Laws**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant from the California Department of Health Services, Tobacco Control Section in the amount of \$200,000 for the period October 1, 2002 to June 30, 2005 for the enforcement of local tobacco control laws; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the projects and appropriation of funding for related expenses, subject to securing the grant.
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 61,738–N.S.

- 19. Contract: Microfilming Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Imagemax, Inc., by increasing the contract in an amount not to exceed \$80,000 for microfilming services for the Planning and Development Department for a total amount not to exceed \$100,000 for the period September 15, 2001 through June 30, 2003.
Contact: Carol Barrett, Planning, 981-7400
Action: Adopted Resolution No. 61,739–N.S.
- 20. Support for a 3 Inch Gap Between the Platform and Rail at the Amtrak Rail Stop**
From: City Manager
Recommendation: Send a letter to Caltrans to support construction of immediate platform improvements with a 3-inch gap between the platform edge and the rail flange at the Amtrak stop located on University at 3rd Street.
Contact: Carol Barrett, Planning, 981-7400
a. From: Commission on Disability
Recommendation: Authorize the City Manager to write a letter to Warren Webber, Director of Caltrans Division of Rail, informing him of the motion regarding access improvements at the Amtrak Rail Stop in Berkeley.
Contact: Paul Church, Secretary, 981-6342
Actions: Approved recommendations.
- 21. Grant: Juvenile Accountability Incentive Block Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the State Governor’s Office of Criminal Justice Planning (OCJP) A301 to promote greater accountability of juveniles in the justice system for the period June 30, 2002 through June 29, 2003 in an amount not to exceed \$51,541; authorizing matching funding in the amount of \$5,727; and authorizing the City Manager to execute a contract and any amendments with Donald P. McCullum Youth Court Inc.
Contact: Roy Meisner, Police, 981-5700
Action: Adopted Resolution No. 61,740–N.S.
- 22. Purchase Order: Recycling/Evacuation of Refrigeration Equipment**
From: City Manager
Recommendation: Adopt a Resolution to increase the purchase order with Freon Free for the recycling of refrigeration equipment and evacuation of refrigerants for a total amount not to exceed \$30,000 for the period of July 1, 2001 through June 30, 2002.
Contact: Rene Cardinaux, Public Works, 981-6300
Action: Adopted Resolution No. 61,741–N.S.

23. **Purchase Order: Recycling of Cathode Ray Tubes and Devices**
From: City Manager
Recommendation: Adopt a Resolution to increase the purchase order with HMR, USA, Inc. for the recycling of cathode ray tubes and cathode ray tube devices for a total amount not to exceed \$28,000 for the period July 1, 2001 through June 30, 2002.
Contact: Rene Cardinaux, Public Works, 981-6300
Action: Adopted Resolution No. 61,742–N.S.
24. **Proclamation: Commending the Berkley Historical Plaque Project**
From: Councilmember Hawley
Recommendation: Approve a Proclamation for the Berkeley Historical Plaque Project and present it at the October 22, 2002 meeting.
Contact: Mim Hawley, District 5, 981-7150
Action: Approved recommendation. Proclamation to be presented on October 22, 2002.
25. **Support AB 1344–Deterring Vandalism and Graffiti Resulting From the Use of Acid/Etching Creams by Vandals**
From: Mayor Dean
Recommendation: 1) Support AB 1344 (Cox) which, effective January 1, 2003, extends the provisions of the Penal Code Section 594.1 (regulating the sale of aerosol spray paint vis-à-vis minor) to include acid/etching creams; 2) ask the City Clerk to write to Governor Davis conveying Council’s support; and 3) ask the City Manager to follow the status of this legislation and report back to Council. In the event of a gubernatorial veto, then the City Manager is requested to draft municipal legislation for Council consideration, and to contact Oakland and Emeryville encouraging them to follow suit (especially important because these cities are home to many craft stores that sell etching cream). If the bill is not vetoed, then the City Manager should: a) publicize California Penal Code Section 594.1 as amended to include acid/etching creams, working closely with the Police Department, business organizations, youth organizations, BART Police, the schools, and other pertinent agencies; b) enforce California Penal Code Section 594.1 using the tiered response therein depending on the number and severity of violations (graffiti, cleanup, community service, parent financial responsibility, loss of driving privileges, jail time), and c) work on creative approaches to the entire graffiti problem.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.

- 26. Support for Adequate Federal Funding of Urban Parks and Recreation Under the Urban Parks and Recreation Recovery Program**
From: Mayor Dean
Recommendation: Ask the City Clerk to write to Senator Robert Byrd, Chair of the Senate Appropriations Committee, Senators Boxer and Feinstein, and the City's federal lobbyist asking them to support the recommendation of the House of Representatives on 2003 appropriation levels for urban parks and recreation under the Urban Parks and Recreation Recovery Program (UPARR). Specifically, to uphold the \$30 million recommended by the House for urban parks and recreation rather than the \$10 million recommended by the Senate Interior Appropriations Committee.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
- 27. Support Efforts of Senate Treasurer Phil Angelides to Promote Corporate Reforms and Accountability by Using the Shareholder Power of State Pension Systems**
From: Mayor Dean
Recommendation: Ask the City Clerk to send a letter to State Treasurer Phil Angelides expressing support for his efforts to achieve corporate reform and accountability by using the shareholder power of the California Public Employees Retirement System (CalPERS), the State Teachers Retirement System (STRS), and those public accountants managed directly by the State Treasurer. Specifically, the Council is expressing support for the divestment of public funds that have been placed in companies that relocate to tax shelters outside of the United States to avoid paying their fair share of federal, state, and other taxes.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
- 28. Budget Referral: \$15,000 for Rebuilding Together**
From: Mayor Dean
Recommendation: Refer to the budget process a request for \$15,000 for Rebuilding Together to be used for the purchase of computer equipment and to hire a work study student to assist with the processing of registration and data during the busiest months between January and June.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
- 29. Habitot Children's Museum/Family Outreach Program**
From: Mayor Dean
Recommendation: In conjunction with the budget discussion scheduled for October 8, 2002 about those programs held over from June for further investigation, consider the request of Habitot Children's Museum for an additional \$25,000 annually, to be used to maintain current levels of support for its Family Outreach Program Coordinator.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.

- 30. Honoring the Life and Works of Diane Lipton, Outstanding Disability Rights Activist and Human Being**
From: Mayor Dean
Recommendation: Adopt a Resolution honoring the life and works of Diane Lipton, outstanding disability rights activist and human being, who died on August 8, 2002.
Contact: Shirley Dean, Mayor, 981-7100
Action: Adopted Resolution No. 61,743–N.S.
- 31. Release of Dioxins and Other Materials into San Francisco Bay**
From: Mayor Dean
Recommendation: Refer to the Community Environmental Advisory Commission and the Public Works Commission for evaluation and recommendations on: 1) the relative contributory roles of local refinery discharges and general stormwater runoff to dioxin and other toxin levels in the San Francisco Bay; and 2) whether the City should support or join in the lawsuit filed by Communities for a Better Environment (CBE) against the State Water Resources Control Board (the State Water Board) and the San Francisco Bay Regional Water Quality Control Board (the Regional Water Board) because of the issuance by them of a pollution permit to the Chevron Richmond Refinery that permits the refinery to temporarily operate using higher interim dioxin limits instead of requiring immediate compliance with the stricter limits assertedly specified in the federal Clean Water Act.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
- 32. Provide Accessible Location for Demonstrating Touch Screen Voting to Disability Community**
From: Mayor Dean
Recommendation: Request the City Manager provide accessible public space for the Alameda County Registrar and Disability Rights Education and Defense Fund (DREDF) to conduct a one day public demonstration of Touch Screen Voting Machine during the month of September for the disability community; and that the Commission on Disability and any other appropriate organizations and individuals be notified of the date.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
- 33. Swimming Pool Closures: Willard and West Campus**
From: Mayor Dean
Recommendation: Request the City Clerk schedule for a time certain, early in the evening, at the Council meeting of September 17th, a discussion of the proposed swimming pool closures; that pool users and pool user groups be notified so they might select two to three representatives to make a short presentation during that discussion period; and that members of the Parks and Recreation Commission also be notified so they may attend if they wish.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.

- 34. Support for the Labor Action by the UC Coalition of University Employees and UC Lecturers**
From: Mayor Dean
Recommendation: Support the labor action by the Coalition of University Employees (CUE) and UC Lecturers in their efforts to obtain fair wages and working conditions at the University and send a letter regarding our support to the President and Regents of the University of California.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
- 35. Adopt a Pledge of Solidarity with Employees at University of California, Berkeley**
From: Councilmember Worthington
Recommendation: Adopt a pledge of solidarity with employees at the University of California, Berkeley and add our support to the letter already signed by 42 members of the legislature urging the University of California, Berkeley to enter in good faith negotiations.
Contact: Kriss Worthington, District 7, 981-7170
Action: Approved recommendation.
- 36. Initiating Action on Ensuring Consumer Privacy at the Local Level** *(to be delivered)*
From: Councilmember Maio
Recommendation: Enact an Ordinance similar to that of San Mateo County's model Ordinance regulating the disclosure of confidential consumer information by financial institutions as expeditiously as possible.
Contact: Linda Maio, District 1, 981-7110
Action: Approved recommendation to refer to the City Manager the drafting of Ordinance and to request the City Manager consult with the Chamber of Commerce and to also request that it be drafted in a manner that will allow for the enforcement to be paid for by Alameda County when and if they take action on a similar ordinance.
- 37. Seabreeze Market**
From: Councilmember Breland
Recommendation: Refer to the City Manager and Planning Commission that we keep Seabreeze Market in the Eastshore State Park Plan.
Contact: Margaret Breland, District 2, 981-7120
Action: Approved recommendation.
- 38. Support SB 1736: Agricultural Employer-Employee Collective Bargaining, Mediation, and Arbitration**
From: Councilmember Worthington
Recommendation: Support SB 1736 and send a letter to Gray Davis asking he sign this important bill supporting California farm worker families by granting mediation and arbitration to win union contracts.
Contact: Kriss Worthington, District 7, 981-7170
Action: Approved recommendation.

39. **Support for SB 1592: The Compromise Farm Labor Bill** *(to be delivered)*
From: Mayor Dean
Recommendation: 1) Support SB 1592 (Burton), that establishes a mediation/litigation process between growers and farmworkers in the event of a labor contract dispute; and 2) ask the City Clerk to write Senator Burton, Governor Davis, and the City's Sacramento legislators and lobbyist advising them of the City's position.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved recommendation.
40. **Oppose SB 1975: Statewide Primary Election**
From: Councilmembers Worthington and Spring
Recommendation: Oppose SB 1975 and send a letter to Gray Davis asking that he veto this bill. The bill, SB 1975, will cause confusion by having two primary elections in the same year, increases in state costs by millions of dollars, and a reduction in voter participation. As it stands now, SB 1975 will exclude the maximum number of student voter participation by holding the elections in June.
Contact: Kriss Worthington, District 7, 981-7170/Dona Spring, District 4, 981-7140
Action: Approved recommendation.
41. **Support California State Ballot Measure 52: Allowing Same Day Voter Registration**
From: Councilmembers Worthington and Spring
Recommendation: Support the California State Ballot Measure 52 to maximize voter participation by allowing same day voter registration as recommended by the California League of Women Voters.
Contact: Kriss Worthington, District 7, 981-7170/Dona Spring, District 4, 981-7140
Action: Approved recommendation. (Noes - Armstrong, Olds).
42. **Support California State Ballot Measure 46: Funding for Housing**
From: Councilmember Worthington
Recommendation: Support the California State Ballot Measure 46 to provide funding for urgently needed housing to address the housing crisis in California.
Contact: Kriss Worthington, District 7, 981-7170
Action: Approved recommendation.
43. **Support California State Ballot Measure 47: Funding for Schools**
From: Councilmember Worthington
Recommendation: Support the California State Ballot Measure 47 to provide funding for schools in California.
Contact: Kriss Worthington, District 7, 981-7170
Action: Approved recommendation.

44. **Recognize Accomplishments of Saul Zaentz and Support Proclamation Honoring his Work**
From: Councilmember Worthington
Recommendation: Recognize the significant accomplishments of Berkeley business person Saul Zaentz as recognized in his imminent induction into the Bay Area Business Hall of Fame and provide proclamation honoring his work as an independent producer.
Contact: Kriss Worthington, District 7, 981-7170
Action: Approved recommendation.
45. **Budget Referral: \$20,000 Funding for Sedway Study**
From: Councilmember Spring
Recommendation: Refer a request for \$20,000 to provide partnership funding toward an \$80,000 Sedway feasibility study of opening Strawberry Creek and creating a public plaza and housing, hotel-conference center in Downtown Berkeley to the City Manager and the Planning Commission and to the September budget referral list.
Contact: Dona Spring, District 4, 981-7140
Action: Approved recommendation.
46. **Endorsing the Space Preservation Act and Companion Space Preservation Treaty to Permanently Ban the Weaponization of Space**
From: Councilmembers Spring and Worthington
Recommendation: Adopt a Resolution supporting the Space Preservation Act and the companion Space Preservation Treaty, and request the City Manager send letters to our federal representatives urging their support of the Space Preservation Act.
Contact: Dona Spring, District 4, 981-7140
Action: Adopted Resolution No. 61,744–N.S. (Noes – Dean only on Section 3) (Abstain – Armstrong, Olds)
47. **Support SB 2065: Low Level Radioactive Waste Control**
From: Community Environmental Advisory Commission
Recommendation: Support SB 2065, which requires California’s low-level radioactive waster (LLRW) generators to report annually on the type and amount of low-level radioactive waste they produce, and how much is stored and/or shipped for disposal.
Contact: Nabil Al-Hadithy, Secretary, 981-7460
a. From: City Manager
Recommendation: The City Manager takes no position concerning the recommendation of the Commission.
Contact: Carol Barrett, Planning, 981-7400
Action: Approved recommendation.

48. Hills Emergency Forum

From: Fire Safety Commission

Recommendation: Send a letter be sent to the Hills Emergency Forum before October 18, 2002 to: 1) reaffirm the City's commitment to vegetation management as a deterrent to wild fire danger in residential neighborhoods; and 2) urge the Hills Emergency Forum to act aggressively in implementing vegetation management plans and pursuing the issue of vegetation management with state and local officials, obtaining grants or funding whenever possible.

Contact: David Orth, Secretary, 981-5512

a. From: City Manager

Recommendation: The City Manager concurs with the content and recommendations of the Commission's Report.

Contact: Reginald Garcia, Fire, 981-5500

Action: Approved recommendation.

49. Certification of Selection for Representative of the Poor

From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution certifying the results of the June 19, 2002 selection of Corita Jenkins as Representative of the Poor to the Human Welfare and Community Action Commission (HWCAC) for District 2, term ending December 30, 2002.

Contact: Marianne Graham, Secretary, 981-5416

a. From: City Manager

Recommendation: The City Manager concurs with the content and recommendations of the Human Welfare and Community Action Commission.

Contact: Stephan Barton, Housing, 981-6400

Action: Adopted Resolution No. 61,745–N.S.

Action Calendar–Appeals

50. Approval of Use Permits–2961 Shasta Road

a. Appeal filed by W. Charles Bryant of the May 9, 2002 Zoning Adjustment Board's approval of permit for a fence height of eight feet where six feet is normally permitted.

Contact: Sherry Kelly, City Clerk, 981-6900

b. City Manager Report

Recommendation: Adopt a Resolution affirming the Zoning Adjustment Board's approval of permits for: 1) a fence height of eight feet where six feet is normally permitted; and 2) to enclose a carport located in a front yard setback, and dismissing the appeal.

Contact: Carol Barrett, Planning, 981-7400

c. Communications

David and Nancy Jackovich
Charles Bryant

Action: Moved to Consent Calendar by Councilmember Worthington. Adopted Resolution No. 61,746–N.S. affirming the Zoning Adjustments Board's decision and dismissing the appeal.

Action Calendar – Old Business

51. **Oppose the Patriot Act, Justice Department Directives and Executive Orders Preventing the Protection of Civil Rights and Liberties** (*Held over by Worthington from 07/23/02*)
From: Councilmember Worthington
Recommendation: Adopt a Resolution opposing the Patriot Act, Justice Department directives and executive orders that prevent the protection of civil rights and liberties.
Contact: Kriss Worthington, District 7, 981-7170
a. Information Report from Police Review Commission
Contact: Barbara Attard, Secretary, 981-4960
Actions: Moved, seconded, carried (Worthington/Spring) to adopt Resolution No. 61,747–N.S. amended to add and delete specific wording.
52. **Arctic Wildlife Refuge Resolution** (*Held over by Olds from 07/16/02 and 07/23/02*)
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: Moved to the Consent Calendar by Councilmember Olds. Approved recommendation.

Action Calendar – New Business

53. **Administrative Penalty Ordinance and Resolution Establishing Penalties**
From: City Manager
Recommendation: 1) Adopt first reading of and Ordinance adding Chapter 1.28 to the Berkeley Municipal Code (BMC) authorizing administrative penalties for violations of City Ordinances and amending Section 1.20.020 relating to violations; and 2) adopt a Resolution establishing administrative penalties for violation of City Ordinances.
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Moved to the Consent Calendar by Councilmember Armstrong. Adopted first reading of Ordinance. Second reading scheduled for September 17, 2002. Adopted Resolution No. 61,748–N.S.

54. Voting Delegates: Congress of Cities

From: City Manager

Recommendation: Designate a voting delegate and alternate to act on behalf of the City at the Annual Business Meeting at the National League of Cities' Congress of Cities and direct the City Clerk to transmit the names of the delegates to the League.

Contact: Sherry Kelly, City Clerk, 981-6900

Action: Moved to the Consent Calendar by Councilmember Armstrong with the understanding that any councilmember attending the conference will be the delegate and if no councilmember attends, the City Manager may designate a staff person.

55. North Shattuck Business Improvement District

From: City Manager

Recommendation: Adopt a Resolution: 1) confirming the Annual Report on the North Shattuck Business Improvement District for Fiscal Year 2002; and 2) levying assessments in the District for Fiscal Year 2003.

Contact: Tom Myers, Economic Development, 981-7532

Action: Moved to the Consent Calendar by Councilmember Armstrong. Adopted Resolution No. 61,749–N.S.

Information Reports

56. Observance of the One-Year Anniversary of the September 11, 2002 Terrorist Attacks

From: City Manager

Contact: Arrietta Chakos, City Manager, 981-7000

Action: Received and filed.

57. Council Agenda Reports on the Internet

From: City Manager

Contact: Sherry Kelly, City Clerk, 981-6900

Action: Received and filed.

58. Payment from University of California–Mitigation Implementation Agreement

From: City Manager

Contact: Fran David, Finance, 981-7300

Action: Received and filed.

59. Investment Report: June 30, 2002

From: City Manager

Contact: Fran David, Finance, 981-7300

Action: Received and filed.

60. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance in the Next 30 Days

From: City Manager

Contact: Fran David, Finance, 981-7300

Action: Received and filed.

61. **Grant: Tuberculosis Control and Prevention Services**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Received and filed.
62. **Grant: Public Health Nursing Services**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Received and filed.
63. **Grants: HIV/AIDS Services**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Received and filed.
64. **Solar Power in Municipal Buildings (CF 87-02)**
From: City Manager
Contact: Stephen Barton, Housing, 981-5400
Action: Received and filed.
65. **Policy on Zoning Project Notices (CF 115-01)**
From: City Manager
Contact: Carol Barrett, Planning, 981-7400
Action: Received and filed.
66. **Bay Conservation and Development Commission: Information Report No. 2**
From: Mayor Dean
Contact: Shirley Dean, Mayor, 981-7100
Action: Received and filed.
67. **The American Community Survey of the U.S. Bureau of the Census**
From: Mayor Dean
Contact: Shirley Dean, Mayor, 981-7100
Action: Received and filed.

Communications

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

Support for AB 1058 (Pavley) Regarding Vehicle Emissions

1. Assemblymember Kevin Shelley

Partial Privatization of Social Security

2. Senator Barbara Boxer

California Wild Heritage Act of 2002

3. Senator Barbara Boxer

Wind Energy Website

4. Councilmember Mim Hawley

Bay Area Transportation Problems

5. Charles Smith

2323 Glen Avenue

6. Janet Byron

Tenth Year Review of the Bayer Development Agreement

7. 21 Businesses in the Kawneer Building (**Spring**)
8. Dmitri Belser (**Maio, Spring**)

Assault of San Jose Teacher by Homeless Man

9. Anne Marselis

War is Bankrupting Country

10. Jane Stillwater

Height Initiative

11. Marie Bowman and Robert Baum

Modification to the General Plan Housing Element

12. Art Goldberg
13. Marie Bowman and Robert Baum
14. Curt Clingman

Request for Notice and Documentation Regarding Private Development of Berkeley Waterfront

15. Jennifer Hernandez

West Campus Swim Center and Willard Pool Closures (Breland, Spring)

16. Michele Manning
17. Ulysses Hillard
18. Raymond Telles
19. Cindy Tsai
20. Paul Hamai
21. Thea Bellos
22. Sydney Vilen (3)
23. 115 Signature Petition Submitted by Sydney Vilen
24. Irene Kahn
25. 243 Signature Petition Submitted by Jean Johnsen
26. 356 Signature Petition Submitted by Sydney Vilen

Request for Report in Conjunction with Slanderous Accusations

27. Elliot Cohen

Customer Service Complaint

28. Jim Pick (**Maio**)

3000 Shasta Road Fire Station

- 29. Anna Weidman and Charles Robinson
- 30. Martha Duncan

Dangerous Conditions on the 2700 Block of Derby Street

- 31. Anne Marselis

Stay-Away Orders for Drug Criminals

- 32. Sam Herbert (**Breland, Worthington**)

Coffee Initiative

- 33. John Breland

Proposed Ordinance Restricting Indecent Programming on Public Access Cable Channels

- 34. Eric Dynamic
- 35. Ann Brick, Staff Attorney, ACLU Foundation of Northern California (**Dean, Worthington requested that a legal analysis be provided to Council in response to issues raised**)

Solar Energy

- 36. Leuren Moret

Recycling Center at Dwight Way and Martin Luther King Jr. Way (Maio, Spring)

- 37. Mark Weider
- 38. George Goth
- 39. Shauna Haines
- 40. Kathy Labriola

Eastshore State Park

- 41. Maris Arnold
- 42. Thomas Bertken
- 43. Linda Perry
- 44. Jerri Holan
- 45. Robert Dodge
- 46. Jerome Miller
- 47. Joanna Katz
- 48. Michael O'Leary, Jay Claiborne, Lisa Howard, Gail Keleman, David Snippen, David Stoloff,, John Vilett and Dorothy Walker

Legislation on Deregulation of Radioactive Waste

- 49. Leuren Moret

Pedestrian Safety Improvement Tax

- 50. Walter Koni

Window Etching

- 51. John DeClercq

Intersections of Telegraph/Stuart and Benvenue/Ashby

- 52. Anthony Nero (**Maio, Worthington, Dean**)

Wheelchair Accessibility at Old City Hall Council Chambers

- 53. Carol Denney

Freedom of Expression/Association

54. Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs, The White House

Memorial Stadium Permanent Lighting Project

55. Janice Thomas

Faster Permitting for 10% Inclusion of Affordable Housing in Chicago

56. Patrick Kennedy

Supplemental Reports and Communications #1

Item 10 Amend Council Rules: Captioning Recess

57. Ray Dobard (2)

Item 33 Swimming Pool Closures: Willard and West Campus (Breland, Spring)

- 58. Summer Brenner
- 59. Wes Boyd
- 60. 21 Petition Signatures Submitted by Jean Johnsen
- 61. Sydney Vilen
- 62. 53 Petition Signatures Submitted by Sydney Vilen
- 63. 22 Petition Signatures Submitted by Viki Tamaradze
- 64. Beverly Lowe

Item 37 Seabreeze Market

65. Maris Arnold (Breland)

Item 41 Support California State Ballot Measure 52: Allowing Same Day Voter Registration

66. Rob McKay

Item 45 Budget Referral: \$20,000 Funding for Sedway Study

- 67. Edward Denton (2)
- 68. Richard Register

Item 46 Endorsing the Space Preservation Act and Companion Space Treaty to Permanently Ban the Weaponization of Space

- 69. Leuren Moret (3)
- 70. Edgar Mitchel, Sc.D
- 71. Alan Hale, Ph.D
- 72. Dr. Charles Mercieca

73. Dr. Carol Rosin

Item 51 **Oppose the Patriot Act, Justice Department Directives and Executive Orders Preventing the Protection of Civil Rights and Liberties**

74. Councilmember Armstrong

Item 65 **Policy on Zoning Project Notices**

75. Howie Muir

Supplemental Reports and Communications #2

Fourth Annual Berkeley City Championship

76. Micahel Lee Clark

Swimming Pool Closures: Willard and West Campus

77. Christina Kossa

Endorsing the Space Preservation Act and Companion Space Preservation Treaty to Permanently Ban the Weaponization of Space

78. Alden Bryant

Oppose the Patriot Act, Justice Department Directives and Executive Orders Preventing the Protection of Civil Rights and Liberties

79. Claudia Pitas

Adjournment

Adjourned at 8:41 p.m. in memory of Diane Lipton and Dr. Roberto Cruz.