

# SUMMARY

## BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, OCTOBER 8, 2002

### Preliminary Matters

**Roll Call:** 7:00 p.m., All present.

**Ceremonial Matters:**

- 1) Smart Lights Awards to Energy-Saving Local Businesses
- 2) Proclamation for National Coming Out Day
- 3) Thank You to Council from Rebuilding Together

**Actions:** Presented Smart Lights Awards and received thank you from Rebuilding Together. National Coming Out Proclamation to be presented on October 15, 2002.

**Comments from the City Manager:**

- 1) Dylan, the Fire Department's search and rescue dog, received an honorable mention in the American Kennel Club's Award for Canine Excellence.
- 2) Speak Out, a women's health forum, will be held October 17, 2002 from 7:00 to 9:00 p.m. in the City Council chambers.
- 3) The 11th Annual Indigenous People's Day Powwow will be held Saturday, October 12, 2002 in Martin Luther King Jr. Park from 10:00 a.m. to 6:00 p.m.

**Comments from the Public:** 9 speakers

**Comments from Youth:** 1 speaker

### Consent Calendar

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

**1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve minutes of: a) September 10, 2002 (regular); b) September 10, 2002 (special); c) September 17, 2002 (regular); d) September 17, 2002 (special) and e) September 24, 2002 (regular).

Contact: Sherry Kelly, City Clerk 981-6900

**Action:** Approved minutes with the exception of September 10 (regular) and September 17 (regular). Held over to October 22, 2002.

**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 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. 61,773-N.S.

**3. Smokefree Doorways (CF 23-02)**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 12.70, the Smoking Pollution Control Ordinance, of Title 12, Public Health, to add Section 12.70.030.U and to amend Sections 12.70.060A and 12.70.060D relating to a ban on smoking within 20 feet of entrances, exits, and air intake vents of buildings open to the public.

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

**Action:** Adopted first reading of Ordinance. Second reading scheduled for October 15, 2002.

**4. Regulating Business Licenses**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending Chapter 9.04 of the Berkeley Municipal Code (BMC), to delete references to any specific version of the Standard Industrial Classification (SIC) Manual.

Contact: Fran David, Finance 981-7300

**Action:** Adopted first reading of Ordinance. Second reading scheduled for October 15, 2002.

**5. Marina Berths for Nonprofits in Exchange for Community Service**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving applications for renewal of nonprofit in lieu of fee status and waiving berth fees at the Berkeley Marina for the Cal Sailing Club and Nautilus Institute.

Contact: Lisa Caronna, Parks and Waterfront 981-6700

**Action:** Adopted Resolution No. 61,774-N.S.

- 6. Contract: Vehicle Wash and Detail**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Berkeley Touchless Car Wash for car wash and detailing services for one year beginning November 1, 2002, with an option for the City Manager to extend the contract up to five years in an amount not to exceed \$40,000 annually.  
Contact: Rene Cardinaux, Public Works 981-6300  
**Action:** Adopted Resolution No. 61,775-N.S.
- 7. Contract: Homeless Prevention Program (To be delivered)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Eden Council for Hope and Opportunity, Inc. in the amount of \$110,000 for continuing operation of the City's Homeless Prevention Program for the period July 1, 2002 through June 30, 2003.  
Contact: Stephen Barton, Housing 981-5400  
**Action:** Adopted Resolution No. 61,776-N.S.
- 8. Confirm Appointment of Zelda S. Clark to the Berkeley Housing Authority**  
**From: Mayor Dean**  
**Recommendation:** Adopt a Resolution confirming the Mayor's appointment of Zelda S. Clark to the vacant Tenant Commissioner position on the Berkeley Housing Authority.  
Contact: Shirley Dean, Mayor 981-7100  
**Action:** Removed from the Consent Calendar by Councilmember Breland. Held over to October 22, 2002.
- 9. Pedestrian Signal for the Blind**  
**From: Mayor Dean**  
**Recommendation:** Refer to the City Manager, the Commission on Disability, the Transportation Commission, and the Public Works Commission, a request to evaluate and report back to Council on the most appropriate type of pedestrian signalization for blind persons that is feasible in the context of the City's total signalization program, needs, and costs, and the many varieties of pedestrian signalization possibilities for the visually-impaired.  
Contact: Shirley Dean, Mayor 981-7100  
**Action:** Approved recommendation.
- 10. Budget Referral: City CarShare**  
**From: Councilmember Hawley**  
**Recommendation:** Refer to the budget process a request from City CarShare for \$54,400 in FY2002-03 to add additional vehicles and clean-air vehicles to the CarShare fleet.  
Contact: Mim Hawley, Councilmember District 5, 981-7150  
**Action:** Approved recommendation.

- 11. Support for House Concurrent Resolution 473**  
**From: Councilmembers Hawley and Armstrong**  
**Recommendation:** Support House Resolution 473, recently introduced by Representative Barbara Lee, “expressing the sense of Congress with respect to the importance of the United States working through the United Nations to assure Iraq’s compliance with the United Nations Security Council Resolutions and advance peace and security in the Persian Gulf region.” Send letters confirming the City’s support to Congresswoman Lee, Senators Boxer and Feinstein, and President Bush.  
Contact: Mim Hawley, Councilmember District 5, 981-7150; Polly Armstrong, Councilmember District 8, 981-7180  
**Action:** Approved recommendation.
- 12. Support of House Concurrent Resolution 473**  
**From: Councilmember Maio and Vice Mayor Shirek**  
**Recommendation:** Support House Concurrent Resolution 473 calling for the United States to work through the United Nations to renew arms inspection, assure Iraqi compliance with U.N. Resolution, oppose unprovoked unilateral first-strike military action, and communicate our support to the President, the Congress, and the Secretary General of the United Nations.  
Contact: Linda Maio, Councilmember District 1, 981-7110; Maudelle Shirek, Councilmember District 3, 981-7130  
**Action:** Approved recommendation.
- 13. Support Resolution for Equal Representation in UC Berkeley Admissions, Standardized Tests, and the New Master Plan for Education**  
**From: Councilmember Worthington**  
**Recommendation:** Support the Resolution to support equal representation and affirmative action in UC Berkeley admissions, standardized tests, and the New Master Plan for education.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Adopted Resolution No. 61,777-N.S. as revised. (Abstain – Armstrong, Hawley, Olds)
- 14. Support Resolution for Global Day of Protest Against Coca-Cola to Provide HIV/AIDS Treatment for Their Workers in Africa**  
**From: Councilmember Worthington**  
**Recommendation:** Support the Resolution for a global day of protest against Coca-Cola to provide HIV/AIDS treatment for their workers in Africa.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Adopted Resolution No. 61,778-N.S. (Abstain – Armstrong, Hawley, Olds)
- 15. Fee Waiver: Sound Permit for Concert for Peace**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a Resolution waiving sound permit fee for Concert for Peace, Saturday, October 12, 2002, from 2:00 to 5:00 p.m. in People’s Park.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Adopted Resolution No. 61,779-N.S. (Abstain – Armstrong, Olds)

- 16. Fee Waiver: Sound Permit for Star Alliance Concert**  
**From: Councilmember Spring**  
**Recommendation:** Waive \$28 for a sound permit for a multi-cultural concert Saturday, October 12, 2002 at People's Park.  
Contact: Dona Spring, Councilmember District 4, 981-7140  
**Action:** Adopted Resolution No. 61,780-N.S. (Abstain – Armstrong, Olds)
- 17. Proclamation Honoring Robert Zimmerman and His Music**  
**From: Councilmember Worthington**  
**Recommendation:** Support the proclamation honoring Robert Zimmerman and his music.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Approved proclamation honoring Bob Dylan (Robert Zimmerman). (Abstain – Armstrong, Olds)
- 18. Fee Waiver: Annual Back to School – Stay in School Community Fair**  
**From: Councilmember Breland**  
**Recommendation:** Adopt a Resolution waiving fees associated with Annual Back to School – Stay in School Community Fair sponsored by McGee Avenue Baptist Church. This includes 2 blocks of street closure (1 block McGee/1 block Stuart St., event permit, sound permit, and maintenance deposit).  
Contact: Margaret Breland, Councilmember District 2, 981-7120  
**Action:** Adopted Resolution No. 61,781-N.S.
- 19. Art in Public Spaces**  
**From: Councilmembers Maio and Spring**  
**Recommendation:** Direct the City Manager to ensure all artwork to be placed in public spaces be reviewed and approved by the Civic Arts Commission.  
Contact: Linda Maio, Councilmember District 1, 981-7110/Dona Spring, District 4, 981-7140  
**Action:** Removed from the Consent Calendar by Mayor Dean. Moved, seconded, carried (Worthington/Maio) to approve recommendation.
- 20. Recording Spring's Vote Supporting the 2471 Shattuck Avenue Housing Project**  
**From: Councilmember Spring**  
**Recommendation:** The City Clerk record Councilmember Spring voting in support of the 2471 Shattuck Avenue mixed use commercial and housing development and that the City Clerk make this change to the July 23, 2002 minutes and Resolution.  
Contact: Dona Spring, Councilmember District 4, 981-7140  
**Action:** Removed from the Consent Calendar by Councilmember Olds. Moved, seconded, carried (Spring/Maio; Noes – Olds, Abstain – Armstrong) to direct the City Clerk to make a reference in the July 23, 2002 minutes that Councilmember Spring was absent for the vote on this matter but indicated at the meeting of October 8<sup>th</sup> that she would have voted yes if she had been present.

## Consent Calendar

21. **Establishing Transportation Mitigation Fees**  
**From: Councilmember Spring**  
**Recommendation:** Request the City Manager study and establish a policy to allow the City to collect transportation mitigation fees when parking requirements are waived.  
Contact: Dona Spring, Councilmember District 4, 981-7140  
**Action:** Approved recommendation.

## Action Calendar – Old Business

22. **Oppose California State Proposition 51: Traffic Congestion Relief and Safe School Bus Act** (*Held over by Councilmember Worthington from 9/24*)  
**From: Councilmember Hawley**  
**Recommendation:** Oppose California State Proposition 51, which earmarks funding for 45 specified projects totaling \$910 million in 2003-04, with subsequent annual increases.  
Contact: Mim Hawley, District 5, 981-7150  
**Action:** Moved to the Consent Calendar by Councilmember Worthington. Approved recommendation.

## Information Reports

23. **Formal Bid Solicitations and Request for Proposals**  
**From: City Manager**  
Contact: Fran David, Finance 981-7300  
**Action:** Received and filed.
24. **Status Report: 2002 Living Wage and Equal Benefits Waivers**  
**From: City Manager**  
Contact: Phil Kamlarz, Deputy City Manager 981-7006  
**Action:** Received and filed.
25. **Work Plan Update-Year End Report**  
**From: City Manager**  
Contact: Phil Kamlarz, Deputy City Manager 981-7006  
**Action:** Received and filed.
26. **“Solar Schools” Renewable Energy Program**  
**From: City Manager**  
Contact: Stephen Barton, Housing, 981-5400  
**Action:** Received and filed.
27. **“Smart Lights” Commercial Lighting Program Successes**  
**From: City Manager**  
Contact: Stephen Barton, Housing 981-5400  
**Action:** Received and filed.

## Information Reports

28. **Grant: Tobacco Cessation Services**  
**From: City Manager**  
Contact: Fred Medrano, Health and Human Services 981-5100  
**Action:** Received and filed.
29. **Grant: Nutrition Education and Fitness**  
**From: City Manager**  
Contact: Fred Medrano, Health and Human Services 981-5100  
**Action:** Received and filed.
30. **Aquatic Park Vegetation Management and Tree Trimming Status Report**  
**From: City Manager**  
Contact: Lisa Caronna, Parks and Waterfront 981-6700  
**Action:** Moved to Action by Councilmember Worthington. Held over to October 22, 2002.
31. **Landmarks Preservation Commission Notice of Decision: Approval of the Structural Alteration Permit for 2081 Addison Street**  
**From: City Manager**  
Contact: Carol Barrett, Planning and Development, 705-8102  
**Action:** Received and filed.
32. **Landmarks Preservation Commission Notices of Decision: Designation as City of Berkeley Landmarks-2018-2036 University Avenue, 1962 Yosemite Road and 2733 Buena Vista Way, Designation as a City of Berkeley Historic District-The La Loma Park Historic District; Designation as a City of Berkeley Structure of Merit-2944 Elmwood Court.**  
**From: City Manager**  
Contact: Carol Barrett, Planning and Development, 705-8102  
**Action:** Received and filed with the exception of 2018-2036 University Avenue (UC Theater) which was moved to Action by Councilmember Maio. Moved, seconded, carried (Maio/Armstrong) to appeal, on its own motion, the Landmarks Preservation Commission's decision to landmark the UC Theater and to set the matter for a public hearing.

## Communications

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

### **2323 Glen Avenue**

1. Freya & Mark Reed

### **Space Preservation Act and Space Preservation Treaty**

2. Congresswoman Barbara Lee

### **U.S. Participation in International Criminal Court**

3. Jenny Jiang

**Development of a Commuter Ferry Terminal in Eastshore State Park**

4. Brad Sundeen
5. Paula Burch
6. Kirk Abbott
7. Kristin Ohlson
8. Lawrence Tiglao
9. William Smith
10. Rita Minjares
11. Werner Koellner
12. Donald Forman
13. Marjorie Macris
14. Peter Rauch
15. Nera doNasamerto

**Right to Education Campaign at Birzeit University**

16. Robin Reynolds

**ADA Improvements at Berkeley Rail Stop**

17. Clem Bomar, Department of Transportation, Division of Rail

**Bio-Diesel Fuel Use**

18. Terry Cochrell

**Eastshore State Park Project Preliminary General Plan**

19. Margie Gurdziel

**Willard Pool Closure (*Worthington*)**

20. Mary Abernathy

**Request to Address Council Regarding Civil Rights Violations at Berkeley Community Media (*Breland, Worthington*)**

21. Earnest Darden

**Airing of Earnest Darden Tapes on Cable Channels 25 and 78 (*Breland, Worthington*)**

22. Earnest Darden

**Broadcasting of Zoning Adjustments Board Meetings on B-TV (*Breland*)**

23. Signature Petition Submitted by Honor Thompson

**Israel Baraban.Com 9/17 Update**

24. Jake Berzon

**Development of Housing**

25. Albert Sukoff

**Proposition 46 Statewide Housing Bond**

26. Councilmember Mim Hawley

**Boycott Berkeley**

27. Mick Orton

**Clean Air Act**

28. Peter Tsirigotis, Clean Air Markets Division, U.S. Environmental Protection Agency

## Communications

### **Berkeley High School Issues** (*Breland, Worthington*)

29. Terry Cochrell

### **West Campus Pool** (*Worthington*)

30. Jean Johnsen

### **State Funds Invested in Offshore Companies**

31. Philip Angelides, State Treasurer

### **Traffic Calming**

32. Sandra Lee Sheffield

33. Susi Jensen

### **Eligibility Interviewing at Berkeley Housing Authority** (*Breland*)

34. Roberta Edwards

### **Resolution in Opposition of U.S. Military Action in Iraq Adopted by Santa Cruz**

35. Aila Selke

## Supplemental Reports and Communications #1

### **Items 11 & 12 Support for House Concurrent Resolution 473**

36. Ruth Richards

37. Marc Pilisuk

38. Councilmember Spring

## Supplemental Reports and Communications #2

### **Items 11 & 12 Support for House Concurrent Resolution 473**

39. Press Release from Congresswoman Barbara Lee's Office

### **Item 13 Support Resolution for Equal Representation in UC Berkeley Admissions, Standardized Tests, and the New Master Plan for Education**

40. Revised Resolution

### **Item 17 Proclamation Honoring Robert Zimmerman and His Music**

41. Proclamation Declaring October 12th as Bob Dylan Day

## Adjournment

Adjourned at 8:19 p.m.