

# BERKELEY CITY COUNCIL

## A G E N D A

**TUESDAY, JUNE 11, 2002, 7:00 P.M.**

City Council Chambers, 2134 Martin Luther King, Jr. Way

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SHIRLEY DEAN, MAYOR

### Councilmembers:

DISTRICT 1 – LINDA MAIO

DISTRICT 2 – MARGARET BRELAND

DISTRICT 3 – MAUDELLE SHIREK

DISTRICT 4 – DONA SPRING

DISTRICT 5 – MIRIAM HAWLEY

DISTRICT 6 – BETTY OLDS

DISTRICT 7 – KRISS WORTHINGTON

DISTRICT 8 – POLLY ARMSTRONG

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**Please refrain from wearing scented products at public meetings.**

# AGENDA

## BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, JUNE 11, 2002

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### Preliminary Matters

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**Roll Call:** 7:00 p.m.

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

**Awards to be presented to “Berkeley Unplugged” Energy Conservation Contest Winners**

**Comments from the City Manager:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Comments from the Public:** *A total of 30 minutes is scheduled. Each speaker is limited to a maximum of 3 minutes.*

**Comments from Youth:** *A total of 15 minutes is designated to allow youth an opportunity to address the Council. Each speaker is limited to a maximum of 3 minutes.*

**Council Action:** *The City Council may take action related to any subject listed on the Agenda.*

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### Consent Calendar

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*The Council will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion. Items removed from the Consent Calendar will be taken up after the “Action Calendar” unless the Council reorders the agenda.*

1. **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

## Consent Calendar

2. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for Council meetings of: a) May 7, 2002 (adjourned special; b) May 7, 2002 (special); c) May 14, 2002 (closed), d) May 14, 2002 (regular); (e) May 21, 2002 (regular); and f) May 28, 2002 (regular).  
Contact: Sherry M. Kelly, City Clerk, 981-6900
3. **Settlement Agreement: Louise Laupersweiler, Warren Sharp and Liberty Mutual Fire Insurance Company**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the property damage settlement of Public Liability Claim No. GHB 010292 submitted by Louise Laupersweiler, Warren Sharp and Liberty Mutual Life Insurance Company in the amount of \$45,000.  
Contact: Manuela Albuquerque, City Attorney, 981-6900
4. **Increase in the Household Very Low-Income Rebate Level**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 59,042-N.S., to increase the very low-income exemption level from \$21,000 to \$29,800 for the Library Tax, Sanitary Sewer fees, Clean Storm Water fees, and the Utility Users Tax on Cable Television.  
Contact: Fran David, Finance, 981-7300
5. **Purchase: Turnouts**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an annual purchase order with L.N. Curtis & Sons for the purchase of turnouts (protective firefighting coats and trousers) in an amount not to exceed \$50,000 per fiscal year for up to five years beginning July 1, 2002.  
Contract: Reginald Garcia, Fire, 981-3473
6. **Contract: Mental Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manger to execute a performance contract and any amendments with the State of California, Department of Mental Health for the provision of mental health services in accordance with California Welfare and Institutions Code Section 5650 for FY 2001.  
Contact: Fred Medrano, Health and Human Services, 981-5100

## Consent Calendar

7. **Janitorial Services at Mental Health Facilities**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing expenditures in an amount not to exceed \$31,155 to Pinnacle Environmental Services, Inc. for the provision of janitorial services at 2636 and 2640 Martin Luther King, Jr. Way, and at 1925 Derby Street for the period of July 1, 2001 through April 30, 2002 and approving waiver of the Living Wage Ordinance.  
Contact: Fred Medrano, Health and Human Services, 981-5100
8. **Contract: Youth Energy Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole-source contract and any amendments with Rising Sun Enterprises to provide youth energy services for the period from July 1, 2002 through December 31, 2002 in the amount of \$40,000.  
Contact: Stephen Barton, Housing, 981-5400
9. **Purchase: Notebook, Desktop, and Server Computers**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to sign letters of participation with the Western States Contracting Alliance for the purchase of Dell (\$700,000) and Gateway (\$150,000) computers for the period July 1, 2002 to June 30, 2005.  
Contact: Chris Mead, Information Technology, 981-6500
10. **Contract: Network Infrastructure**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the agreement with AMS.NET increasing the amount by \$99,000 to cover the additional purchase of network equipment and services, for a total amount not to exceed \$519,000 and extending the term to June 30, 2003.  
Contact: Chris Mead, Information Technology, 981-6500
11. **Contract: Summer Food Service Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with San Lorenzo Unified School District to provide lunches and snacks to youth eighteen years and younger through the California Department of Education Nutrition Services Division, Summer Food Service Program for the period of June 17, 2002 through August 16, 2004 in an annual amount not-to-exceed \$150,000.  
Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700

## Consent Calendar

12. **Contract: Pedestrian/Bicycle Pathway at the Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with 2M Associates for design services for the Pedestrian/Bicycle Pathway at the Berkeley Marina for the term beginning June 12, 2002 and extending through June 30, 2003 in an amount not to exceed \$163,873.  
Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700
13. **Redevelopment Agency Budget** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting the annual budget for the Redevelopment Agency for Fiscal Year 2003.  
Contact: Contact: Carol Barrett, Planning and Development, 705-8102
14. **Contract: Community Conservation Centers**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 59,830- N.S. raising the annual expense caps relative to the contract with Community Conservation Centers (CCC) to a cost not to exceed \$400,000 and to rescind the five-year expense cap.  
Contact: Rene Cardinaux, Public Works, 981-6300 and Fran David, Finance, 981-7300
15. **Contract: GASB 34 Infrastructure Valuation Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Harris & Associates for GASB 34 Infrastructure Valuation Services for June 12, 2002 to September 15, 2002 in an amount not to exceed \$67,254.  
Contact: Rene Cardinaux, Public Works, 981-6300
16. **Contract: Berkeley Bay Trail**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the contract with Bauman Landscape, Inc. for additional and emergency items of work for the Berkeley Bay Trail Project, by increasing the amount by \$800,000 and extending the contract time by 90 calendar days.  
Contact: Rene Cardinaux, Public Works, 981-6300

## Consent Calendar

17. **Contract: Maintenance for the Energy Management System of the Public Safety Building**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Pacific Coast Trane Service for maintenance services of the energy management system at the Public Safety Building to increase the amount by \$32,900 for a total not to exceed \$53,985 for the period of July 1, 2002 through June 30, 2003; and further authorizing the City Manager to execute any amendments necessary to approve an option to extend the contract for four additional one-year periods up to a maximum of five years, for a total amount not to exceed \$196,000 for the entire agreement.  
Contact: Rene Cardinaux, Public Works, 981-6300
18. **Contract: Environmental Consultant Services for the Public Safety Building Phase II, Demolition of Hall of Justice and Fire Administration Building**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with ProTech Consulting and Engineering for environmental consultant services for the Public Safety Building Phase II, demolition of the Hall of Justice and Fire Administration Building for the period of July 2002 to February 2003, for a total amount not to exceed \$35,000.  
Contact: Rene Cardinaux, Public Works, 981-6300
19. **Contract: Public Safety Building Phase II, Demolition of Hall of Justice and Fire Administration Building**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to; 1) approve plans and specifications for the Public Safety Building Phase II, Demolition of Hall of Justice and Fire Administration Building; 2) accept the bid of Evans Brothers Inc., and; 3) authorize the City Manager to execute a contract and any amendments in an amount not to exceed \$665,640.  
Contact: Rene Cardinaux, Public Works, 981-6300
20. **Fee Waiver: Berkeley Arts Festival**  
**From: Councilmember Spring**  
**Recommendation:** Adopt a Resolution 1) waiving the sound and special event permit fees for the opening of the Berkeley Arts Festival on Center Street between Oxford and Milvia on August 10<sup>th</sup>; 2) requesting that Center Street between Oxford and Milvia be closed off to vehicular traffic and that the fees for that be waived; 3) requesting that no parking signs be posted at all the metered spaces on Shattuck between Allston Way and Kittridge Street so that musicians and artists can perform in the parking bays and so that pedestrians can have sidewalk access.  
Contact: Dona Spring, District 4, 981-7140

## Consent Calendar

21. **Consolidation of Legislative Agenda Items**  
**From: Councilmember Maio**  
**Recommendation:** Adopt a policy that recommendations to support State or Federal legislative bills be consolidated into one item for those recommended for support, one item for those recommended for opposition, so as not to overburden the agenda.  
Contact: Linda Maio, Councilmember District 1, 981-7110
  
22. **HERE Local 2850 Boycott of Claremont Hotel**  
**From: Councilmembers Worthington and Maio**  
**Recommendation:** Support HERE Local 2850's boycott of the Claremont Hotel.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170, Linda Maio, Councilmember District 1, 981-7110
  
23. **Support AB 1856, Unsolicited Junk Mail**  
**From: Councilmember Worthington**  
**Recommendation:** Support AB 1856, which provides a way for consumers to "opt-out" of receiving future mailings of unsolicited junk mail.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170
  
24. **Proclamation: Lesbian Gay Bisexual Transgender and Questioning Pride Month**  
**From: Councilmember Worthington**  
**Recommendation:** Support the proclamation to honor June as Lesbian Gay Bisexual Transgender and Questioning Pride Month and authorize the City Manager to fly the Rainbow Flag for the rest of June.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170
  
25. **Hate Crime Immediate Response Plan**  
**From: Councilmember Worthington**  
**Recommendation:** Support the Hate Crime Immediate Response Plan that includes:  
1) Agreeing to schedule a town hall meeting to show support for hate crime victims and developing a comprehensive plan for prompt effective responses, and prevention;  
2) offering a \$5,000 reward to provide an incentive to get information on two hate crimes that happened in Berkeley (if this works, consider expanding to other hate crimes too);  
3) endorsing the federal Hate Crimes Prevention Act HR 1343 and S 625;  
4) committing to racial and religious diversity in the training team to do hate crime training for Police Department, City staff, and boards and commissions.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170
  
26. **Proclamation: 12<sup>th</sup> Anniversary of the American with Disabilities Act** *(to be delivered)*  
**From: Mayor Dean**  
**Recommendation:** Approve a proclamation honoring the Americans with Disabilities Act of 1990 (ADA).  
Contact: Shirley Dean, Mayor, 981-7100

## Consent Calendar

27. **Proclamation: Amateur Radio Week** *(to be delivered)*  
**From: Mayor Dean**  
**Recommendation:** Approve a proclamation acknowledging Amateur Radio Week.  
Contact: Shirley Dean, Mayor, 981-7100
28. **Proclamation: 27<sup>th</sup> Anniversary of Le Pena** *(to be delivered)*  
**From: Mayor Dean**  
**Recommendation:** Approve a proclamation honoring the 27<sup>th</sup> anniversary of La Pena.  
Contact: Shirley Dean, Mayor, 981-7100
29. **Fee Waiver: Summer Productions by Shotgun Players** *(to be delivered)*  
**From: Mayor Dean**  
**Recommendation:** Adopt a Resolution waiving fees associated with the use of John Hinkel Park by the Shotgun Players.  
Contact: Shirley Dean, Mayor, 981-7100
30. **Assessment: Elmwood Theater Business Improvement Area**  
**From: Advisory Board for the Elmwood Theater Business Improvement Area**  
**Recommendation:** Adopt a Resolution: 1) approving the Annual Assessment Report for the Elmwood Theater Business Improvement Area for Fiscal Year 2002; 2) declaring an intention to levy annual assessments in the Improvement Area for Fiscal Year 2003; and 3) setting a public hearing on the levy of assessments for July 16, 2002.  
Contact: Dave Fogarty, Secretary, 705-8184
- a. City Manager Report**  
**Recommendation:** The City Manager concurs with the content and recommendations of the Commission.  
Contact: Tom Myers, Economic Development, 705-8184
31. **Assessment: Telegraph Property and Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving the Annual Assessment Report on the Telegraph Property and Business Improvement District for FY 2002; 2) declaring an intention to levy special assessments for FY 2003; and 3) setting a public hearing on the levy of assessments for July 16, 2002.  
Contact: Tom Myers, Economic Development, 705-8184

## Consent Calendar

32. **Policy on National High Speed Rail**  
**From: Transportation Commission and Commission on Disability**  
**Recommendation:** Adopt a Resolution supporting the National High Speed Rail concept and communicating to the United States Congress the importance of maintaining long distance passenger rail service in the United States.  
Contact: Paul Church, Secretary-Commission on Disability, 981-7000 and Peter Hillier, Secretary-Transportation Commission 981-7000
- a. City Manager Report**  
**Recommendation:** The City Manager concurs with the content and recommendations of the Commission.  
Contact: Rene Cardinaux, Public Works, 981-6300 and Peter Hillier, Transportation 981-7000
33. **Union Pacific Railroad Regarding ADA Accessibility and a Multi-Use Path**  
**From: City Manager**  
**Recommendation:** Approve sending a letter to Union Pacific Railroad to assist the City in getting an ADA accessible platform and multi-use path at the rail stop at the foot of University Avenue.  
Contact: Contact: Carol Barrett, Planning and Development, 705-8102
34. **Agreement: School of Nursing, University of California, San Francisco**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments with the University of California at San Francisco, School of Nursing to provide nurse-practitioner students an opportunity to obtain clinical experience under a list of Preceptor Guidelines and Expectations at the Berkeley High School Health Center effective as of April 1, 2002 .  
Contact: Fred Medrano, Health and Human Services, 981-5100
- a. From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution finding that no reasonable alternative exists under Section 12.90.070 of the Berkeley Municipal Code, the Nuclear-Free Berkeley Act, for the agreement with the University of California, San Francisco School of Nursing for the provision of nurse-practitioner students to the Berkeley High School Health Center; and approving a waiver of Section 12.90.070 of the Berkeley Municipal Code.  
Contact: Manuel Hector, Secretary, 981-5110

## Action Calendar - Appeals

35. **Use Permit and Variance 01-10000057 - 3000 Shasta Road**
- 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**  
**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. Communications**
- 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

**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 85009(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.

## Action Calendar - Budget

*The City Council may present proposed amendments at this meeting. The City Council will conduct a public hearing on June 18, 2002 on the City Manager's proposed budget and any amendments proposed by the Council. The Council will adopt the FY 2003 budget at the meeting of June 25, 2002.*

36. **FY 2002 and FY 2003 Budget Discussion and Council Direction**

**a. City Manager Information Report**

Contact: Paul Navazio, City Manager, 981-7000

**b. Presentation of City Council proposed Amendments to the City Manager's proposed Budget** *(to be delivered)*

**b1. Budget Referral: Accessible Stage for City Sponsored Festivals, Events, and Celebrations**

**From: Councilmember Worthington**

**Recommendation:** Refer to the City Manager and the budget process support for possible funding for a City owned accessible stage for City sponsored festivals, events and celebrations

Contact: Kriss Worthington, Councilmember District 7, 981-7170

**b2. Budget Referral: The Arts and Crafts Cooperative Inc.**

**From: Councilmember Spring**

**Recommendation:** Refer to the budget process the request from The Arts and Crafts Cooperative, Inc. for up to \$22,000 for assistance in making their restroom wheelchair and ADA accessible.

Contact: Dona Spring, Councilmember District 4, 981-7140

**c. Sewer Service Fees** *(held over from 05/21/02 and 05/28/02)*

**From: City Manager**

**Recommendation:** 1) Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Sections 17.04.010 and 17.04.015, sewer service charges, imposition of liens, and appeals; and 2) adopt a Resolution increasing sewer service charges for residential and non-residential categories for FY 2003.

Contact: Rene Cardinaux, Public Works, 981-6300

**c1. From: Citizens Budget Review Commission**

**Recommendation:** Based on review of FY 2000 Sanitary Sewer Program expenses, request the City Manager implement the following budget directions for FY 2003: 1) Refer the findings and recommendations detailed in the report to the City Manager for response to recommendations regarding performance measures, accounting line definition improvements and budget recommendations; 2) increase sewer fees for FY 2003 by CPI only; 3) establish and implement performance measures to allow determination of unit costs necessary to allow financial planning for rehabilitation of the remaining sewer system under the City jurisdiction; and 4) improve accounting line item definitions to allow better tracking of revenues and expenses of the sewer and other programs especially for capital projects.

Contact: Paul Navazio, Secretary, 981-7000

## Action Calendar - Budget

### **d. Allocation of Animal Services Budget**

#### **From: Citizens Humane Commission**

**Recommendation:** Adopt a Resolution authorizing the City Manager to split any monies left over from the Task Force's \$35,000 and the Humane Commission's \$50,000 in the Animal Services budget for FY 2002 between Home at Last Animal Rescue Organization and Fix Our Ferals Animal Rescue Organizations.

Contact: Kate O'Connor, Secretary, 981-6601

### **d1. From City Manager**

**Recommendation:** While the City Manager supports the effort of animal rescue organizations in assisting and placing animals impounded at the Animal Shelter, it is recommended that the Council defer action on this specific item. Further direction is needed in establishing the appropriate and best use of funds provided to support Commission and Task Force recommendations consistent with the overall goals. It is recommended the City Manager convene a meeting to include shelter staff, representatives from volunteer rescue groups and the Humane Commission to develop specific recommendations as to staffing and funding levels related to volunteer rescue groups, consistent with overall shelter objectives.

Contact: Jim Hynes, City Manager, 981-7000

### **d2. Humane Commission Funding Recommendations** *(Held over by Spring from 05/21/02 and 05/28/02)*

#### **From: Councilmember Spring**

**Recommendation:** Approve the Commission's funding recommendations for FY 2003.

Contact: Councilmember Dona Spring, District 4, 981-7140

## Action Calendar – Ballot Measures

### 37. **a. Ballot Measure - Instant Runoff Voting Charter Amendment**

#### **From: City Manager**

**Recommendation:** If the Council wishes to place a measure on the November 2002 ballot amending the charter to allow for Instant Runoff Voting (IRV): 1) review enclosed proposed charter amendment language and either approve the text or give direction for any changes and further direction to the City Attorney to prepare ballot title and financial analysis; and 2) give direction to the City Clerk to continue to follow-up and report back on status of IRV in California jurisdictions.

Contact: Sherry Kelly, City Clerk, 981-6900

### **b. Ballot Measure – Redistricting Charter Amendment**

#### **From: City Manager**

**Recommendation:** If the Council desires to place a measure on the ballot amending the charter related to the time in which to consider and take action on redistricting; give direction to the City Manager and the City Attorney on ballot text language prepared by the City Attorney or alternate proposals presented by Mayor Dean and Councilmember Spring.

Contact: Manuela Albuquerque, City Attorney, 981-6950

**b1. Charter Amendment to Extend Time to Redistrict After Decennial Census and Consolidating Council, Mayoral and Auditor Elections to Coincide with the Redistricting Cycles**

**From: Councilmember Spring**

**Recommendation:** Add an amendment to the April 16, 2002 recommendation from Mayor Dean to change the effective date of redistricting by the Council requesting that the City Manager develop a charter amendment which would allow redistricting to occur up to two years after the decennial census if necessary; and in order to prevent bifurcation of the residents in new and future redistricting plans, align all the council district elections as well as the mayoral election in the year 2004. This charter amendment should be placed on the Nov. 2002 ballot to be effective at the next round of redistricting. The change would not affect the current adopted redistricting plan.

Contact: Dona Spring, District 4, 981-7140

**b2. Redistricting - Revised Item from Councilmember Spring**

**Recommendation:** Postpone consideration of a charter amendment in response to the next decennial census count until 2004 when further solutions can be explored to deal with the problems of inaccurate census counts. Refer this agenda item's recommendations and the Mayor's agenda items recommendations on this topic to a future process.

Contact: Dona Spring, District 4, 981-7140

**b3. Charter Amendment Changing the Effective Date of Redistricting**

**From: Mayor Dean**

**Recommendation:** Request the City Manager develop a charter amendment which would provide for redistricting two years after the decennial Census, with elections from the new districts to be held at the next general election following this revised redistricting process. This amendment should be placed on the November 2002 ballot to be effective at the next round of redistricting. The change would not effect the current redistricting.

Contact: Shirley Dean, Mayor, 981-7100

**c. Ballot Measures – November 2002, Review and Comment on Title and Analyses (to be delivered)**

**From: City Manager**

**Recommendation:** 1) Review and comment on the ballot titles, City Attorney analyses and text of ballot measures related to: 1) amendment of the Waterfront Plan (Measure Q); 2) special tax to fund maintenance and installation of pedestrian safety improvements and streetlights; 3) a general obligation bond to fund a new animal shelter; and 4) a general obligation bond to fund the seismic retrofit of Old City Hall.

Contact: Manuela Albuquerque, City Attorney, 981-6950

## Action Calendar – Ballot Measures

### d. Ballot Measure - Warm Water Pool

**From: City Manager**

**Recommendation:** Provide direction to the City Manager on the Warm Water Pool project to 1) find a new site for the pool and issue new bonds not to exceed \$5 million or 2) work with Berkeley Unified School District to retain the pool on the existing site.

Contact: Phil Kamlarz, City Manager, 981-7000

### e. Ballot Measure – Property Transfer Tax for Affordable Housing

**From: City Manager**

**Recommendation:** Provide direction to the City Manager on the proposed measure to raise the property transfer tax to fund, preserve and protect affordable housing.

Contact: Phil Kamlarz, City Manager, 981-7000

### f. Ballot Measure – Charter Amendment for Elected Officials Salary Increase

**From: Councilmember Spring**

**Recommendation:** Waive Council Rules to allow for discussion and possible at the meeting of June 18, 2002 to consider possible ballot measures that would allow voters to decide on pay increase for the School Board and Council.

Contact: Dona Spring, Councilmember District 4, 981-7140

### 38. General Bonded Debt Analysis Information Report *(to be delivered)*

**From: City Manager**

Contact: Fran David, Finance, 981-7300

## Action Calendar – Old Business

### 39. Consider a Citywide 20 MPH Speed Limit in Residential Areas *(Held over by Olds from 3/12/02, 03/19/02, 04/23/02, 04/29/02, 5/14/02 and 05/28/02)*

a) **From: Councilmember Worthington**

**Recommendation:** Refer to the Transportation Commission consideration of a citywide 20 MPH speed limit in residential areas.

Contact: Kriss Worthington, District 7, 981-7170

b) **From: Mayor Dean**

**Recommendation:** Propose the following substitute for the motion currently contained in the item above: (New language underlined, language to omitted in shown in ~~strike through~~.) Refer to the staff and Transportation Commission for evaluation the proposal to consider a ~~citywide~~ 20 MPH speed limit in residential areas. Their consideration specifically is to include the following: 1) limiting consideration to streets that are designated residential; 2) developing criteria under which a street would be eligible for a 20 MPH designation; 3) developing a process which would be used when a specific street or streets are to be considered for a 20 MPH designation; and 4) determining the costs involved and recommendations for how such costs would be met in the budget. The staff and Transportation Commission are to return to the Council for approval of their recommendations.

Contact: Shirley Dean, Mayor, 981-7100

## Action Calendar – Old Business

40. **Assisting Afghan Victims of the Devastating Earthquakes** (*Held over by Breland from 04/16/02, 04/23/0, 04/29/02, 05/14/02 and 05/28/02*)  
**From: Councilmember Spring**  
**Recommendation:** Adopt a Resolution granting \$3000 to assist the Afghanistan victims of the devastating earthquakes; and request the City Manager to give City employees information on this opportunity to donate to the relief efforts.  
Contact: Dona Spring, District 4, 981-7140
41. **Policy on Zoning Project Notices** (*Held over by Armstrong from 04/16/02, 04/23/02, 04/29/02, 05/14/02 and 05/28/02*)  
**From: Councilmember Spring**  
**Recommendation:** That the Council refer to the City Manager and ask that he return with a timely response to the request for adoption of a policy that the Zoning Officer include, as a matter of course in both the notice and the summary that appear on Zoning Adjustments Board agendas; 1) the total lot-size of the project site, in square feet; 2) the number of affordable units, and the depth of their affordability, as well as a brief reference to how that number accords with the requirements of BZO Section 23C. 12.030; 3) the total number of dwelling units in the project, or square feet of gross floor area for non-residential projects; 4) the maximum residential density for the project-site; 5) the total square footage of any commercial or other non-residential area of the project; 6) the total number of floors of the project; and 7) the average and maximum height of the project.  
Contact: Dona Spring, District 4, 981-7140
42. **Support for New Auto Related Uses on University Avenue Contingent on a Public Hearing** (*Held over by Hawley from 04/16/02, 04/23/02, 04/29/02, 05/14/02 and 05/28/02*)  
**From: Councilmember Spring**  
**Recommendation:** Support allowing new auto related uses on University Avenue with the requirement that all new auto related uses are subject to a public hearing before approval or disapproval.  
Contact: Dona Spring, District 4, 981-7140
43. **Strengthening the Creeks Preservation Ordinance** (*Held over by Hawley from 04/23/02, 04/29/02, 5/14/02 and 05/28/02*)  
**From: Councilmember Spring**  
**Recommendation:** Request that the City Attorney return by the first meeting in July with a finalized version of the revised Creek Preservation ordinance that will better protect our creeks to prevent any kind of development such as paving or creating driveways within 30 feet of a creek or underground creek or a culverted creek; and that the City strengthen its policy to open all underground creeks wherever possible.  
Contact: Dona Spring, District 4, 981-7140

## Action Calendar – Old Business

44. **Densification of Berkeley** (*Held over by Maio from 05/14/02 and 05/28/02*)  
**From: Mayor Dean**  
**Recommendation:** Request the City Manager review, evaluate, and report back to the Council as quickly as possible on the attached materials and conclusions relating to the “overdensification” of Berkeley, published by the Council of Neighborhood Associations (CNA) in its April 2002 CNA Newsletter; and schedule a special workshop session to discuss the meaning and measurement of density in Berkeley. The Planning Commission should be invited and public comment allowed.  
Contact: Shirley Dean, Mayor, 981-7100
45. **Contract: Public Safety Building Tower Study** (*Held over by Armstrong from 05/21/02 and 05/28/02*)  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with MACRO Corporation for the Public Safety Building (PSB) Communications Tower study, increasing the contract by \$43,296, for a total amount not to exceed \$93,296 for field strength tests of the possible tower replacement alternatives for the period May 15, 2002 through August 30, 2002.  
Contact: Rene Cardinaux, Public Works, 981-6300; John Rosenbrock, Capital Projects, 981-6331
- a. **From: Councilmember Spring**  
**Recommendation:** Request the City Manager return to Council after consulting with the Citizens Committee on the Public Safety Building Communications Tower to recommend appropriate next steps, including a public review process, to consider the execution of another contract with a consultant for further study of one or more alternatives to the present tower, and to develop a scope of work for such a consultant – all toward a goal of selecting a preferred alternative to the present tower.  
Contact: Councilmember Dona Spring, District 4, 981-7140
46. **Peace and Justice Resolution Calling for an Injunction to Stop Oxidation Incineration** (*Held over by Armstrong from 05/21/02 and 05/28/02*)
- a. **From: Councilmembers Spring and Worthington**  
**Recommendation:** Approve the recommendations of the Commission and adopt a Resolution authorizing funds in the amount of \$15,000 to support a lawsuit, and an injunction to stop the oxidation-incineration of all radioactive mixed waste at the National Tritium Labeling Facility (NTLF), to be filed by the Committee to Minimize Toxic Waste, (CMTW) against the State of California Department of Toxic Substance Control for failure to require Lawrence Berkeley National Laboratory (LBNL) to do an Environmental Impact Report (EIR) under CEQA and an Environmental Impact Statement (EIS) under NEPA.  
Contact: Councilmember Dona Spring, District 4, 981-7140; Kriss Worthington, District 7, 981-7170

## Action Calendar – Old Business

**b. From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution authorizing funds in the amount of \$15,000 to support a lawsuit, and an injunction to stop the oxidation-incineration of all radioactive mixed waste at the National Tritium Labeling Facility, to be filed by the Committee to Minimize Toxic Waste, against the State of California Department of Toxic Substance Control for failure to require Lawrence Berkeley National Laboratory to do an Environmental Impact Report under CEQA and an Environmental Impact Statement under NEPA.

Contact: Manuel Hector, Secretary, 981-5110

**c. From: City Manager**

**Recommendation:** That no action be taken on the recommendation of the Peace and Justice Commission requesting Council to authorize funds in the amount of \$15,000 to support a lawsuit, and an injunction to stop the oxidation-incineration of all radioactive mixed waste at the National Tritium Labeling Facility.

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

47. **Support for April 9<sup>th</sup> Protesters** (*Held over by Armstrong from 05/21/02 and 05/28/02*)

**From: Councilmember Worthington**

**Recommendation:** Adopt a Resolution that requests University of California Chancellor Berdahl to not take away students' opportunity for education and drop the suspensions for the April 9<sup>th</sup> protest. Also, request the District Attorney drop the charges for participating in the demonstration and protest rally.

Contact: Kriss Worthington, District 7, 981-7170

48. **Sidewalk Food Vending** (*first reading May 21, 2002 – Noes – Breland, Maio, Spring, Worthington*) (*held over by Worthington from 05/28/02*)

**From: City Manager**

**Recommendation:** Adopt second reading of an Ordinance repealing and reenacting Chapter 9.49 of the Berkeley Municipal Code regulating Food Vending on Sidewalks and Rights-of-Way.

Contact: Fran David, Finance, 981-7300

49. **Commission Input on Ten-Year Review of Bayer Development Agreement**

**From: Councilmember Spring** (*held over by Olds from 05/28/02*)

**Recommendation:** Allow input from members of the Peace and Justice Commission, Health Commission and Citizens' Humane Commission at the public presentation of the ten-year public review of the Bayer Development Agreement.

Contact: Dona Spring, District 4, 981-7140

## Action Calendar – Old Business

50. **Policy for the Naming of Public Facilities (CF 266-00)** *(held over from 05/28/02)*  
**From: Parks and Recreation Commission**  
**Recommendation:** Adopt a Resolution approving the proposed policy for the naming and renaming of public facilities developed by the Parks and Recreation Commission.  
Contact: Jay Kelekian, Secretary 981-6700  
**a. From: City Manager**  
**Recommendation:** The City Manager takes no position concerning the Commission's recommendations.  
Contact: Lisa Caronna, Parks and Waterfront, 981-6700

## Action Calendar – New Business

51. **Long Term Parking Solutions Study for the West Berkeley Area** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving the recommendations of the 2002 Parking Solutions Report for the West Berkeley Area bounded by Dwight Way, Carleton Street and San Pablo Avenue; and 2) authorizing the City Manager to exercise the option to extend the lease for a 65 space parking lot on streets through 2007, as provide for in the Lease Agreement with Bayer Corporation.  
Contact: Peter Hillier, Transportation, 981-7000
52. **Ban on Purchase of Arsenic, Pentachlorophenol, and Creosote Treated Wood (CF161-01)**  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Adopt a Resolution adopting policies and taking action to prohibit purchase of penachlorophenol, arsenic and creosote - treated wood (treated wood) by all City departments and require that any proposed exception to this purchasing policy be referred to Community Environmental Advisory Commission (CEAC) for review and comment.  
Contact: Nabil Al-Hadithy, Secretary, 705-8155  
**a. From: City Manager**  
**Recommendation:** Adopt a substitute Resolution to allow the use of treated wood for a limited time for maintenance of structures on or in water.  
Contact: Carol Barrett, Planning, 705-8101

## Information Reports

53. **Grant Update: Proposition 12 - Murray-Hayden Urban Parks and Youth Service Grant Program**  
**From: City Manager**  
Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700
54. **Formal Bid Solicitations and Request for Proposals**  
**From: City Manager**  
Contact: Fran David, Finance, 981-7300

## Information Reports

55. **Transfer of Control of AT&T Cable Franchise to Newly-Formed AT&T Comcast Corporation.**  
**From: City Manager**  
Contact: Chris Mead, Information Technology, 981-6500
56. **Six Eleven-611 Hate Crime Emergency Action Response Team**  
**From: Councilmember Worthington**  
Contact: Kriss Worthington, Councilmember District 7, 981-7170

## Communications

**The Council's regulations permit a Councilmember to refer a communication to staff for action, if appropriate.**

**Alternatively, a Councilmember may prepare a consent or action item for placement on a future agenda which directs the City Manager to investigate or take certain actions.**

**Unless a communication is referred to staff for action, if appropriate, it is deemed noted and filed.**

## Page

1. 2517 Sacramento Street
  - a. Shari Huebner
2. Creek ordinance
  - a. Juliet Lamont
3. Tritium waste treatment at LBNL
  - a. Richard Wiebe and Tobey Wiebe
4. 2700 San Pablo Avenue
  - a. David Snipper
5. Berkeley Community Media
  - a. Miles Levinkind
6. Rental Housing Safety Program
  - a. Peggy Schioler
7. Juvenile Justice Facility in Dublin
  - a. Scott Haggerty, President, Alameda County Board of Supervisors
  - b. Maris Arnold

## Communications

8. Disability issues
  - a. Michael Minasian (3 letters)
9. Police misconduct
  - a. Anne Marselis
10. Middle East conflict
  - a. Dave Love (7 letters)
11. Civil liberties
  - a. Leuren Moret
12. Boom cars
  - a. Alden Jenks, Alcatraz Avenue Neighborhood Association
13. Green Building Program
  - a. Christina Manansala & Jack West
  - b. Michael Gabel
14. April 9<sup>th</sup> protesters
  - a. Maxine Davis
15. Fire Department inspection fee billing system
  - a. B.A. Jones
16. Traffic
  - a. Terry Cochrell
17. Eastshore State Park
  - a. Charlotte Riegle
  - b. Peter Sely
18. Development in Berkeley
  - a. Howie Muir (2 letters)
  - b. Patrick Kennedy
19. Ohlone Park play structures and paths
  - a. Sasha Futran
20. Crime in south Berkeley
  - a. Sam Herbert
21. Incident at Alta Bates
  - a. QLMC

## Adjournment