

SUMMARY

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, JUNE 11, 2002

Preliminary Matters

Roll Call: 7:11 p.m. All present.

Ceremonial Matters:

1. Awards to be presented to "Berkeley Unplugged" Energy Conservation Contest Winners
2. Proclamation in honor of Amateur Radio Week
3. Proclamation in honor of 27th Anniversary of Le Pena

Actions: Presented awards and proclamations.

Comments from the City Manager:

1. Introduced Matt Nichols, Senior Transportation Planner
2. 16th Annual Juneteenth Festival is being held in South Berkeley this Sunday, 11 a.m. to 6 p.m.

Statement from Robin Wendt, EH&S Division Deputy, Tritium Labeling Facility, Lawrence Berkeley National Laboratory:

Action: The Mayor introduced Mr. Wendt, who read a statement that the NTLF had completed its CCO Treatability Study on mixed waste samples and had decided not to undertake two other treatability technologies on NTLF waste samples, biodegradation and mediated electrochemical oxidation.

Comments from the Public: 13 speakers.

Action: The Council referred comments from several neighbors regarding the negative impact of volunteer rescue group activities in a specific neighborhood to the City Manager.

Consent Calendar

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

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

Action: Adopted Resolution No. 61,599 –N.S.

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
Action: Approved minutes. (Abstain- Breland on May 28, 2002)

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
Action: Adopted Resolution No. 61,600–N.S.

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
Action: Adopted Resolution No. 61,601–N.S.

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
Action: Adopted Resolution No. 61,602–N.S.

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
Action: Adopted Resolution No. 61,603–N.S.

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
Action: Adopted Resolution No. 61,604–N.S.

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
Action: Adopted Resolution No. 61,605–N.S.

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
Action: Adopted Resolution Nos. 61,606–N.S and 61,607-N.S.

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
Action: Adopted Resolution No. 61,608–N.S.

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
Action: Adopted Resolution No. 61,609–N.S. Mayor Dean asked the record to reflect appreciation for staff’s efforts with improvements to the nutritional quality of the food.

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
Action: Adopted Resolution No. 61,610–N.S.

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: Carol Barrett, Planning and Development, 705-8102
Action: Adopted Resolution No. 61,611–N.S.

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
Action: Adopted Resolution No. 61,612–N.S.

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
Action: Adopted Resolution No. 61,613–N.S.

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
Action: Withdrawn by the City Manager.
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
Action: Removed from Consent Calendar by Councilmember Spring and held over to June 25, 2002.
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
Action: Removed from Consent Calendar by Councilmember Spring and held over to June 25, 2002.
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
Action: Removed from Consent Calendar by Councilmember Spring and held over to June 25, 2002.

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 10th; 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
Action: Adopted Resolution No. 61,614-N.S.
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
Action: Removed from Consent Calendar by Councilmember Hawley and held over to June 25, 2002.
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
Action: Approved recommendation.
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
Action: Approved recommendation.
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
Action: Approve proclamation for presentation on June 25, 2002.

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
Action: Removed from Consent Calendar by Councilmember Olds and held over to June 25, 2002.
26. **Proclamation: 12th 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
Action: Held over by Mayor Dean to the meeting of June 18, 2002.
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
Action: Approved and presented proclamation.
28. **Proclamation: 27th Anniversary of Le Pena** *(to be delivered)*
From: Mayor Dean
Recommendation: Approve a proclamation honoring the 27th anniversary of La Pena.
Contact: Shirley Dean, Mayor, 981-7100
Action: Approved and presented proclamation.
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
Action: Adopted Resolution No. 61,615–N.S.
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

Action: Adopted Resolution No. 61,616–N.S. Public Hearing scheduled for July 16, 2002.

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

Action: Adopted Resolution No. 61,617–N.S. Public Hearing scheduled for July 16, 2002.

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

Action: Adopted Resolution No. 61, 618–N.S.(Noes-Hawley)

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

Action: Approved recommendation.

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: Adopted Resolution No. 61,619-N.S.

Action Calendar - Appeals

35. **Use Permit and Variance 01-1000057 - 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

Actions: Moved, seconded, failed (Worthington/Spring; Noes – Armstrong, Hawley, Maio, Olds, Shirek, Dean; Abstain - Breland) a substitute motion to approve the decision of the Zoning Adjustments Board and deny the appeal.

Moved, seconded, carried (Olds/Maio; Abstain – Worthington) a main motion to set the matter for a public hearing on July 16, 2002.

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

Action: Received and filed.

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

Action: Moved, seconded, carried (Maio/Spring; Absent – Worthington) to refer to the City Manager a request that staff make a recommendation on how to fund a basic Green Program, including consideration of increasing fees.

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

Action: Moved, seconded, carried (Spring/Breland; Absent – Worthington) to refer to the budget process and to the Commission on Disability.

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

Action: Moved, seconded, carried (Spring/Breland; Absent – Worthington) to refer to the budget process and to the Commission on Disability.

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

Action: Moved, seconded, carried (Spring/Maio) to adopt first reading of Ordinance and Resolution No. 61,620-N.S. amended to include the Citizens Budget Review Commission's recommendation that there be improved methods for collecting and tracking data. Second reading of Ordinance scheduled for June 18, 2002.

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: Approved recommendation 4 as part of 36c.

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

Action: Held over to June 25, 2002.

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

Action: Held over to June 25, 2002.

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: Held over to June 25, 2002.

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

Action: Moved, seconded, failed (Spring/Maio; Noes – Armstrong, Hawley, Olds, Shirek, Dean) to approve placing this measure on the ballot.

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

Action: Moved, seconded, failed (Armstrong/Hawley; Noes – Breland, Maio, Spring, Worthington; Abstain – Shirek) to approve placing this measure on the ballot.

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

Action: No action taken.

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

Action: Moved, seconded, failed (Spring/Maio; Noes – Armstrong, Breland, Olds, Shirek, Dean; Abstain – Hawley) to approve placing this measure on the ballot.

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

Action: No action taken.

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

Actions: Moved, seconded, carried (Maio/Armstrong; Noes – Shirek) to approve the ballot title and text and making comment on the City Attorney's analysis for the Waterfront Plan.

Moved, seconded, carried (Armstrong/Worthington; Noes – Shirek, Worthington) to direct staff to draft language for a measure that would provide for \$400,000 to cover the deficit in the street lighting fund.

Moved, seconded, carried (Armstrong/Worthington; Noes – Olds, Shirek) to direct staff to draft language for a measure that would provide for \$1 million for pedestrian safety improvements.

Discussion on ballot measures for Animal Shelter and Old City Hall held over to June 25, 2002.

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

Action: Held over to June 25, 2002.

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

Action: Held over to June 25, 2002.

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

Action: Held over to June 25, 2002.

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

From: City Manager

Contact: Fran David, Finance, 981-7300

Action: Received and Filed.

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: Held over to June 25, 2002.
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
Action: Held over to June 25, 2002.
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
Action: Held over to June 25, 2002.

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
Action: Held over to June 25, 2002.
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: Held over to June 25, 2002.
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
Action: Held over to June 25, 2002.
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

Action: Held over to June 25, 2002.

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

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

Action: Held over to June 25, 2002..

47. **Support for April 9th 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 9th protest. Also, request the District Attorney drop the charges for participating in the demonstration and protest rally.

Contact: Kriss Worthington, District 7, 981-7170

Action: Held over to June 25, 2002.

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
Action: Held over to June 25, 2002.
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: Moved, seconded, carried (Breland/Armstrong; Noes – Spring, Worthington) to ask the Commissions to submit any concerns or questions in writing to Bayer and to the Council prior to Bayer's presentation to the Council. Councilmember Spring asked the record to reflect that she believed the commissions should be included in the presentation.
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: Held over to June 25, 2002.

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
Action: Moved to the Consent Calendar by Councilmember Maio and adopted Resolution No. 61,621–N.S.

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
Action: Held over to June 25, 2002.

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
Action: Withdrawn by the City Manager.
54. **Formal Bid Solicitations and Request for Proposals**
From: City Manager
Contact: Fran David, Finance, 981-7300
Action: Received and Filed.
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
Action: Received and Filed.
56. **Six Eleven-611 Hate Crime Emergency Action Response Team**
From: Councilmember Worthington
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Received and Filed.

Communications

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

Page

1. 2517 Sacramento Street **Spring**
 - a. Shari Huebner
2. Creek ordinance **Breland, Spring, Dean**
 - 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 **Dean**
 - 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
8. Disability issues **Spring, Dean**
 - 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 **Maio, Spring, Dean, Breland, Dean**
 - a. Alden Jenks, Alcatraz Avenue Neighborhood Association
13. Green Building Program **Maio, Spring**
 - a. Christina Manansala & Jack West
 - b. Michael Gabel
14. April 9th protesters
 - a. Maxine Davis

15. Fire Department inspection fee billing system **Dean**
 - a. B.A. Jones
16. Traffic **Breland, Dean**
 - 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 **Spring, Dean**
 - a. Sasha Futran
20. Crime in south Berkeley **Breland, Dean**
 - a. Sam Herbert
21. Incident at Alta Bates **Breland**
 - a. QLMC

SUPPLEMENT COMMUNICATIONS AND AGENDA REPORTS

Item 52: **Ban on Treated Wood Report**
 22 Revised recommendation from Community Environmental Advisory
 Commission

Item 39: **Citywide 20 MPH Speed Limit in Residential Areas**
 23 Revised recommendation from Mayor Dean

Item 29: **Summer Productions by Shotgun Players Fee Waiver**
 24 "To be delivered" Report from Mayor Dean

Item 35: **3000 Shasta Road Fire Station**
 25

- a. Eric Rakowski, Yen Trac
- b. Professor Erwin and Natalie Hahn
- c. Laurie Stevens and La Dell Dangerfield III
- d. Roger Hamilton
- e. Frank Norick and Donna Garaventa
- f. Helen Lewy
- g. Austin Olson
- h. Sibyl Donn
- i. Surinder Brar
- j. Betty and Frank Saarni
- k. Gay Rose Soque
- l. Nancy Brenner

m. Cary and Denise Lapidus
 n. Robert and Barbara Allen
 o. Jerome and Joy Carlin
 p. Hung-Hsi Wu
 q. June Jirhirin
 r. Thom Seaton
 s. Patricia Wong
 t. Baird and Mary Ann Whaley
 u. Geraldine Stokes
 v. Genevieve Dreyfus
 w. Jane and James Ware
 x. Bruce Smith
 y. Ralph and Bessie Gish
 z. Alice Kahn
 aa. Barbara and Ray Addicott
 bb. Lynn Richards
 cc. Thomas and Jeanne Olson
 dd. Rita Friedman
 ee. Ruth Maguire
 ff. Juliann Beckendorf
 gg. Thomas Cline and Barbara Meyer
 hh. Richard and Linda Scheffer
 ii. Margareta and Carlo Sequin
 jj. Alan and Sharonn Gittelsohn
 kk. Gerd Rosenblatt
 ll. Bruce Ackerman
 mm. Nirmal Das
 nn. Hildegard Wilson
 oo. Mary Lou Chapman
 pp. Steven Beckendorf
 qq. William, Suzanne and Bradford Berry
 rr. Jack Washburn
 ss. Lawrence Stark
 tt. Zvezdelina Stankova
 uu. Kuniko Weltin-Wu
 vv. Stanley Michael
 ww. Alison Greene and Don Moats
 xx. Pat Wadleigh
 yy. David Baer Tierkel
 zz. Robert and Barbara Allen
 aaa. Catherine Dower
 bbb. Victoria Belco
 ccc. John McCarthy
 ddd. Marc and Jan Rieffel
 eee. Joan Lester
 fff. Sidney and George Ferrell
 ggg. Natalie and Ferdianand Leimkuhler
 hhh. Nelson and Kathy Graburn
 iii. Charlotte Rieger

jjj. Cathy and Jack Romanski
 kkk. Edgar Knobloch
 ll. Ruth Gorevin
 mmm. Jean Atthowe
 nnn. Betty Parsons
 ooo. Lucy Campbell
 ppp. Harry and Kathleen Heckman
 qq. Frank and Bliss De Natale (2)
 rrr. Harold and Amy Bush
 sss. Paul and Marnie Peterson
 ttt. Howard Gruber
 uuu. Alice Gruber
 vv. Rex Dieterich
 www. George Leonoff
 xxx. Audrey Sabol
 yyy. Elizabeth Pulling
 zzz. Jim Lunt
 aaaa. Georjana Barnes
 bbbb. David Drubin
 cccc. Jeanne Mueller
 dddd. Barbara Hirschlee
 eeee. Patricia DiRubbo
 ffff. Ted Johnston
 gggg. Ehtel and Wallace MacMillan
 hhhh. Wosene Worke Kosrof
 iii. Jacque Ensign
 jjjj. Jay Claiborne
 kkkk. Nancy Steele
 ll. Joseph Deuere
 mmmm. Elizabeth Deuere
 nnn. Penelope Hanan-Dahmen
 oooo. Gloria Bowles
 pppp. Jeanne and Joseph Landisman
 qq. Rhea Garboos
 rrrr. Winston Thomas
 ssss. Kirk Mitchel
 tttt. Harold and Amy Bush
 uuuu. Carol Shon
 vvvv. Kate Frankel
 wwww. Casey Drubin
 xxxx. Dr. Glen Keator
 yyyy. Wayne Curt Huber
 zzzz. Milton and Dorothy Mozen
 aaaaa. Sun Family
 bbbbb. Beatriz Manz and Harley Shaiken
 ccccc. Reiko Weltin
 ddddd. Judith and Joseph Workman
 eeeee. Bill McClung
 fffff. Katherine Rendahl and Donald Rio

ggggg. Clarence and Carol Weinmann
hhhhh. Fire Safety Commission

Item 19: **Public Safety Building Phase II**
26a Communications from MAAGNA
26b Communications from MAAGNA

Item 46: **National Tritium Labeling Facility**
27 Leuren Moret **Maio**

Item 36: **Berkeley Humane Commissions 2002 Funding**
28 Cindi Goldberg **Spring**

Item 37: **Property Transfer Tax**
29 Laurie Bright

Item 48: **Food Vending Ordinance**
30 Ari DaSilva (2) **Breland**

Adjournment

Actions: Moved, seconded, carried (Spring/Maio) to waive Council Rules to extend the meeting to 11:30 p.m. Moved, seconded, carried (Worthington/Spring) to waive Council Rules to extend the meeting to 11:45 p.m.

Adjourned at 11:45 p.m.