

# SUMMARY

## BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, JUNE 18, 2002

---

### Preliminary Matters

---

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

**Comments from the City Manager:**

1. Berkeley Fire Department will conduct a Mutual Response Exercise with various fire departments and the Department of Forestry in the Berkeley hills on Saturday, June 22<sup>nd</sup> at 9:30 a.m.
2. Berkeley Fire Department in collaboration with Berkeley Fire Fighters Association, Local 1227, and Berkeley Black Fire Fighters association will pilot a Summer Youth Academy encouraging youth to consider a career in fire prevention.

**Comments from the Public:** 12 speakers.

**Action:** Council requested that a copy of the Residential Parking Permit report be forwarded to committee and to Mr. Fraser when it is ready and that the City Manager have a sign posted in the Finance Customer Service Area describing the Residential Parking Permit requirements and information related to parking at broken parking meters.

---

### Consent Calendar

---

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

1. **Sewer Service Charges, Liens and Appeals** (*First Reading Vote – Unanimous*)  
**From:** City Manager  
**Recommendation:** Adopt a second 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.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Ordinance No. 6,692.
2. **Donation From Bayer Corporation for the Fire Department**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$10,000 from Bayer Corporation to the Fire Department.  
Contact: Arrietta Chakos, City Manager 981-7000  
**Action:** Adopted Resolution No. 61, 622-N.S.

3. **Donation From Bayer Corporation for the Police Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$10,000 from Bayer Corporation to the Police Department.  
Contact: Arrietta Chakos, City Manager 981-7000  
**Action:** Adopted Resolution No. 61, 623-N.S.
  
4. **Grant: Bioterrorism and Disaster Preparedness**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept a grant in the amount of \$225,702 from the California State Department of Health Services for public health preparedness for and response to bioterrorism, other outbreaks of infectious disease, and other public health threats and emergencies for the period of February 19, 2002 to August 31, 2003; and to execute the resultant agreement and any amendments.  
Contact: Fred Medrano, Health and Human Services, 981-5100  
**Action:** Adopted Resolution No. 61,624-N.S.
  
5. **Contract: Reallocation of Adelante Community Development Block Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with the Multicultural Institute for FY 2003 reallocating the \$75,782 FY 2003 Community Development Block Grant (CDBG) funds previously allocated to Adelante Inc. for services to the Hispanic community.  
Contact: Stephen Barton, Housing, 981-5400  
**Action:** Adopted Resolution No. 61,625-N.S.
  
6. **Grant: Reallocation of COPS Funds** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reallocating \$585,325 from prior years' funding in State of California Citizens' Option for Public Safety (COPS) grant funds from youth center programs to police equipment purchases and authorizing the City Manager to use the grant funds to purchase a mobile command vehicle, prisoner transportation van, optical imaging system, fingerprint comparison computer system, desktop computers and other police equipment and reallocating FY 2002 COPS funds of \$208,000 from emergency equipment for purposes of a youth teen center.  
Contact: Daschel E. Butler, Police Department, 981-5700  
**Action:** Removed from Consent Calendar by Councilmember Hawley. Moved, seconded, carried (Worthington/Breland; Absent – Armstrong, Maio) to adopt Resolution Nos. 61,626-N.S., 61,635-N.S., 61,636-N.S. and 61,637-N.S.

7. **Contract: Construction Management Services for the Martin Luther King, Jr. Civic Center Building Project**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Swinerton Management & Consulting for construction management services for the Martin Luther King, Jr. Civic Center Building project by increasing the contract amount by \$64,000 for a new contract total amount not to exceed \$2,424,000.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Resolution No. 61,627 -N.S.
8. **Contract: Storm Drain Sewer Improvements and Rehabilitation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the Storm Drain Sewer Improvements and Rehabilitation Project, located on various streets 2) accepting the bid of McNamara and Smallman Construction, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders in an amount not to exceed \$1,095,516 for the period of 160 calendar days from the notice to proceed.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Resolution No. 61,628-N.S.
9. **Contract: Shingle Roofing, South Berkeley Senior Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the plans and specifications for shingle roof replacement for the South Berkeley Senior Center at 2939 Ellis Street; accepting the bid of Enterprise Roofing Service, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders in an amount not to exceed \$68,890.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Resolution No. 61,629-N.S.
10. **Contract: Rest Room Renovation, Center Street Garage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the plans and specifications for rest room renovations at Center Street Garage at 2025 Center Street; accepting the bid of Younger-Wunar, Inc.; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders in an amount not to exceed \$73,956.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Removed from the Consent Calendar by Councilmember Spring. Held over to June 25, 2002.
11. **Overturning Structure of Merit Designation – 1102 Tenth Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution upholding the appeal of the designation of 1102 Tenth Street as a City Structure of Merit, and overturning the designation by the landmarks preservation.  
Contact: Carol Barrett, Planning and Development, 705-8102  
**Action:** Adopted Resolution No. 61,630-N.S.

12. **Solar Hot Water Heating at West Campus Pool**  
**From: Councilmember Maio**  
**Recommendation:** Request the City Manager ask the Energy Officer to explore the possibility of using PV Solar Panels to heat West Campus pool.  
Contact: Councilmember Linda Maio, District 1, 981-7110  
**Action:** Approve recommendation.
  
13. **Independence of East Timor**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a Resolution supporting the Independence of East Timor.  
Contact: Councilmember Kriss Worthington, District 7, 981-7170  
**Action:** Adopted Resolution No. 61,631-N.S. (Noes – Olds; Abstain-Armstrong)
  
14. **Addressing the Threat of a Sudden Oak Death Epidemic**  
**From: Mayor Dean**  
**Recommendation:** Refer to the City Manager, the Community Environmental Advisory Commission, and the Parks and Recreation Commission a request to evaluate and report back to the Council as soon as possible on measures the City might undertake to address the threat of Sudden Oak Death (SOD) epidemic in our community, and inform residents. Request the City Manager consider the formation of an advisory group consisting of staff, commission members, and forestry experts from a range of institutions operating in Berkeley, and consider mechanisms such as pamphlets, public informational meetings, and web site advisories to alert the community.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Approve recommendation.
  
15. **Fee Waivers: Berkeley Mount Zion Missionary Baptist Church Business Street Fair**  
**From: Mayor Dean**  
**Recommendation:** Adopt a Resolution waiving up to \$746 in fees in conjunction with the August 24, 2002 Berkeley Mount Zion Missionary Baptist Church Business Street Fair.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Adopted Resolution No. 61,632 -N.S.
  
16. **Proclamation: 12<sup>th</sup> Anniversary of the American with Disabilities Act** (*to be delivered*)  
**From: Mayor Dean and Councilmember Spring**  
**Recommendation:** Approve a proclamation honoring the Americans with Disabilities Act of 1990 (ADA) to be read at the meeting of June 25, 2002.  
Contact: Shirley Dean, Mayor, 981-7100  
**Action:** Approve recommendation. Proclamation to be presented on June 25, 2002.

17. **City Manager Compensation** *(to be delivered)*  
**From: Mayor Dean, Vice Mayor Shirek and Councilmember Worthington**  
**Recommendation:** Adopt a Resolution providing the City Manager with: 1) a 4% cost-of-living adjustment retroactive to July 1, 2001; 2) a 4.16% equity increase effective upon adoption of this resolution; 3) an increase to the amount of accumulated unused sick leave which the City Manager can buy out at retirement from 38% to 50%; 4) clarify that the current City Manager shall receive future cost-of-living increases that Council approves for unrepresented employees in Unit Z1(Confidential Executive and Management classifications) except any approved in 2002; and 5) a salary effective immediately of \$168,567 with the foregoing increases.  
Contacts: Shirley Dean, Mayor, 981-7100; Maudelle Shirek, District 3, 981-7130, Kriss Worthington, District 7, 981-7170  
**Action:** Adopted Resolution No. 61,633-N.S.

---

### Public Hearings

---

18. **Extend Residential Permit Parking**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution amending Sections 25E of Resolution No. 56,508-N.S. by adding subsections to extend residential permit parking on both sides of Cedar Street between Martin Luther King, Jr. Way and Josephine Street and authorizing the use of \$300 from the operating budget of the Public Works Department to cover implementation costs.  
Contact: Peter Hillier, Transportation, 981-7000  
**Public Testimony:** The Mayor opened the public hearing. 2 speakers. Moved, seconded, carried (Maio/Worthington) to close the public hearing.  
**Action:** Moved, seconded, carried (Spring/Maio) to adopt Resolution No. 61,634-N.S.
19. **Landmarks Preservation Commission Appeals of Martin Luther King Jr. Civic Center Park Repair and Rehabilitation Project**  
**a. Appeal filed by Brandt-Hawley & Zoia, on behalf of Friends of Civic Center Park and the Art Deco Society of California** on the Landmarks Preservation Commission's decision to certify the Final Environmental Impact Report (EIR) and approve the Structural Alteration Permit with conditions for the Martin Luther King Jr. Civic Center Park Repair and Rehabilitation Project  
Contact: Sherry M. Kelly, City Clerk, 981-6900  
**b. Appeal filed by the City of Berkeley** on the Landmarks Preservation Commission's decision to approve the Structural Alteration Permit with conditions for the Martin Luther King Jr. Civic Center Park Repair and Rehabilitation Project  
Contact: Sherry M. Kelly, City Clerk, 981-6900

**c. City Manager Report** (*April 23, 2002 Report*)

**Recommendation:** Conduct a public hearing regarding the appeals of the Landmarks Preservation Commission's Notice of Decision to certify the Final Environmental Impact Report and to approve the Structural Alteration Permit for this project and provide direction to the City Manager regarding the plan's proposed removal of parking behind the Civic Center Building.

Contact: Carol Barrett, Planning and Development, 705-8102

**Public Testimony:** The Mayor opened the public hearing. 12 Speakers. Moved, seconded, carried (Maio/Hawley) to close the public hearing and hold the item over for a decision on June 25, 2002.

20. **Fiscal Year 2003 Biennial Budget** (*to be delivered*)

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, give the City Manager direction regarding any proposed amendments to the City Manager's proposed budget. The Council will adopt the FY 2003 budget on June 25, 2002.

Contact: Weldon Rucker, City Manager, 981-7000

**Public Testimony:** The Mayor opened the public hearing. 28 Speakers. Moved, seconded, carried (Olds/Shirek; Absent – Armstrong, Maio) to close the public hearing and adopt a budget at the meeting of June 25, 2002.

21. **Transfer of Cable Franchise**

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion consider adopting a Resolution to deny "local consent" to the transfer of control of the AT&T cable franchise to AT&T Comcast.

Contact: Phil Kamlarz, City Manager 981-7000

**Public Testimony:** The Mayor opened the public hearing. 3 Speakers. Moved, seconded, carried (Maio/Worthington; Absent – Armstrong) to close the public hearing and hold the item over for a decision on June 25, 2002.

---

**Information Reports**

---

22. **Starting Public Hearings Prior to 10:00 P.M. (CF37-02)**

**From:** City Manager

Contact: Sherry Kelly, City Clerk, 981-6900

**Action:** Received and filed.

23. **California Natural Disaster Assistance Program (CALDAP)**

**From:** City Manager

Contact: Grace Maguire, City Manager, 981-7008

**Action:** Received and filed.

24. **Telecommunications Task Force Extension**

**From: City Manager**

Contact: Phil Kamlarz, 981-7000

**Action:** Received and filed.

---

**Communications**

---

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

1. Green Building Program
  - a. Greg VanMechelen (2)
  - b. Catherine Porter
  - c. Debra Lombard
  - d. George Dedekian
  - e. Charlotte Shoemaker
  - f. Mark Palmer, Green Building Coordinator, City and County of San Francisco
  - g. Miriam Landman
  - h. Geno Yun
  - i. Gunnar Hubbard
  - j. Michael Rogers
  - k. Silver Hammer Construction
  - l. Jo Carol Conover, Chairperson, United States Green Building Council, Northern California Chapter
  - m. Stephen Martin, P.E.
  - n. Davis Baltz
  - o. Jeffrey Teel, AIA
  - p. April Thompson
  - q. Tom Lent (2)
  - r. Steven Winkel, Berkeley Energy Commissioner
  - s. Diane de Lara
  - t. Steven Guttmann, P.E.
  - u. Ann Leonard, Monica Wilson, Hope Hutman, Andre Carothers, Michelle Gerster
  - v. Albert Horowitz
  - w. John Shurtz
  - x. Kevin Hydes, P.E. (2)
  - y. Paul and Sandy Brumbaum
  - z. Jeanne Rizzo
  - aa. Donald Simon
  - bb. Katherine Silberman, J.D.
  - cc. Michael Gabel
  - dd. Dennis and Connie McCullah
  - ee. Robert Malone
  - ff. Larry Rosenthal
  - gg. Ambrust
  - hh. Keith McDade

- ii. Kathleen Smith
  - jj. Ed Gulick
  - kk. Kevin Powell
  - ll. Debbie Klein
  - mm. Devaki Chandra
  - nn. Dennis Kirby
  - oo. Gary Gerber
  - pp. Jim Harris
  - qq. Patricia McCarthy
  - rr. Lindsey Hill
  - ss. Arthur Young, APR
  - tt. Penn Phillips
  - uu. Kevin Brooks, P.E.
  - vv. Charlene Smith
  - ww. Susan Bassein
  - xx. Dan Harrington
  - yy. Heather Mitchell
  - zz. Stacy Raye
  - aaa. Erin Kuo
  - bbb. DSA Architects (six signatures)
2. Support for Berkeley Guides **Hawley, Dean**
    - a. Ove Wittstock, Director, Berkeley Guides and RESPECT Program, and 136 signatures of businesses in the downtown shopping district
    - b. David Manson, Executive Director, Berkeley Police Athletic League Boosters
  3. Hearst Development
    - a. Roslyn Fuerman
    - b. Carole Schemmerling (with response from Mark Rhoades)
    - c. David Wilson
    - d. Ellen and Howard Ruiz-Harrison
    - e. Rachel Peterson **Hawley, Dean**
  4. Middle East Conflict(s)
    - a. Dave Love
    - b. Jake Berzon (2)
    - c. Dean Sueck
  5. Ferry System
    - a. Charles Smith
  6. Police Services **Breland, Dean, Worthington**
    - a. Kevin Combs (2)
    - b. Concerned Resident
    - c. Stephanie Roeser
  7. I-80 Bicycle Overcrossing **Spring, Dean, Worthington**
    - a. Dave Campbell, Mark Abrahams, Hank Resnik, Bicycle-Friendly Berkeley Coalition

8. Identity Theft
  - a. Anne Marselis (2)
9. Rental Housing Safety Certification and Inspection Ordinance
  - a. Tamlyn Bright
  - b. John DeClercq
10. Nuclear Dangers
  - a. Leuren Moret
11. Peace Initiatives
  - a. Leuren Moret
12. Trucking Issues **Spring, Dean**
  - a. Virginia Ivanich
13. Housing Authority Vacancy Nomination **Breland, Dean**
  - a. Earnest Darden, Former Section 8 Advisory Board Member

There is a gap in numbering between 14 to 25

## SUPPLEMENTAL COMMUNICATIONS AND AGENDA REPORTS

### **Item 20: Fiscal Year 2003 Biennial Budget**

#### **Home at Last Animal Rescue**

- 25 Regina Cardiff
- 26 Michelle Deverell
- 27 Lori Chamberlain
- 28 Lisa Plotczyk

#### **Green Building Program**

- 29 Katherine Silberman
- 30 Stephen Wheeler
- 31 Daniel Knapp, Mary Lou Deventer
- 32 Caleb Dardick
- 33 Gil Friend
- 34 Jeanne Rizzo
- 35 Erica Braun
- 36 Cate Ledger
- 37 Terry O'Keefe

---

## Adjournment

---

**Action:** Moved, seconded, carried (Armstrong/Olds) to suspend Council Rules to extend the meeting to complete public hearings.

**Adjourned at 11:43 p.m. in memory of June Jordan.**