

# AGENDA

## BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, JUNE 25, 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.*

1. Proclamation in honor of Lesbian Gay Bisexual Transgender and Questioning Pride Month.
2. Proclamation honoring the Americans with Disabilities Act of 1990(ADA).

**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.*

**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. **Initiative Petition: Restricting Sale of Brewed Coffee**  
**From: City Manager**  
**Recommendation:** Refer to the City Manager a proposed initiative for a report to Council as to any of the impacts specified in Election Code section 9212.  
Contact: Sherry Kelly, City Clerk, 981-6900
  
3. **Agreements: Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a managed care provider re-application to the State of California, Department of Health Services for general public health services; and to execute the resultant memorandum of understanding, provider agreements and any amendments with Blue Cross-California Care for public health services for the period March 31, 2002 to June 30, 2006.  
Contact: Fred Medrano, Health and Human Services, 981-5100
  
4. **Contract: Organic Materials Hauling and Processing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Grover Landscape Services, Inc., for hauling and processing of organic materials, to increase the amount of the initial two-year contract term by \$125,000, and to increase the amount of the four-year extension period to \$2,839,600.  
Contact: Rene Cardinaux, Public Works, 981-6300
  
5. **Contract: Live Oak Recreation Center Seismic Retrofit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the plans and specifications for the Live Oak Recreation Center Seismic Retrofit; rejecting the protest of Rose Construction; accepting the bid of Angotti & Reilly; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders in an amount not to exceed \$607,200.  
Contact: Rene Cardinaux, Public Works, 981-6300

## Consent Calendar

6. **Contracts: Medi-Cal Outreach Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute: 1) an amendment to the grant agreement with the California Department of Health Services, Medi-Cal Eligibility Branch for the Medi-Cal Insurance Outreach Program, to accept additional funds in the amount of \$245,876 for a total of \$476,281; and 2) amendments to the contracts with Berkeley Unified School District (\$74,834), Bay Area Community Resources (\$8,920), Lifelong Medical Care (\$92,906), Lincoln Child Care (\$1,960), Stiles Hall (\$8,920), and Tides Center (\$8,920) to educate and assist families in applying for health insurance and using preventative health care services, to increase the amounts by \$196,460 for a total not to exceed \$336,712 and to extend the terms to June 30, 2003.  
Contact: Fred Medrano, Health and Human Services, 981-5100
7. **Contracts: HIV Laboratory Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the plans and specifications to provide HIV antibody blood screening for the HIV/AIDS Program; accepting the bid of UNILAB; and authorizing the City Manager to execute contracts and any amendments with UNILAB and the Alameda County Public Health Laboratory to perform the HIV screening lab services in an amount not to exceed \$44,000 and \$24,500 respectively for the period July 1, 2002 to June 30, 2003.  
Contact: Fred Medrano, Health and Human Services, 981-5100
8. **Contracts: HIV Prevention and Education Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute contracts and any amendments with the Berkeley Public Education Foundation (\$24,900), the California Prevention and Education Project (\$23,500), Catholic Charities (\$12,000), the Pacific Center for Human Growth (\$23,500), and the Women's Daytime Drop-in Center (\$24,900) for HIV prevention and education services for the period July 1, 2002 to June 30, 2003.  
Contact: Fred Medrano, Health and Human Services, 981-5100
9. **Contract: Workers' Compensation Actuarial Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with KPMG LLP in the amount of \$34,000 for actuarial services of the Workers' Compensation self insurance program for the period of June 1, 2002 through June 30, 2003.  
Contact: Ron Brown, Human Resources, 981-6800

## Consent Calendar

10. **Establish Classification: Revenue Collection Manager**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 60,051-N.S., Classification and Salary Resolution for Local One Employees, to establish the classification of Revenue Collection Manager.  
Contact: Ron Brown, Human Resources, 981-6800
11. **Conflict of Interest Code**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution directing the City Clerk to review the City's Conflict of Interest Code and if any changes are necessary to submit a revised Code to the Council for approval, or if no changes are necessary to so notify the Council.  
Contact: Sherry Kelly, City Clerk, 981-6900
12. **Increasing Payout of Unused Sick Leave**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Section 4.11 of Resolution No. 60,777-N.S. (Unrepresented Employee Manual) to increase the amount of payment of unused sick leave to 50% for those employees in Representation Units Z-1 (Confidential and Executive Management), Z-2 (Confidential Professional), and Z-3 (Confidential Clerical) having 28 or more years of service at time of termination or retirement.  
Contact: Ron Brown, Human Resources, 981-6806
13. **Transfer Tax Revenues From Special Tax Districts to Help Balance State Budget**  
**From: Councilmember Hawley**  
**Recommendation:** Request the City Manager write to East Bay legislators in Sacramento to: 1) convey opposition to the Governor's proposal to deflect tax revenues from special districts to help meet the State's obligation to fund education under Proposition 98; 2) ask that transportation districts be exempted from any transfer of their tax revenues to the State, because the budgets of transportation agencies will be adversely impacted this year by planned cuts in the State Transportation Assistance program; and 3) express support for SB 1255 (Burton and Aroner) that would help balance the State budget by reinstating top tax brackets for the wealthiest Californians (those earning \$250,000 and over per year).  
Contact: Mim Hawley, District 5, 981-7150

## Consent Calendar

14. **Support SB 1255**  
**From: Councilmember Spring**  
**Recommendation:** Request the City Manager write a letter to Governor Gray Davis and State Senator Don Perata asking them to support state legislation SB 1255 to restore upper level income brackets on Californians making over \$250,000 a year to reduce the state budget deficit and cut backs on the poor; and 2) request our State lobbyist be notified to request that she work for passage of this bill.  
Contact: Dona Spring, District 4, 981-7140
15. **Join Berkeley Unified School District in Opposing Racial Privacy Initiative**  
**From: Councilmember Spring**  
**Recommendation:** Join the Berkeley Unified School District (BUSD) in passing a Resolution in opposition to the Racial Privacy Initiative (RPI).  
Contact: Dona Spring, District 4, 981-7140
16. **Support AB 1080 California Alliance for Pride and Equality's Domestic Partner Equal Benefits**  
**From: Councilmember Worthington**  
**Recommendation:** Support AB 1080 California Alliance for Pride and Equality (CAPE)'s Domestic Partner Equal Benefits.  
Contact: Kriss Worthington, District 7, 981-7170
17. **Fee Waiver: Capoeira Batizado Celebration**  
**From: Councilmember Spring**  
**Recommendation:** Adopt a Resolution waiving the: 1) block closure and loss of parking fees; 2) special event permit fee; 3) noise permit waiver; and 4) food booth permit, and deliver four trash cans for the July 6, 2002 event to be held in the Downtown Arts District on Addison Street.  
Contact: Dona Spring, District 4, 981-7140
18. **Update of the 5 Year Street Plan**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution adopting the update of the 5 Year Street Plan for Fiscal Year 2003-2007.  
Contact: Jeffrey L. Egeberg, Secretary, 981-6400
  - a. **From: City Manager**  
**Recommendation:** The City Manager concurs. However, at the time the Public Works Commission took action on this report, the funding of the street program was not clear. The budget balancing plan provides that in FY 2003 the General Fund contribution will be reduced by 10% to \$1,575,000, but will be offset by an increase of \$175,000 in Measure B Sales Tax, maintaining a total program budget of \$3,237,000.  
Contact: Rene Cardinaux, Public Works, 981-6300

## Action Calendar - Budget

19. **Council Adoption of Fiscal Year 2003 Budget**
- a. From: City Manager** *(to be delivered)*  
**Recommendation:** Adopt a Resolution adopting the Fiscal Year 2003 Budget including: 1) approval of the City Manager's budget balancing plan to address the projected \$3.1 million General Fund deficit for FY 2003, first presented on April 30, 2002 and amended to respond to specific issues raised by the Council; 2) a contingency plan to address additional budget pressures that may impact the FY 2003 budget well after the commencement of the new fiscal year; and 3) a comprehensive process to guide development of recommendations needed to address a growing structural budget deficit projected in the next (FY 2004 and FY 2005) biennial budget cycle to include proposals for organizational restructuring to improve coordination and delivery of programs and services.  
Contact: Phil Kamlarz, Deputy City Manager, 981-7000
- b. Allocation of Animal Services Budget** *(held over from 06/11/02)*  
**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
- b1. From: City Manager** *(held over from 06/11/02)*  
**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
- b2. Humane Commission Funding Recommendations** *(Held over by Spring from 05/21/02, 05/28/02 and 06/11/02)*  
**From: Councilmember Spring**  
**Recommendation:** Approve the Commission's funding recommendations for FY 2002.  
Contact: Dona Spring, District 4, 981-7140
20. **Fiscal Year 2003 Appropriation Ordinance** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt first reading of the FY 2003 Appropriation Ordinance.  
Contact: Phil Kamlarz, City Manager, 981-7000

## Action Calendar - Budget

21. **Appropriations Limit for Fiscal Year 2003**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the appropriations limit at \$125,782,732 for Fiscal Year 2003 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.  
Contact: Fran David, Finance, 981-7300
  
22. **Temporary Appropriation for Payroll and Other Expenses**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2002 until the effective date of the Fiscal Year 2003 Annual Appropriations Ordinance.  
Contact: Fran David, Finance, 981-7300
  
23. **Tax Rate: Fund Maintenance of Parks, Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance levying a Fiscal Year 2003 special tax of \$.0961 per square foot of all improvements to fund the maintenance of parks, City trees, and landscaping in the City.  
Contact: Fran David, Finance, 981-7300
  
24. **Tax Rate: Emergency Medical Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance levying a Fiscal Year 2003 special tax of \$.025525 per square foot of all improvements to fund the provision of emergency medical services to Berkeley residents.  
Contact: Fran David, Finance, 981-7300
  
25. **Tax Rate: Emergency Services for the Severely Disabled**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the Fiscal Year 2003 tax rate for the provision of emergency services for the disabled at \$0.00910 (.0910 cents) per square foot of improvements.  
Contact: Fran David, Finance, 981-7300
  
26. **Tax Rate: Disaster Fire Protection-Measure Q**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the Fiscal Year 2003 tax rate for the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of improvements.  
Contact: Fran David, Finance, 981-7300

### Action Calendar - Budget

27. **Tax Rate: General Obligation Bonds-Measure S**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the Fiscal Year 2003 tax for Measure S General Obligation Bonds (Election of 1996) at 0.0450%.  
Contact: Fran David, Finance, 981-7300
28. **Tax Rate: Library Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the Fiscal Year 2003 tax at \$0.1134 (11.34 cents) per square foot for dwelling units and \$0.1717 (17.17 cents) for industrial, commercial and institutional buildings.  
Contact: Phil Kamlarz, Deputy City Manager, 981-7000
29. **Tax Rate: Fire Seismic General Obligation Bonds**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the Fiscal Year 2003 tax rate for the Fire Seismic General Obligation Bonds (Election of 1992) at 0.0300%.  
Contact: Fran David, Finance, 981-7300

### Action Calendar – Ballot Measures

30. **Ballot Measures – Review and Comment on Measures**  
**From: City Manager**  
**Recommendation:** Review and comment on ballot titles, City Attorney analysis and the text of proposed measures for the following: 1) special tax to fund maintenance and installation of pedestrian safety improvements; 2) special tax to for streetlights; 3) a general obligation bond to fund a new animal shelter; 4) a general obligation bond to fund the seismic retrofit of Old City Hall; 5) property transfer tax for affordable housing; and 6) special tax increasing the storm water fee.  
Contact: Phil Kamlarz, City Manager, 981-7000
31. **Ballot Measure - Warm Water Pool** (*Held over from 6/11/02*)  
**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

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### Action Calendar – Ballot Measures

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32. **Ballot Measure – Charter Amendment for Elected Officials Salary Increase**  
*(Held over from 6/11/02)*  
**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, District 4, 981-7140
33. **Ballot Measure – Charter Amendment for School Board Salary Increase**  
**From: Board of Directors, Berkeley Board of Education**  
**Recommendation:** Place a charter amendment on the November ballot amending Article V, Section 19 of the Charter to increase the salary of members of the Board of Education to \$1,500 per month beginning in December 2002. That any remuneration not accepted by board members are used for their official expenses, and that the future cost of living adjustments be authorized. Financial impact to the City of increase to be \$47,500 per year.  
Contact: John Selawsky, Director, 644-6550

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### Action Calendar – Decision on Public Hearings

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34. **Landmarks Preservation Commission Appeals of Martin Luther King Jr. Civic Center Park Repair and Rehabilitation Project** *(Refer to June 18, 2002 Agenda)*
- 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**  
**Recommendation:** 1) Decision on 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; 2) Adoption of Resolutions certifying the EIR and approving the Structural Alteration Permit with conditions; and 3) providing 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

**Action Calendar – Decision on Public Hearings**

35. **Transfer of Cable Franchise**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution denying 'local consent' to the transfer of control of the AT&T cable franchise to AT&T Comcast.  
Contact: Phil Kamlarz, City Manager 981-7000

**Action Calendar – Old Business**

36. **Consider a Citywide 20 MPH Speed Limit in Residential Areas** (*Held over by Olds from 03/12/02, 03/19/02, 04/23/02, 04/29/02, 05/14/02, 05/28/02 and 06/11/02*)
- 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
- c. From: Mayor Dean**  
**Recommendation:** Add 5) the issue of enforcement feasibility and costs should be an integral part of the evaluation, including the development of the criteria for designation of particular streets.  
Contact: Shirley Dean, Mayor, 981-7100
37. **Assisting Afghan Victims of the Devastating Earthquakes** (*Held over by Breland from 04/16/02, 04/23/0, 04/29/02, 05/14/02, 05/28/02 and 06/11/02*)  
**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 Calendar – Old Business

38. **Policy on Zoning Project Notices** (*Held over by Armstrong from 04/16/02, 04/23/02, 04/29/02, 05/14/02, 05/28/02 and 06/11/02*)  
**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
39. **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, 05/28/02 and 06/11/02*)  
**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
40. **Strengthening the Creeks Preservation Ordinance** (*Held over by Hawley from 04/23/02, 04/29/02, 5/14/02, 05/28/02 and 06/11/02*)  
**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

41. **Densification of Berkeley** (*Held over by Maio from 05/14/02, 05/28/02 and 06/11/02*)  
**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
42. **Contract: Public Safety Building Tower Study** (*Held over by Armstrong from 05/21/02, 05/28/02 and 06/11/02*)  
**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: Dona Spring, District 4, 981-7140

## Action Calendar – Old Business

43. **Peace and Justice Resolution Calling for an Injunction to Stop Oxidation Incineration** (*Held over by Armstrong from 05/21/02, 05/28/02 and 06/11/02*)
- 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
44. **Support for April 9<sup>th</sup> Protesters** (*Held over by Armstrong from 05/21/02, 05/28/02 and 06/11/02*)  
**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

## Action Calendar – Old Business

45. **Sidewalk Food Vending** (*First reading May 21, 2002 – Noes – Breland, Maio, Spring, Worthington*) (*Held over by Worthington from 05/28/02, 06/11/02*)  
**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
46. **Policy for the Naming of Public Facilities (CF 266-00)** (*Held over from 05/28/02 and 06/11/02*)  
**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
47. **Contract: Maintenance for the Energy Management System of the Public Safety Building** (*Held over by Spring from 06/11/02*)  
**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
48. **Contract: Environmental Consultant Services for the Public Safety Building Phase II, Demolition of Hall of Justice and Fire Administration Building** (*Held over by Spring from 06/11/02*)  
**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 Calendar – Old Business

49. **Contract: Public Safety Building Phase II, Demolition of Hall of Justice and Fire Administration Building** (*Held over by Spring from 06/11/02*)  
**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  
**a. Mitigation Implementation Measures for Public Safety Building, Phase II** (*to be delivered*)  
**Recommendation:** Adopt a Resolution approving full implementation of the mitigation measures and mitigation monitoring program and conditions of approval of the use permit for the Public Safety Building and directing staff to comply.  
Contact: Rene Cardinaux, Public Works, 981-6300
50. **Consolidation of Legislative Agenda Items** (*Held over by Hawley from 06/11/02*)  
**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, District 1, 981-7110
51. **Hate Crime Immediate Response Plan** (*Held over by Olds from 06/11/02*)  
**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, District 7, 981-7170

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**Action Calendar – Old Business**

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52. **Ban on Purchase of Arsenic, Pentachlorophenol, and Creosote Treated Wood (CF161-01)** *(Held over from 06/11/02)*  
**From: Community Environmental Advisory Commission**  
**Recommendation:** Adopt a Resolution prohibiting purchase of penachlorophenol, arsenic and creosote - treated wood (treated wood) by all City departments.  
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
53. **Contract: Rest Room Renovation, Center Street Garage** *(Held over from 06/18/02 by Spring)*  
**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

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**Action Calendar – New Business**

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54. **Support for Assembly Bill 1800**  
**From: Commission on Disability**  
**Recommendation** Send a letter in support of State Assembly Bill AB 1800 which allows persons with disabilities legally using disabled parking placards or disabled license plates to be exempt from violations under local street sweeping  
Contact: Paul Church, Secretary, 981-6342  
**a. From: City Manager**  
**Recommendation:** Take no position on AB 1800 until clarification is provided regarding the amendments exempting cities from receiving fines for exceeding the clean water standards as a result of reduced street sweeping efficiency.  
Contact: Rene Cardinaux, Public Works, 981-6300

## Action Calendar – New Business

55. **Telecommunications Task Force Extension**  
**From: Telecommunications Task Force**  
**Recommendation:** Adopt a Resolution amending Resolution No. 61,152 N.S. extending the Telecommunications Task Force from June 30, 2002 to January 31, 2003.  
Contact: Roger Miller, Secretary, 981-7009
- a. **From: City Manager**  
**Recommendation:** Take no action to extend the Task Force.  
Contact: Phil Kamlarz, Deputy City Manager, 981-7000

## Information Reports

56. **Election Information on City Website**  
**From: City Manager**  
Contact: Sherry Kelly, City Clerk, 981-6900
57. **Status Report on Response to Hate Crimes (to be delivered)**  
**From: City Manager**  
Contact: Weldon Rucker, City Manager, 981-7000
58. **General Audit Work Plan: Fiscal Year 2003**  
**From: City Auditor**  
Contact: Ann-Marie Hogan, Auditor, 981-6750
59. **Telecommunications Action Plan (CF 65-01)**  
**From: Telecommunications Task Force**  
Contact: Roger Miller, Secretary, 981-7009

## Communications

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

## Page

1. May 7, 2002 Planning Council Meeting
  - a. Howie Muir
2. Food Vending Ordinance
  - a. Ari DaSilva
  - b. A. Robin Orden, Senior Management Analyst, Finance Department
3. PEG Channel Programming
  - a. Maris Arnold

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## Communications

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4. Height Initiative
  - a. Howie Muir
  
5. Ferry System
  - a. Hank Resnik
  
6. Middle East Conflict
  - a. Dave Love (3)
  
7. Telecommunications Task Force
  - a. Nancy Bickel
  
8. Sidewalks
  - a. Anne Marselis
  
9. Affordable Housing
  - a. Howie Muir
  
10. Eastshore State Park
  - a. Shirley Faircloth
  
11. Himalayan Fair
  - a. Barbara Mercer, Bob Baldock
  
12. Bayer Corporation
  - a. Leuren Moret
  
13. Warm Water Pool
  - a. Cindy Neveu
  
14. Radioactive Shipments
  - a. Leuren Moret
  
15. Police Protection
  - a. Sam Herbert
  
16. Green Building Program
  - a. Gary Gerber

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## Adjournment

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