

AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, July 15, 2003 – 7:00 P.M.

City Council Chambers, 2134 Martin Luther King Jr. Way

Preliminary Matters

Roll Call:

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.*

Consent Calendar

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 carried over to the next regular meeting.

1. Lease: Central Duplicating and Mail Service

From: City Manager

Recommendation: Adopt second reading of an Ordinance authorizing the City Manager to accept a month-to-month tenancy with RILCO-Center, LLC for continued occupancy of that portion of 2055 Center Street used for central duplicating and mail services and authorizing up to seven months of rental payments at \$5,250 per month, for a total not to exceed \$36,750 in FY 2004, and further authorizing additional operating expenses of approximately \$7,000 for maintenance and utilities.

Contact: Fran David, Finance, 981-7323

2. Revision to Rental Housing Safety Program (Noes – Olds, Worthington)

From: City Manager

Recommendation: Adopt second reading of an Ordinance amending Sections 12.48.030, 12.48.050, and 12.48.110 of the Berkeley Municipal Code (BMC) and adding sections 12.48.120 and 19.40.110 to allow for changes to the Rental Housing Safety Program (RHSP).

Contact: Stephen Barton, Housing, 981-5400

Consent Calendar

- 3. Residential Preferential Parking**
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 14.72 regarding administrative changes.
Contacts: Fran David, Finance, 981-7300 and Peter Hillier, Transportation, 981-7000
- 4. Accessory Dwelling Units**
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending various sections of the Berkeley Municipal Code (BMC) Title 23 relating to Accessory Dwelling Units.
Contact: Phil Kamlarz, Planning, 981-7400
- 5. Amend Council Meeting Schedule**
From: City Manager
Recommendation: 1) Adopt a Resolution amending Resolution No. 61,770-N.S., the Council Meeting Schedule for 2003, to cancel the meeting of October 7th and add a regular meeting on November 4th and 2) schedule special meetings for 5 p.m. prior to each regular meeting from September through December 2003.
Contact: Sherry M. Kelly, City Clerk, 981-6900
- 6. Settlement Agreement: Debbie Ellis v. City of Berkeley**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. 2002 040564 entitled Debbie Ellis v. City of Berkeley in the amount of \$120,000.
Contact: Manuela Albuquerque, City Attorney, 981-6950
- 7. Trigger Locks on Firearms**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 9.72.080 of the Firearms Dealers Ordinance by repealing Subsection G regulating trigger locks due to passage of a comprehensive state law making the local law duplicative.
Contact: Manuela Albuquerque, City Attorney, 981-6950
- 8. Increase to Living Wage**
From: City Manager
Recommendation: 1) Adopt a Resolution increasing the living wage from \$9.75 to \$10.76 (if medical benefits are not provided) or \$11.37 to \$12.55 (if medical benefits are not provided) effective July 16, 2003; and 2) adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 13.27.050.A and D to provide that the living wage be adjusted automatically effective June 30th of each year commensurate with the corresponding increase in the Consumer Price Index (CPI) published in April of each year.
Contact: Phil Kamlarz, City Manager, 981-7000

Consent Calendar

- 9. Contract: Berkeley Art Center Association**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to a contract and any amendments with the Berkeley Art Center Association (BACA) in an amount not to exceed \$56,227 to present exhibitions of significant community and regional art to serve as a catalyst for arts enrichment, advocacy, and community participation for the period of September 1, 2003 through August 31, 2004.
Contact: Tom Myers, Economic Development, 981-7530
- 10. Contract: Berkeley's Best Builders Green Building**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Green Resource Center (GRC) for the period July 1, 2003 to June 30, 2004 in an amount not to exceed \$35,000.
Contact: Tom Myers, Economic Development, 981-7530
- 11. Contract: Berkeley Convention and Visitors Bureau and Film Office**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole-source contract and any amendments with the Berkeley Convention and Visitors Bureau and Film Office in an amount not to exceed \$228,375 in FY 2004 to provide for continued program development and marketing plan implementation to assist visitors.
Contact: Tom Myers, Economic Development, 981-7530
- 12. Loans: Aurora Theater and The Berkeley Society for the Preservation of Traditional Music**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to extend the repayment terms for the loans to Aurora Theater and The Berkeley Society for the Preservation of Traditional Music.
Contact: Tom Myers, Economic Development, 981-7530
- 13. Loans: Jazzschool Foundation *(To be delivered)***
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to make a \$30,000 working capital loan from the Citywide Loan Fund to the Jazzschool Foundation, providing that the loan will: 1) be secured by a chattel mortgage on the existing assets of the Foundation and by personal guarantees; 2) be repaid over 5 years at the established interest rate for the Fund; and 3) is contingent upon receiving satisfactory documentation that the Foundation has acquired the Jazzschool.
Contact: Tom Myers, Economic Development, 981-7530

14. Sale of Treasury Bond Investments

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to sell the 12,624 Treasury Bonds held in the City's Sale/Lease Financing Debt Service Fund as soon as practicable and use the proceeds to pay off all the outstanding 1996 Refunding Lease Revenue Bonds by December 1, 2003.

Contact: Fran David, Finance, 981-7300

15. Contract: Youth Employment Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Alameda Point Collaborative to provide youth employment services for the North Cities Collaborative for the period July 1, 2003 to June 30, 2004 in an amount not to exceed \$72,000.

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

16. Contract: Environmental Services at Berkeley Street Skate Park

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with SOMA Corporation in an amount not to exceed \$40,000 for the period May 1, 2003 through November 1, 2003 to provide environmental consulting services to develop and test protocols for cleaning the skate park in order to eliminate any possible residues of hexavalent chromium.

Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700

17. Contract: Berkeley Boosters

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute two month cash advances for two approved contracts with Berkeley Boosters: 1) Respect "A" in an amount not to exceed \$11,042 and 2) Respect School in an amount not to exceed \$6,375.

Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700

18. License: Food Cart at Berkeley Marina

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a License Agreement and any amendments with Eat & Run Catering to operate a food cart and use City property at the Berkeley Marina for a period of five years, with one five-year option period, for a total revenue amount of \$6,000 for the initial five-year term.

Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700

19. House Cars and Campers in Private Driveways

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Sections 12.76.010 and 12.76.020, to expand the definition of "camper" and clarifying that the restrictions on "house cars" apply equally to camper trailers.

Contact: Roy Meisner, Police, 981-5900

- 20. Contract: FY 2003 Emergency Sidewalk Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving specifications for the FY 2003 Emergency Sidewalk Project; 2) accepting the bid of Mosto Construction; and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$294,502 for the period of 120 calendar days.
Contact: Rene Cardinaux, Public Works, 981-6300
- 21. Contract: FY 2003 Spiral Sidewalk Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving specifications for the FY 2003 Spiral Sidewalk Project; 2) accepting the bid of AJW Construction; and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$296,776, for the period of 90 calendar days.
Contact: Rene Cardinaux, Public Works, 981-6300
- 22. Contract: Engineering Services for Sante Fe Right-of-Way Improvements**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Community Design & Architecture, in an amount not to exceed \$200,000, to provide engineering services for the Santa Fe Right-of-Way Improvements, for the period of July 31, 2003 to June 30, 2004.
Contact: Rene Cardinaux, Public Works, 981-6300
- 23. Contract: Sanitary Sewer Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Sanitary Sewer Project located at Le Conte Avenue, Le Roy Avenue, La Vereda Road, Acton Street, Virginia Street, and Shore Bird Park; 2) accepting the bid of Darcy and Harty Construction, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$813,984 for the period of 220 calendar days.
Contact: Rene Cardinaux, Public Works, 981-6300
- 24. Contract: Sanitary Sewer and Drilled Pier Foundations Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Sanitary Sewer and Drilled Pier Foundations Project located on the sewer easement on private property, bounded by 400 Vermont Avenue, 423, 425, and 427 Boynton Avenue, and the Contra Costa County line; 2) accepting the bid of Bay Pride Construction Company, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$172,704 for the period of 130 calendar days.
Contact: Rene Cardinaux, Public Works, 981-6300

Consent Calendar

25. **Contract: Economic & Planning Systems, Inc.- U.C. Berkeley Fiscal Impact Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with Economic & Planning Systems, Inc. to perform a study of U.C. Berkeley's (UCB) fiscal impacts related to capital projects, revenue loss, and operations, on the City of Berkeley for a contract amount not to exceed \$50,000 for the period July 16, 2003 through December 31, 2004.
Contact: Grace Maguire, City Manager, 981-7000
26. **Contract: Street Rehabilitation FY 2003 Phase 2 Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2003 Phase 2 Project; 2) accepting the bid of Interstate Grading & Paving, Inc., and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$1,042,664 for the period of 120 calendar days.
Contact: Rene Cardinaux, Public Works, 981-6300
27. **Contract: Underground Storage Tank Removal**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving plans and specifications for 711 Harrison Street UST Removal and Contamination Remediation; 2) accepting the bid of Golden Gate Tank Removal, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$95,000, for the period of 80 calendar days.
Contact: Rene Cardinaux, Public Works, 981-6300
28. **Purchase Order: Telephone Directory Advertising**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Purchase Order with SBC Smart Yellow Pages in an amount not to exceed \$31,400 for FY 2004, to advertise the City's refuse collection and recycling services.
Contact: Rene Cardinaux, Public Works, 981-6300
29. **Contract: Operating Services for Three City-Owned Parking Facilities (To be delivered)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Parking Concepts, Inc. to provide management, promotion, security, custodial, and maintenance services for Sather Gate Garage, Center Street Garage, and Oxford Parking Lot for the period August 1, 2003 through June 30, 2008 in an amount not to exceed \$4,731,704, and an option to extend for two additional one-year periods in an amount not to exceed \$2,192,698, for a total not to exceed \$6,924,402.
Contact: Peter Hillier, Transportation, 981-7000

- 30. Grant: Coastal Conservancy Bikeways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1) submit a grant application to the Coastal Conservancy in the amount of \$454,000 in FY 2003 for planning, design, cost estimates, and CEQA compliance for various bikeways and multi-use paths; 2) accept the grant and execute any resultant revenue agreements and amendments; and 3) implement the project and appropriate funding for related expenses, subject to securing the grant.
Contact: Peter Hillier, Transportation, 981-7000
- 31. Grant: Clean Air Regional Fund**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1) submit a grant application to the Bay Area Air Quality Management District's Transportation Fund for Clean Air Regional Fund grant program in the amount of \$35,257 in FY 2003 and FY 2004 for implementation of a Dynamic Ridesharing Program; 2) accept the grant and execute any resultant agreements and amendments; and 3) implement the project, subject to Council approval of expenditures and bids.
Contact: Peter Hillier, Transportation, 981-7000
- 32. Unauthorized Removal of Newspapers**
From: Mayor Bates
Recommendation: Refer the San Francisco "Unauthorized Removal of Newspapers" ordinance to the City Manager and City Attorney for the purpose of returning to Council with a draft ordinance for Berkeley.
Contact: Tom Bates, Mayor, 981-7100
- 33. Fee Waiver: Mount Zion Missionary Baptist Church Annual Business Street Faire**
From: Mayor Bates
Recommendation: Adopt a Resolution waiving permit, sound, noise variance and street barricade fees and the maintenance deposit for the Mount Zion Missionary Baptist Church Annual Business Street Faire to be held on Saturday, August 24, 2003.
Contact: Tom Bates, Mayor, 981-7100
- 34. Fee Waiver: Shotgun Players' Seventh Annual Free Theater in the Park Series**
From: Mayor Bates
Recommendation: Adopt a Resolution waiving permit fees for the Shotgun Players' Seventh Annual Free Theater in the Park Series for the use of John Hinkel Park on July 26, 27, August 2, 3, 10, 16, 17, 23, 24, 30, 31, September 6, 7, and 14; and for the use of Live Oak Park on September 13.
Contact: Tom Bates, Mayor, 981-7100

- 35. Fee Waiver: 2003 Solano Stroll**
From: Councilmember Hawley
Recommendation: Adopt a Resolution waiving fees for the event permit and the food vendor permits and in-kind City services from Police, Fire, Public Works and Health and Human Services for the 2003 Solano Stroll scheduled for Sunday, September 14th.
Contact: Miriam Hawley, Councilmember District 5, 981-7150
- 36. Presentation: Purpose of Berkeley's Paratransit Program**
From: Councilmember Maio
Recommendation: Schedule a briefing by the Commission on Aging and Commission on Disability regarding the purpose of Berkeley's Paratransit Program.
Contact: Linda Maio, Councilmember District 1, 981, 7110
- 37. Use-of-Parking Survey at Multi-Family Large Buildings**
From: Councilmember Maio
Recommendation: Request the City Manager consider how we might initiate a survey of residents of new, multi-family large buildings to determine what residents' and merchants'; level of parking demand is, where they are currently parking, and gather other useful information relative to parking practices.
Contact: Linda Maio, Councilmember District 1, 981-7110
- 38. Fee Waiver: San Francisco Mime Troupe**
From: Councilmember Maio
Recommendation: Adopt a Resolution sponsoring and waiving special event fees and the required maintenance deposits associated with the San Francisco Mime Troupe's five days of performance in parks throughout the Summer.
Contact: Linda Maio, Councilmember District 1, 981-7110
- 39. Interpretation of Major Residential Additions**
a. From: Councilmembers Olds, Hawley and Spring
Recommendation: Refer to the Zoning Adjustments Board (ZAB) and the Planning Commission (PC) the following issues for discussion and review; that the ZAB report to the PC with recommendations for guidelines for interpretation by staff and/or clarifying language for related zoning ordinances; that the PC return to the Council within 120 days with proposed language for modifications to the zoning ordinance: 1) the number of vertical feet allowed in a story in residential construction; 2) the "no-net change" interpretation of the 499 square foot addition, allowed by right; 3) the interpretation of additions to existing nonconforming residential buildings; and 4) consider that an "addition by right" be allowed one time only on each property.
Contact: Betty Olds, Councilmember District 6, 981-7160, Miriam Hawley, Councilmember District 5, 981-7150, and Dona Spring, Councilmember District 4, 981-7140

b. From: Councilmember Spring

Recommendation: Amend this item to: 1) request that the issues on “499 square foot additions by right” be allowed one time only on each property; 2) request the Planning Commission consider that the “addition by right” be allowed one time only on each property; and 3) request the Planning Commission also review how “addition by right” affects nearby property owners’ views and rights to solar protection in the Solar Protection Ordinance as well as landmark issues. In addition, the commission should consider whether “addition by right” can occur with additional square feet from a demolition on the same property.

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

40. Support Budget Accountability Act

From: Councilmembers Worthington and Breland

Recommendation: Support the Budget Accountability Act, a state ballot measure, reducing votes required for passage of a state budget from two-thirds to fifty-five percent and including not paying state legislators and the governor for each day past the deadline the budget is not passed.

Contact: Kriss Worthington, Councilmember, District 7, 981-7170 and Margaret Breland, Councilmember, District 2, 981-7120

41. Fee Waiver: Eighth Annual Watershed Environmental Poetry Festival

From: Councilmember Worthington

Recommendation: Adopt a Resolution extending the sound permit from 11 a.m. to 5 p.m. for the Eighth Annual Watershed Environmental Poetry Festival event in Martin Luther King Jr. Civic Center Park, Saturday, September 6, 2003 and allowing a stage banner above the Peace Wall and waiving fees for staff and necessary equipment associated with hanging the banner.

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

42. Ellis Implementation Ordinance: Five Year Restriction on Vacancy Rent Increases

a. From: Berkeley Rent Stabilization Board

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) sections 13.77.040 and 13.77.050 (Ellis Implementation Ordinance) to include the five year restriction on vacancy rent increases authorized in Section 7060.2 of the Ellis Act and to require notice to be given to extend the date a unit occupied by non-elderly or non-disabled tenant is to be withdrawn from the rental market.

Contact: Jay Kelekian, Secretary, 644-6128

b. From: City Manager

Recommendation: The City Manager concurs with the content and recommendation of the report.

Contact: Weldon Rucker, City Manager, 981-7000

43. FY 2004 Civic Arts Grant Funding Recommendations

a. From: Civic Arts Commission

Recommendation: Adopt a Resolution approving the Civic Arts Commission funding recommendations authorizing 65 grants to various organizations to support arts and cultural activities during FY 2004 in the amount of \$251,489.

Contact: Mary Ann Merker, Secretary, 981-7533

b. From: City Manager

Recommendation: The City Manager concurs with the content and recommendations of the report.

Contact: Tom Myers, Economic Development, 981-7530

44. Neighborhood Partnership on Homeless Detox Facility Study

a. From: Police Review Commission

Recommendation: Send letters to local, federal, state, and county representatives urging them to fund a detoxification facility for indigent people in Berkeley or Alameda County and that the City actively work to find funding for such a program.

Contact: Barbara Attard, Secretary, 981-4950

b. From: Homeless Commission

Recommendation: Endorse recommendation to establish a detox facility in Alameda County, and request that the Neighborhood Partnership on Homelessness further investigate the feasibility of establishing a blended model detox.

Contact: Jane Micallef, Secretary, 981-5426

c. From: Mental Health Commission

Recommendation: Work with Alameda County Board of Supervisors to establish a social model detoxification facility in Northern Alameda County.

Contact: Harvey Tureck, Secretary, 981-5213

d. From: City Manager

Recommendation: The City Manager concurs with the content and recommendations of the report.

Contact: Weldon Rucker, City Manager, 981-7000

45. Freedom to Read Protection Act of 2003

a. From: Peace and Justice Commission

Recommendation: Adopt a Resolution: 1) calling for the passage of the Freedom to Read Protection Act of 2003, exempting libraries and bookstores from the provisions of the Patriot Act; 2) sending a letter of support and copy of this resolution to Congressman Bernard Sanders; and 3) sending letters and the resolution to California's congressional representatives urging them to support and co-sponsor the Act and to California's senators urging them to support the Act and to introduce a similar bill in the Senate.

Contact: Manuel Hector, Secretary, 981-5110

Consent Calendar

b. From: City Manager

Recommendation: The City Manager concurs with the content and recommendations of the report.

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

46. Peace Lantern Ceremony

a. From: Peace and Justice Commission

Recommendation: Adopt a Resolution endorsing the Peace Lantern Ceremony to take place in Berkeley on or about August 9, 2003.

Contact: Manuel Hector, Secretary, 981-5110

b. From: City Manager

Recommendation: The City Manager concurs with the content and recommendations of the report.

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

Action Calendar - Appeals

47. Appeal: 1802 Chestnut Street

a. From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Housing Advisory Commission (HAC) to uphold the Building Official's Notice and Order dated January 14, 2003, declaring 1802 Chestnut Street as substandard, and dismissing the appeal.

Contact: Stephen Barton, Housing, 981-5400

b. Appeal

1. Burel Davis

Action Calendar – Public Hearing

48. Renewal of the Telegraph Property and Business Improvement District

From: City Manager

Recommendation: Conduct a public hearing and if no majority protest exists after tabulation of assessment ballots, adopt a Resolution reestablishing the Telegraph Property and Business Improvement District for the five-year period FY 2004-FY 2008 and levying assessments on property within the District for FY 2004.

Contact: Tom Myers, Economic Development, 981-7530

49. Residential Energy Conservation Ordinance Fees

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution authorizing the City Manager to increase the inspection fees for the Residential Energy Conservation Ordinance (BMC Chapter 19.16). Re-inspections would be at a discounted rate, as would additional unit inspections at the same address.

Contact: Stephen Barton, Housing, 981-5400

Action Calendar – Public Hearing

50. **Fees: FY 2003 Swim Classes**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion: 1) adopt a Resolution a) readopting rules and regulations and fees for use of recreation, park, camp, and swim facilities, b) adding "Special Swim" classes and fees under Section 4C, and c) adding Section 8, "Youth Fee Waivers"; and 2) rescinding Resolution No. 62, 063-N.S.
Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700
51. **2514 Benvenue Avenue: Use Permits – Environmental Review**
From: City Manager
Recommendation: Continue the consideration of use permits approved by the Zoning Adjustments Board for the project and environmental action until January 20, 2004 at the request of the applicant after taking 3 minutes each of testimony from the applicant and the appellants, which should be confined to the issue of whether environmental review should be delayed.
Contact: Phil Kamlarz, Planning, 981-7400
52. **Elmwood Theater Business Improvement Area**
a. From: Advisory Board for the Elmwood Theater Business Improvement Area
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution confirming the Annual Assessment Report for the Elmwood Theatre Business Improvement Area for FY 2003 and levying assessments for FY 2004.
Contact: David Fogarty, Secretary, 981-7534
b. From: City Manager
Recommendation: The City Manager concurs with the content and recommendation of the report.
Contact: Tom Myers, Economic Development, 981-7530

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code §5009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Action Calendar – New Business

53. **Voting Delegates - League of California Cities**
From: City Manager
Recommendation: Designate a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held on Wednesday, September 10, 2003 at the Sacramento Convention Center in Sacramento, California and direct the City Clerk to forward the name of the delegate and alternate to the League no later than August 8, 2003.
Contact: Sherry Kelly, City Clerk, 981-6900

Action Calendar – New Business

- 54. Lease: 225/235 University Avenue at Berkeley Marina (To be delivered)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease with Bay Point Development I, LLC, for 225/235 University Avenue and exempting this site (Dock of the Bay) from the moratorium that prohibits development at the Marina.
Contact: Tom Myers, Economic Development, 981-7530
- 55. Contracts: Housing Trust Fund Allocations 2003-2004**
From: City Manager
Recommendation: Adopt a Resolution approving fund reservations in the amount of \$3,079,500 from the FY 2003-2004 Housing Trust Fund, with conditions, and authorizing the City Manager to execute loan agreements, any amendments, and all other related documents for the following proposed projects: 1) Ashby Lofts/1001 Ashby Ave./Affordable Housing Associates (AHA) - \$1,000,000; 2) Ursula Sherman Village/711 Harrison St. (BOSS) - \$325,000; 3) Jubilee Senior Homes/2577 San Pablo Ave./Jubilee Restoration and Resources for Community Development (RCD) - \$1,017,000; 4) Ashby Dohr Condominiums/1419 Ashby Ave./Northern California Land Trust (NCLT) - \$250,000; 5) Oxford Plaza/Kittredge and Oxford/Resources for Community Development (RCD) and Equity Community Builders - \$300,000; and 6) Casa Zimbabwe and Cloyne Court/2422 and 2600 Ridge Rd./University Students Cooperative Association - \$187,500.
Contact: Stephen Barton, Housing, 981-5400
- 56. Rental Housing Safety Program Fees (CF19-03)**
From: City Manager
Recommendation: Adopt a Resolution: 1) rescinding Resolution No. 62,062-N.S.; 2) establishing a revised fee schedule for housing code inspections; and 3) establishing a revised flat per unit fee of \$17 per unit for all residential rental buildings and \$8.50 per room for residential hotels and boarding houses with five or more rooms in support of the Rental Housing Safety Program.
Contact: Stephen Barton, Housing, 981-5400
- 57. Bay Trail Extension to the Berkeley Marina**
- a. From: City Manager**
Recommendation: Adopt a Resolution accepting the Preliminary Project Description for the Bay Trail Extension to the Berkeley Marina and proceed with the California Environmental Quality Act (CEQA) environmental review process.
Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700
- b. From: Waterfront Commission**
Recommendation: Accept the Preliminary Project Description for CEQA purposes only and (staff and consultants) hold a public workshop to consider width and alignment of the trail prior to any further design development by the consultant.
Contact: Cliff Marchetti, Commission Secretary, 644-6376
- c. Information Report from Commission on Disability**
Contact: Paul Church, Commission Secretary, 981-6342

Action Calendar – New Business

- 58. Clean Up of Contamination at Lawrence Berkeley National Laboratory**
From: City Manager
Recommendation: Send a letter to the Department of Toxic Substances Control to inform them of past actions the City has take regarding clean up of contaminated sites. Request a higher standard for clean up than is provided by risk assessments, a fiscal accounting for discovery and clean up stages, assurances for continued Department of Energy financing as needed to meet state clean up guidelines, and accepting outreach as proposed.
Contact: Phil Kamlarz, Planning, 981-7400
- 59. Traffic Circles on Bicycle Boulevards**
From: Councilmember Worthington
Recommendation: Approve a compromise motion to designate \$140,000 in additional traffic circle funding to be specified for use for traffic circles on bicycle boulevards (as a compromise between use of funds for unspecified bicycling projects, versus use of funds for unspecified circles).
Contact: Kriss Worthington, Councilmember District 7, 981-7170

Action Calendar – Time Critical

- 60. LBNL Proposal to Land Fill in Cafeteria Creek**
From: Councilmember Spring
Recommendation: 1) Ask the City Manager to send letters to Lawrence Berkeley National Laboratory (LBNL), Regional Water Quality Control Board, Department of Fish and Game, and to the Army Corp of Engineers expressing strong opposition to the LBNL proposal to land fill in Cafeteria Creek; 2) Send to LBNL a copy of the City's long-standing policy to daylight creeks and not allow creeks to be infilled; 3) Send to LBNL the City's policy on prohibiting the removal of Live Oak trees; and 4) Request a 15-day extension to the Environmental Impact Report (EIR) scoping period for "Building 49 and Parking Lot" which closes on July 16th.
Contact: Dona Spring, Councilmember District 4, 981-7140

Information Reports

- 61. Romare Bearden Mural Space**
From: City Manager
Contact: Tom Myers, Economic Development, 981-7530
- 62. Formal Bid Solicitations and Request for Proposals**
From: City Manager
Contact: Fran David, Finance, 981-7300
- 63. Neighborhood Disaster Supply Cache**
From: City Manager
Contact: Reginald Garcia, Fire, 981-5500

Information Reports

- 64. Cash Receipts Cash Handling Audit (CF 158-02)**
From: City Manager
Contact: Lisa Caronna, Parks Recreation and Waterfront, 981-6700
- 65. Lawrence Berkeley National Laboratory (LBNL) EIR – New Building and Parking Lot**
From: City Manager
Contact: Phil Kamlarz, Planning, 981-7400
- 66. Summary of Workers Compensation Legislation (To be delivered)**
From: City Manager
Contact: Phil Kamlarz, Deputy City Manager, 981-7000
- 67. Award Ceremony for 2003 Cash for Trash Contest Winners**
From: City Manager
Contact: Rene Cardinaux, Public Works, 981-6300

Communications

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

100% Increase to Senior/ADA Monthly Pass

1. Shang-Mei Lee

Section 8 Waiting List

2. Marissa Nicole Shaw

Brownfields Economic Development Initiative (BEDI) Grant

3. Barbara Lee

Sewage Changes on EBMUD Bill

4. Barbara Sargent

LBL/UCB Proposal to Bury Creeks, Oaks and Wildlife Corridor

5. Dr. Phillip N. Price

2501 Benvenue

6. David Baker and Sharon Hudson, Appellants

Adjournment