

## SUMMARY

### BERKELEY CITY COUNCIL MEETING

TUESDAY, JUNE 22, 2004

#### Preliminary Matters

**Roll Call:** 7:05 p.m. All present.

**Ceremonial Matters:**

1. Award to City of Berkeley for Outstanding Achievement from Environmental Protection Agency (EPA) and Certificate of Special Congressional Recognition from Representative Lee, Senator Boxer and Senator Feinstein for conversion to biodiesel
2. Award from Alameda County Lead Abatement Agency for lead abatement
3. Proclamation declaring week of June 21<sup>st</sup> –June 27<sup>th</sup> Amateur Radio Week
4. Donation for a Summer Reading Program accepted from SBC and Wells Fargo
5. Presentation celebrating Pablo Neruda's Centennial from July 11<sup>th</sup> through July 17<sup>th</sup> presented by the Friends of Neruda Collective & La Peña Cultural Center

**Action:** Awards and proclamations presented, donations received.

**City Manager Comments:** City Hall will be hosting a July 4<sup>th</sup> Celebration at the Marina with music, arts, crafts and various foods beginning at 11 a.m. with fireworks at 9:00 p.m. AC Transit transportation (Bus No. 9) is encouraged because parking is limited. No alcohol or private fireworks will be permitted.

**Public Comment:** 13 speakers.

#### Consent Calendar

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

1. **Mandatory Microchipping of Animal Shelter Cats and Dogs** (*First Reading June 15, 2004 – Unanimous*)

**From:** Citizens Humane Commission

**Recommendation:** Adopt second reading of an Ordinance amending the Berkeley Municipal Code (BMC) Section 10.04.032A by deleting Section A (2), "offering free elective microchipping for animals adopted from the shelter", and adding Section 10.04.207 requiring all impounded dogs and cats adopted or returned to owner to be microchipped before leaving the Animal Shelter and at the expense of the person taking possession of the animal subject to exceptions.

**Financial Implications:** Revenue Neutral.

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

**Action:** Adopted Ordinance No. 6,807 – N.S. Effective July 22, 2004.

## Consent Calendar

- 2. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for Council meetings of June 7, 2004 (closed), June 8, 2004 (special and regular).  
Contact: Sherry Kelly, City Clerk, 981-6900  
**Action:** Approved minutes.
- 3. Needle Exchange**  
**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. 62,540 – N.S.
- 4. Contract: Real-Time Closed Captioning Stenography Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a personal services contract and any amendments with Theresa “Teri” Darrenougue for the provision of real-time closed captioning stenography services at all worksessions, regular and special meetings of the Council, Housing Authority and Redevelopment Agency for the period July 1, 2004 to June 30, 2005 in an amount not to exceed \$50,000, and for four one-year renewable options.  
**Financial Implications:** General Fund – \$50,000.  
Contact: Sherry Kelly, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 62,541 – N.S.
- 5. Ballot Measure: Public Financing of Campaigns**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution placing a charter amendment on the November 2, 2004 ballot to provide for public financing of campaigns.  
Contact: Sherry M. Kelly, City Clerk, 981-6900  
**Action:** Adopted Resolution No. 62,542 – N.S. (Noes – Hawley; Abstain – Olds)
- 6. Contract: FY 2005 Downtown Berkeley YMCA**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$256,932 for fitness center memberships for City employees and Legislative Assistants for the period July 1, 2004 through June 30, 2005.  
**Financial Implications:** See report.  
Contact: Tracy Vesely, Budget, 981-7000  
**Action:** Adopted Resolution No. 62,543 – N.S.

- 7. Disaster Mitigation Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting the Disaster Mitigation Plan and an Environmental Initial Study/Mitigated Negative Declaration.  
**Financial Implications:** See report.  
Contact: Arrietta Chakos, City Manager, 981-7000  
**Action:** Adopted Resolution No. 62,544 – N.S.
- 8. Contract: Maintenance and Support for Animal Services Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase and extend the contract with H.L.P. Incorporated by \$9,000 through June 30, 2007 for the annual support and maintenance of the Chameleon software and the ChamCam web site currently being used at the Animal Shelter, for a total contract amount not to exceed \$34,000.  
**Financial Implications:** General Fund – \$9,000 annually.  
Contact: Kate O'Connor, City Manager, 981-6601  
**Action:** Adopted Resolution No. 62,545 – N.S.
- 9. Contract: Addison Street Poetry Panels**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend contract with Cherokee Porcelain and Enamel Corporation to complete manufacturing services associated with the Addison Street Poetry Panels, increasing the contract amount by \$6,000 for a total not to exceed \$41,816 and extending the term to June 30, 2005.  
**Financial Implications:** Measure S Public Art Projects – \$6,000.  
Contact: Tom Myers, Economic Development, 981-7530  
**Action:** Adopted Resolution No. 62,546 – N.S.
- 10. Federal Corporation for National and Community Service Senior Volunteer Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant and any amendments, from the Corporation for National and Community Service (CNCS) assistance in an amount of \$434,193 for a centralized emergency volunteer program that will organize residents with skills in public health, public safety, mental health, disaster response, and other critical areas to assist first responders in emergencies or disasters.  
**Financial Implications:** Grant – \$434,193.  
Contact: Reginald Garcia, Fire, 981-5500  
**Action:** Adopted Resolution No. 62,547 – N.S.
- 11. Contract: Abatement Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Freitas Landscape and Maintenance for abatement services to increase the amount by \$15,000 for a total not to exceed \$37,958, and extend the period to June 30, 2005.  
**Financial Implications:** General Fund –\$15,000.  
Contact: Fred Medrano, Health and Human Services, 981-5100  
**Action:** Adopted Resolution No. 62,548 – N.S.

## Consent Calendar

**12. Grant and Contracts: Greater Accountability of Juveniles in the Justice System** *(to be delivered)*

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to: 1) submit a grant application to the State Board of Correction to promote greater accountability of juveniles in the Justice System; 2) execute a contract and any amendments with the State Board of Corrections for the period July 1, 2004 through June 30, 2005; and 3) provide for matching funds of 10% of the grant award; and 4) execute a subcontract with Donald P. McCullum Youth Court Inc.

**Financial Implications:** See report.

Contact: Roy Meisner, Police

**Action:** Adopted Resolution No. 62,549 – N.S.

**13. Contract: Hills Fire Station Stabilization** *(to be delivered)*

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Alan Kropp & Associates, Inc. for geo-technical, civil and structural engineering services for the Hills Fire Station stabilization project, increasing the amount by \$60,000 for a total not to exceed \$82,500 for the period June 22, 2004 through December 31, 2005.

**Financial Implications:** Measure G Fund – \$60,000.

Contact: Rene Cardinaux, Public Works, 981-6300

**Action:** Adopted Resolution No. 62,550 – N.S.

**14. 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 \$26,112 for FY 2005, to advertise the City's refuse collection and recycling services.

**Financial Implications:** Refuse Fund – \$17,160; Various Grants – \$8,952.

Contact: Rene Cardinaux, Public Works, 981-6300

**Action:** Adopted Resolution No. 62,551 – N.S.

**15. Purchase Order: Police Vehicle Replacements**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting the State of California contract bid procedures to satisfy the requirement of Berkeley Charter Section 67, and authorizing the City Manager to execute a purchase order with Downtown Ford Sales for fourteen police vehicles in an amount not to exceed \$385,000.

**Financial Implications:** Equipment Replacement Fund – \$385,000.

Contact: Rene Cardinaux, Public Works, 981-6300

**Action:** Adopted Resolution No. 62,552-N.S.

## Consent Calendar

16. **Purchase Order: Case 570M XT Wheel Loader**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the City of San Bruno's bid procedures to satisfy the requirements of the Berkeley Charter Section 67, and authorizing the City Manager to execute a purchase order with GCS Western Power & Equipment in an amount not to exceed \$72,084 for the purchase of a Case 570M XT Wheel Loader.  
**Financial Implications:** Equipment Replacement Fund – \$72,084.  
Contact: Rene Cardinaux, Public Works, 981-6300  
**Action:** Adopted Resolution No. 62,553 – N.S.
17. **Ban on Gasoline Powered Scooters, Mini-Bikes and Go-Carts**  
**From: Councilmember Spring**  
**Recommendation:** Request the City Manager prepare an ordinance to prohibit gasoline powered scooters, mini-bikes, and go carts on streets and sidewalks and that this ban be enforced by the Police Department.  
Contact: Dona Spring, Councilmember District 4, 981-7140  
**Action:** Approved recommended revised by Councilmember Spring to refer to the City Manager to report back as to how the City could regulate or prohibit the use of gasoline powered scooters, mini-bikes and go-carts.
18. **Books Not Bombs**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a Resolution supporting “Books Not Bombs,” advocating that Livermore and Los Alamos labs, and the University of California, stop the research and development of nuclear weapons in favor of funding for educational programs and expanded jobs in civilian sciences.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Adopted Resolution No. 62,554 – N.S.

## Action Calendar – Appeals

19. **2211 Fifth Street – Landmarks Structure of Merit**
- a. **From: City Manager**  
**Recommendation:** Adopt a Resolution affirming the decision of the Landmarks Preservation Commission decision of May 10, 2004, disapproving the designation of 2211 Fifth Street as a Structure of Merit and dismissing the appeal.  
**Financial Implications:** None.  
Contact: Dan Marks, Planning, 981-7400
- b. **Appeal**  
1. Carol Denney (61 signatures)
- c. **Communications**  
1. Timothy Rempel
- Actions:** Moved, seconded, failed (Worthington/Spring; Noes–Breland, Shirek, Hawley, Olds, Wozniak, Bates) to set the matter to for a public hearing.  
Moved, seconded, carried (Hawley/Breland; Noes–Maio, Spring, Wothington) to adopt Resolution No. 62,555 – N.S. affirming the decision of the Landmarks Preservation Commission and dismissing the appeals.

## Action Calendar – Appeals

**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 – Budget

### 20. Adoption of FY 2005 Budget/FY 2006 Reduction Plan and Side Letters of Agreement (to be delivered)

#### a. From: City Manager

**Recommendation:** 1) Adopt a Resolution adopting the FY 2005 Budget and FY 2006 Reduction Plan as contained in the City Manager's FY 2005 Proposed Budget and as amended by the Council and 2) Adopt Resolutions approving Side Letters of Agreement with the City's labor unions and amendments to the City's classification and salary resolutions for its represented and unrepresented employees.

Contact: Tracy Vesely, Budget, 981-7000; Nicki Spillane, Human Resources, 981-6800

#### b. From: Mayor Bates

**Recommendation:** Consider amendments to the City Manager's proposed Budget for FY 2005 as proposed in the enclosed report dated June 8, 2004.

Contact: Tom Bates, Mayor, 981-7100

#### c. From: Councilmember Spring

**Recommendation:** Refer to the FY 2005 budget process the restoration of funding to the following community organizations: Berkeley Drop In Center - \$88,500; Berkeley Food and Housing Project, Quarter Meal - \$53,000; Jobs for the Homeless - \$19,000; Hobitot - \$25,000; additional funding for Traffic Circles - \$50,000; and funding for Creek Restoration. Contact: Dona Spring, Councilmember District 4, 981-7140

**Actions:** Moved, seconded, carried (Wozniak/Breland; Noes – Worthington ) to adopt Resolution No. 62,556 – N.S., including: a) the FY2005 budget as proposed by the City Manager in the budget book on May 4, 2004, and containing errata pages presented to the Council at subsequent meetings; b) amendments presented by Mayor Bates at the meetings of June 8<sup>th</sup> and June 22<sup>nd</sup>; c) the FY 2006 Reduction Plan as proposed by the City Manager; d) authorizing the City Manager to achieve \$300,000 in cost savings from the Fire Department FY 2005 budget and return in October 2004 with specific reduction recommendations; and e) authorizing the City Manager to execute contracts and any amendments as necessary to provide two-month advances to selected community agencies receiving City funds in FY 2005.

Moved, seconded, carried (Hawley/Shirek; Noes – Worthington) to adopt the following Resolutions with the understanding that a similar side letter with the Berkeley Police Association will be presented for Council approval on July 13, 2004 and with direction to the City Manager that he is authorized to negotiate similar salary reductions with Local 1 and/or IBEW 1245, which is not time off.

## Action Calendar – Budget

1) Resolution No. 62,557 – N.S. for Unrepresented Employees, amending Resolution No. 61,812 – N.S. as follows: 1) reduce by 3% from the increased salary scheduled for the period of July 4, 2004 until July 3, 2005 for employees in Representation Unit Z-1 (Confidential and Executive Management); and 2) reduce by 2.54% for 10.5 months, the increased salary scheduled for the period from July 4, 2004 until May 22, 2005 for employees in Representation Units Z-2 (Confidential Professional), Z-3 (Confidential Clerical), Representation Units Z-4 (hourly non-benefited Legislative Assistants), and Z-6 (benefited Legislative Assistants); and X-1 (Hourly and Daily Unrepresented Employees).

2) Resolution No. 62,558 – N.S. for employees represented by Service Employees International Union (SEIU) Locals 790 and 535, including the Part-Time Recreation Leaders Association/SEIU Local 535: authorizing the City Manager to execute and implement a Side Letter of Agreement to amend terms and conditions of the respective Memorandum Agreements to reduce salaries by 2.54% from the salaries scheduled for increase on July 4, 2004 for 10.5 months until May 22, 2005. The Part-Time Recreation Leaders Association/SEIU Local 535 will, in lieu of the salary reduction, have six (6) Mandatory Days Off. The City Council's authorization is subject, by the Resolution and by the terms and conditions of the Side Letter of Agreement itself, to ratification by the memberships of SEIU Locals 790, 535 and the Part-Time Recreation Leaders Association/SEIU Local 535.

3) Resolution No. 62,559 – N.S. for employees represented by Public Employees Union Local 1: amending Resolution No. 61,840 – N.S. governing the classifications and salaries of employees represented by the Union to reduce salaries by 2.54% from the salaries scheduled for increase on July 4, 2004 for 10.5 months until May 22, 2005 as part of a general plan to reduce salaries and wages as an economy measure and as part of a general curtailment program.

4) Resolution No. 62,560 – N.S. for employees represented by the International Brotherhood of Electrical Workers (IBEW) Local 1245: amending Resolution No. 61,811 – N.S. governing the classifications and salaries of employees represented by the union to reduce salaries by 2.54% from the salaries scheduled for increase on July 4, 2004 for 10.5 months until May 22, 2005 as part of a general plan to reduce salaries and wages as an economy measure and as part of a general curtailment program.

### 21. **FY 2005 Appropriation Ordinance** (*to be delivered*)

**From:** City Manager

**Recommendation:** Adopt first reading of the FY 2005 Appropriation Ordinance.

Contact: Tracy Vesely, Budget, 981-7000

**Action:** Moved, seconded, carried (Worthington/Olds) to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.

- 22. Appropriations Limit for Fiscal Year 2005**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the appropriations limit at \$135,178,801 for FY 2005 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  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt Resolution No. 62,561 – N.S.
- 23. Temporary Appropriation**  
**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, 2004, until the effective date of the FY 2005 Annual Appropriations Ordinance.  
Contact: Fran David, Finance, 981-7300  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt Resolution No. 62,562 – N.S.
- 24. Tax Rate: Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance levying a FY 2005 special tax of \$.098869 per square foot of all improvements to fund maintenance of parks, City trees, and landscaping.  
Contact: Fran David, Finance, 981-7300  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.
- 25. Tax Rate: Measure S General Obligation Bonds**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2005 tax rate for the Measure S General Obligation Bonds (Election of 1996) at 0.0425%.  
Contact: Fran David, Finance, 981-7300  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.
- 26. Tax Rate: Library Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2005 tax rate for the Library Services Tax at \$0.132172 per square foot for dwelling units and \$0.2001 per square foot for industrial, commercial, and institutional buildings.  
Contact: Fran David, Finance, 981-7300 and Jackie Griffin, Library, 981-6195  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.

## Action Calendar – Budget

- 27. Tax Rate: Fire Seismic General Obligation Bonds (Measure G, Series C) and the 2002 General Obligation Refunding Bonds**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2005 Tax Rate for the Fire Seismic General Obligation Bonds (Measure G, Series C) and the 2002 Obligation Refunding Bonds at 0.0300%.  
Contact: Fran David, Finance, 981-7300 and Reginald Garcia, Fire, 981-5500  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.
- 28. Tax Rate: Disaster Fire Protection (Measure Q)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting FY 2005 tax rate for the procurement of disaster fire equipment at \$0.0125 per square foot of improvements.  
Contact: Fran David, Finance, 981-7300 and Reginald Garcia, Fire, 981-5500  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.
- 29. Tax Rate: Emergency Services for the Severely Disabled**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2005 tax rate for the provision of emergency services for the disabled at \$.009524 per square foot of improvements.  
Contact: Fran David, Finance, 981-7300  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.
- 30. Tax Rate: Emergency Medical Services**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance levying a special tax of \$0.026280 per square foot of improvements to fund the provision of emergency medical services to residents.  
Contact: Fran David, Finance, 981-7300 and Reginald Garcia, Fire, 981-5500  
**Action:** Moved to Consent Calendar by Councilmember Maio to adopt first reading of Ordinance. Second reading scheduled for July 13, 2004.

## Action Calendar – New Business

- 31. Ballot Measures: Revenue Measures** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Provide comments to the City Attorney on the text, title and City Attorney's analysis for the following ballot measures for the November 2004 ballot: 1) Increase to Emergency Medical Services Tax; 2) Increase to Library Tax; 3) Increase to Utility Users Tax; and 4) Increase to Property Transfer Tax.  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Actions:** Moved, seconded, carried (Worthington/Maio; Abstain – Hawley; Absent - Spring) to direct staff to finalize a ballot measure for Emergency Medical Services Tax increase for \$1.2 million. Moved, seconded, carried (Maio/Worthington; Abstain – Wozniak; Absent – Spring) to direct staff to finalize a ballot measure for Library Services Tax increase with a 5% inflator. Moved, seconded, carried (Maio/Wozniak; Absent – Spring) to direct staff to finalize a ballot measure for Utility Users Tax increase with a four year sunset. Moved, seconded, carried (Hawley/Breland; Noes – Olds, Wozniak; Absent –Spring) to direct staff to finalize a ballot measure for a Real Property Transfer Tax increase with a sunset of 2009.
- 32. Downtown Hotel/Conference Center/Museums Complex** *(CF 76-03)*
- a. From: Planning Commission**  
**Recommendation:** The Planning Commission requests the Council accept the “Task Force Report on a Downtown Hotel/Conference Center/Museums Complex and Public Open Space,” dated April 27, 2004 and transmit it to the developer and the University.  
Contact: Dan Marks, Planning, 981-7400
- b. From: Transportation Commission**  
**Recommendation:** Approve and adopt the transportation-related recommendations of the Planning Commission's Hotel Task Force April 27, 2004 report as written.  
Contact: Peter Hillier, Secretary, 981-7010
- c. From: City Manager**  
**Recommendation:** The City Manager concurs with the content and recommendations of the Planning Commission.  
Contact: Dan Marks, Planning, 981-7400  
**Action:** Moved to Consent Calendar by Councilmember Maio to approve a recommendation: a) thanking the members of the Task Force for their thoughtful recommendations; b) expressing support of the Task Force's vision and recommendations for the project as starting points for the University and the development team as they plan this project; and c) transmitting the recommendations to UC and the development team.

## Action Calendar – New Business

### 33. Vista Parking Mitigation Funds

#### a. From: Transportation Commission

**Recommendation:** Adopt a final plan for allocation of Vista mitigation funds that allocates: 1) \$2 million, or 55.5% of the funds, to programs to reduce vehicle traffic and promote and improve alternative modes of transportation in Downtown; and 2) \$1.6 million, or 44.5% of the funds, to accommodate vehicle trips to Downtown.

**Financial Implications:** See report.

Contact: Peter Hillier, Secretary, 981-7010

#### b. From: City Manager

**Recommendation:** Direct staff to: 1) consider the Transportation Commission's recommendations during its negotiations with the Peralta Community College District respecting the use of the Vista College parking mitigation funds, and 2) return to Council this fall with final recommendations upon completion of negotiations.

Contact: Peter Hillier, Transportation, 981-7010

**Actions:** Moved, seconded, failed (Worthington/Spring; Noes – Shirek, Hawley, Olds, Wozniak, Bates; Abstain - Maio) a substitute motion to direct the City's negotiators to advocate for at least a majority of the mitigation funds going to the reduction of traffic and the promotion of alternative transportation.

Moved, seconded, carried (Olds/Wozniak; Abstain – Spring) a main motion to approve the City Manager's recommendations and to emphasize single occupancy vehicle trip reduction and alternative transportation.

## Information Reports

### 34. Developing Programs to Respond to Identified Buildings with Seismic Weaknesses

#### From: City Manager

Contact: Dan Marks, Planning, 981-7400

**Action:** Received and filed.

### 35. Status of Fleet Management Audit Recommendations (CF15-03)

#### From: City Manager

Contact: Rene Cardinaux, Public Works, 981-6300

**Action:** Received and filed.

### 36. FY 2005 Audit Plan

#### From: City Auditor

Contact: Ann-Marie Hogan, Auditor, 981-6750

**Action:** Received and filed.

## Communications

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

### **Arts & Culture Plan**

1. Deborah Badhia, Downtown Berkeley Association

### **Creek Ordinance (Spring)**

2. Tome and Jane Kelly, Strawberry Lodge Restoration Project; Elyce Judith, Committee to Restore Strawberry Creek; Juliet Lamont, Environmental Consultant; Carole Schemmerling, Urban Creeks Council; Phil Price and Alan Gould and Diane Tokugawa, LOCCNA; Char Markell, Watershed Ecologist; Vikrant Sood, Environmental Planner; David Snippen, Creekside Property Owner
3. Janet Byron (2)

### **DNA Testing in Criminal Investigations**

4. Anne Whyte

### **Noisy Trash Collection Before 7AM**

5. Anne Marselis, Saint John's Neighbors

### **Ohlone Dog Park Hours**

6. Ellen Scheiner, Deborah Green, Kim Wade, Jessabelle Labampa, Gala Bogue, Gail Kamade

### **Hazardous Environmental Conditions: 2517 Sacramento**

7. Robert C. Baum, Blake & California Neighborhood Association

### **Scooter Noise**

8. Andrew McAllister

## Supplemental Reports and Communications #1

### **Item 17: Ban on Gasoline Powered Scooters, Mini-Bikes and Go-Carts**

9. Dan B. Bristol
10. Paul Rauber
11. Joan Modzelewski
12. Rabbi Sara Shendelman
13. Jaine Gilbert
14. Laura Menard

### **Item 19: 2211 Fifth Street – Landmarks Structure of Merit**

15. Constance Moore
16. Stephanie Manning
17. Carol Denney

### **Item 20: Adoption of FY 2005 Budget/FY 2006 Reduction Plan and Side Letters of Agreement**

18. Council Agenda page 5, Revised recommendation
19. Revised report, submitted by Mayor Bates

## Supplemental Reports and Communications #1

20. Karola Saekel Craib – Center for Accessible Technology
21. Gina Moreland – Habitot
22. Wanda Remmers, Housing Rights, Inc.

### **Item 31: Ballot Measures: Revenue Measures**

23. Revised attachments to report: Ballot Title, City Attorney's Analysis and Ordinance submitted by City Manager department

### **Item 32: Downtown Hotel/Conference Center/Museums Complex**

24. Richard Register
25. Fran Segal
26. Wendy Alfson, Labor Commission
27. John Steere
28. Ali Ebrahimzadeh
29. David Room
30. Sara E. Denzler

## Supplemental Reports and Communications #2

### **Item 19: 2211 Fifth Street – Landmarks Structure of Merit**

31. Sally Sachs
32. Wendy Markel, Berkeley Architectural Heritage Association

### **Item 32: Downtown Hotel/Conference Center/Museums Complex**

33. Michael Katz

### **Communication: Anti-Native American T-shirt**

34. Bernardo S. Lopez

## Adjournment

Adjourned at 9:40 p.m. in memory of Delores C. Woods, Dorothy GrayWilliams, and Anita Jenkins.