

# AGENDA

## BERKELEY CITY COUNCIL MEETING

TUESDAY, JULY 13, 2004 – 7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way

### Preliminary Matters

#### Roll Call

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *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.*

**Public Comment:** *A total of 30 minutes is scheduled. Each speaker is limited to a maximum of 3 minutes.*

**Youth Comments:** *A total of 15 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 taken up after the "Action Calendar" unless the Council reorders the agenda.*

- 1. FY 2005 Appropriation Ordinance** *(First Reading June 22, 2004 – unanimous)*  
**From: City Manager**  
**Recommendation:** Adopt second reading of the FY 2005 Appropriation Ordinance.  
Contact: Tracy Vesely, Budget, 981-7000
- 2. Tax Rate: Maintenance of Parks, City Trees and Landscaping** *(First Reading June 22, 2004 – unanimous)*  
**From: City Manager**  
**Recommendation:** Adopt second 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

## Consent Calendar

3. **Tax Rate: Measure S General Obligation Bonds** (*First Reading June 22, 2004 – unanimous*)  
**From: City Manager**  
**Recommendation:** Adopt second 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
4. **Tax Rate: Library Services** (*First Reading June 22, 2004 – unanimous*)  
**From: City Manager**  
**Recommendation:** Adopt second 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
5. **Tax Rate: Fire Seismic General Obligation Bonds (Measure G, Series C) and the 2002 General Obligation Refunding Bonds** (*First Reading June 22, 2004 – unanimous*)  
**From: City Manager**  
**Recommendation:** Adopt second 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
6. **Tax Rate: Disaster Fire Protection (Measure Q)** (*First Reading June 22, 2004 – unanimous*)  
**From: City Manager**  
**Recommendation:** Adopt second 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
7. **Tax Rate: Emergency Services for the Severely Disabled** (*First Reading June 22, 2004 – unanimous*)  
**From: City Manager**  
**Recommendation:** Adopt second 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
8. **Tax Rate: Emergency Medical Services** (*First Reading June 22, 2004 – unanimous*)  
**From: City Manager**  
**Recommendation:** Adopt second 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

## Consent Calendar

- 9. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for Council meetings of June 15, 2004 (special and regular) and June 22, 2004 (closed and regular).  
Contact: Sherry Kelly, City Clerk, 981-6900
- 10. 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
- 11. Ballot Measure: Gann Override**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution placing a measure on the November 2, 2004 ballot to re-authorize expenditures of voter-approved taxes for parks maintenance, library relief, emergency medical services and emergency services for severely physically disabled persons under Article XIII B of the California Constitution.  
**Financial Implications:** See report.  
**Contact:** Sherry Kelly, City Clerk, 981-6900
- 12. Ballot Measure: Change Date of Mayoral Elections**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution placing a measure on the November 2, 2004 ballot to amend Article V section 14 of the Berkeley Charter to adjust the term of the office of Mayor from four years to two years on a one-time basis for the period of December 1, 2006 to December 1, 2008 in order that future mayoral elections will coincide with presidential elections.  
**Financial Implications:** See report.  
Contact: Sherry Kelly, City Clerk, 981-6900
- 13. Ballot Measure: Rent Stabilization and Eviction for Good Cause Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution placing a measure on the November 2, 2004 ballot to amend the Rent Stabilization and Eviction for Good Cause Ordinance, Berkeley Municipal Code (BMC) Chapter 13.76 for purposes of making several changes recommended by the Rent Stabilization Board and the City Council/Rent Stabilization Board 4 by 4 Subcommittee.  
**Financial Implications:** See report.  
Contact: Sherry Kelly, City Clerk, 981-6900

## Consent Calendar

- 14. Ballot Measures: Increased Taxes**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions placing the following measures on the November 2, 2004 ballot: 1) increase the Emergency Medical Services Tax; 2) increase the Library Services Tax; 3) increase the Utility Users Tax; and 4) increase the Property Transfer Tax to fund Youth Services and Youth Safety Program.  
**Financial Implications:** See report.  
Contact: Sherry Kelly, City Clerk, 981-6900
- 15. Fair Procedures in Quasi-Judicial Land Use Matters (CF 29-04)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing fair procedures in quasi-judicial land use matters and repealing section I F of Resolution No. 62,420–N.S., Council Rules of Procedure.  
**Financial Implications:** None.  
Contact: Manuela Albuquerque, City Attorney, 981-6950
- 16. Settlement Agreement: Waleed M. Ghnaim v. City of Berkeley, et al.**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the settlement of the United States District Court Action No. C 03 0847 MHP entitled Waleed M. Ghnaim v. City of Berkeley, et al. in the amount of \$20,500.  
**Financial Implications:** Public Liability Fund – \$20,500.  
Contact: Manuela Albuquerque, City Attorney, 981-6950
- 17. Settlement Agreement: Gibson Group Trust**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a settlement agreement with the Gibson Group Trust in the amount of \$24,123.  
**Financial Implications:** Refuse Fund - \$24,123.  
Contacts: Manuela Albuquerque, City Attorney, 981-6950; Rene Cardinaux, Public Works, 981-6300
- 18. Contract: Legislative Representation Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Lynn Suter & Associates to provide legislative representation services in Sacramento from July 1, 2004 to June 30, 2005 in an amount not to exceed \$49,970.  
**Financial Implications:** General Fund – \$49,790.  
Contact: Arrietta Chakos, City Manager, 981-7000

**19. Contract: Banking Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a three-year agreement with Wells Fargo Bank to provide a comprehensive range of financial services for the period of July 1, 2004 through June 30, 2007, in the amount of \$330,000; with an option for two 1-year extensions through June 30, 2009 for a total contract amount not to exceed \$550,000.

**Financial Implications:** General Fund and Enterprise Fund Operating Revenues – \$550,000;  
Contact: Fran David, Finance, 981-7300

**20. Formal Bid Solicitations and Requests for Proposals**

**From: City Manager**

**Recommendation:** Approve new invitations for bids and requests for proposals (RFP) that will be, or are planned to be, issued; that have been issued and received due to extenuating circumstances; or that have been sent out (opened) but not yet received (closed).

**Financial Implications:** Various sources – \$2,593,916.  
Contact: Fran David, Finance, 981-7300

**21. Lease: Family, Youth and Children's Services Program**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a five-year lease and maintenance agreement with a five-year renewal option with Mansour Taeed for real property located at 3282 Adeline Avenue to provide operating space for the Family, Youth and Children's Services Program operated by the Health and Human Services Department.

**Financial Implications :** See report.  
Contact: Fred Medrano, Health and Human Services, 981-5100

**22. Contract: Pre-Apprenticeship Construction Training**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with the Oakland Private Industry Council for pre-apprenticeship construction training to be provided by the Cypress Mandela/WIST (Women in Skilled Trades) Program to increase the amount by \$42,000 for a total not to exceed \$84,000 and to extend the term to September 30, 2005.

**Financial Implications:** See report.  
Contact: Fred Medrano, Health and Human Services, 981-5100

**23. Contract: Supportive Housing for Mentally Disabled**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Bonita House, Inc. for pre-development costs associated with the purchase of 5406, 5408 and 5410 Telegraph Avenue, Oakland, also known as the "Temescal Apartments," for the purpose of providing supportive housing for low-income mentally disabled adults for the period July 1, 2004 through June 30, 2005 in an amount not to exceed \$200,000.

**Financial Implications:** State Mental Health Realignment Trust Funds - \$200,000.  
Contact: Fred Medrano, Health and Human Services, 981-5100

- 24. Grant: Public Mental Health Workforce Development**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager: 1) to accept a grant from the Zellerbach Family Foundation for funds in the amount of \$20,000 to increase the diversity and skill base of the public mental health workforce of the City and the greater Bay Area public mental health systems for the period July 1, 2004 through June 30, 2005; 2) to accept additional funding from the Bay Area Public Mental Health Agencies for activities related to this grant; 3) to execute any resultant revenue agreements and amendments; and 4) to implement the project and appropriation of funding for related expenses.  
**Financial Implications:** Grant - \$20,000.  
Contact: Fred Medrano, Health and Human Services, 981-5100
- 25. Contract: ABAG POWER Electricity Program - PG&E Direct Access Credits**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with ABAG Publicly Owned Energy Resources (POWER) for the refund of approximately \$282,721 from the ABAG POWER Electricity Program for the period beginning June 23, 2004 and without any end date.  
**Financial Implications:** Revenues - \$282,721.  
Contact: Stephen Barton, Housing, 981-5400
- 26. Side Letter of Agreement: Berkeley Police Association** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a Side Letter of Agreement with the Berkeley Police Association for purposes of reducing a portion of a scheduled cost of living adjustment and other cost savings for employees represented by the Berkeley Police Association.  
**Financial Implications:** See report.  
Contact: Nicki Spillane, Human Resources, 981-6800
- 27. Contract: Food Services for Tuolumne Camp**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Sysco Food Services Inc. through November 30, 2005 to increase the amount by \$750,000 for a total amount not to exceed \$2,215,000.  
**Financial Implications:** Playground Camps Fund – \$400,000 in FY 2005; \$350,000 in FY 2006.  
Contact: Marc Seleznow, Parks Recreation & Waterfront, 981-6700
- 28. Contract: Tree Removal Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for tree removal services; 2) accepting the proposal of West Coast Arborists, Inc.; and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$290,000 for a period of three years, beginning August 1, 2004 and ending July 31, 2007.  
**Financial Implications:** Parks Tax Fund – \$97,000 in FY 2005.  
Contact: Marc Seleznow, Parks Recreation & Waterfront, 981-6700

## Consent Calendar

- 29. Purchase Order: Parking Ticket Processing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing a purchase order with Clancy Systems for the payment for parking ticket processing services from July 1, 2004 through December 31, 2004, in an amount not to exceed \$65,000.  
**Financial Implications:** See report.  
Contact: Roy Meisner, Police, 981-5700
- 30. Parking Mitigation Measures for Parking Enforcement Officers (CF 8-04)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 56,508–N.S. by creating sixteen on-street preferential permit parking spaces for Parking Enforcement Officers.  
**Financial Implications:** General Fund – \$1,000.  
Contact: Roy Meisner, Police, 981-5700
- 31. Contract: Microfilming Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with ImageMax, Inc. to provide microfilming services for the period September 1, 2004 through September 1, 2005 in an amount not to exceed \$25,000.  
**Financial Implications:** Permit Service Center – \$25,000.  
Contact: Dan Marks, Planning, 981-7400
- 32. Contract: Curb Ramp Installation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Curb Ramp Installation Project at various locations; accepting the bid of AJW, Inc. and other change orders in an amount not to exceed \$217,443 for a period of 120 calendar days.  
**Financial Implications:** ADA Capital Curb Ramp Fund – \$217,443.  
Contact: Rene Cardinaux, Public Works, 981-6300
- 33. Contract: Geotechnical/Engineering Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Mactec Engineering and Consulting, Inc. to provide geotechnical and engineering testing support services for various projects for a period of 36 months in an amount not to exceed \$865,719.  
**Financial Implications:** See report.  
Contact: Rene Cardinaux, Public Works, 981-6300
- 34. Contract: Seventh Street Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Ray's Electric for the Seventh Street Improvements Project, increasing the existing contract by \$30,000 for a total amount not to exceed \$1,147,195.  
**Financial Implications:** Mitigation Funding and Emergency Sewer Repairs – \$30,000.  
Contact: Rene Cardinaux, Public Works, 981-6300

- 35. Five-Year Street Plan for FY 2005-2009**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting the updated Five-Year Street Plan for FY 2005-2009.  
**Financial Implications:** See report.  
Contact: Rene Cardinaux, Public Works, 981-6300
- 36. Sublease Agreement: 2809 Telegraph Avenue Sather Gate Shops**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a sublease agreement with Internet-Journals, Inc. (dba as The Berkeley Electronic Press and bepress) for office space located at 2809 Telegraph Avenue, Suite 202 for term to end December 14, 2006 at a rent of \$3,000 per month.  
**Financial Implications:** Revenue - \$85,489 for term of sublease.  
Contact: Rene Cardinaux, Public Works, 981-6300
- 37. Lease Agreement: 2446 Durant Avenue Sather Gate Shops**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Mohammad Mohayedj, (Moe's Flowers) for retail space, located at 2446 Durant Avenue for the purpose of operating a retail flower store for the period 2004-2014 at a starting rent of \$19,200 year.  
**Financial Implications:** Revenue: \$25,000 annually.  
Contact: Rene Cardinaux, Public Works, 981-6300
- 38. Tires for Fleet Vehicles and Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the bid for automotive tires for fleet vehicles and equipment and authorizing the City Manager to issue a purchase order to Inland Industrial Tire in Hayward for a total amount not to exceed \$125,094 for FY 2005, with the option to extend for additional twelve-month periods up to a maximum of five years.  
**Financial Implications:** Equipment Maintenance Fund - \$125,094 in FY 2005.  
Contact: Rene Cardinaux, Public Works, 981-6300
- 39. Transportation for Livable Community Planning Grant for Downtown BART Transit Plaza**  
**From: Mayor Bates**  
**Recommendation:** Adopt a Resolution supporting a Transportation for Livable Community Planning Grant for the Downtown BART Transit Plaza in partnership with BART and AC Transit and authorizing the City Manager to submit the grant application and apply for future capital grants.  
Contact: Tom Bates, Mayor, 981-7100

## Consent Calendar

- 40. Transportation for Livable Community Planning Capital Grant for San Pablo Avenue**  
**From: Mayor Bates**  
**Recommendation:** Adopt a Resolution supporting a Transportation for Livable Community Capital Grant for San Pablo Avenue public improvements and authorizing the City Manager to submit the grant application.  
Contact: Tom Bates, Mayor, 981-7100
- 41. Ocean Protection Bills**  
**From: Councilmember Maio**  
**Recommendation:** Direct the City Manager to write a letter to Governor Schwarzenegger urging him to sign ocean protection bills into law this year: SB 1318 and 1319 (Burton and Alpert), AB 2672 (Simitian), AB 2093 (Nakano), AB 2529 (Kehoe), SB 512 (Figueroa) and SB 1459 (Albert).  
Contact: Linda Maio, Councilmember District 1, 981-7110
- 42. Support the Seyed Hosseim Modarressi School in the City of Bam in the Islamic Republic of Iran**  
**From: Councilmember Maio**  
**Recommendation:** 1) Formally support the local effort to raise funds to build the “Seyed Hosseim Modarressi School” in the City of Bam in the Islamic Republic of Iran; 2) encourage all Berkeleyans and others to support this effort with financial contributions; and 3) declare the City’s willingness to consider the establishment of a sister city relationship with the City of Bam.  
Contact: Linda Maio, Councilmember District 1, 981-7110
- 43. Oppose Computer Assisted Passenger Pre-Screening System II (CAPS II)**  
**From: Councilmember Worthington**  
**Recommendation:** Oppose Computer Assisted Passenger Pre-Screening System II (CAPS II), which would perform secretive background checks on airline travelers; and send letters to Senators Boxer and Feinstein and Representative Lee stating opposition.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170
- 44. Fee Waiver: Woman’s Will Shakespeare Company**  
**From: Councilmember Wozniak**  
**Recommendation:** Adopt a Resolution waiving the special event permit fees associated with performances of *As You Like It* by Woman’s Will Shakespeare Company to be held on July 17<sup>th</sup> and 18<sup>th</sup> at Live Oak Park.  
Contact: Gordon Wozniak, Councilmember District 8, 981-7180
- 45. Implementation of Instant Runoff Voting**  
**From: Councilmembers Spring and Hawley**  
**Recommendation:** Request the City Manager send a letter to the Alameda County Board of Supervisors requesting implementation of Instant Runoff Voting (IRV) in future Berkeley elections.  
Contact: Dona Spring, Councilmember District 4, 981-7140; Miriam Hawley, Councilmember District 5, 981-7150

## Consent Calendar

### 46. Peace Lantern Ceremony

#### a. From: Peace and Justice Commission

**Recommendation:** Adopt a Resolution endorsing the Third Annual Berkeley Peace Lantern Ceremony to be held on Saturday, August 7, 2004.

**Financial Implications:** None.

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: 1820 Solano Avenue, Unit A

#### a. From: City Manager

**Recommendation:** Adopt a Resolution affirming the decision of the Zoning Adjustments Board approving “incidental” food service in a retail bakery located at 1820 Solano Avenue, Unit A, thereby exceeding the quota for food service establishments in the C-SO district; and dismissing the appeal.

Contact: Dan Marks, Planning, 981-7400

#### b. Appeals

1. Jerry Landis

#### c. Communications

1. Jerry Landis, Lu Charlotte and Mark Gorrell

***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 65009(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 – Public Hearing – Fees

### 48. Administrative Fees for Towed Vehicles

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution increasing the fee for towed vehicles from \$75 to \$120 for vehicles towed under California Vehicle Code Sections 22651 O, P, I, K, J; 53675.61 and 22669 D (authority to remove a vehicle from the roadway) and 14602 (driving with suspended license) and rescinding Resolution No. 60,092–N.S.

Contact: Roy Meisner, Police, 981-5700

### 49. Administrative Fees for Fingerprinting of Non-Residents

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion: 1) adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 2.64.150 to establish administrative fees for the fingerprinting of non-residents be set by Council resolution and 2) adopt a Resolution, to be effective upon the effective date of the ordinance, increasing the administrative fee for fingerprinting of non-residents from \$20 to \$32.

Contact: Roy Meisner, Police, 981-5700

### 50. Fees for Good Conduct Letters

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion: 1) adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 2.64.130, to establish fees for Good Conduct letters be set by Council resolution; and 2) adopt a Resolution, to be effective upon the effective date of the ordinance, increasing the fees for Good Conduct letters from \$10 to \$20.

Contact: Roy Meisner, Police, 981-5700

## Action Calendar – Old Business

### 51. Major Residential Addition Policy Interpretations (*CF 32-03, 41-03, 46-03*)(*Moved to Action by Councilmember Spring on June 8, 2004*)

**From: City Manager**

**Contact:** Dan Marks, Planning, 981-7400

### 52. Library Purchasing and Accounts Payable Audit (*Moved to Action by Councilmember Wozniak on June 8, 2004*)

**From: City Auditor**

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

## Action Calendar – New Business

- 53. Initiative Petition: Enforcement of State Prostitution Laws (Angel's Initiative)**  
**From: City Manager**  
**Recommendation:** Take one of the following actions as provided by Sections 92(3 and 4) of the Charter of the City of Berkeley: 1) pass the Ordinance without alteration within 20 days after the attachment of the City Clerk's certificate of sufficiency to the petition; or 2) adopt a Resolution submitting the Ordinance, without alteration, to a vote of the people at the November 2, 2004 General Municipal Election and provide comments on the City Attorney's analysis of the initiative and the ballot title.  
**Financial Implications:** See companion information report.  
Contact: Sherry Kelly, City Clerk, 981-6900
- 54. Initiative Petition: Patient's Access to Medical Cannabis Act of 2004**  
**From: City Manager**  
**Recommendation:** Take one of the following actions as provided by Sections 92(3 and 4) of the Charter of the City of Berkeley: 1) pass the Ordinance without alteration within 20 days after the attachment of the City Clerk's certificate of sufficiency to the petition; or 2) adopt a Resolution submitting the Ordinance, without alteration, to a vote of the people at the November 2, 2004 General Municipal Election and provide comments on the City Attorney's analysis of the initiative and the ballot title.  
**Financial Implications:** See companion information report.  
Contact: Sherry Kelly, City Clerk, 981-6900
- 55. Initiative Petition: Public Tree Act of 2004**  
**From: City Manager**  
**Recommendation:** Take one of the following actions as provided by Sections 92(3 and 4) of the Charter of the City of Berkeley: 1) pass the Ordinance without alteration within 20 days after the attachment of the City Clerk's certificate of sufficiency to the petition; or 2) adopt a Resolution submitting the Ordinance, without alteration, to a vote of the people at the November 2, 2004 General Municipal Election and provide comments on the City Attorney's analysis of the initiative and the ballot title.  
**Financial Implications:** See companion information report.  
Contact: Sherry Kelly, City Clerk, 981-6900
- 56. Grant: Brownfields Economic Development Initiative for Ed Roberts Campus**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit an application for \$2,000,000 for a Brownsfields Economic Development Initiative (BEDI) grant to the U.S. Department of Housing and Urban Development for construction of the Ed Roberts Campus.  
**Financial Implications:** See report.  
Contact: Stephen Barton, Housing, 981-5400

- 57. Construction of Jubilee Senior Homes at 2577 San Pablo Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a fund reservation in the amount of \$450,000 for construction of Jubilee Senior Homes from the Housing Trust Fund, with conditions, and authorize the City Manager to execute an amendment to the loan agreement with the applicant and all other documents related to this fund reservation.  
**Financial Implications:** See report.  
Contact: Stephen Barton, Housing, 981-5400
- 58. Hazardous Materials Codes**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance repealing Berkeley Municipal Code (BMC) Chapters 11.18 (Ordinance No. 6,056–N.S.) and 11.52 (Ordinance No. 6,271–N.S.) the hazardous materials codes, and reenacting these chapters in a new BMC Title 15, Hazardous Materials, as Chapters 15.04, 15.08 and 15.12.  
**Financial Implications :** None.  
Contact: Dan Marks, Planning, 981-7400
- 59. Hiroshima-Nagasaki A-Bomb Exhibition**
- a. From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution sponsoring the local presentation of the Hiroshima-Nagasaki A-Bomb Exhibition, contingent upon the successful identification of the necessary funds and other resources; and sending a letter to the City of Nagasaki Peace Promotion Office and the Mayors of Hiroshima and Nagasaki expressing gratitude for the honor of being invited to host the exhibit.  
**Financial Implications:** See report.  
Contact: Manuel Hector, Secretary, 981-5110
- b. From: City Manager**  
**Recommendation:** Direct the commission to research to determine the costs involved with hosting the exhibition and to identify the individuals and organizations willing to provide funds to co-sponsor the exhibit prior to Council consideration.  
Contact: Fred Medrano, Health and Human Services, 981-5100
- 60. Arts and Cultural Plan**
- a. From: Civic Arts Commission**  
**Recommendation:** Adopt a Resolution adopting the Arts & Cultural Plan.  
**Financial Implications:** See report.  
Contact: Mary Ann Merker, Secretary, 981-7533
- b. From: City Manager**  
**Recommendation:** 1) Adopt the 2004 Arts & Cultural Plan; and 2) refer all programs in the 2004 Arts & Culture Plan with any new fiscal implications to the budget process.  
Contact: Tom Myers, Economic Development, 981-7530

## Action Calendar – New Business

### 61. Santa Fe Right of Way

#### a. From: Parks and Recreation Commission

**Recommendation:** Encourage citizens to pursue the development of a continuous bike and pedestrian path on the remaining undeveloped portions of the Santa Fe Right-of-Way and to pursue foundation grants, and other private funding, to support path development.

**Financial Implications:** Undetermined.

Contact: Virginia Aiello, Secretary, 981-5148

#### b. From: City Manager

**Recommendation:** Refer the commission's request regarding development and funding to the budget process.

Contact: Marc Seleznow, Parks Recreation & Waterfront, 981-6700

### 62. Encroachment Permit for Foothill Pedestrian Bridge over Hearst Avenue *(to be delivered)*

#### a. From: City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to issue a major encroachment permit to the University of California for a pedestrian bridge crossing (Foothill) over Hearst Avenue east of La Loma Avenue on the following conditions: 1) an improved bridge design is submitted and approved by the Public Works Director, in consultation with the Design Review Committee; 2) any detrimental effects on the immediate community are offset by contributing to specified pedestrian safety and public infrastructure improvements in the "Hearst Corridor," in the amount of \$200,000; and 3) all plan check comments and other technical issues are resolved to the satisfaction of the Public Works Director.

**Financial Implications:** See report.

Contact: Rene Cardinaux, Public Works, 981-6300

#### b. From: Public Works Commission

**Recommendation:** Deny the application from the University of California for an encroachment permit, either a Conditional or a Full Permit, for a Pedestrian Bridge over Hearst Avenue near La Loma Avenue.

Contact: Jeffrey Egeberg, Secretary, 981-6406

## Time Critical

### 63. Lease Agreement: Police Substation – 3140 Martin Luther King, Jr. Way and 3192 Adeline Street *(to be delivered)*

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to enter into a five-year lease with a five-year renewal option with Huck Rorick and Associates for the property located at 3140 Martin Luther King, Jr. Way and 3192 Adeline Street for a police substation.

**Financial Implications:** See report.

Contact: Roy Meisner, Police, 981-5700

## Information Reports

- 64. Argument and Rebuttal Process**  
**From: City Manager**  
Contact: Sherry Kelly, City Clerk, 981-6900
- 65. Impact Report: Enforcement of State Prostitution Laws (Angel's Initiative)**  
**From: City Manager**  
Contact: Arrietta Chakos, City Manager, 981-7000
- 66. Impact Report: Patient's Access to Medical Cannabis Act of 2004**  
**From: City Manager**  
Contact: Arrietta Chakos, City Manager, 981-7000
- 67. Impact Report: Public Tree Act of 2004 (to be delivered)**  
**From: City Manager**  
Contact: Arrietta Chakos, City Manager, 981-7000
- 68. Public Health Emergency Preparedness Recognition**  
**From: City Manager**  
Contact: Fred Medrano, Health and Human Services, 981-5100
- 69. Euclid Avenue Use Quotas (CF 24-04)**  
**From: City Manager**  
Contact: Dan Marks, Planning, 981-7400
- 70. Decriminalization of Prostitution (CF 38-04)**  
**From: Commission on Status of Women**  
Contact: Fred Medrano, Health and Human Services, 981-5100
- 71. Ex Parte Communication Rule**  
**From: Zoning Adjustments Board**  
Contact: Dan Marks, Planning, 981-7400
- 72. Landmarks Preservation Commission Notice of Decision: Landmark Designation – 2145 University Avenue, 2154-60 University Avenue and 2120 Oxford Street**  
**From: City Manager**  
Contact: Dan Marks, Planning, 981-7400
- 73. Landmarks Preservation Commission Notice of Decision: Approval of Structural Alteration Permit – 2426 Fulton Street**  
**From: City Manager**  
Contact: Dan Marks, Planning, 981-7400

## Communications

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

### **Corporate Constitutional Rights**

1. Almudena Ortiz, John O'Connor
2. Robin Goodfellow
3. Charles Hixson

### **Chateau Student Co-ops**

4. Dean Metzger, Claremont Elmwood Neighborhood Association
5. Marie Bowman, Berkeley Alliance of Neighborhood Association

### **Ohlone Dog Park**

6. Carol Whitehurst
7. Howard Pollick
8. Rosemary Hyde, Gordan Silven

### **Foothill Pedestrian Bridge**

9. Edward J. Denton, Facilities Services - University of California, Berkeley

### **Smoking in Casinos**

10. Anonymous

### **Dona Spring's – M.I.T.**

11. George Goldman

### **Vista Mitigation \$ Negotiating Strategy: Vehicle Trip Reduction & Alternate Modes**

12. Wendy Alfsen, Walk&Roll Berkeley

### **End of Suburbia**

13. Richard Register

### **University Avenue Strategic Plan**

14. J. Michael Edwards and Lynne Davis, McGee-Spaulding Historic Interest Group

### **2703 Stuart Street – Trash in the Public Right-of-Way**

15. Anne Whyte

### **Public Financing Measure**

16. Nancy Bickel, League of Women Voters of Berkeley

### **2300 Shattuck Avenue, Long's Drugs**

17. Christian Finn, Longs Drugs of California, Inc. (2)
18. Nancy Threatt
19. Susan Nevelow Mart

### **Parking Mitigations for Southside Construction**

20. John Caner, Willard Neighborhood Association

### **Letter to County Supervisors for Instant Run Off Voting (IRV)**

21. Merrilie Mitchell

## Communications

### **Ban on Motor Scooters**

22. Jeffrey M. Savino
23. Adam Fuchs
24. Maren Springer
25. Andrea Robinson
26. Kit Robinson

## Adjournment