

## SUMMARY

### BERKELEY CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 13, 2005

7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way  
Teleconference Location – 1636 Channing Way, Berkeley, CA

#### Preliminary Matters

**Roll Call:** 7:01 p.m. All present.

#### **Ceremonial Matters:**

1. Oath of Office
2. Pledge of Allegiance to the Flag
3. Announcement that Claudette R. Ford has been appointed Acting Public Works Director
4. City of Berkeley Efforts in the Aftermath of Hurricane Katrina
5. Proclamation presented to Patty Donaldson declaring September 17, 2005 Shoreline Cleanup Day
6. Commendation from the Global Alliance for Incinerator Alternatives for City of Berkeley's work on zero waste

**City Manager Comments:** The Deputy City Manager provided an update on Hurricane Katrina relief efforts in Berkeley.

**Public Comment:** 18 speakers.

**Youth Comments:** 1 speaker.

#### Consent Calendar – Recess Items

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

1. **Landfill Surcharge Fee Payments On Solid Waste** (*To be delivered*)

**From:** City Manager

**Recommendation:** Adopt a Resolution ratifying action taken by the City Manager during recess approving payment of \$88,198 in landfill surcharge fees for solid waste shipped out of the County from October 2004 through June 2005.

**Financial Implications:** Refuse Fund - \$88,198

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Adopted Resolution No. 63,033–N.S.

## Consent Calendar

### 2. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of July 11, 2005 (closed), July 12, 2005 (regular), July 19, 2005 (regular), and July 25, 2005 (special).

**Financial Implications:** None

Contact: Sara T. Cox, 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: Sara T. Cox, City Clerk, 981-6900

**Action:** Adopted Resolution No. 63,034–N.S.

### 4. Margery Becker v. City of Berkeley

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 04 178015 entitled Margery Becker v. City of Berkeley in the amount of \$35,000.

**Financial Implications:** Public Liability Fund - \$35,000

Contact: Manuela Albuquerque, City Attorney, 981-6950

**Action:** Adopted Resolution No. 63,035–N.S.

### 5. Donation to Animal Shelter

**From: City Manager**

**Recommendation:** Adopt a Resolution approving a \$5,000 donation to the Animal Shelter from Reverend Walter Kilburn and Melba Kilburn in memory of their son Philip Kilburn.

**Financial Implications:** Animal Shelter Fund - \$5,000 Revenue

Contact: Jim Hynes, City Manager, 981-7000

**Action:** Adopted Resolution No. 63,036–N.S.

### 6. 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 upon final approval by the requesting department or division.

**Financial Implications:** Various Funds - \$1,906,626

Contact: Fran David, Finance, 981-7300

**Action:** Approved recommendation.

**7. Agreement: Low-Income Energy Revenues**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1) authorizing the City Manager to execute a contract and any amendments with the State Department of Community Services and Development for the Petroleum Violation Escrow Account Weatherization Program (PVEA/WX) to receive revenues and provide weatherization to eligible Berkeley, Albany, and Emeryville residents in the amount of \$16,256 for the period August 1, 2005 to December 31, 2006; 2) approving program priority plans; and 3) authorizing the City Manager to designate a representative to sign required fiscal and programmatic reports.

**Financial Implications:** LIHEAP - Grant Revenue - \$16,256

Contact: Stephen Barton, Housing, 981-5400

**Action:** Adopted Resolution No. 63,037–N.S.

**8. Application For CalHome Funds**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or the Housing Director as his designee to submit an application to the State of California Department of Housing and Community Development (HCD) for up to \$500,000 in funding under the CalHome Owner-Occupied Rehabilitation Program.

**Financial Implications:** Grant Revenue - \$500,000

Contact: Stephen Barton, Housing, 981-5400

**Action:** Adopted Resolution No. 63,038–N.S.

**9. Contract: Financial Consulting Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Seifel Consulting, Inc. for financial consulting services and increase the contract by \$25,000 for a total amount not to exceed \$65,000.

**Financial Implications:** CDBG Fund and HUD Fund - \$25,000

Contact: Stephen Barton, Housing, 981-5400

**Action:** Adopted Resolution No. 63,039–N.S.

**10. Participation in the Chicago Climate Exchange (CF 05-17)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Chicago Climate Exchange (CCX) for participation in greenhouse gas emission credits trading in an amount not to exceed \$5,000 for the period September 14, 2005 to December 31, 2006.

**Financial Implications:** General Fund - \$5,000

Contact: Stephen Barton, Housing, 981-5400

**Action:** Adopted Resolution No. 63,040–N.S.

**11. Winter Voucher and Winter Shelter Programs**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments increasing funding by \$11,000 to pay for community agency administrative costs of coordinating referrals for the Winter Voucher and Winter Shelter Programs and increasing Winter Voucher and Shelter Funding to a total of \$133,000, with 1) \$5,914 additional to the Berkeley Food and Housing Project, raising the total City contract with BFHP for all services for the period July 1, 2005 through June 30, 2006 to \$547,784, and 2) \$5,086 additional to the Women's Daytime Drop-In Center raising the total City contract with WDDC for all services for the period July 1, 2005 through June 30, 2006 to \$130,615.

**Financial Implications:** Various Funds - \$11,000

Contact: Stephen Barton, Housing, 981-5400

**Action:** Adopted Resolution No. 63,041–N.S.

**12. Contract: SRIP I Disability Insurance Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Cigna Group Insurance to provide third-party administrative services for Supplementary Retirement and Income Plan I (SRIP I) disability benefits from August 1, 2005 to June 30, 2007 in an amount not to exceed \$110,000 in the first year and not to exceed \$70,000 in the second year of the two-year contract.

**Financial Implications:** Payroll Deduction Trust Fund - \$180,000

Contact: David Hodgkins, Human Resources, 981-6800

**Action:** Adopted Resolution No. 63,042–N.S.

**13. Reject Bids to Construct the Martin Luther King Jr. Civic Center Park Repair and Rehabilitation**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to reject all bids and direct staff to re-scope and re-bid the Martin Luther King Jr. Civic Center Park Repair and Rehabilitation Project.

**Financial Implications:** None.

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

**Action:** Removed from Consent by Councilmember Capitelli. Moved, seconded, carried (Spring/Capitelli; Absent – Worthington) to adopt Resolution No. 63,043–N.S.

**14. Contract: Design Services for Martin Luther King Jr. Civic Center Park Rehabilitation**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Amphion, Inc. to increase the scope of services and amount by \$47,980 for an amount not to exceed \$215,874.

**Financial Implications:** Measure S Funds - \$47,980

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

**Action:** Removed from Consent by Councilmember Capitelli. Moved, seconded, carried (Spring/Capitelli; Absent – Worthington) to adopt Resolution No. 63,044–N.S.

**15. Contract: Four Parks Playground Renovations**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1) approving plans and specifications from M.I.G., Inc. for playground renovations at Cedar Rose Park, King School Park, Live Oak Park and Shorebird Park; 2) accepting the bid from P & A Construction Company; 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with P & A Construction Company in an amount not to exceed \$919,500, for the period of 180 calendar days from the notice to proceed; and 4) authorizing an additional \$102,093 for contingency for an amount not to exceed \$1,021,593.

**Financial Implications:** Capital Improvement Funds - \$1,021,593

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

**Action:** Adopted Resolution No. 63,045–N.S.

**16. 2005 Edward J. Byrne Memorial Justice Assistance Grant (JAG)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to accept \$60,906 in Federal funds from the 2005 Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program to be used for funding overtime costs associated with violence suppression patrols related to serious violent crimes for a period of approximately 24 months.

**Financial Implications:** Grant revenue - \$60,906

Contact: Douglas N. Hambleton, Police, 981-5700

**Action:** Adopted Resolution No. 63,046–N.S.

**17. Grant: Department of Alcoholic Beverage Control**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a grant agreement and any amendments with the State of California to accept \$80,000 in Department of Alcoholic Beverage Control (ABC) grant funding and appropriate the funds to enforce laws to prohibit furnishing alcohol to minors and possession of alcohol by persons under the age of 21, as well as other alcohol-related crimes.

**Financial Implications:** Grant Revenue - \$80,000

Contact: Douglas N. Hambleton, Police, 981-5700

**Action:** Adopted Resolution No. 63,047–N.S. Councilmember Worthington requested that Council be notified in advance of programs that will be funded by the grant. Councilmember Maio asked the City Manager to report back to Council on any history of entrapment regarding existing alcohol outlets.

## Consent Calendar

**18. Contract: FY 2005 Traffic Circles - Phase 2**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the FY 2005 Traffic Circles - Phase 2; 2) rejecting all bids submitted on May 26, 2005 and re-advertising; 3) accepting the bid of Mosto Construction; and 4) authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$177,600 for the period of 75 calendar days from the Notice to Proceed.

**Financial Implications:** Capital Improvement Fund - \$177,600

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Removed from Consent by Councilmember Moore. Moved, seconded, carried (Moore/Worthington) to adopt Resolution No. 63,048–N.S. Referred to City Manager to bring back a mid-year budget report on a Phase 3 plan, including engineering criteria and funding options for traffic circles.

**19. Contract: Public Safety Building Janitorial Services (To be delivered)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Universal Building Services to provide janitorial services at the Public Safety Building in an amount not to exceed \$108,720, for the period September 1, 2005 to June 30, 2006; and approving options to extend the contract for two additional one-year periods in an amount not to exceed \$129,464 for FY 2007, and \$129,464 for FY 2008.

**Financial Implications:** Building Maintenance Fund - \$108,720

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Held over to September 20 by Deputy City Manager Caronna.

**20. Contract: Security Guard Services at 1947 Center Street and 2180 Milvia Street**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Securitas Security Services USA, Inc. for security guard services at 1947 Center Street and 2180 Milvia Street for the period November 1, 2005 through June 30, 2006 in an amount not to exceed \$77,033; and approving options to extend the contract for two one-year periods in an amount not to exceed \$230,239.

**Financial Implications:** Various Funds - \$307,272

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Adopted Resolution No. 63,049–N.S. (Noes – Anderson, Moore and Worthington).

## Consent Calendar

21. **Contract: Traffic Signal Installation at Hearst Avenue, Arch Street, LeConte Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for a traffic signal installation at Hearst Avenue, Arch Street, LeConte Avenue; 2) accepting the bid of Phoenix Electric Company; and 3) authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project according to approved plans and specifications, in an amount not to exceed \$204,252 for the period of 97 calendar days from the date of receipt of the Notice to Proceed.  
**Financial Implications:** Capital Improvement Fund - \$204,252; partial refund (up to \$102,126) from UC Berkeley  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,050–N.S.
22. **Final Map of Tract 7567: 1321-31 Eighth Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 7567, a fifteen unit commercial condominium located at 1321-31 Eighth Street.  
**Financial Implications:** None  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,051–N.S.
23. **Final Map of Tract 7591: 2209-11 Sixth Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 7591, a six-unit residential live/work condominium consisting of four residential units and two live/work units located at 2209-11 Sixth Street.  
**Financial Implications:** None  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,052–N.S.
24. **Proclamation Honoring Art Rosenfeld**  
**From: Mayor Bates**  
**Recommendation:** Approve a proclamation honoring Art Rosenfeld, a 50-year Berkeley resident and a pioneer in the field of energy efficiency.  
**Financial Implications:** None.  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Approved proclamation.
25. **Support UC Sustainable Transportation Initiative**  
**From: Mayor Bates and Councilmember Worthington**  
**Recommendation:** Adopt a Resolution in support of the proposed sustainable transportation guidelines for the University of California system.  
**Financial Implications:** None.  
Contact: Tom Bates, Mayor, 981-7100 and Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Adopted Resolution No. 63,053–N.S.

- 26. Support for Development of North Shattuck Plaza**  
**From: Councilmembers Capitelli and Spring**  
**Recommendation:** Direct the City Manager to work with community volunteers and the North Shattuck Association, in realizing a “North Shattuck Plaza” at Shattuck Avenue and Shattuck Place, as outlined in concept and approved by Council in January 2001.  
**Financial Implications:** Staff time.  
Contact: Laurie Capitelli, Councilmember District 5, 981-7150 and Dona Spring, Councilmember District 4, 981-7140  
**Action:** Approved recommendation.
- 27. Sponsorship for BAHIA’s 30<sup>th</sup> Anniversary Celebration**  
**From: Councilmember Maio**  
**Recommendation:** Refer to the City Manager a request to determine a funding source to enable the City to become an Amigo Sponsor of BAHIA’s 30<sup>th</sup> Anniversary Celebration on Friday, September 30, 2005.  
**Financial Implications:** \$1,000.  
Contact: Linda Maio, Councilmember District 1, 981-7110  
**Action:** Held over to September 20 by Councilmember Maio.
- 28. National Disaster in Gulf Coast**  
**From: Councilmember Spring**  
**Recommendation:** Request the City Manager to have the City’s flag flown at half mast in mourning of the Gulf Coast hurricane Katrina victims for a period of at least ten days.  
**Financial Implications:** None.  
Contact: Dona Spring, Councilmember District 4, 981-7140  
**Action:** Approved recommendation.
- 29. Opposition to SB 1056: GMO Foods**  
**From: Councilmembers Spring and Worthington**  
**Recommendation:** Adopt a Resolution opposing SB 1056 and request the City Manager to send letters of opposition to our elected State officials.  
**Financial Implications:** None.  
Contact: Dona Spring, Councilmember District 4, 981-7140 and Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Adopted Resolution No. 63,054–N.S.
- 30. Proclamation: Indigenous Peoples Day 2005**  
**From: Councilmembers Spring, Anderson and Moore**  
**Recommendation:** Approve a proclamation in honor of Indigenous Peoples Day on Saturday, October 8, 2005 and present the proclamation to the Indigenous Peoples Day committee at the September 27, 2005 Council meeting.  
**Financial Implications:** None.  
Contact: Dona Spring, Councilmember District 4, 981-7140; Max Anderson, Councilmember District 3, 981-7130; Darryl Moore, Councilmember District 2, 981-7120  
**Action:** Approved proclamation.

31. **Oppose Proposition 76 in the Special Election**  
**From: Councilmember Worthington and Mayor Bates**  
**Recommendation:** Oppose Proposition 76 in the special election, which may cut funding for schools, health care, police, and firefighters and undermines our democratic system of checks and balances by giving the governor tremendous new powers without sufficient oversight.  
**Financial Implications:** None.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170 and Tom Bates, Mayor, 981-7100  
**Action:** Approved recommendation.
32. **Support for Withdrawal of California National Guard Troops from Iraq**  
**From: Councilmembers Worthington, Anderson and Mayor Bates**  
**Recommendation:** Adopt a Resolution calling upon the Governor of California to insure that the President and Congress take immediate steps to withdraw California National Guard troops from Iraq.  
**Financial Implications:** None.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170; Max Anderson, Councilmember District 3, 981-7130; and Tom Bates, Mayor, 981-7100  
**Action:** Removed from Consent by Councilmember Capitelli. Moved, seconded, carried (Worthington/Moore) to adopt Resolution No. 63,055–N.S.
33. **Support Instant Run-Off Voting (IRV) by communicating the City of Berkeley’s official request to the California Secretary of State, and to Alameda County to respect the will of the voters and strive to implement IRV for Berkeley in 2006**  
**From: Councilmember Worthington**  
**Recommendation:** That the City will: 1) continue conversations with Alameda County for Alameda County to support Berkeley’s IRV election in November 2006 using a vendor capable of running such an election; 2) send a letter to Alameda County thanking the acting Registrar of Voters for participating in an active dialogue on how to implement IRV, and encouraging the Board of Supervisors to attempt to facilitate IRV with the current vendor or with any new vendor that may be selected; 3) that Council will take action, including public review prior to adopting an IRV implementation Ordinance that seeks to standardize uniform rules and regulations among the Alameda County cities; 4) if necessary, the City will prepare a ballot measure for June 2006 to address any Berkeley specific issues that emerge from the legal and regulatory process.  
**Financial Implications:** None.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
**Action:** Removed from Consent by Councilmember Wozniak. Moved, seconded, carried (Wozniak/Moore) to approve recommendation.

## Consent Calendar

### 34. Revisions of the Elmwood Business District Quotas

**From: Councilmember Wozniak**

**Recommendation:** Request that the City Manager refer recommended revisions of the Elmwood Business Quota Committee to the Planning Department and the Planning Commission so that they can be incorporated into the zoning ordinance, including: 1) to simplify the current seven category quota system by replacing it with a two quota system (Barber/Beauty and Food Service establishments); and 2) to maintain business diversity by prohibiting businesses from expanding into adjacent business spaces.

**Financial Implications:** Administrative costs

Contact: Gordon Wozniak, Councilmember District 8, 981-7180

**Action:** Held over to September 20 by Councilmember Wozniak.

## Action Calendar – Appeals

### 35. 2615 Marin Avenue - Appeal ZAB Decision Use Permit #03-1000069

#### a. Council Consideration of Appeal of ZAB Approval of 2615 Marin Avenue – Project Information Clarification (September 13, 2005)

**From: City Manager**

Contact: Dan Marks, Planning and Development, 981-7400

#### b. From: City Manager (July 19, 2005)

**Recommendation:** Adopt a Resolution affirming the Zoning Adjustments Board (ZAB) approval of Use Permit #03-1000069, to construct a single-family dwelling, and dismissing the appeal.

**Financial Implications:** None.

Contact: Dan Marks, Planning and Development, 981-7400

#### c. Appeal (July 19, 2005)

1. Matthew White
2. Kimberly Kline and Stephen Branam
3. Daphne and Georg Kalmar
4. Arvalea Nelson

#### d. Communications (July 19, 2005)

1. Tom Cosgrove
2. David Richmond and Kelly Klopp Richmond
3. Matthew White
4. Arvalea Nelson
5. Kimberly Kline

#### e. Supplemental Communications 1 (July 19, 2005)

29. Georg and Daphne Kalmar, Kimberly Kline and Stephen “Hopper” Branam (3)
30. Kimberly Kline and Georg Kalmar
31. Kimberly Kline (3)
32. Herbert and Emilie Steiner
33. Dave Richmond
34. Rena Rickles
35. Petition with 64 signatures, submitted by Kimberly Kline

## Action Calendar – Appeals

**Action:** Councilmember Capitelli announced that he had voted on this matter as a member of the Zoning Adjustments Board and recused himself.

Moved, seconded, carried (Olds/Maio; Absent – Capitelli; Abstain – Anderson, Moore) to refer the item to the Agenda Committee to set a public hearing date.

**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 – Old Business

### 36. **Administrative Fees: Inclusionary Housing Program** (Held over from July 12, 2005)

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion: 1) adopt first reading of Ordinance adding Berkeley Municipal Code (BMC) Section 23C.12.100 authorizing the City Council to set fees by Resolution; and 2) adopt a Resolution to be effective upon the effective date of the Ordinance, approving the Inclusionary Housing Program administrative fees specified in the Resolution.

**Financial Implications:** See report.

Contact: Stephen Barton, Housing, 981-5400

**Action:** Held over to September 20 by Deputy City Manager Caronna.

## Action Calendar – New Business

### 37. **Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions**

**From:** Councilmember Worthington

**Recommendation:** Adopt the first reading of an Ordinance adding Berkeley Municipal Code (BMC) Chapter 3.80, Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions.

**Financial Implications:** Administrative costs

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

**Action:** Moved, seconded, failed (Wozniak/Olds; Abstain – Worthington; Noes – Anderson, Bates, Maio, Moore and Spring) a substitute motion to hold over to another meeting for further analysis and discussion.

Moved, seconded, carried (Worthington/Maio; Abstain – Capitelli; Noes – Olds and Wozniak) to adopt first reading of Ordinance. Second reading scheduled for September 20, 2005.

## Information Reports

- 38. Environmentally Responsible Paper Purchases**  
**From: City Manager**  
Contact: Fran David, Finance, 981-7300  
**Action:** Received and filed.
- 39. Quarterly Report on Employee Safety and Workers' Compensation**  
**From: City Manager**  
Contact: David W. Hodgkins, Human Resources, 981-6800  
**Action:** Removed from Consent by Councilmember Wozniak. Councilmember Wozniak asked the City Manager to report back to Council at the first quarter budget meeting on potential FY '06-'07 goals and bonus system to maintain and improve progress in this area.
- 40. Unrepresented Temporary Employees**  
**From: City Manager**  
Contact: David W. Hodgkins, Human Resources, 981-6800  
**Action:** Received and filed.
- 41. Fee Deferral - 1001 Ashby Avenue**  
**From: City Manager**  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Received and filed.
- 42. Landmarks Preservation Commission Notice of Decision: Approval of Structural Alteration Permit - 2036 Shattuck Avenue, 2599 Telegraph Avenue (7/11/05), 1045 Ashby Avenue, 2599 Telegraph Avenue (8/8/05)**  
**From: City Manager**  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Received and filed.
- 43. Landmarks Preservation Commission Notice of Decision: Structure of Merit Designation - 2901 Otis; Landmark Designation - 2375-77 Shattuck**  
**From: City Manager**  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Received and filed.
- 44. Civic Arts Grant Allocations - FY 2006**  
**From: Civic Arts Commission**  
Contact: Mary Ann Merker, Secretary, 981-7533  
**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.*

### **Alta Bates**

1. Julie Gordon Shearer (2) (Worthington and Spring)
2. John O'Shaughnessy (Worthington and Spring)
3. Deborah LeVeen (Worthington and Spring)

### **Beth El Temple Parking and Traffic**

4. Linda Trujillo Bargmeyer

### **GIS and Technology Fees Survey**

5. Barbara Gilbert

### **Community Peace Labyrinth**

6. Nina Ham, Margie Adam, and Nancy Carleton, EBLP Steering Committee

### **Odors and Possible Health Risks from Pacific Steel Casting**

7. The West Berkeley Alliance for Clean Air and Safe Jobs, submitted by Janice Schroeder (3)
8. Nabil Al-Hadithy, Planning and Development Department

### **Debris on Sidewalks and Streets**

9. Saint John's Neighbors, submitted by Anne Whyte

### **Iceland**

10. Melissa Fitzgerald (4)
11. Toni Carreiro
12. Barry Boersma
13. Ronnie M. Wagner
14. Glaser Family
15. Liesl Songer-Nelson
16. Thomas Sibbet
17. Elise Boersma
18. Jeff Wizig
19. Hillary Johnston
20. Cynthia Kroll
21. Laurie Haun
22. Casey Brodsky
23. Maggie Ford

### **ADA Sensitivity Training for Taxi Drivers**

24. Toni Gugliemi, Bay Area Checker Cab (Spring)

### **Baldwin v. Placer County**

25. Anne Whyte

### **Privatizing Social Security – Response to April 19, 2005 Council Item**

26. Senator Barbara Boxer

## Communications

### **Off-Site Inclusionary Housing**

27. Barbara Gilbert

### **Dog Regulation**

28. Barbara Gilbert (3)

### **Cowboy Mentality Among Berkeley Paramedics**

29. Jamai Ellis and Glen Kitzenberger

### **Housing Desperation for All Californians**

30. Barbara Gilbert

### **Disbanding the Peace and Justice Commission**

31. Barbara Gilbert

### **Shopping and Parking Concerns**

32. C. Tom Fincher (Spring)

### **Community Development Block Grant (CDBG) Program Consolidation and Funding Reduction – Response to April 12, 2005 Council Item**

33. Senator Barbara Boxer

### **West Campus Pool Closure**

34. Strawberry Creek Lodge, submitted by Nancy Wogan (Moore)

### **Downtown University Plan Committee/Task Force Representative**

35. MAAGNA, submitted by Wendy Alfsen, Corresponding Secretary

### **UC Berkeley Donations**

36. Barbara Gilbert

### **1532 Martin Luther King Jr. Way Request for Public Hearing**

37. Brad and Dan Gerstein, Viki Von Lacken, Ann and Patrick Buechner, Phil Hamlett, Laura and Tara Singh, and Roxanne and Virginia Shack

### **1610 Oregon**

38. Sam Herbert

## Supplemental Reports and Communications #1

### **To Be Delivered Item 1: Landfill Surcharge Fee Payments On Solid Waste**

39. Report, submitted by Claudette Ford, Public Works

### **Item 18: Contract: FY 2005 Traffic Circles - Phase 2**

40. Daniel Marcus

41. Jack and Laurel Coates, Mathews Street Block Club Members

42. Renee Deljon and Lynne Reynolds, Mathews Street Block Club Members

43. Matt Rosen and Jessica Wolin, Mathews Street Block Club Members

44. Kellie Knox and Jacqueline Miranda, Mathews Street Block Club Members

45. Rachel Raney and Esteban Bortiri, Mathews Street Block Club Members

46. Jill Marsh

47. Winifred P. Williams

## Supplemental Reports and Communications #1

**Item 33: Support Instant Run-Off Voting (IRV) by communicating the City of Berkeley's official request to the California Secretary of State, and to Alameda County to respect the will of the voters and strive to implement IRV for Berkeley in 2006**

48. Nancy Bickel

**Item 34: Revisions of the Elmwood Business District Quotas**

49. Michael Bettendorf

50. Lisa Lackey

51. David Salk

**Item 35: 2615 Marin Avenue - Appeal ZAB Decision Use Permit #03-1000069**

52. Daphne and Georg Kalmar

53. Nora E. Wagner

54. Albert and Marian Magid

55. Daphne Kalmar and Kim Kline

56. Margot Klopp

57. Hap Klopp

58. John Lennie and Else C. Vellinga

59. Ann K. Bowman

60. Julie Gutzwiller

61. Gunnar Bjorklund

62. Robert and Jordan Stark

63. Paul and Cynthia Lane

64. Kimberley Kline (2)

65. Daphne Kalmar (3)

**Item 37: Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions**

66. Miriam Wilson

67. Carleen Pertschuk

68. David M. Wilson

69. Warwick May

70. Roslyn Fuerman

71. Vivian C. Fendel

72. David and Alison Sale (2)

73. Benn Karne

74. Scott Hambly (2)

75. Mary Karne (2)

76. Stephanie J. Hayes

77. Barbara Gilbert

78. Wendy Sullivan

79. Gary Osterman

80. Thomas Towey

81. Leon Mayeri

82. Jasdeep Singh Bal

83. Mike Mitschang

84. Carl Wilcox

## Supplemental Reports and Communications #1

85. Marjorie Faltens
86. Reza Yeganeh
87. Berkeley Property Owners Association (BPOA), submitted by Michael Wilson, President
88. Arman Rezaee
89. Kee Nethery
90. Jason Overman, Rent Stabilization Board Commissioner
91. Tiffany Pitman
92. Elaine Lou
93. Rob Wrenn, Chair, Transportation Commission
94. Susan Chacin, Housing Advisory Commissioner for the 2nd District
95. Beverly Potter
96. Milton von Damm
97. Sarah Syed
98. Sarah Schoeneman, BPOA Board Member
99. Mary Drinan
100. Charles F. Jarrett
101. Paul Hogarth
102. Andy Katz, Chair, Zoning Adjustments Board
103. Nicholas Smith, Acting Deputy Director, ASUC City Affairs/Cal Housing and Vice Chairman, Berkeley Commission on Labor
104. Jeffery De Puy
105. Tim Murphy
106. Sig Cohn
107. Amalia Lorentz, Chair, Housing Advisory Commission
108. Nick A. Pappas
109. Howard Chong

## Supplemental Reports and Communications #2

### **Ceremonial Item 6: Commendation Congratulating the City for its Zero Waste Work**

110. Global Alliance for Incinerator Alternatives, submitted by Monica Wilson

### **Item 34: Revisions of the Elmwood Business District Quotas**

111. Kimberly Tinawi
112. Tad Laird

### **Item 37: Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions**

113. Lawrence Kiviat

## Adjournment

Adjourned at 9:43 p.m. in memory of the victims of Hurricane Katrina.