

## SUMMARY

### BERKELEY CITY COUNCIL MEETING

TUESDAY, DECEMBER 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:** 7:18 p.m. All present.

#### Ceremonial Matters:

1. Proclamation honoring Zasa and Stephen Swanson for their extraordinary service on behalf of parks, open space and citizen involvement in the City of Berkeley.
2. Proclamation in recognition of Berkeley Safe Neighborhoods Committee 25<sup>th</sup> Anniversary and for their valuable volunteer commitment, dedication to Neighborhood Crime Watch and Disaster Preparedness Groups for the greater good of the citizens of the City of Berkeley.
3. Councilmember Anderson expressed his appreciation to the City Council and others for making former Vice-Mayor Maudelle Shirek's tribute at Saint Paul AME Church a remarkable success. The tribute raised \$3,000 for a scholarship fund in Ms. Shirek's name.

**City Manager Comments:** No comments.

**Public Comment:** 12 speakers.

#### Consent Calendar

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

1. **Lease: 1013 Pardee Street, No. 105** (*First Reading December 6, 2005 – Unanimous*)

**From:** City Manager

**Recommendation:** Adopt second reading of an Ordinance authorizing a new one-year lease from September 1, 2005 to August 31, 2006 for an existing warehouse at 1013 Pardee Street, No. 105 (alternate address of 2700 10<sup>th</sup> Street) that has been rented by the City on a month-to-month basis since the original multi-year lease expired with Asia Young Fountain Group Inc. for the storage of fire and police equipment, emergency supplies and equipment.

**Financial Implications:** Bond Measure Q - \$128,849

Contact: Debra Pryor, Fire and Emergency Services, 981-3473

**Action:** Adopted Ordinance No. 6,888–N.S. Effective January 14, 2006.

## Consent Calendar

- 2. Francesca Barsamian v. City of Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 04165815 entitled Francesca Barsamian v. City of Berkeley in the amount of \$50,000.  
**Financial Implications:** Public Liability Fund - \$50,000  
Contact: Manuela Albuquerque, City Attorney, 981-6950  
**Action:** Adopted Resolution No. 63,137–N.S.
- 3. Revisions to Commissioners' Manual Chapter II(B)(3), Incompatible Public Offices Prohibited**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending the City of Berkeley Commissioners' Manual (Resolution No. 62,418-N.S.) to revise Chapter II(B)(3), Incompatible Public Offices Prohibited, to clarify language regarding the ability to serve on two or more city boards or commissions.  
**Financial Implications:** None  
Contact: Sara T. Cox, City Clerk, 981-6900  
**Action:** Removed from Consent by Councilmember Capitelli. Moved, seconded, carried (Worthington/Anderson) to adopt Resolution No. 63,138–N.S.
- 4. Formal Bid Solicitations and Request for Proposals**  
**From: City Manager**  
**Recommendation:** Approve the attached request for proposals that will be, or are planned to be, issued upon final approval by the requesting department or division.  
**Financial Implications:** Various Funds - \$750,000  
Contact: Fran David, Finance, 981-7300  
**Action:** Approved recommendation.
- 5. Sidewalk Vending of Arts and Crafts and Flowers**  
**From: City Manager**  
**Recommendation:** Adopt: 1) first reading of an Ordinance repealing and reenacting Berkeley Municipal Code (BMC) Chapter 9.48 regulating Sidewalk Vending of Arts and Crafts, and Flowers, which defines specific flower vendor requirements, along with those for arts and crafts vendors, and establishes sidewalk vending fees by Council Resolution; and 2) a Resolution, concurrent with the effective date of the Ordinance, establishing permit and identification card fees for sidewalk vending at the current rates, which were set by Ordinance No. 6,112–N.S. on January 1, 1993.  
**Financial Implications:** None  
Contact: Fran David, Finance, 981-7300  
**Action:** Removed from Consent by Councilmember Capitelli. Moved, seconded, carried (Capitelli/Wozniak) a motion to refer to the City Attorney to bring revisions back to Council on January 17, 2006 to include a restriction on the sale of flowers on sidewalks within 300 feet of a florist shop; grandfather in existing sidewalk flower stands; and include the City's Manager's recommendation as a second ordinance option for Council consideration.

## Consent Calendar

- 6. Contract: HIV Prevention Syringe Exchange Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Needle Exchange Emergency Distribution for HIV prevention syringe exchange services for the period July 1, 2005 to June 30, 2006 in an amount not to exceed \$52,000.  
**Financial Implications:** General Fund - \$52,000  
Contact: Fred Medrano, Health and Human Services. 981-5100  
**Action:** Adopted Resolution No. 63,139–N.S.
- 7. Contract: Berkeley Ecumenical Chaplaincy to the Homeless**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 6681, a contract between the City of Berkeley and the Berkeley Ecumenical Ministries to shift \$35,196 from the Home Plate Program to the Hope Prep Transitional Housing Program.  
**Financial Implications:** See report.  
Contact: Stephen Barton, Housing, 981-5400  
**Action:** Adopted Resolution No. 63,140–N.S.
- 8. Classification: Crime Analyst**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 61,840–N.S., Classification and Salary Resolution for Public Employees Union Local One, to add the classification and salary range of Crime Analyst to be effective January 1, 2006.  
**Financial Implications:** General Fund - \$58,284 for FY 2006; \$121,235 for FY 2007  
Contact: David W. Hodgkins, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 63,141–N.S.
- 9. Classification: Occupational Health and Safety Specialist**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 61,812–N.S., Classification and Salary Resolution for Unit Z2 – Unrepresented Confidential and Professional Employees, to establish an Occupational Health and Safety Specialist.  
**Financial Implications:** Various funds  
Contact: David W. Hodgkins, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 63,142–N.S.
- 10. Health Plan Rate Increases**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions: 1) approving a 14.63 percent rate increase for the Kaiser Foundation Health Maintenance Organization health plan; and 2) approving a 12.9 percent rate increase for both the Health Net Health Maintenance Organization health plan and Point of Service health plan for City employees effective January 1, 2006, through December 31, 2006, and rescinding Resolution No. 62,751–N.S. and Resolution No. 62,752–N.S.  
**Financial Implications:** Payroll Deduction Trust Fund - \$10,531,000  
Contact: David W. Hodgkins, Human Resources, 981-6805  
**Action:** Adopted Resolution No. 63,143–N.S. and Resolution No. 63,144–N.S.

## Consent Calendar

- 11. Contract: Telephone System Completion**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Nexus Inc. for the completion of the City's telephone system in an amount not to exceed \$455,000 for the period January 1, 2006 through to June 30, 2007.  
**Financial Implications:** General Fund and Capital Improvement Fund - \$455,000  
Contact: Chris Mead, Information Technology, 981-6500  
**Action:** Adopted Resolution No. 63,145–N.S.
- 12. Grant: Ashby BART West Parking Lot**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution supporting a Caltrans grant application by the South Berkeley Neighborhood Development Corporation and requesting the City to fund preparation of a plan for transit-oriented development on the west parking lot of the Ashby BART Station.  
**Financial Implications:** See report.  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Removed from Consent by Councilmember Wozniak. Moved, seconded, carried (Anderson/Wozniak; Abstain – Spring; Absent – Olds) to adopt Resolution No. 63,146–N.S. Councilmember Spring requested that the record indicate she abstained due to process concerns and lack of documentation regarding BART's change of parking replacement policy and requirements to ensure the majority of new housing will serve a public purpose by being affordable to public-sector employees (e.g., teachers, librarians and nurses) who cannot afford market rate housing.
- 13. Contract: Architectural and Engineering Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) authorizing the City Manager to execute an amendment to the contract with Baker Vilar Architects to provide architectural and engineering services for James Kenney Recreation Center; and 2) increasing the contract amount by \$15,000 for a total not to exceed \$75,000 for the period August 1, 2002 to December 31, 2006.  
**Financial Implications:** Building Purchases & Management Fund - \$75,000  
Contact: Claudette R. Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,147–N.S.
- 14. Contract: Continuation of the EcoPass Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments with the Alameda-Contra Costa Transit District for the continuation of an annual transit pass (EcoPass) program for City of Berkeley employees in an amount not to exceed \$100,000 for the period beginning January 1, 2006 and ending December 31, 2006.  
**Financial Implications:** Payroll Deduction Trust Fund - \$100,000  
Contact: Claudette R. Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,148–N.S.

## Consent Calendar

- 15. Contract: On-Call Traffic Data Services - Speed Surveys and Volume Counts**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Multitrans Transportation Consultants, Inc., for speed surveys and volume counts in an amount not to exceed \$50,000 for the period January 1, 2006 through December 31, 2007 with an option for a one-year extension.  
**Financial Implications:** Capital Improvement Fund and Building Purchases Fund - \$50,000  
Contact: Claudette R. Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,149–N.S.
- 16. Contract: Sanitary Sewer Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located at Wildcat Canyon Road; accepting the bid of McNamara and Smallman Construction, Inc.; and authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$1,071,125 from the Sewer Capital Improvement Project Fund (Fund 830) for the period of 220 calendar days.  
**Financial Implications:** Sewer Capital Improvement Fund - \$1,071,125  
Contact: Claudette R. Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,150–N.S.
- 17. Final Tract Map 7527: 1809 Shattuck Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 7527, a thirty-two unit residential and commercial condominium recently constructed at 1809 Shattuck Avenue.  
**Financial Implications:** None  
Contact: Claudette R. Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,151–N.S.
- 18. Final Tract Map 7537: 1797 Shattuck Avenue**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 7537, a 67-unit residential and commercial condominium to be located at 1797 Shattuck Avenue.  
**Financial Implications:** None  
Contact: Claudette R. Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,152–N.S.

**19. License Agreements: Veterans Memorial Building**

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager to execute license agreements and any amendments thereof with the current occupants of the Veterans Memorial Building at 1931 Center Street: 1) Berkeley Food and Shelter Project; 2) Berkeley Historical Society; 3) Berkeley Place; 4) Building Opportunities for Self-Sufficiency; 5) Disabled American Veterans, Chapter 25; 6) Dorothy Day House; and, 7) Options Recovery Services.

**Financial Implications:** \$601 license revenue; \$111,000 operating costs referred to first quarter budget update

Contact: Claudette R. Ford, Public Works, 981-6300 and Stephen Barton, Housing, 981-5400

**Action:** Adopted Resolution Nos. 63,153–N.S., 63,154–N.S., 63,155–N.S., 63,156–N.S., 63,157–N.S., 63,158–N.S., and 63,159–N.S.

**20. Purchase Order: Telephone Directory Advertising**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with SBC Smart Yellow Pages in an amount not to exceed \$31,476 for FY 2006, to advertise the City's refuse collection and recycling services.

**Financial Implications:** Grant Funds - \$9,728; Refuse Fund - \$21,748

Contact: Claudette R. Ford, Public Works, 981-6300

**Action:** Adopted Resolution No. 63,160–N.S.

**21. Grant: Ed Roberts Campus Transportation for Livable Communities**

**From: Mayor Bates and Councilmembers Anderson and Worthington**

**Recommendation:** Adopt a Resolution: 1) authorizing the City Manager to submit a grant application to the Alameda County Congestion Management Agency Transportation for Livable Communities Capital Program, FY 2006-2009 for funds in an amount up to \$3,000,000 in FY 2006-2007 for transportation enhancements related to the Ed Roberts Campus at the Ashby BART Station; and accept the grant and execute any resultant agreements and amendments, and 2) rescinding Resolution No. 63,107–N.S.

**Financial Implications:** See report

Contact: Tom Bates, Mayor, 981-7100; Max Anderson, Councilmember District 3, 981-7130; Kriss Worthington, Councilmember District 7, 981-7170

**Action:** Adopted Resolution No. 63,161–N.S. as amended in a memorandum dated December 13, 2005 from Mayor Bates.

**22. Budget Referral: Berkeley Guides**

**From: Councilmembers Moore and Wozniak**

**Recommendation:** Refer the one-time request for \$10,000 to be used to leverage long-term funding for Berkeley Guides to the midyear budget process.

**Financial Implications:** \$10,000

Contact: Darryl Moore, Councilmember District 2, 981-7120 and Gordon Wozniak, Councilmember District 8, 981-7180

**Action:** Approved recommendation.

**23. Sale of Alcopops**

**From: Councilmember Spring**

**Recommendation:** Adopt a Resolution: 1) favoring the restriction of the alcoholic beverage being marketed to teenagers called "alcopops" to the distilled spirits category; 2) oppose state legislation to reduce taxation on this type of alcoholic beverage by reclassification; 3) requesting that taxes from these products be used to fund alcohol prevention, treatment and enforcement programs for underage drinking; and 4) that the City Manager send a letter and the Resolution to our state elected officials, the Department of Alcoholic Beverages and to the State Board of Equalization.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 63,162–N.S.

**24. Support Berkeley Newspapers**

**From: Councilmember Spring**

**Recommendation:** Request the City Manager to implement a policy of advertising city events in locally produced newspapers as widely as possible.

**Financial Implications:** See report

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

**Action:** Removed from Consent by Councilmember Capitelli. Moved, seconded, carried (Worthington/Capitelli; Noes – Spring; Absent – Olds) a motion to hold the item over to January 17, 2006.

**25. Immigration Relief for Hurricane Katrina Victims Act of 2005**

**From: Councilmember Worthington**

**Recommendation:** Adopt a Resolution urging U.S. Senators to amend the Immigration Relief for Hurricane Katrina Victims Act of 2005 in favor of easing eligibility rules in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for non-citizens seeking federal assistance, and ease immigration policy restrictions within the areas concerning employment and deportation.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 63,163–N.S.

**26. Pledge for Racial Equality**

**From: Councilmember Worthington**

**Recommendation:** Join Californians across the state in pledging to: 1) demand our state legislators and decision makers support policies that we believe promote racial equity, and to hold government accountable for solutions that overcome longstanding racial disparities; 2) uphold equity, enfranchisement and economic justice by supporting the full participation and access to benefits and institutions for all California residents; 3) promote a vision for our collective future based on opportunity and advancement and to join with people to honor and protect the diverse cultures and languages of our communities; and 4) take action to strengthen protections against racial violence, racial profiling, and discrimination.

**Financial Implications:** None

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

**Action:** Approved recommendation.

**27. Support Violence Against Women Act of 2005**

**From: Councilmember Worthington**

**Recommendation:** Support the National Organization of Women (NOW) in urging the U.S. Congress to immediately convene a conference committee to reauthorize the National Violence Against Women Act (VAWA) of 2005 in December and join NOW in urging Congress to craft the strongest possible VAWA from both House and Senate bills that will enable continuation of programs and services and addresses violence in our country's diverse cultural, religious, ethnic, age and ability communities.

**Financial Implications:** None

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

**Action:** Approved recommendation.

**28. Standards for Care of Dogs Kept Outdoors**

**a. From: Citizens Humane Commission**

**Recommendation:** Adopt first reading of an Ordinance adding Berkeley Municipal Code (BMC) Section 10.04.140, specifying requirements for minimum standards of care for owners/guardians who keep their dogs outdoors. This includes shelter, water, feeding and confinement.

**Financial Implications:** None

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

**b. From: City Manager**

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

Contact: Jim Hynes, City Manager, 981-7000

**Action:** Adopted first reading of Ordinance. Second reading scheduled for January 17, 2006.

**29. Independent Commission on 2004 Coup d'Etat in the Republic of Haiti**

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

**Recommendation:** Adopt a Resolution requesting that Senators Barbara Boxer and Dianne Feinstein introduce legislation similar to H.R. 946, to establish an Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti, in the Senate; and supporting the amendment included in the FY 2006 Foreign Operations Appropriations Conference Report prohibiting arms transfers and sales.

**Financial Implications:** None

Contact: Manuel Hector, Secretary, 981-5110

**b. From: City Manager**

**Recommendation:** The City Manager takes no position concerning the recommendations of the Commission.

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

**Action:** Adopted Resolution No. 63,164–N.S.

## Action Calendar – Public Hearing

### 30. Fees: Vital Records

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving a \$2.00 increase in the fee for the issuance of each birth, death, and fetal death certificate, effective January 1, 2006; and establish Fund 231 as the Domestic Violence Prevention – Vital Statistics Fund for purposes of accounting for the revenues and expenditures from these additional fees.

**Financial Implications:** Revenue - \$38,886

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

**Public Testimony:** The Mayor opened the public hearing. No speakers. Moved, seconded, carried (Maio/Anderson) to close the public hearing.

**Action:** Moved, seconded, carried (Olds/Moore) to adopt Resolution No. 63,165–N.S.

## Action Calendar – New Business

### 31. FY 2006 & FY 2007 Biennial Budget Update – First Quarter

**a. From: City Manager**

**Recommendation:** Adopt a Resolution allocating anticipated, one-time General Fund revenue in the amount of \$878,564 to provide continued funding for specific programs and to fund non-discretionary costs that have arisen since July 1, 2005, as identified in Attachment A, and approve additional staffing for Permit Center activity.

**Financial Implications:** See report

Contact: Tracy Vesely, City Manager, 981-7000

**b. Survey to Identify Sources for Increasing Fees for Lead Abatement Services** (*Held over from December 6, 2005*)

**From: Councilmember Olds**

**Recommendation:** Discuss the request from the Alameda County Lead Abatement Program to contribute \$10,000 to the cost of a survey to be conducted by Tramutola and Godbe research to identify voter sentiment on raising fees for lead abatement programs in Alameda County.

**Financial Implications:** \$10,000

Contact: Betty Olds, Councilmember District 6, 981-7160

**Action:** Moved, second, carried (Maio/Capitelli; Noes – Spring; Abstain – Moore, Anderson) to adopt Resolution 63,166–N.S. as amended to: 1) allocate anticipated, one-time General Fund revenue in the amount of \$878,564 to provide continued funding for specific programs and to fund non-discretionary costs that have arisen since July 1, 2005, and approve additional staffing for Permit Center activity as identified on Attachment 2 to the City Manager's report; 2) include an additional \$10,000 to match contributions from neighboring cities for a lead abatement survey and analysis and \$10,000 for the Berkeley Boosters, Berkeley Guides Program; and 3) authorize the City Manager to expend any funds or transfer any monies necessary from the General Fund to assist in bringing the Housing Authority in good standing with HUD.

**32. Delayed Implementation of Audit Recommendations**

**From: City Auditor**

**Recommendation:** Request the City Manager take the following steps to address the causes and effects of delays in implementing audit recommendations the City has previously agreed to implement: 1) Report back to Council regarding causes for difficulties in implementing audit recommendations; 2) Investigate the possibility that budget-related cuts and freezes may have impacted oversight/support functions and internal controls Citywide to a degree of unacceptable risk; 3) include an analysis of potential internal control impacts in future discussions of City budgets, as well as estimated costs for resolving them; and 4) take additional steps as Council may determine after discussion until the City Manager is able to explore the underlying causes of lack of implementation, Council should be cautious about committing funds to new program areas. Council should be prepared for the possibility that existing direct public services may be curtailed in the short run, in order to assign resources to resolve persistent and recurrent internal control weaknesses Citywide. This report has been discussed with the City Manager, who has agreed to return to Council with a preliminary report on February 7, 2006.

**Financial Implications:** See report

Contact: Ann-Marie Hogan, City Auditor's Office, 981-6750

**Action:** Moved, seconded, carried (Moore/Maio) to approve recommendation.

**33. Amending “By Right” Residential Additions and Definition of a Story in the Zoning Ordinance**

**From: City Manager**

**Recommendation:** Provide direction to staff by selecting one of the following options:

1. Refer the Councilmembers’ request to the Planning Commission for its consideration and have staff return in January to discuss when a revised ordinance can be recommended by the Planning Commission and whether undertaking this project would delay other work already programmed for this year; or
2. a. Direct staff to prepare an Urgency Ordinance modifying the Zoning Ordinance to make any addition above the first floor subject to discretionary review in the same manner as major residential additions, and modify the definition of a story, and bring it to the City Council for adoption by a 4/5 vote by December 13, 2005; and  
b. Refer the matter to the Planning Commission for consideration by the end of the term of the urgency ordinance, as it may be extended by the Council, but in any event no more than two years (the maximum permitted duration of an interim ordinance).

In either case, the Council needs to provide direction to staff regarding the geographic area to be covered by the interim ordinance (e.g., limited to the Hill Overlay district, or applied to all residential districts where major residential additions are allowed) and whether a first story as-of-right addition should be limited to the current 500 square feet or be expanded to 700 square feet; or

3. Request that this issue return as part of Council’s consideration of the 2006-07 Planning Department Work Program.

**Financial Implications:** See report

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

**Action:** Moved, seconded, carried (Moore/Capitelli) to approve option one to refer to the Planning Commission for consideration and have staff return on January 17, 2006 with a

## Action Calendar – New Business

report discussing when a revised ordinance can be recommended by the Planning Commission including a timetable and description of impacts on the Commission's work program and the resulting shift in priorities.

### 34. Berkeley Skate Park Rule Enforcement

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

**Recommendation:** Direct the City Manager to begin a process of conciliation involving skate park users and relevant City representatives which may include reconsideration of current City Ordinance involving knee pads and helmets in light of current State Law.

**Financial Implications:** Staff time

Contact: Virginia Aiello, Secretary, 981-5158

#### b. From: City Manager

**Recommendation:** Take no action on the Parks & Recreation Commission's Council Report recommending that the City Manager reconsider enforcement of the helmet/pads rule at the City's skateboard park.

**Financial Implications:** Unknown

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

**Action:** Moved, seconded, carried (Worthington/Maio; Abstain – Spring) to approve the City Manager's recommendation.

## Information Reports

### 35. 2005 Annual Commission Attendance Report

**From:** City Manager

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

**Action:** Received and filed.

### 36. Accounts Payable Audit - Status Report (CF18-05)

**From:** City Manager

Contact: Fran David, Finance, 981-7300

**Action:** Received and filed.

### 37. Customer Service Level Evaluation

**From:** City Manager

Contact: Fran David, Finance, 981-7300

**Action:** Received and filed.

### 38. Treasury Cash Receipts/Cash Handling Audit - Status Report (CF19-05)

**From:** City Manager

Contact: Fran David, Finance, 981-7300

**Action:** Received and filed.

## Information Reports

39. **Berkeley Drop-In Center Status Update**  
**From: City Manager**  
Contact: Stephen Barton, Housing, 981-5400 and Fred Medrano, Health and Human Services, 981-5100  
**Action:** Received and filed.
40. **Landmarks Preservation Commission Notice of Decision - Approval of Structural Alteration Permit: 2105 Fifth Street; 2599 Telegraph Avenue; 147 Tunnel Road**  
**From: City Manager**  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Received and filed.
41. **Draft Comments: Notice of Preparation for the Southeast Campus Integrated Projects**  
*(To be delivered)*  
**From: City Manager**  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Received and filed.
42. **Hybrid Cars: Parking Rights**  
**From: City Manager**  
Contact: Douglas N. Hambleton, Police, 981-5900  
**Action:** Received and filed.
43. **Evaluation of Pedestrian Countdown Signals**  
**From: City Manager**  
Contact: Claudette R. Ford, Public Works, 981-6300  
**Action:** Received and filed.
44. **City Auditor's Annual Report for FY2005**  
**From: City Auditor**  
Contact: Ann-Marie Hogan, City Auditor's Office, 981-6750  
**Action:** Received and filed.

## Communications

### **CA Public Records Act Request to Berkeley Unified School District: Senior Tax Benefit**

1. Michele Lawrence

### **Senate Bill 20, California Low Cost Auto Insurance Program – Response to April 26, 2005 Council Item**

2. Senator Don Perata

### **901 Cragmont**

3. Harriet Berg

## Supplemental Reports and Communications 1

### **Item 29: Independent Commission on 2004 Coup d'Etat in the Republic of Haiti**

4. Jacques Depelchin

### **Item 31a: FY 2006 & FY 2007 Biennial Budget Update – First Quarter**

5. Revised Attachment 4, submitted by the City Manager
6. Information Report, submitted by Councilmember Spring
7. Barbara Gilbert (2)

### **Item 33: Amending “By Right” Residential Additions and Definition of a Story in the Zoning Ordinance**

8. William Pettus (*Moore*)

### **To Be Delivered Item 41: Draft Comments: Notice of Preparation for the Southeast Campus Integrated Projects**

9. Report, submitted by Planning and Development

## Supplemental Reports and Communications 2

### **Proclamation: Berkeley Safe Neighborhoods Committee**

10. Barbara Allen, Berkeley Safe Neighborhoods Committee

### **Item 21: Grant: Ed Roberts Campus Transportation for Livable Communities (PDF, 24 KB)**

11. Revised Report, submitted by Mayor Bates and Councilmembers Anderson and Worthington

### **Item 31: FY 2006 & FY 2007 Biennial Budget Update – First Quarter**

12. Budget Recommendations, submitted by Mayor Bates

### **Item 33: Amending “By Right” Residential Additions and Definition of a Story in the Zoning Ordinance**

13. Jason Kaldis
14. Catherine Roha

### **Item 34: Berkeley Skate Park Rule Enforcement**

15. Clarkie, Real Skate Magazine

## Adjournment

Adjourned at 10:08 p.m. in honor of Stanley “Tookie” Williams.