

ANNOTATED AGENDA
BERKELEY CITY COUNCIL REGULAR MEETING
TUESDAY, DECEMBER 11, 2007

Council Chambers, 2134 Martin Luther King Jr. Way

Teleconference Location – 1636 Channing Way, Berkeley, CA

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – DONA SPRING

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – BETTY OLDS
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNAK

Preliminary Matters

Roll Call: 7:20 p.m. Absent: Capitelli. (Anderson present at 7:28 p.m.; Worthington present at 7:29 p.m.)

Ceremonial Matters:

1. Poetry Flash 35th Anniversary Recognition
2. Declare November 15 as original Pollo's Restaurant Day
3. Recognition of city individuals assisting in the San Francisco Oil Spill cleanup/response
4. Recognition of Chevelle Richardson & Steven Pippins in serving Thanksgiving dinners to those in need
5. Proclamation recognizing the Molecular Foundry as the first Leed Gold Certified Building

Public Comment on Non-Agenda Matters – 5

Presentation - United in Action on the Subject of the Academic Achievement Gap

Public Comment on Consent Calendar and Information Items Only – 7

Consent Calendar

Action: M/S/C (Worthington/Moore) to adopt Consent Calendar in one motion except as indicated. Item 36 (Ellis Ordinance) moved to Consent Calendar; Item 34 (Budget Reductions) moved to Consent Calendar; Item 4 (Alcohol Outlets) moved to Action.

1. Lease Agreement: Property at 711 Harrison Street

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,006–N.S. authorizing the City Manager to execute a lease agreement and any amendments with Building Opportunities for Self-Sufficiency to lease a City-owned parcel of property to be created at 711 Harrison Street for the continued operation of emergency shelter and transitional housing at the site, and to allow BOSS to apply for State of California financing to rehabilitate the existing facility.

Financial Implications: See report

Contact: Renelda Mary, Housing, 981-5400

Action: Adopted second reading of Ordinance No. 7,006 –N.S. (Absent – Capitelli) Effective date January 10, 2008.

Consent Calendar

- 2. Easement Agreement: 1310 University Avenue - Berkeley Montessori School Providing Public Access**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,007–N.S. authorizing the City Manager to accept the Easement Agreement granting public access on a 10-foot wide path through the property at 1310 University Avenue between the owner of the property, Berkeley Montessori School, and the City of Berkeley for a continuation of a pedestrian and bicycle path along West Street and south of University Avenue to Strawberry Park at Addison Street.
Financial Implications: None
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted second reading of Ordinance No. 7,007–N.S. (Absent – Capitelli) Effective date January 10, 2008.
- 3. Public Commons for Everyone Initiative**
From: City Manager
Recommendation:
1) Adopt second reading of Ordinance 7,008–N.S amending Berkeley Municipal code section 13.36.015 regulating lying on sidewalks and the number of dogs on sidewalks at certain times and places. Vote: Ayes: Maio, Moore, Olds, Wozniak, Bates; Noes – Anderson, Spring, Worthington; Abstain – Maio; Absent – Capitelli.
2) Adopt second reading of Ordinance 7,009–N.S. amending the Berkeley Municipal Code, section 12.70.010, legislative findings, Section 12.70.020, definitions, 12.70.030, locations where smoking is prohibited, and Section 12.70.120, Enforcement, expanding the locations at which smoking is prohibited and clarifying enforcement responsibilities. Vote: Ayes – Maio, Moore, Spring, Olds, Wozniak, Bates; Noes – Worthington; Abstain – Anderson; Absent – Capitelli.
Financial Implications: None
Contact: Phil Kamlarz, City Manager, 981-7000
Action: Adopted second reading of Ordinance No. 7,008–N.S. and Ordinance No. 7,009–N.S. (Absent – Capitelli) Effective date January 10, 2008.
- 4. Ordinance Establishing Operating Standards for Alcohol Outlets and Fee Options**
From: City Manager
Recommendation: Adopt first reading of an Ordinance establishing operating standards and an inspection program for alcohol establishments with the second reading scheduled on January 15, 2008.
Financial Implications: See report
Contact: Zach Cowan, Acting City Attorney, 981-6950
- Removed from Consent Calendar. Public Comments – 1
- Action:** M/S/C (Moore/Anderson) support flat fee of \$467.10 as supported by BAPAC. Vote: Ayes – Maio, Moore, Anderson, Spring, Olds, Worthington, Wozniak, Bates; Noes – None; Absent – Capitelli. M/S/C (Moore/Anderson) adopted first reading of Ordinance No. 7,010–N.S. (Absent – Capitelli) Second reading scheduled for January 15, 2008. Vote: Ayes – Maio, Moore, Anderson, Spring, Olds, Worthington, Wozniak, Bates; Noes – None; Absent – Capitelli.

Consent Calendar

M/S (Maio/Worthington) substitute motion to support hourly rate fee. Motion failed.
Vote: Ayes – Maio, Worthington, Wozniak, Bates; Noes – Moore, Olds; Abstain – Anderson, Spring; Absent – Capitelli.

RECESS – 9:01 – 9:15 P.M.

5. Ratify – Continue Disaster Proclamation related to San Francisco Bay Oil Spill

a. From: City Manager

Recommendation: Confirmation of the continuance of a declaration of disaster through Resolution No. 63,887–N.S. Reviewing and Ratifying the Proclamation of Emergency by the Director of Emergency Services and Resolution No. 63,888–N.S. Reviewing and Confirming Emergency Rules and Regulations Issued by the Director of Emergency Services adopted November 19, 2007 relative to Bay Oil Spill

Financial Implications: None

Contact: Phil Kamlarz, City Manager, 981-7000

b. From: Councilmember Spring

Recommendation: Write a letter to our federal representatives, with copies to applicable agencies such as the Coast Guard, suggesting that they pass the following legislation:

- 1) Work for an international ban on the use of “bunker oil” in sea or waterway traveling ships or boats.
- 2) Work for an international requirement that all water traveling vehicles must have double hull containment of oil or other toxic materials that could contaminate waterways.
- 3) Require that the owners of ship barges/tankers maintain contracts with on-call cleanup companies at US ports so that there is an immediate response for containment and cleanup should any toxic substances leak from a vessel.

Financial Implications: None

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

Action: Approved recommendation.

6. Formal Bid Solicitations and Request for Proposals

From: City Manager

Recommendation: Approve the new invitation for bid/request for proposal (RFP) that will be, or is planned to be, issued in the next 30 days upon final approval by the requesting department or division.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

7. Issuance of General Obligation Bonds - Measure I - Animal Shelter Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the issuance of \$7,200,000 aggregate principal amount of general obligation bonds, series 2008 (Measure I - Animal Shelter Project), and authorizing actions related hereto.

Financial Implications: None

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted Resolution No. 63,907–N.S (Absent – Capitelli)

Consent Calendar

- 8. Designate the Line of Succession for the Director of Emergency Services**
From: City Manager
Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 63,127–N.S.
Financial Implications: None
Contact: Debra Pryor, Fire, 981-3473
Action: Adopted Resolution No. 63,908–N.S. (Absent – Capitelli)
- 9. Adopt Amendments to the Fire Permit and Inspection Fee Schedule**
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 62,535–N.S. and re-adopting amendments to the Annual Permit and Fire Inspection Fee Schedule.
Financial Implications: None
Contact: Debra Pryor, Fire, 981-3473
Action: Adopted Resolution No. 63,909–N.S. (Absent – Capitelli)
- 10. Contract 5894 Amendment: Sponsor-Based Shelter Plus Care**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment (No. 5894) with Bonita House, Inc. to operate as Sponsor under the Shelter Plus Care Program and receive Housing Assistance Payments for an amount not to exceed \$112,908 for the period of June 1, 2007 through June 30, 2008.
Financial Implications: See report
Contact: Renelda Mary, Housing, 981-5400
Action: Adopted Resolution No. 63,910–N.S. (Absent – Capitelli)
- 11. Contract No. 7292 Amendment: Increase Dorothy Day House Contract**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the two-year contract with Dorothy Day House (DDH) by \$29,790 to cover the costs to lease space from Trinity United Methodist Church (Trinity) where DDH provides homeless services for a total amount not to exceed \$127,420 (\$58,745 in FY 2008 and \$68,675 in FY 2009).
Financial Implications: See report
Contact: Renelda Mary, Housing, 981-5400
Action: Adopted Resolution No. 63,911–N.S. (Absent – Capitelli)
- 12. Classification: Assistant Traffic Engineer**
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 revise the classification of Assistant Traffic Engineer and increase the salary range to \$6,577 - \$7,927 effective December 16, 2007.
Financial Implications: General Fund - \$6,875
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,912–N.S. (Absent – Capitelli)

Consent Calendar

- 13. Personnel Rules and Regulations Amendment**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 60,776–N.S., the Personnel Rules and Regulations, Section 9.03 - Promotion Through a Non-Competitive Personnel Action - to add the unlicensed classification of Traffic Engineering Assistant and the licensed classification of Assistant Traffic Engineer.
Financial Implications: None
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,913–N.S. (Absent – Capitelli)
- 14. Classification: Watershed Resources Specialist**
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 establish the Classification of Watershed Resources Specialist with a salary range of \$5,348 - \$6,500 per month effective October 1, 2007.
Financial Implications: General Fund - \$104,360
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,914–N.S. (Absent – Capitelli) with amendment to #2 of the class specification to include "Communicate effectively and elicit community and organizational support for programs."
- 15. Fee Assessment - State of California Self-Insurance Fund**
From: City Manager
Recommendation: Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for fiscal year 2008 fee assessed for administering the Workers' Compensation Program, in an amount not to exceed \$120,000.
Financial Implications: Workers' Compensation Self-Insurance Fund, \$120,000.
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,915–N.S. (Absent – Capitelli)
- 16. Classification: Public Health Program Physician - Deputy Health Officer**
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 revise and retitle the classification of Public Health Program Physician (Certified) to Public Health Program Physician- Deputy Health Officer and abolish the Public Health Program Physician classification effective December 1, 2007.
Financial Implications: None
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,916–N.S. (Absent – Capitelli)

Consent Calendar

- 17. Lease Amendment, 2118 Milvia Street**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease amendment with N.E.W. Milvia Property, LLC, the successor in interest to NORA E. WAGNER, TRUSTEE UTD for real property located at 2118 Milvia Street for the purpose of leasing 3,774 square feet of additional office space for the Planning and Development Department for the approximate period Jan. 18, 2008 and continuing through August 31, 2011. Upon execution of the lease, the Planning and Development Department will occupy the whole building at 2118 Milvia Street.
Financial Implications: See report.
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance No. 7,011–N.S. (Absent – Capitelli)
Second reading scheduled for December 18, 2007.
- 18. Interstate 80 Integrated Corridor Mobility Project**
From: City Manager
Recommendation: Adopt a Resolution supporting the Interstate-80 (I-80) Integrated Corridor Mobility (ICM) Project, the Project Concept and the Funding Plan.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,917–N.S. (Absent – Capitelli)
- 19. Contract No. 7442 Amendment: Lincoln & Associates for Executive Recruitments**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7442 with Lincoln & Associates, increasing the not to exceed amount to \$52,500, adding recruitment for the Transportation Manager to the scope of services, and extending the term of the contract by four months to June 30, 2008.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,918–N.S. (Absent – Capitelli)
- 20. Contract No. 7260A Amendment: Environmental Delivery Services, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7260A with Environmental Delivery Services, Inc. for food scrap pail delivery and labeling services, increasing the amount by \$30,422 for a total amount not to exceed \$80,647, for the period March 1, 2007 through December 31, 2007.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,919–N.S. (Absent – Capitelli)

Consent Calendar

21. **Contract No. 7055A Amendment: Securitas Security Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 7055A with Securitas Security Services USA, Inc., for security guard services at the Corporation Yard, Solid Waste Center and Berkeley Marina for the period July 1, 2007 to June 30, 2008, in an amount not to exceed \$300,095; and approving the option to extend the contract through FY 2009 in an amount not to exceed \$309,158, based on availability of funds. The total amount of the contract from FY 2007 through FY 2009 will not exceed \$851,628.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,920–N.S. (Noes – Worthington; Absent – Capitelli).
22. **Contract No. 6278 Amendment: St Vincent de Paul Society for Mattress Recycling**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 6278 with St. Vincent de Paul Society of Lane County, Inc. to haul and recycle mattresses from the Berkeley Transfer Station, increasing the amount by \$88,000 for a total amount not to exceed \$338,000, and extending the term one-year to include the period February 1, 2004 to June 30, 2008.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,921–N.S. (Absent – Capitelli)
23. **Grant Application: New Freedom Program for Ed Roberts Campus**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application to the New Freedom Program administered by the Metropolitan Transportation Commission for funds in an amount not to exceed \$735,200 for transportation and accessibility enhancements related to the Ed Roberts Campus at the Ashby BART Station accept the grant, and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,922–N.S. (Absent – Capitelli)

Council Consent Items

24. **Discretionary Budget Allocation: Building Opportunities for Self-Sufficiency**
From: Councilmember Maio
Recommendation: Adopt a resolution approving the expenditure of \$250 to Building Opportunities for Self-Sufficiency (BOSS) with funds from Councilmember Maio's discretionary budget (D-13) to support their 35th Anniversary Celebration on May 8, 2008, which is a fundraiser to support their ongoing program.
Financial Implications: Councilmember Maio's Discretionary Fund - \$250
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 63,923–N.S. (Absent – Capitelli)

Council Consent Items

- 25. General Fund Allocation: East Bay Housing Organizations**
From: Councilmember Maio
Recommendation: That the City Of Berkeley officially become a member of East Bay Housing Organizations (EBHO) for \$500.
Financial Implications: General Fund - \$500
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 26. Downtown Street Cleaning**
From: Councilmember Spring
Recommendation: Request that the City Manager return to Council with a plan for improving the cleaning of streets in the downtown area, including the feasibility of limiting overnight parking on some downtown streets occasionally so that streets can be thoroughly cleaned and to report back to Council within four months.
Financial Implications: None
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Approved recommendation and directed the City Manager to include other commercial areas in the plan.
- 27. Schedule Presentation: Independent Oil Berkeley**
From: Councilmember Spring – added Worthington
Recommendation: Allow a brief presentation at the December 18, 2007 Council meeting from Independent Oil Berkeley, a grassroots citizen activist group planning the transition to fossil fuel free era in Berkeley.
Financial Implications: None
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Approved recommendation.
- 28. Opposition to Initiative 1248 - California Property Owners and Farmland Protection Act**
From: Councilmember Worthington
Recommendation: Express opposition to Initiative 1248, the California Property Owners and Farmland Protection Act which undermines environmental protections, local control over land use, and affordable housing laws.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 29. Opposition to Unfair Gaming Initiatives, Propositions 94-97**
From: Councilmember Worthington
Recommendation: Express opposition to the four unfair gaming initiatives (Propositions 94, 95, 96 and 97) on the February 2008 ballot, which will allow for fewer limits on the growth of casinos in California while providing fewer environmental, labor and taxpayer benefits.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Council Consent Items

30. **Recommend Policies to Address Foreclosures and Subprime Lending - Endorsing House Resolution 1852**
From: Councilmembers Worthington, Moore and Anderson
Recommendation: Adopt a Resolution regarding subprime lending and foreclosures, recommending policies to address foreclosures in the City of Berkeley, and endorsing House Resolution 1852, the Expanding America Homeownership Act.
Financial Implications: Minimal
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 63,924–N.S. (Absent – Capitelli) with an amendment to include that one of the policies would be an ordinance mandating mediation before there can be initiation of a foreclosure.
31. **Support for Prevention Through Affordable Access Act**
From: Councilmembers Worthington, Spring, Maio and Olds
Recommendation: Support Senate Bill 2347/House Resolution 4054, the Prevention Through Affordable Access Act, which will fix a legislative glitch that has raised prescription contraception prices and ensure that more women have access to affordable birth control methods.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
32. **Support Proposition 92, The Community College Initiative**
From: Councilmembers Worthington and Moore
Recommendation: Support Proposition 92 on the February 5, 2008 ballot, which would lower student fees, guarantee minimum funding for community college growth and increase access to higher education.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Items Removed from the Consent Calendar

Action Calendar – Public Hearing

33. **Zoning Ordinance, General Plan, and West Berkeley Plan Amendments and Revised Mitigated Negative Declaration to Allow Automobile Sales in the Manufacturing District**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion,
1) Adopt a Resolution amending the General Plan and West Berkeley Plan as recommended by the Planning Commission;
2) Adopt first reading of an Ordinance amending Chapters 23E.72 (Manufacturing District) and 23F.10 (Definitions); and
3) Adopt a Resolution adopting the Mitigated Negative Declaration. The amendments allow automobile sales in the Manufacturing District of the City.

Action Calendar – Public Hearing

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing - 5 speakers. M/S/C (Anderson/Moore) to close the public hearing.

Action: M/S/C (Maio/Moore) to refer Councilmember requests for removal of areas to staff for consideration and continue to December 18, 2007 for action.

Action Calendar – New Business

34. **Proposed General Assistance Budget Reductions in FY08** (*Held over from November 27, 2007*)
- a. From: City Manager**
Recommendation: Adopt a Resolution directing the City Manager to work closely with the Alameda County Social Services Agency to mitigate the negative consequences of General Assistance cuts to Berkeley residents.
Financial Implications: None
Contact: Renelda Mary, Housing, 981-5400
- b. From: Homeless Commission**
Recommendation: Adopt a Resolution opposing the County of Alameda's Social Service Agency's plan to limit General Assistance to six months of the year in this fiscal year for people the Agency determines are "employable".
Financial Implications: None
Contact: Jennifer Vasquez, Commission Secretary, 981-5400
- Action:** Moved to Consent:
- a. Adopted Resolution No. 63,925–N.S. (Absent – Capitelli) directing the City Manager to work closely with the Alameda County Social Services Agency to mitigate the negative consequences of General Assistance cuts to Berkeley residents.
- b. Adopted Resolution No. 63,926–N.S. (Absent – Capitelli) opposing the County of Alameda's Social Service Agency's plan to limit General Assistance to six months of the year in this fiscal year for people the Agency determines are "employable."
35. **Underground Policy for Rule 20A Monies** (*Held over from November 27, 2007*)
- From: Public Works Commission**
Contact: Jeff Egeberg, Secretary, Public Works Commission, 981-5400
- Action:** M/S/C (Spring/Worthington) accepted amendment and received and filed the report with direction to refer the scheduling of a workshop to the Agenda Committee and direction to staff to provide a report of street projects completed with Rule 20A funds only.
- Initial motion (Spring/Worthington) to accept and file the report, including the three criteria for approving street projects. Friendly amendment (Wozniak/Moore) to direct the City Manager to work with Public Works Commission to put together a presentation on undergrounding to be submitted to Council in March 2008.

Action Calendar – Council Items

36. Modification of Berkeley Municipal Code Section 13.77.055 - Ellis Implementation Ordinance

From Councilmembers Capitelli and Maio

Recommendation: Adopt the first reading of an Ordinance amending section 13.77.055 of the Berkeley Municipal Code (BMC) (Ellis Implementation Ordinance) to adjust the base amount of relocation payments to displaced tenants from \$4,500 per unit to \$8,700 per unit and that there be an additional rent differential of \$5,000 per unit for tenancies that began prior to January 1, 1999. The amount of \$2,500 for senior, disabled and low-income tenants would remain unchanged but households with minor children in residence would be added to the list of tenants eligible to receive this additional relocation assistance.

Financial Implications: None

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: Moved to Consent and adopted first reading of Ordinance No. 7,012–N.S. (Absent – Capitelli) Second reading scheduled for December 18, 2007.

37. Measuring Electromagnetic field (EMF) Levels

From: Councilmembers Spring and Maio, Anderson and Mayor Bates

Recommendation: Request the City Manager:

- 1) Immediately arrange for expert measurement of EMF, including RF radiation, levels at and around UC Storage and the French Hotel, and
- 2) Provide the Council data on the current radiation levels with places, dates and times of collection, and
- 3) Offer a schedule for subsequent testing and reports to Council, and
- 4) Refer to the City Manager possible revisions to the Wireless Telecommunications Ordinance (Chapter 23C.17 of the Berkeley Municipal Code).

Financial Implications: Unknown

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

Public Comments – 9

Action: M/S/C (Spring/Maio) to approve Councilmembers Spring, Maio, Anderson and Mayor Bates' recommendation to request the City Manager to:

- 1) Immediately arrange for expert measurement of EMF, including RF radiation, levels at and around UC Storage and the French Hotel.
- 2) Provide the Council data on the current radiation levels with places, dates and times of collection, and
- 3) Offer a schedule for subsequent testing and reports to Council and
- 4) Refer to the City Manager possible revisions to the Wireless Telecommunications Ordinance (Chapter 23C.17 of the Berkeley Municipal Code).
- 5) Added – City Manager to come back with a schedule for implementation.

Information Reports –

38. FY 2008 First Quarter Budget Update

From: City Manager

Contact: Tracy Vesely, Budget Manager, 981-7000

Action: Received and filed.

Information Reports

39. **Unrepresented Temporary Employees**
From: City Manager
Contact: David Hodgkins, Human Resources, 981-6800
Action: Received and filed.
40. **LPC NOD: 2611 Ashby Avenue**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.
41. **Watershed Resources Specialist**
From: City Manager
Contact: Claudette Ford, Public Works, 981-6300
Action: Received and filed.
42. **Status of Old Fire Station 7 (2931 Shasta Road)**
From City Manager
Contact: Debra Pryor, Fire, 981-3473
Action: Received and filed.

Public Comment – Including Items Not Listed on the Agenda - 2

Adjournment – 10:28 p.m.

Communications – 12/11/07

LBNL Shuttle Bus

1. Tom Kelly

East Bay Bus Rapid Transit Proposal

2. Robert Lauriston

Berkeley Community Facilities

3. Barbara Gilbert

Police Support

4. Sam Herbert

Pool Closure

5. Iain Boal

Contract for East Stockton Transfer Recycle for Construction & Demolition Waste Processing

6. Kent Lewandowski, Sierra Club Northern Alameda County Group

Supplemental Communications and Reports

Item 4: Ordinance Establishing Operating Standards for Alcohol Outlets and Fee Options

- Revised attachment, City Attorney

Item 30: Recommend Policies to Address Foreclosures and Subprime Lending - Endorsing House Resolution 1852

- Revised report, Councilmember Kriss Worthington, District 7

Item 31: Support for Prevention Through Affordable Access Act

- Revised report, Councilmember Kriss Worthington, District 7

Item 33: Zoning Ordinance, General Plan, and West Berkeley Plan Amendments and Revised Mitigated Negative Declaration to Allow Automobile Sales in the Manufacturing District

7. Unknown

Item 36: Modification of Berkeley Municipal Code Section 13.77.055 - Ellis Implementation Ordinance

- Revised attachment, Councilmember Laurie Capitelli, District 5

A 2020 Vision for Berkeley Education

8. Santiago Casal and Michael Miller

Homeowner and Bank Protection Act

9. Unknown