



**BERKELEY CITY COUNCIL AGENDA COMMITTEE
SPECIAL MEETING AGENDA
TUESDAY, NOVEMBER 13, 2007
2:30 P.M.**

6th Floor Conference Room, 2180 Milvia Street
Teleconference Location – 1636 Channing Way, Berkeley, CA
Committee Members:

Mayor Bates and Councilmembers Linda Maio and Gordon Wozniak

1. Roll Call
2. Public Comment – limited to items on this agenda only
3. Approval of Minutes: October 29, 2007
4. Review and Action of draft agendas for:
 - a. November 27, 2007 – 6:30 p.m. Joint Powers Financing Authority Special Annual Meeting
 - b. November 27, 2007 – 7:00 p.m. Regular City Council Meeting
5. Upcoming Council Items –
 - a. Schedule date for Condo Conversion Workshop – Recommended date – December 11, 2007
 - b. Possible rescheduling of the December 4, 2007 Regular meeting to December 11, 2007 in recognition of Chanukah
 - c. Schedule Council meeting date for Contract: East Stockton Transfer Recycle for Construction and Demolition Waste Processing
 - d. Schedule date for presentation: United in Action on the Subject of the Academic Achievement Gap
6. Land Use Calendar – accept and file
7. Adjournment – next meeting November 26, 2007

Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure Resolution No. 63,690-N.S., Article III, C3c - Agenda - Submission of Time Critical Items

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar. If the Agenda Committee finds that the matter does not meet the definition of Time Critical and the sponsor does not wish to hold the report for the next Council meeting, the City Clerk shall place the item on the Action Calendar under the Time Critical section.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

This is a meeting of the Berkeley City Council Agenda Committee. Since a quorum of the Berkeley City Council may actually be present to discuss matters with the Council Agenda Committee, this meeting is being noticed as a special meeting of the Berkeley City Council as well as a Council Agenda Committee meeting.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953, Teleconferencing. Any member of the public may attend this meeting at either the Council Chambers or at the teleconference location. Questions regarding this matter may be addressed to Pamyla Means, City Clerk, 981-6900.

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



I hereby certify that the agenda for this Special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 8, 2007.

A handwritten signature in black ink that reads "Pamyla Means". The signature is written in a cursive, flowing style.

Pamyla Means, MMC, City Clerk



**BERKELEY CITY COUNCIL AGENDA COMMITTEE
SPECIAL MEETING MINUTES
MONDAY, OCTOBER 29, 2007**

6th Floor Conference Room, 2180 Milvia Street
Teleconference Location – 1636 Channing Way, Berkeley, CA
Committee Members:

Mayor Bates and Councilmembers Linda Maio and Gordon Wozniak

1. Roll Call – Councilmembers Gordon Wozniak and Max Anderson, and Mayor Bates. Absent: Councilmember Maio.
2. Public Comment – limited to items on this agenda only - 0
3. M/S/C (Wozniak/Anderson) approved the October 15, 2007 Minutes
4. M/S/C (Anderson/Wozniak) approved agendas for November 6, 2007:
 - 5:00 p.m. – Adjourned Regular Meeting – Closed Session (added)
 - 6:00 p.m. – Special Meeting – Work Session on Condo Conversion
 - 7:00 p.m. – Regular meeting:
 - Item 9 (Gilman Street Sports Lights) – removed from agenda
 - Item 15 (Parking Guidance System) – removed from agenda
 - Item 20 (1365 Summit Road Appeal) – moved to Action/Appeals
 - Item 26 (1423 Walnut Street Appeal) – rescheduled to 11/27/07
 - Item 28 (Ballot Measures) – revised title/action
5. .Upcoming Council Items – no changes made
6. Land Use Calendar – accepted and filed
7. Adjournment – 2:43 p.m.

Pamyla Means, MMC, City Clerk

DRAFT AGENDA



BERKELEY JOINT POWERS FINANCING AUTHORITY MEETING TUESDAY, NOVEMBER 27, 2007

6:30 P.M.

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 WOZNIAK

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Preliminary Matters

Roll Call

Ceremonial Matters.

Public Comment on Consent Calendar Items Only

Consent Calendar

The Council will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion. Items removed from the Consent Calendar will be taken up after the "Action Calendar" unless the Council reorders the agenda.

Items that are removed from the Consent Calendar and deemed by the Mayor to be controversial in nature will be considered at the end of the agenda. The Mayor will call for public comments on items on the Consent Calendar. For each item, the Mayor will entertain one speaker in support and ask that persons in the audience who are also in support stand to be recognized. The Mayor will then entertain one speaker in opposition and follow the same process for the speaker in support. If the Mayor determines that there are several persons wishing to speak to the item, the item will be removed from the Consent Calendar and considered at the end of the agenda.

1. Leases for City-Owned Property Purchased with Lease Revenue Bonds From: City Manager

Recommendation: Adopt a Resolution authorizing the City of Berkeley to lease two parcels to be created at 711 Harrison Street to Building Opportunities for Self Sufficiency (BOSS) for the purpose of securing State financing to rehabilitate and construction homeless transitional housing.

Financial Implications: See report

Contact: Renelda Mary, Housing, 981-5400

Public Comment – Items Not Listed on the Agenda

Adjournment

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## DRAFT AGENDA



## BERKELEY CITY COUNCIL MEETING

TUESDAY, NOVEMBER 27, 2007

7:00 P.M.

**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

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**Preliminary Matters****Roll Call**

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

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion*

**Public Comment:** Consent Calendar Items Only

## Consent Calendar

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*Items that are removed from the Consent Calendar and deemed by the Mayor to be controversial in nature will be considered at the end of the agenda. The Mayor will call for public comments on items on the Consent Calendar. For each item, the Mayor will entertain one speaker in support and ask that persons in the audience who are also in support stand to be recognized. The Mayor will then entertain one speaker in opposition and follow the same process for the speaker in support. If the Mayor determines that there are several persons wishing to speak to the item, the item will be removed from the Consent Calendar and considered at the end of the agenda.*

1. **Check for 2<sup>nd</sup> Reading of Ordinances. Add them here.**
2. **Downtown Berkeley Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the 2008 Annual Report of the Downtown Berkeley Business Improvement District (BID); declaring Council's intention to levy an annual assessment for the Downtown Berkeley Business Improvement District for calendar year 2008; and directing the City Clerk to schedule a public hearing for December 18, 2007, to consider levying a renewed assessment for the year 2008.  
**Financial Implications:** Downtown BID Fund - \$250,000  
Contact: Michael Caplan, Economic Development, 981-7530
3. **Solano Avenue Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the 2007 Annual Report of the Solano Avenue Business Improvement District (BID); declaring Council's intention to levy an annual assessment for the Solano Avenue BID for calendar year 2008; and directing the City Clerk to schedule a public hearing for December 18, 2007, to consider levying a renewed assessment for the year 2008.  
**Financial Implications:** Solano Avenue BID Fund - \$35,000  
Contact: Michael Caplan, Economic Development, 981-7530
4. **Adoption of Ordinance for PEG Support**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance adding a new chapter to the Berkeley Municipal Code ("BMC"), Chapter 9.58 entitled "Video Franchise Fees, Customer Service and Other Video Related Matters" to enable the City to receive an additional fee equal to one percent (1%) of the gross revenue of a video franchisee to support PEG and to establish customer service standards.  
**Financial Implications:** See report  
Contact: Manuela Albuquerque, City Attorney, 981-6950

## Consent Calendar

5. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Placeholder for November 6th minutes  
Contact: Pamyla Means, City Clerk, 981-6900
  
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
  
7. **Safety Members' Pension Fund Annual Reports for FY 2007**  
**From: City Manager**  
**Recommendation:** Accept the Safety Members Pension Fund (SMPF) annual reports for fiscal year ended June 30, 2007.  
**Financial Implications:** None  
Contact: Robert Hicks, Finance, 981-7300
  
8. **Housing Retention Program Fiscal Agent Contract**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the contract amount for Berkeley Food and Housing Project (BFHP) by \$166,123 to provide fiscal agent services to the City's Housing Retention Program, formerly the Homeless Prevention Grants Program. BFHP currently has an agreement with the City, Contract No. 7282, in the amount of \$597,400. This action would increase the annual contract to a total amount not to exceed \$763,523. The Housing Retention Program will provide eligible Berkeley residents with grant assistance to pay overdue rent in order to retain permanent housing. Of this \$166,123, \$16,123 will cover the costs associated with BFHP providing fiscal services and \$150,000 will be passed through as grants to Berkeley residents to enable them to retain permanent housing.  
**Financial Implications:** See report  
Contact: Renelda Mary, Housing, 981-5400
  
9. **Lease Agreement: Property at 711 Harrison Street**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance 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

## Consent Calendar

- 10. Recognition of Service Employees International Union Local 1021**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union (SEIU) to recognize SEIU Local 1021 as the sole and exclusive representative for employees assigned to Representation Units currently represented by SEIU Local 790, Local 535, and the Part-Time Recreation Leaders Association/SEIU Local 535.  
**Financial Implications:** None  
Contact: David Hodgkins, Human Resources, 981-6800
- 11. Agreement: Build It Green**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source agreement with Build It Green for the period September 15, 2007 through September 14, 2009 in the amount of \$50,040 for development of a solar energy program.  
**Financial Implications: See report**  
Contact: Dan Marks, Planning and Development, 981-7400
- 12. Contract No. 6977 Amendment: Chrisp Company for Thermoplastic Roadway Markings**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 6977 with Chrisp Company for installation of thermoplastic roadway markings, increasing the contract amount by \$125,000 for a total not exceed amount of \$1,325,000.  
**Financial Implications:** Capital Improvement Fund - \$125,000  
Contact: Claudette Ford, Public Works, 981-6300
- 13. Contract: Kappe + Du Architects for On-Call Architectural Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Kappe + Du Architects in an amount not to exceed \$100,000 to provide on-call architectural services for various City facility projects for a period of 42 months from December 1, 2007 through June 30, 2011.  
**Financial Implications: See report**  
Contact: Claudette Ford, Public Works, 981-6300

## Consent Calendar

- 14. Easement Agreement: 1310 University Avenue - Berkeley Montessori School Providing Public Access**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution 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
- 15. Designation of New FEMA Pre-Disaster Mitigation Grant Authorized Agents**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution designating the Public Works Director, Deputy City Manager, and Budget Manager as authorized agents for the FEMA Pre-Disaster Mitigation Grant for the Ratcliff Building Seismic Retrofit project.  
**Financial Implications:** See report  
Contact: Claudette Ford, Public Works, 981-6300
- 16. Contract: Noll & Tam Architects for On-Call Architectural Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Noll & Tam Architects in an amount not to exceed \$100,000 to provide on-call architectural services for various City facility projects for a period of 42 months from December 1, 2007 through June 30, 2011.  
**Financial Implications:** See report  
Contact: Claudette Ford, Public Works, 981-6300
- 17. Proposed General Assistance Budget Reductions in FY08**  
**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

## Council Consent Items

- 18. Support Proposition 92, The Community College Initiative**  
**From: Councilmember Worthington**  
**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

## Consent Calendar

- 19. Urging The State Department Of Pesticide Regulation To Refuse Approval Of Methyl Iodine For Use In California**  
**From: Councilmember Worthington**  
**Recommendation:** Send a letter to the state Department of Pesticide Regulation urging them to refuse approval of methyl iodine use in California.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 20. Opposing the Lockout of Workers at Metro Lighting**  
**From: Councilmember Worthington**  
**Recommendation:** Express opposition to the lockout of workers at Metro Lighting in Berkeley  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 21. Support Of Increased Internet Access And Protections For Workers And Consumers**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt the attached Resolutions establishing City policy that all employees who enter homes for utility work must be employees of a utility franchise holder; establishing a city policy establishing standards for users of the public right of way and requiring that they must be employees of a franchise holder; and endorsing the Speed Matters initiative.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 22. Opposing Land Lease Near The Teshekpuk Lake In The National Petroleum Reserve In Alaska**  
**From: Councilmember Worthington**  
**Recommendation:** Send a letter to the U.S. Department of the Interior opposing the leasing of any land north and east of the Teshekpuk Lake in the National Petroleum Reserve in Alaska.  
**Financial Implications: None**  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

## Action Calendar - Public Hearings

- 23. ZAB Appeal: 1365 Summit Avenue**  
**From: City Manager**  
**Recommendation: placeholder**  
Contact: Dan Marks, Planning and Development, 981-7400

## Action Calendar – Old Business

### 24. Tract Map Appeal: 1423 Walnut Street

**From: City Manager**

**Recommendation:** Conduct a public hearing and adopt a resolution affirming the Notice of Decision (NOD) for converting five (5) units at 1423 Walnut to condominiums. The 50-day action period expired on July 6, 2007 without action by the Planning Commission as required by State law and the applicant declined the Planning Department's request for an extension of the time period. Therefore, this five-unit residential condominium conversion project was approved, with conditions, by operation of law on July 6, 2007.

**Financial Implications:** See report

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

### 25. Adoption of Berkeley Building Codes

**From: City Manager**

**Recommendation:** Conduct a public hearing, and, upon conclusion,  
1. Adopt the second reading of an ordinance repealing and re-enacting the Berkeley Building, Electrical, Mechanical and Plumbing Codes and related procedural and stricter provisions in BMC Chapters 19.28, 19.30, 19.32 and 19.36;  
2. Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent regulations than those provided by the 2007 California Building Code and rescinding Resolution No. 60,862-N.S.

**Financial Implications:** See report

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

### 26. Adoption of the 2007 California Fire Code with Local Amendments

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution reenacting BMC Chapter 19.48 and related procedural and stricter provisions to take effect on January 1, 2008.

**Financial Implications:** See report

Contact: Debra Pryor, Fire, 981-3473

### 27. Ambulance User Fee Increase

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution increasing the Ambulance User Fee to match the Alameda County's ambulance user fee schedule set and approved by the Alameda County Board of Supervisors effective October 1, 2007, included as an updated addendum to the Ambulance Provider Agreement.

**Financial Implications:** See report

Contact: Debra Pryor, Fire, 981-3473

## Action Calendar - New Business

### 28. Public Commons for Everyone Initiative

#### a. From: City Manager

**Recommendation:** Council to approve the following plan to improve Berkeley's public areas to make them safer and healthier environments for everyone:

- 1) Direct City Manager to raise parking meter fees \$.25/hour to support services and capital improvements.
- 2) Contingent upon funding approval, direct City Manager to implement services and capital improvements that include: increasing accessibility to public toilets; providing for additional permanent supportive housing, transitional age youth programs, SSI benefits advocacy, an additional outreach worker, and centralized homeless intake system; developing a Berkeley Host Program; providing additional public seating and trash receptacles; and investigating future development of a community court.
- 3) Discussion and possible adoption which would include first reading of ordinances and amendment to a resolution as follows:
  - a. Amend BMC 13.36.015 to extend restriction on lying on certain commercial sidewalks during daytime hours to all commercial zones; and
  - b. Amend BMC 12.70 to ban smoking in various locations in the City, including sections of commercial zones, recreation areas, and near health facilities; and
  - c. Amend Resolution 61,042 to require one warning and no complaint to enforce public lodging provision of Penal Code 647j, with enforcement to remain a low priority between 10:00 p.m. and 6:00 a.m.

**Financial Implications:** See report

Contact: Phil Kamlarz, City Manager, 981-7000

#### b. From: Homeless Commission

**Recommendation:** The Homeless Commission recommends that the Mayor and City Council support the City Manager's proposal to further research and develop the social services component of PCEI's implementation strategy and to formally require that the Homeless Commission be involved in the ongoing PCEI discussion and review potential funding that may be recommended to expand homeless services programs.

**Financial Implications:** See report

Contact: Jennifer Vasquez, Commission Secretary, 981-5400

#### c. From: Peace and Justice Commission (Information Report)

Contact: Manuel Hector, Commission Secretary, 981-5100

## **Information Reports**

- 29. Parcel-Based Special Taxes, Fees and Assessments Audit -- Status Report**  
**From: City Manager**  
Contact: Robert Hicks, Finance, 981-7300
  
- 30. Audit: Residential Rental Inspection Program**  
**From: City Manager**  
Contact: Renelda Mary, Housing, 981-5400
  
- 31. Underground Policy for Rule 20A Monies**  
**From: Public Works Commission**  
Contact: Jeff Egeberg, Secretary, Public Works Commission, 981-5400

## **Public Comment – Items Not Listed on the Agenda**

## Adjournment

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Kriss Worthington

Councilmember, City of Berkeley, District 7

2180 Milvia Street, 5th Floor, Berkeley, CA 94704

PHONE 510-981-7170 FAX 510-981-7177 kworthington@ci.berkeley.ca.us

CONSENT CALENDAR

November 27, 2007

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Support Proposition 92, The Community College Initiative

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.

BACKGROUND:

Currently 2.5 million Californians attend community colleges. These students come from diverse gender, racial and socio-economic backgrounds. A substantial portion (60%) of these students are women. There are also a significant number of Latinos, African Americans and Asian Americans who are enrolled in community colleges.

Investing in community colleges not only ensures that these students have a chance for a decent living but it also is a good investment of public dollars. Community college students who earned a vocational degree or certificate saw their wages jump from \$ 25,600 to \$ 47,571 three years after earning their degree. Studies also show that for every dollar spend increasing the number of students attending any college and completing degrees, the state gets three dollars in return on that investment. However, the return on the state's investment in community colleges is dramatically better than that of the UC or CSU systems. Additionally, many CSU and UC graduates transfer from community colleges.

While community colleges provide an important service to the state, in recent years they have received inadequate funding. This is mainly due to the funding formula that is used. Currently community college funding is based on K-12 enrollment. However, these enrollments have been declining while the demand for community colleges has increased and will continue to increase over the next five years. Due to this formula, it is anticipated that 60% of all students who want to attend a community college will be shut out. Also previous budget crises led to cuts to community colleges resulting in significant fee increases and pricing many students out of a college education.

It is important that the state have a dedicated funding source for community colleges to ensure that fees will not be increased and to provide minimum funding for community college growth. Proposition 92 on the February 5, 2008 ballot will ensure this while not raising taxes or hurting funding for K-12 education.

FINANCIAL IMPLICATIONS:

None

CONTACT PERSON:

Councilmember Kriss Worthington, 981-7170.



Kriss Worthington

Councilmember, City of Berkeley, District 7
 2180 Milvia Street, 5th Floor, Berkeley, CA 94704
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CONSENT CALENDAR

November 27, 2007

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Urging The State Department Of Pesticide Regulation To Refuse Approval Of Methyl Iodine For Use In California

RECOMMENDATION:

Send a letter to the state Department of Pesticide Regulation urging them to refuse approval of methyl iodine use in California.

BACKGROUND:

Methyl iodine, also known as iodomethane, is an alternative to the commonly used fumigant methyl bromide, which has been banned under an international treaty. Like methyl bromide, the pesticide kills off weeds and soil pest before planting various crops.

Recently the United States Environmental Protection Agency (EPA) approved the use of methyl iodine for a one-year use. This decision goes against the objections of 52 scientists, including five Nobel Laureates in chemistry who warned the EPA of the dangers associated with the pesticide. They suggested that pregnant women, children, the elderly, farm workers and other people living near areas where the chemical is applied would be at serious risk of cancer and other health effects if the use of methyl iodine were approved.

The EPA approved the conditional use of the chemical based on four years of risk assessments that concluded that methyl iodine meets the health and safety standards for registering pesticides. The manufacturer of methyl iodine, Arysta has spent eight years and more than \$ 11 million dollars collecting information to persuade the EPA to register the chemical as a pesticide.

The California Department of Pesticide Regulation has previously listed methyl iodine as a carcinogen and had expressed objections to its approval. Now the Department will conduct its own review of the pesticide and make a determination about whether it could be used in California.

Because of the serious health effects on people who work in the fields, live near agricultural sites and also to consumers several publications including the *Sacramento Bee* have urged that EPA and the state not to approve the use of methyl iodine.

California is one of the largest users of fumigant pesticides and it is important that the City of Berkeley join other organizations in urging the state Department of Pesticide Regulation to refuse approval of methyl iodine making California an example and protecting the public and the environment from the toxic effects of this chemical.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

Councilmember Kriss Worthington, 981-7170.

Attachments:

1. Proposed letter

November 28, 2007

Mary Ann-Warmerdam
Director, Department of Pesticide Regulation
State of California
1001 I Street, P.O. Box 4015
Sacramento, CA 95812-4015

Dear Ms. Warmerdam,

At its regular meeting on November 6, 2007, the Berkeley City Council voted to send a letter urging your Department to refuse approval of methyl iodine in the State of California.

The City of Berkeley in the past has supported practices that minimize the negative effect on our environment, promote safe working conditions and a healthy food supply. However, methyl iodine has been shown to cause cancer and other serious health effects to farm workers, people who live near agricultural sites and to consumers.

Recently the United States Environmental Protection Agency (EPA) approved the use of methyl iodine for a one-year use. This decision goes against the objections of 52 scientists, including five Nobel Lauretes in chemistry who warned the EPA about the dangers associated with the pesticide. The EPA approved the conditional use of the chemical based on four years of risk assessments that concluded that methyl iodine meets the health and safety standards for registering pesticides. Nevertheless, the manufacturer of methyl iodine, Arysta has spent eight years and more than \$ 11 million dollars collecting information to persuade the EPA to register the chemical as a pesticide.

In a February 2006 letter submitted to the EPA, your department expressed serious reservations about the chemicals high toxicity and potential harm to workers as well as nearby residents. Your department also lists methyl iodine as a carcinogen.

The City of Berkeley hopes that you will continue to express the same concerns and refuse approval of the chemical. California is the nation's largest agricultural state and one of the largest users of fumigant pesticides. It is important that the state set an example by refusing use of this chemical and protect farm workers, children, and consumers from the dangerous effects of this toxic and mutagenic pesticide.

Sincerely,



Kriss Worthington

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CONSENT CALENDAR

November 27, 2007

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Opposing the Lockout of Workers at Metro Lighting

RECOMMENDATION:

Express opposition to the lockout of workers at Metro Lighting in Berkeley.

BACKGROUND:

While Metro Lighting claims that it is “socially and environmentally correct”, it has at the same time been engaging in unfair labor practices. Over the past five months employees at Metro Lighting have been taking collective action with the International Workers of the World (IWW) to improve their working conditions. Employees are fighting for a sustainable wage for all workers, safe working conditions and an end to age discrimination, which resulted in thousands of dollars of lost wages to one worker in his 60s.

In response to these efforts the company has refused to negotiate with employees over their demands and has actively tried to stop their organizing efforts. They have not only hired union-busting attorneys, they have also harassed employees, and changed working conditions requiring different hours and taking away health care benefits. They have also been exposed an unsafe environment and when a union employee complained about a leak of caustic alkaline they were fired.

Despite these actions, the employees continued to organize until they were unfairly locked out on August 9th. Since then the IWW along with other workers have been on strike protesting these unsafe and anti-union activities and demanding that they receive fair benefits and working conditions. While Metro Lighting has claimed that they have been closed due to a “family emergency”, the business has been open, taking appointments and doing business using non-union labor.

The City of Berkeley in the past has supported the right of workers to organize and bargain for better wages and conditions. Therefore, it is important that the City oppose the reprehensible actions of Metro Lighting and support the employees in their strike for better wages and working conditions.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

Councilmember Kriss Worthington, 981-7170.



Kriss Worthington
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CONSENT CALENDAR

November 27, 2007

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Support Of Increased Internet Access And Protections For Workers And Consumers

RECOMMENDATION:

Adopt the attached Resolutions establishing City policy that all employees who enter homes for utility work must be employees of a utility franchise holder; establishing a city policy establishing standards for users of the public right of way and requiring that they must be employees of a franchise holder; and endorsing the Speed Matters initiative.

BACKGROUND:

The United States has fallen from first in Internet access to 16th in the World. Internet access is key to education, communications, health care, and economic growth. The proposed Resolutions address the expansion of Internet access and advocate for protections for workers and consumers during such expansion.

FINANCIAL IMPLICATIONS:

None

CONTACT PERSON:

Councilmember Kriss Worthington, 981-7170.

Attachments:

1-3. Proposed resolutions

RESOLUTION NO. ##,###-N.S. (1)

ESTABLISHING A CITY OF BERKELEY POLICY TO REQUIRE THAT ALL
EMPLOYEES WHO ENTER HOMES FOR UTILITY WORK MUST BE EMPLOYEES
OF A UTILITY FRANCHISE HOLDER

WHEREAS, the safety of its residents is the preeminent concern of city government; and

WHEREAS, every resident of the City of Berkeley has the right to be safe and secure in their own homes; and

WHEREAS, some utility franchise holders delegate to third parties the responsibility to hire and administer employees, and this causes residents to unknowingly admit to their homes persons who may be unknown to the franchise holder and pose a danger to members of the household.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that all employees who enter homes in our city must be employees of the utility franchise holder, and that all such franchise holders be accountable for the conduct of their employees; and

BE IT FURTHER RESOLVED, that the City of Berkeley supports pending State of California legislation that contains these provisions to that it knows which business entity will be accountable for employee conduct at the homes of residents in our city.

RESOLUTION NO. ##,###-N.S. (2)

ESTABLISHING STANDARDS FOR USERS OF THE PUBLIC RIGHT OF WAY AND
REQUIRING THAT ALL USERS MUST BE EMPLOYEES OF A FRANCHISE HOLDER

WHEREAS, the City of Berkeley, by law, retains control of the public right of way including streets and all public lands; and

WHEREAS, the City is responsible for ensuring the safety of its residents and the responsible use of the public right of way.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that use of the public right of way, whether for video, telephone or any other use shall be limited in the following ways: all users of the public right of way must have the property training and skills and possess the proper attributes, to insure public safety and to comport with responsible public policy; "proper attributes" is defined as adequate compensation to ensure skills and training, and responsible customer service; and

BE IT FURTHER RESOLVED, that in order to effectuate this resolution, all users of the right of way must be employees of the franchise holder in order that the City of Berkeley can assure proper usage and can know which business entity will be accountable for the proper use of the right of way.

RESOLUTION NO. ##,###-N.S. (3)

RESOLUTION ENDORSING SPEED MATTERS INITIATIVE

WHEREAS, high speed Internet is absolutely necessary to fuel our local, state and national economic; to promote education and integrated learning; to facilitate independent living for residents who are disabled, ill, or have restricted mobility, and to fully engage in e-government, civic participation, and public safety; and,

WHEREAS, the U.S. economy currently ranks below most European and developed Asian countries in the speed and accessibility of broadband communications infrastructure and therefore has a lot of ground to cover to remain competitive with other economies that have already developed policies that will facilitate job growth, business advancement, and individual achievement through access to information and markets, and

WHEREAS, the City of Berkeley must act now to implement policies that will guarantee every resident, and every child, access to all of the promises of the information age.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby endorses the five key principles of the Speed Matters Initiative:

1. Speed and universality matter for Internet access.

High tech innovation, job growth, telemedicine, distance learning, rural development, public safety and e-government requires truly high speed universal networks so that no resident or child is left offline.

2. The U.S. "High Speed" definition is too slow.

The FCC defines "high speed" as 200 kilobits per second downstream. Government policies should immediately set "high speed" definition at 2 megabits per second downstream, 1 upstream.

3. A national high speed Internet for all policy is critical.

The City of Berkeley must adopt policies for universal access and set deployment timetables: 10 mbps down, 1 mbps up by 2010, with new benchmarks set for succeeding years.

4. The U.S. must preserve an open Internet.

High speed, high capacity networks will eliminate bandwidth scarcity and will promote an open Internet. Out residents are entitled to an open Internet allowing them to go where they want when they want. Nothing should be done to degrade or block access to any websites. Reserving proprietary video bandwidth is essential to finance the build-out of high-speed networks.

5. Consumer and Worker protections must be safeguarded.

Public policies must support the growth of stable, skill career employment in the broadband industry as a key to maintaining quality service. Our cities and our government must require public reporting of deployment, actual speed, and price of broadband services so that users are enabled to utilize high-speed networks as they think best.



Kriss Worthington

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CONSENT CALENDAR

November 27, 2007

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Opposing Land Lease Near The Teshekpuk Lake In The National Petroleum Reserve In Alaska

RECOMMENDATION:

Send a letter to the U.S. Department of the Interior opposing the leasing of any land north and east of the Teshekpuk Lake in the National Petroleum Reserve in Alaska.

BACKGROUND:

Currently, eighty seven percent of the northeastern portion of the Western Arctic Reserve is already open to leasing and more than 1.3 million acres of it are already being actively explored.

Nevertheless, two years ago, the Bush administration announced its plans to lease every last acre of the fragile Teshekpuk Lake area defying more than 200,000 citizen comments, warnings from biologists and objections from Alaskan natives who live on the North Slope.

The Teshekpuk Lake area is an extraordinary wildlife habitat. Allowing for oil and gas drilling will disturb tens of thousands of vulnerable molting geese, caribou and other species. It will also adversely affect several native Alaskan communities on the North Slope who depend on the caribou and other fish and wildlife at Teshekpuk Lake for their survival.

While other portions of the Western Arctic Reserve have been opened up for drilling, the area around Teshekpuk Lake has been protected because of its extraordinary important to wildlife. Numerous Secretaries of Interior have recognized the impacts that exploration would have on this sensitive habitat and have prohibited oil and gas leasing in this area.

Nevertheless, the Bush administration has been pushing for the leasing of this area to oil companies. In response to these efforts the National Resource Defense Council (NRDC) went to court and won a temporary injunction stopping any leasing of land in the area. In the wake of this decision, the Department of the Interior has conducted additional review of the environmental impacts of oil and gas development and has decided to move forward with its plans. However, the administration is required to seek public comment on the proposal.

It is important that the City of Berkeley join NRDC and other organizations in urging the federal government to protect this rare and important wildlife habitat and stop the destruction of our environment for oil profits.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

Councilmember Kriss Worthington, 981-7170.

Attachments:

1. Proposed letter



Homeless Commission

4b.28b

ACTION CALENDAR

November 27, 2007

To: Honorable Mayor and
Members of the City Council

From: Homeless Commission

Submitted by: Jennifer Vasquez, Secretary, Homeless Commission

Subject: Homeless Commission Input on Public Commons for Everyone Initiative
(PCEI)

RECOMMENDATION

The Homeless Commission recommends that the Mayor and City Council support the City Manager's proposal to further research and develop the social services component of PCEI's implementation strategy and to formally require that the Homeless Commission be involved in the ongoing PCEI discussion and review potential funding that may be recommended to expand homeless services programs.

FISCAL IMPACTS OF RECOMMENDATION

Staff time to develop social services component.

CURRENT SITUATION AND ITS EFFECTS

City Manager's Office staff presented information and sought Commissioner input at both the September 19, 2007 and the October 10, 2007 Homeless Commission meetings. At these meetings, the below proposals were discussed:

- 1) Increase parking meter rates,
- 2) Increase access and signage to bathrooms,
- 3) Change enforcement provisions,
 - a. Revise language to BMC 13.36.015 to cover all commercial zones and remove warning requirement,
 - b. Rescind Section 2 of Resolution 61,042 to allow for enforcement after one warning,
 - c. Adopt a local ordinance prohibiting public urination and defecation
 - d. Increase area of smoking ban,
- 4) Develop a social service component to include:
 - a. Creation of new permanent supportive housing,
 - b. Expansion of YEAH! Winter Shelter,
 - c. Reinstatement of funding for Quarter Meal program,
 - d. Creation of a Peer Outreach Program,

The Homeless Commission believes that increased access to public restrooms is critical before any enforcement for public urination or defecation is considered and that the social service component needs to be further developed prior to their consideration of proposed changes to any enforcement provisions.

BACKGROUND

On March 13, 2007, the Mayor and Council directed the City Manager to develop a comprehensive package of recommendations to implement the PCEI and return to Council on May 8, 2007. Included in the Council action, was a directive to seek input from the Homeless, Mental Health, and Human Welfare and Community Action Commissions.

On May 8, 2007 the Homeless Commission, Mental Health Commission and the Human Action and Welfare Commission submitted a report to the Mayor and Council recommending the Mayor and Council direct staff to provide additional information in order for the Commissions to properly advise the Mayor and Council, allocate more money to a variety of needed services, consult with the Commissions throughout the development of staff recommendations for implementation, hold a joint meeting with the Homeless Commission, the Mental Health Commission, and the Human Welfare and Community Action Commission to discuss the PCEI and staff workplan, seek input and receive proposals from those most effected, and find a humane and positive way to promote health, safety, and accessibility throughout Berkeley while protecting human rights.

On June 12, 2007, the Mayor and Council directed the City Manager to further develop a set of recommendations to implement PCEI and return to Council on November 20, 2007. The City Manager was further directed to seek input from numerous commissions including the Homeless Commission.

RATIONALE FOR RECOMMENDATION

The Homeless Commission supports the development of a proposal to fund social services programs to address the housing and social services needs of individuals identified through PCEI. The Homeless Commission has prioritized permanent supportive housing programs and programs that serve transition age youth in its evaluation of homeless services programs during the City's biannual Request for Proposal process. Therefore, the Homeless Commission supports, in concept, the City Manager's efforts to further develop the above proposals. However, the proposals are still insufficiently developed for the Homeless Commission to meaningfully comment on them at this time. Moreover, the Commission cannot support the enforcement aspects of the Initiative without the opportunity to review them in the context of a fully developed plan that includes new housing and social services opportunities.

Every two years, the Homeless Commission reviews proposals from agencies that serve Berkeley's homeless population through the City's Request for Proposal process

and provides funding recommendations to Council in excess of two million dollars. For the past few years, the Homeless Commission has utilized its evaluations criteria to evaluate and score applications based on agency programs, outcomes, capacity and alignment to local, county and national strategies and goals. The Homeless Commission believes it is knowledgeable about Berkeley's homeless services programs and about local, county and national strategies to end homelessness. As such, the Homeless Commission believes it should continue to play a role in the discussion regarding increased social services and any potential funding allocation to homeless service providers.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

See companion report.

CONTACT PERSON

Jennifer Vasquez, Secretary to the Homeless Commission, Housing Department,
981.5431



Peace and Justice Commission

INFORMATION CALENDAR

November 27, 2007

To: Honorable Mayor and
Members of the City Council

From: Peace and Justice Commission

Submitted by: Steve Freedkin, Chairperson

Subject: Public Commons for Everyone Initiative

INTRODUCTION

This report is in response to City Council's request for feedback on the Public Commons for Everyone Initiative (PCEI). The Peace & Justice Commission finds that there are adequate laws on the books to address true threats to public health and safety, and opposes the passing of the Public Commons for Everyone Initiative and other efforts as selective enforcement which serve to penalize poverty.

CURRENT SITUATION AND ITS EFFECT

The PCEI seeks to develop policies and services that would improve the quality of life for all residents and visitors in the public commons areas of Berkeley through a law enforcement effort. The Commission believes that approval of the PCEI would have detrimental impacts by further disenfranchising homeless and mentally ill individuals.

BACKGROUND

On June 12, 2007, Council directed the City Manager to solicit feedback and proposals from certain commissions and key stakeholders on the proposed PCEI for consideration by the Council.

At the meeting of October 1, 2007, the Peace & Justice Commission approved the following motion:

M/S/C (*Cohen/Wagley*) that the Peace & Justice Commission finds that there are adequate laws on the books to address true threats to public health and safety, and opposes the passing of the Public Commons for Everyone Initiative and other efforts as selective enforcement which serve to penalize poverty. **Ayes:** Bohn, Cohen, Freedkin, Kafin, McDonald, Meola, sorgen, Wagley; **Noes:** None; **Abstain:** Sherman, Seaton; **Absent:** Litman, Winkelman.

Commissioners Sherman and Seaton abstained because they felt the Initiative is a work-in-progress and important to hear comments from others before taking any action.

CONTACT PERSON

Steve Freedkin, Chairperson, Peace and Justice Commission, (510) 595-4626

Diana Bohn, Peace and Justice Commission, (510) 525-5497

Manuel Hector Jr., Secretary, Peace and Justice Commission, (510) 981-5110



Public Works Commission

INFORMATION CALENDAR

November 27, 2007

To: Honorable Mayor and Members of the City Council
 From: Public Works Commission
 Submitted by: Jeffrey L. Egeberg, Secretary, Public Works Commission
 Subject: Underground Policy for Rule 20A Monies

INTRODUCTION

On December 19, 2000, Council requested that the Public Works Commission (PWC) establish priority streets for incoming 20A monies and that these priorities include major arterial streets that are to be used as evacuation routes in case of disaster. The PWC was further requested to return with specific procedures in place for implementing the priority streets. Lastly, it established that there shall be a moratorium on creating new 20A Districts until these priorities and procedures have been established.

CURRENT SITUATION AND ITS EFFECTS

There are three Rule 20A districts that have been previously established and are yet to be constructed. These districts are using committed Rule 20A allocations through 2011. At that time, Rule 20A funds should become available for new districts to be formed. However, the City needs to start making preparations well ahead of time, since it takes several years to achieve the necessary coordination and engineering for undergrounding projects.

BACKGROUND

A total of nine Rule 20A undergrounding districts were formed in the early 1990's, and six of those have been completed. Three remain to be completed in the near future. However, it should be noted that none of those involve designated major arterials.

POSSIBLE FUTURE ACTION

The following statement was adopted at the PWC's meeting on October 4, 2007 by a vote of 9-0-0.

Rule 20A funds for undergrounding utility wires are raised from utility fees, which in turn are public funds. Moreover, they are extremely limited and meet only a fraction of the streets we might want to "underground." The policy for distributing these funds and its implementation should, accordingly, maximize the benefit to the public.

For the foreseeable future, streets shall be selected on the basis of meeting all three of the criteria that best reflect widespread and significant public use. These are:

1. Designation by the General Plan as a major arterial route;
2. Designation by the General Plan as an emergency access and evacuation route;
3. High traffic volume.

After all major arterial routes have been completed, collector routes meeting the other two criteria would become eligible. The criterion of vehicular use needs to depend on current traffic evaluation, prioritizing those streets most used over a significant percentage of their length.

Planning shall be for a 5-year period within which we would maximize coordination with other street projects. The Public Works Department shall report to the PWC their draft of the 5-year plan, indicating how the designated streets meet all 3 criteria. The Department shall reevaluate that plan each year and report to PWC, with a clear explanation and justification of any changes, and shall extend the plan one year out, again indicating how the new streets meet the criteria. PWC after noticing (including noticing all property owners on eligible streets) and holding a public hearing, shall consider and recommend to Council the streets to be included in each 5-year plan.

The convergence of these three criteria ensures that this policy confers a public good broadly. Therefore, 20A funds shall cover the cost of the entire project, both the publicly owned and privately owned portions.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no fiscal impacts to the City since these funds are allocated from ratepayer revenue of the utility companies. There are other costs that are assessed to the district participants, but these already exist and are unaffected by this approach.

CONTACT PERSON

Jeffrey L. Egeberg, Manager of Engineering, Public Works Department, 981-6400

**CITY CLERK'S DEPARTMENT
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE
CITY COUNCIL**

Address	Board/ Commission	Appeal Period Ends	Council Date for Determination on Appeal Submitted	*(1) Appeals submitted - date listed is placeholder for possible public hearing. (2) Public Hearings Scheduled are dates for a public hearing as directed by the City Council.	Meeting Management - Estimated Time Needed	Notification (1) Appeal Receipt Letter (2) Public Hearing Scheduled Letter
NOD – Notices of Decision						
2611 Ashby Ave.	LPC	12/4/2007				
Appeals Submitted (1)						
2526 Durant Avenue (2 appeals)	ZAB	11/22/2007	1/29 ?	2/26 ?		
2129 Rose St.	ZAB	10/18/2007	1/15/2008	2/26/2008		10/22/2007
Public Hearings Scheduled (2)						
1365 Summit Road	ZAB	7/31/2007	10/23 cont'd 11/6	11/27/2007		Sent 8/8/07
1423 Walnut Street	PC	8/17/2007	N/A	11/27/07- Rescheduled per appellant's request to 11/27/07		11/6 notice sent 9/20/07 11/27 notice will be sent 11/9/07
161 Panoramic Way	ZAB	3/29/2007	6/26/2007	7/17/2007; cont'd 9/11/07; 9/11/07 cont'd to 11/6/07 cont'd to 1/29/08	3 hours	Sent 4/19/07

*(1) Dates are listed under placeholder for potential public hearings are simply "placeholders" for the management of Council meetings in the event that following the initial review of the appeal, Council directs that a hearing be scheduled. This in no way infers that a hearing will in fact be set.

Last updated
11/05/07 cc:
Allison

