





Office of the City Manager

CONSENT CALENDAR  
April 22, 2008

To:  Honorable Mayor and Members of the City Council  
From:  Phil Kamlarz, City Manager  
Submitted by: Deanna Despain, Deputy City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of March 3, 2008 (special), March 11, 2008 (regular), March 17, 2008 (special), March 25, 2008 (special and regular), March 31, 2008 (special closed).

CONTACT PERSON

Deanna Despain, Deputy City Clerk, 981-6900

Attachments:

1. March 03, 2008 – Special City Council Meeting
2. March 11, 2008 – Regular City Council Meeting
3. March 17, 2008 – Special City Council Meeting
4. March 25, 2008 – Special City Council Meeting
5. March 25, 2008 – Regular City Council Meeting
6. March 31, 2008 – Special Closed City Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL SPECIAL MEETING**  
**MONDAY, MARCH 3, 2008**  
**5:00 P.M.**

2180 Milvia Street, 1st Floor, Cypress Room  
Teleconference Locations: 1636 Channing Way, Berkeley, CA

**Preliminary Matters**

**Roll Call:** 5:03 p.m.

**Present:** Maio, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Mayor Bates

**Absent:** Councilmember Moore, Moore arrived at 5:19 p.m.

**Public Comment:** Limited to items on this agenda only - 0

**CLOSED SESSION:**

The City Council will convene in closed session to meet with its attorneys concerning the following:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):**

- 1) *Tess Famacion and Tito Famacion v. City of Berkeley, et al*, Alameda County Superior Court No. RGO7 312112

**Action taken:** (M/S/C Maio/Capitelli) to adopt Resolution 63,988–N.S. accepting the City Attorney’s recommended settlement of \$94,000. Absent - Moore

- 2) *Dacey, et al v. City of Berkeley, et al*, Alameda County Superior Court Case No. RG 07314238

**Action taken:** No reportable action.

**OPEN SESSION:**

**PUBLIC REPORTS OF ACTIONS TAKEN PURSUANT TO GOVERNMENT CODE SECTION 54957.1.**

**Action taken:** Discussion held

**Adjournment – 5:23 p.m.**

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of March 3, 2008 as approved by the Berkeley City Council.

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Deanna Despain, Deputy City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**TUESDAY, MARCH 11, 2008**  
**7:00 P.M.**

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

**Preliminary Matters**

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

**Present:** Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, and Wozniak.

**Absent:** Mayor Bates.

**Ceremonial Matters:**

1. American Red Cross Month – presented to Wayne Deboe, East Bay Chapter

**City Manager Comments:** None

**Public Comment:** Non-Agenda Matters: – 4

**Public Comment:** Consent Calendar and Information Items Only: – 2

**Consent Calendar**

**Action:** M/S/C (Worthington/Anderson) to adopt Consent Calendar in one motion except as indicated: Item No. 19 amended and moved to Consent Calendar

1. **Lease Agreement with Berkeley Waterski Club for Property in Aquatic Park**  
**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,020–N.S. authorizing the City Manager to execute a lease agreement and any amendments with the Berkeley Waterski Club, Inc. to use City property at 2821 West Bolivar Drive in Aquatic Park for a term anticipated to begin May 1, 2008 and ending December 31, 2010, with an option to extend the term for an additional five-year period.

**First Reading Vote:** All Ayes

**Financial Implications:** See report

Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700

**Action:** Adopted second reading of Ordinance No. 7,020–N.S.; Absent – Bates.

## Consent Calendar

- 2. Lease Agreement: Berkeley Rowing Club for Property in Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt second reading of an Ordinance No. 7,021–N.S. authorizing the City Manager to execute a lease agreement and any amendments with the Berkeley Rowing Club, Inc. to use City property at 2851 West Bolivar Drive in Aquatic Park for a term anticipated to begin May 1, 2008 and ending December 31, 2010, with an option to extend the term for an additional five-year period.  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,021–N.S.; Absent – Bates.
- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of January 29, 2008 (special and regular), February 4, 2008 (special) and February 12, 2008 (special and regular).  
**Financial Implications:** None  
Contact: Deanna Despain, City Clerk, 981-6900  
**Action:** Approved minutes as submitted.
- 4. Formal Bid Solicitations and Request for Proposals For Possible Issuance in the Next 30 Days**  
**From: City Manager**  
**Recommendation:** Approve the attached 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:** \$4,149,000  
Contact: Robert Hicks, Finance, 981-7300  
**Action:** Approved recommendation.
- 5. Berkeley Municipal Code Chapter 2.20 - City Departments General Provisions**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance to repeal Berkeley Municipal Code (BMC) Chapter 2.20 - City Departments and General Provisions.  
**Financial Implications:** None  
Contact: David Hodgkins, Human Resources, 981-6800  
**Action:** Adopted first reading of Ordinance No. 7,022–N.S.; Absent – Bates. Second reading scheduled for March 25, 2008.
- 6. Classification: Human Resources Technician**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to amend Resolution No. 61,812–N.S., Classification and Salary Resolution for Unrepresented Employees, to revise the classification of Human Resources Technician and increase the salary range to \$4,529 - \$5,559 effective March 23, 2008.  
**Financial Implications:** None  
Contact: David Hodgkins, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 63,989–N.S.; Absent – Bates.

## Consent Calendar

- 7. Police Officer Recruit Salary Adjustment**  
**From: City Manager**  
**Recommendation:** Rescind Resolution No. 61,352–N.S. and adopt a Resolution amending Resolution No 61,812–N.S., (Classification and Salary Resolution for Unrepresented Employees), to approve cost of living adjustments for the Police Officer Recruit classification.  
**Financial Implications:** See report  
Contact: David Hodgkins, Human Resources, 981-6800  
**Action:** Adopted Resolution No. 63,990–N.S.; Absent – Bates.
- 8. Agreement: Certified Unified Program Agency - Aboveground Petroleum Storage Tank Act**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the Certified Unified Program Agency (CUPA) Manager to enter into Agreement with the California Environmental Protection Agency to implement a sixth CUPA program, the Aboveground Petroleum Storage Tank Act (APSTA) and accept a grant for \$44,463.82 available from the California Environmental Protection to set up the program within the Toxics Management Division.  
**Financial Implications:** See report  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 63,991–N.S.; Absent – Bates.
- 9. Final Tract Map: 1821-1831 Highland Place**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 7886, a six (6) unit residential condominium located at 1821-1831 Highland Place.  
**Financial Implications:** None  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 63,992–N.S.; Absent – Bates.
- 10. Zoning Ordinance Amendments Addressing Alcohol Sales**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending Zoning Ordinance sections 23C.04.030 and 23E.16.040 and adding Chapter 23B.68 to allow: (1) Abandonment of lawful non-conforming off-sale alcohol beverage sales uses after 90 days of closure; (2) Private right of action against nuisances; and (3) Greater flexibility for the Zoning Adjustments Board when issuing a use permit for a new alcohol sales use when there has been only one prior violation or complaint.  
**Financial Implications:** See report  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Adopted first reading of Ordinance No. 7,023 –N.S.; Absent – Bates. Second reading scheduled for March 25, 2008.
- 11. ZAB Appeal: 161 Panoramic Way**  
**From: City Manager**  
**Recommendation:** Continue public hearing to March 25, 2008  
**Financial Implications:** None  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Approved recommendation.

## Consent Calendar

- 12. Lease Agreement: 1947 Center Street, Int'l Computer Science Inst (To be delivered)**  
**From: City Manager**  
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to
- 1) Execute a lease agreement with International Computer Science Institute (ICSI) for \$4,970,268 for a term of five years from April 1, 2008 to March 31, 2013, and two additional lease options of five years each, and
  - 2) Adjust the rent to reflect the negotiated rate during the holdover period.
- Financial Implications:** See report  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Adopted first reading of Ordinance No. 7,024–N.S.; Absent – Bates.  
Second reading scheduled for March 25, 2008.
- 13. Contract No. 7442A Amendment: Lincoln & Associates for Recruitment for Transportation Manager**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7442A with Lincoln & Associates for recruitment of a Transportation Manager, adding to the scope of services and increasing the not to exceed amount by \$1,000 to a total \$53,500.  
**Financial Implications:** Off-Street Parking Fund - \$1,000  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,993–N.S.; Absent – Bates.
- 14. Purchase Order: Leader Industries for Three Ambulance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with Leader Industries in an amount not to exceed \$721,323 for the purchase of three ambulances for the Fire Department.  
**Financial Implications:** Equipment Replacement Fund - \$721,323:  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 63,994–N.S.; Absent – Bates.

## Council Consent Items

- 15. Develop an Efficient Graywater Permit Process**  
**From: Councilmember Maio**  
**Recommendation:** Refer to the City Manager to consider developing guidance material and a streamlined process for residents and businesses interested in installing a graywater system, in particular, and green technologies, in general.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110  
**Action:** Approved recommendation.
- 16. Opposing Governor Schwarzenegger's Proposed 2008-09 Budget**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a resolution opposing cuts in education funding in Governor Arnold Schwarzenegger's proposed 2008-09 budget.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Adopted Resolution No. 63,995–N.S. as amended. Absent – Bates.

## Action Calendar – Old Business

17. **Fee Reduction And Retroactive Billing: Houseboats** (*Held over from February 26, 2008*)  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reducing all fees owed by Houseboat owners in the Berkeley Marina during the construction period of the new H & I docks (March thru September 2007) by forty percent (40%) and to retroactively bill for the balance (sixty percent - 60%) via an 18 month interest free payment plan.  
**Financial Implications:** Marina Fund - \$35,646 in revenue  
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700  
**Action:** M/S/C (Capitelli/Anerdson) to adopt Resolution No. 63,996–N.S. as amended to include a reduction in the retroactive billing amount by \$12,000. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Wozniak; Noes – Worthington; Absent –Bates.
- Public Comment – 3
18. **License Agreement: 90 Bolivar Drive in Aquatic Park to San Francisco Institute of Architecture** (*Held over from February 26, 2008*)  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with San Francisco Institute of Architecture (SFIA) for City property located at 90 Bolivar Drive in Aquatic Park for nine months for an amount of \$100.  
**Financial Implications:** \$100 in revenue.  
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700  
**Action:** M/S/C (Maio/Capitelli) to adopt Resolution No. 63,997–N.S.; Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak; Noes – None; Absent –Bates.
19. **Letter To Canadian Officials Requesting Sanctuary For U.S. War Resisters** (*Held over from February 26, 2008*)  
**From: Councilmembers Worthington and Anderson**  
**Recommendation:** Send a letter to Canadian Prime Minister Stephen Harper, Minister of Citizenship and Immigration Diana Finley and Liberal Party leader Stephane Dion requesting that the government of Canada establish provisions to provide sanctuary for U.S. military service members who are living in Canada to resist fighting in the Iraq War.  
**Financial Implications:** See report  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. to approve Councilmembers Worthington and Anderson’s recommendation to send a letter, as amended, to Canadian Prime Minister Stephen Harper, Minister of Citizenship and Immigration Diana Finley and Liberal Party leader Stephane Dion requesting that the government of Canada establish provisions to provide sanctuary for U.S. military service members who are living in Canada to resist fighting in the Iraq War. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak; Noes – None; Absent – Bates.

## Action Calendar – New Business

### 20. **Opposing the Use of Blackwater and Other Private Mercenary Contractors From: Peace and Justice Commission**

**Recommendation:** Oppose the use of Blackwater and other private mercenary contractors by the United States in Iraq or anywhere else and call on the United States to stop all such mercenary employment; call on the United States to rescind Order 17, and investigate and prosecute all human rights violations perpetrated by the aforementioned mercenaries; and convey by letter to the Planning Commission, Mayor and City Council of Potrero, CA solidarity for their actions opposing Blackwater being permitted to establish training facilities in their community.

**Financial Implications: None**

Contact: Manuel Hector, Commission Secretary, 981-5100

**Action:** M/S/C (Worthington/Wozniak) to approve the Peace and Justice Commission's recommendation, as amended, to oppose the use of Blackwater and other private mercenary contractors by the United States in Iraq and call on the United States to stop all such mercenary employment; call on the United States to rescind Order 17, and investigate and prosecute all human rights violations perpetrated by the aforementioned mercenaries; and convey by letter to the Planning Commission, Mayor and City Council of Potrero, CA solidarity for their actions opposing Blackwater being permitted to establish training facilities in their community. Vote: Ayes – Maio, Moore, Anderson, Spring, Worthington, Wozniak; Noes – None; Abstain – Capitelli, Olds; Absent – Bates.

### 21. **Supporting the People of Haiti**

#### **From: Peace and Justice Commission**

**Recommendation:** 1) Call on all authorities in Haiti, the United Nations Mission to Haiti, and the United States, Canada, France and Brazil, who call themselves the friends of Haiti, to work for rapid implementation of the following: a) release of all political prisoners, b) guarantee freedom of speech and assembly, c) bring about the safe return of Human Rights Activist Lovinsky Pierre-Antoine, d) compensate victims of United Nations raids in Cite Soleil and elsewhere as well as victims of rapes and sexual exploitation by United Nations troops, and e) withdraw all foreign occupying forces including the United Nations and United States forces; 2) call on members of the Bay Area Congressional Delegation to co-sponsor H.Res.241, specifically the Speaker of the House.

**Financial Implications: None**

Contact: Manuel Hector, Commission Secretary, 981-5100

**Action:** M/S/C (Worthington/Wozniak) to approve substitute motion by Councilmember Worthington to have up to four councilmembers meet with interested parties to gather more information, and continue the item to the March 25, 2008 meeting. Also, refer the scheduling of a workshop regarding Haiti to the Agenda Committee. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak; Noes – None; Absent – Bates.

Public Comment – 5

**Councilmember Worthington noted absent at 8:39 p.m.**

**Recess 8:40 p.m. – 8:47.p.m.**

**Councilmember Worthington noted present at 8:58 p.m.**



## Information Reports

22. **Unrepresented Temporary Employee**  
**From: City Manager**  
Contact: David Hodgkins, Human Resources, 981-6800]  
**Action:** Received and filed.
23. **LPC NOD: 2500 Durant Avenue**  
**From: City Manager**  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Received and filed.
24. **Pedestrian Safety and Public Review Draft of the Pedestrian Master Plan**  
**From: City Manager**  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Moved to Action Calendar for discussion.
25. **Potential Reduction In Biodiesel Fuel Percentage**  
**From: City Manager**  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Moved to Action Calendar for discussion.

## Public Comment – Including Items Not Listed on the Agenda – 4

### Adjournment – 9:23 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of March 11, 2008 as approved by the Berkeley City Council.

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Deanna Despain, Deputy City Clerk

## Communications – 03/11/08

### Underground Policy for Rule 20A Monies

1. Pamela Doolan (2)

### Animal Shelter Volunteer Coordinator

2. Carol Whitehurst

### Workers' Comp Appeal Board Hearing

3. Ragni Larsen-Orta

### Marine Recruiting Office/Code Pink

Voluminous correspondence on file and available for viewing in the City Clerk's Office

## **Supplemental Communications and Reports 1**

### **Item 10: Zoning Ordinance Amendments Addressing Alcohol Sales**

4. Lori Lott, on behalf of BAPAC

### **Item 17: Fee Reduction And Retroactive Billing: Houseboats**

5. Jane Ann Fontenot

6. Helen & Paul Canin

## **Supplemental Communications and Reports 2**

### **Item 17: Fee Reduction And Retroactive Billing: Houseboats**

7. Armando Tobriner

### **Item: 21: Supporting the People of Haiti**

8. Unknown

### **Item 24: Pedestrian Safety and Public Review Draft of the Pedestrian Master Plan**

9. Stephen Wollmer

10. Bonnie Yamaoko

### **Item 25: Potential Reduction In Biodiesel Fuel Percentage**

11. Unknown

### **Recent Protests**

12. Stephanie Tang

### **Human Rights Torch Relay**

13. Michelle Mi

### **Warm Water Pool Ballot Measures**

14. Janet Weiss

## MINUTES

# BERKELEY CITY COUNCIL SPECIAL MEETING

MONDAY, MARCH 17, 2008

5:00 P.M.

2180 Milvia Street, 6<sup>th</sup> Floor, Redwood Conference Room  
Teleconference Locations: 1636 Channing Way, Berkeley, CA

### Preliminary Matters

**Roll Call:** 5:00 p.m.

**Present:** Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

**Absent:** None.

**Public Comment:** Limited to items on this agenda only – 1

### CLOSED SESSIONS:

The City Council will convene in closed session to meet with its attorneys concerning the following:

**1. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE SECTION 54957.6:**

Negotiator: David W. Hodgkins, Director of Human Resources, Margarita Zamora, Senior Human Resources Analyst, Phil Kamlarz, City Manager, Lisa Caronna; Deputy City Manager, Christine Daniel, Deputy City Manager, Tracy Vesely, Budget Manager

Employee Organizations: SEIU Local 1021 (Legacy SEIU Local 790, Legacy Local 535, and the Legacy Part-Time Recreation Leaders Association/SEIU Local 535), Public Employees' Union Local 1, the International Brotherhood of Electrical Workers Local 1245 and Unrepresented Employees

**Action:** M/S/C (Maio/Moore) give the City Manager discretion for use of money within city budget parameters for labor negotiations.

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)**

U-HAUL COMPANY OF CALIFORNIA v. CITY OF BERKELEY, et al., Alameda County Superior Court Case No. RG07352204

**Action:** No reportable action taken.

**3. CONFERENCE WITH LEGAL COUNSEL-- ANTICIPATED LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (c)**

Initiation of litigation-one case

The Berkeley City Council will consider whether to initiate litigation under the California Environmental Quality Act, the Endangered Species Act, the Migratory Bird Treaty Act, the Clean Water, and other laws, challenging the approval by the California Department of Food and Agriculture and the State of California to conduct aerial spraying to eradicate the Light Brown Apple Moth in Alameda County and the Bay Area.

**Action:** No reportable action taken.

**4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO  
GOVERNMENT CODE SECTION 54957 – Title: City Manager**

**Action:** Performance evaluation conducted.

**OPEN SESSION:**

Public Reports of actions taken pursuant to Government Code section 54957.1.

**Adjournment – 6:00 p.m.**

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of March 17, 2008 as approved by the Berkeley City Council.

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Deanna Despain, Deputy City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL SPECIAL MEETING**  
**TUESDAY, MARCH 25, 2008**  
**5:00 P.M.**

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

**Preliminary Matters**

**Roll Call:** 5:00 p.m.

**Present:** Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

**Absent:** None.

**Public Comment:** Items on this agenda only - 16

**Worksession:**

**1. Discussion and Direction Regarding Potential Ballot Measures for the November 4, 2008 General Municipal Election**

**From: City Manager**

**Recommendation:** Provide general direction regarding possible City revenue measures, to be submitted to the voters at the November 4, 2008 General Municipal Election for:

- Public Safety Police
- Public Safety Fire
- Youth Success and Violence Prevention
- Watershed Management (Clean Storm Water)
- Warm Water Pool
- Other Capital Projects.

Contact: Lisa Caronna, Deputy City Manager, 981-7000

**Action:** Presentation made and discussion held.

**Adjournment – 6:59 p.m.**

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of March 25, 2008 as approved by the Berkeley City Council.

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Deanna Despain, Deputy City Clerk

## **Supplemental Communications and Reports 1**

None

## **Supplemental Communications and Reports 2**

### **Item 1: Discussion and Direction Regarding Potential Ballot Measures for the November 4, 2008 General Municipal Election**

- Presentation, submitted by City Manager
  - Supplemental materials, submitted by City Manager (2)
1. Janet Weiss

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**TUESDAY, MARCH 25, 2008**  
**7:00 P.M.**

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

**Preliminary Matters**

**Roll Call:** 7:16 p.m.

**Present:** Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

**Absent:** None.

**Ceremonial Matters:**

1. Peter Selz – March 27, 2008 Proclaimed Peter Selz Day
2. Library Week – April 13, 2008 – April 19, 2008
3. Public Health Week – April 7, 2008 – April 13, 2008
4. Tobacco Prevention – Alta Bates
5. Tobacco Prevention – Andronico's
6. Song - Hooray for the City of Berkeley and It's Zero Waste Commission – Pete Seeger

**Public Comment:** Non-Agenda Matters – 3

**Public Comment:** Consent Calendar and Information Items Only – 7

**Consent Calendar**

**Action:** M/S/C (Anderson/Moore) to adopt Consent Calendar in one motion except as indicated: Item No. 15 moved to Action; Item No. 23 moved to Action and held over to April 22, 2008; Item No. 27 moved to Consent; Item No. 29 moved to Consent, and Item No. 33 moved to Consent.

**1. Berkeley Municipal Code Chapter 2.20 - City Departments General Provisions**  
**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,022–N.S. to repeal Berkeley Municipal Code (BMC) Chapter 2.20 - City Departments and General Provisions.

**First Reading Vote:** Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak. Absent – Bates

**Financial Implications:** None

Contact: David Hodgkins, Human Resources, 981-6800

**Action:** Adopted second reading of Ordinance No. 7,022–N.S.

## Consent Calendar

### 2. Zoning Ordinance Amendments Addressing Alcohol Sales

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,023–N.S. amending Zoning Ordinance sections 23C.04.030 and 23E.16.040 and adding Chapter 23B.68 to allow: (1) Abandonment of lawful non-conforming off-sale alcohol beverage sales uses after 90 days of closure; (2) Private right of action against nuisances; and (3) Greater flexibility for the Zoning Adjustments Board when issuing a use permit for a new alcohol sales use when there has been only one prior violation or complaint.

**First Reading Vote:** Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak; Absent – Bates

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 7,023–N.S.

### 3. Lease Agreement: 1947 Center Street, Int'l Computer Science Inst

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,024–N.S. authorizing the City Manager to:

- 1) Execute a lease agreement with International Computer Science Institute (ICSI) for \$4,970,268 for a term of five years from April 1, 2008 to March 31, 2013, and two additional lease options of five years each, and
- 2) Adjust the rent to reflect the negotiated rate during the holdover period.

**Financial Implications:** See report

**First Reading Vote:** Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak. Absent – Bates

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Adopted second reading of Ordinance No. 7,024–N.S.

### 4. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of February 26, 2008 (special and regular).

**Financial Implications:** None

Contact: Deanna Despain, City Clerk, 981-6900

**Action:** Approved minutes as submitted.

### 5. Claim of Jude Berman – Claim No. 6-15381-79

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the settlement of the claim of Jude Berman in the amount of \$35,043

**Financial Implications:** Public Liability Fund - \$35,043

Contact: Zach Cowan, City Attorney, 981-6900

**Action:** Adopted Resolution No. 63,998–N.S.



## Consent Calendar

### 6. Construction of New Berkeley Animal Care Shelter

**From: City Manager**

**Recommendation:**

- 1) Authorize the City Manager to execute a Personal Services Contract (PSC) with Rene Cardinaux, AIA, for design and construction management services for the City's new Animal Shelter not to exceed \$50,000.
- 2) Issue an RFP for Design/Build option at current site, and/or alternative sites and design/build options

**Financial Implications: None**

Contact: Phil Kamlarz, City Manager, 981-7000

**Action:** Approved substitute recommendation to:

- 1) Adopt Resolution No. 63,999–N.S. approving a contract not to exceed \$50,000 with Rene Cardinaux, AIA for design and construction management services for building a new shelter in Berkeley.
- 2) Issue an RFP for Design/Build option at current site, and/or alternative sites and design/build options.

### 7. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days

**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:** Seismic and Disaster Preparation Bonds "Measure G" - \$200,000

Contact: Robert Hicks, Finance, 981-7300

**Action:** Approved recommendation.

### 8. Contract: City of Richmond/Richmond BUILD Trades Training for Older Youth

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the City of Richmond/Richmond BUILD to provide job training in the construction trades to eleven Berkeley transition age youth for the period of April 1, 2008 through December 31, 2008 in an amount not to exceed \$33,000.

**Financial Implications:** General Fund - \$33,000

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

**Action:** Adopted Resolution No. 64,000–N.S.

### 9. Contract: Rubicon Workforce Services- Private Sector Outreach and Job Placement for Older Youth

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Rubicon Workforce Services to provide private sector outreach and job placement to Berkeley transition age youth for the period of April 1, 2008 through December 31, 2008 in an amount not to exceed \$65,203.

**Financial Implications:** General Fund - \$65,203

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

**Action:** Adopted Resolution No. 64,001–N.S.

## Consent Calendar

- 10. Shelter Plus Care Contract with the County of Alameda**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with the County of Alameda for Shelter Plus Care funds in the amount of \$211,250, to provide tenant-based rental assistance for people living with HIV/AIDS for the 12-month period of March 1, 2008 through February 28, 2009.  
**Financial Implications:** See report.  
Contact: Renelda Mary, Housing, 981-5400  
**Action:** Adopted Resolution No. 64,002–N.S.
- 11. Contract No. 7362 Amendment: Gilman Project Management Services - Project Management Services (PMS), LLC**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7362 with Project Management Services, LLC for project management services at the Gilman Street Sports Fields Project for an additional \$70,000 for a total contract amount not to exceed \$165,000.  
**Financial Implications:** General Fund - \$165,000  
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 64,003–N.S.
- 12. Recreation Fee Policies and Procedures**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving Recreation Fee Policies and Procedures and rescinding Resolution No. 62,951–N.S.  
**Financial Implications:** None  
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 64,004–N.S.
- 13. License Agreement: Bait Shop at Berkeley Marina - Bay Point Sales**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with Young Kim (doing business as Bay Point Sales) at 225 University Avenue in Berkeley, California from April 1, 2008 to December 31, 2014.  
**Financial Implications:** See report.  
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700  
**Action:** Adopted Resolution No. 64,005–N.S.
- 14. Grant Application for Proposition 1C Infill Infrastructure Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit an application to the Department of Housing and Community Development (HCD) for a Proposition 1C Infill Infrastructure Grant for funds in the amount not to exceed \$9,000,000 for implementation of the San Pablo Avenue Public Improvement Plan; and accept the grant, and execute any resultant agreements and amendments.  
**Financial Implications:** See report.  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 64,006–N.S.

## Consent Calendar

- 15. Request for Proposal: Development Feasibility Analysis for Downtown Area Plan Building Height Alternatives**  
**From: City Manager**  
**Recommendation:** Authorize the City Manager to issue an RFP to identify a qualified firm or consultant team to prepare a Development Feasibility Analysis that examines the effects of building height options and other regulatory options that could affect the feasibility of future development projects in Downtown Berkeley under the Downtown Area Plan.  
**Financial Implications: General Fund** - \$40,000 (Department salary savings)  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Moved to Action Calendar. M/S/C (Wozniak/Capitelli) to approve revised recommendation to authorize the City Manager to issue a Request for Proposal, select a qualified firm or consultant team and execute a contract to prepare a Development Feasibility Analysis that examines the effects of building height options and other regulatory options that could affect the feasibility of future development projects in Downtown Berkeley under the Downtown Area Plan. Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wozniak; Noes – Spring; Absent – Olds, Worthington.
- 16. Grant Application to the California Office of Historic Preservation**  
**From: City Manager**  
**Recommendation:** Adopt a resolution authorizing staff to apply for a grant available from the California Office of Historic Preservation (OHP) to supplement the funds required to complete the remaining work on the Downtown Berkeley Historic Resources Survey.  
**Financial Implications:** \$25,000 grant with 40% match  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 64,007–N.S.
- 17. Grant: 2007 Citizens Options for Public Safety Grant Financial Report**  
**From: City Manager**  
**Recommendation:** Accept fiscal year 2007 annual financial report and set a public hearing for April 22, 2008 for the fiscal year 2008 California Citizen's Options for Public Safety (State COPS) grant funding.  
**Financial Implications:** See report.  
Contact: Douglas N. Hambleton, Police, 981-5900  
**Action:** Approved recommendation.
- 18. Contract: K J Woods Construction for Sanitary Sewer Projects**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Projects located at Dwight Way, Roosevelt Avenue, Grant Avenue, Russell Street, Rose Street, and Eunice Street; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with K. J. Woods Construction, Inc., until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$569,800 for a term of 220 calendar days from the date of the execution of the contract.  
**Financial Implications:** See report.  
Contact: Claudette Ford, Public Works, 981-6300  
**Action:** Adopted Resolution No. 64,008–N.S.

## Consent Calendar

- 19. Audit: Revenue At Risk? Medi-Cal Mental Health Interim Audit - Scope Limitation/ Lack of Contract with County/ Insufficient Monitoring of Remittance From: City Auditor**  
**Recommendation:** Request the City Manager to report back on or before October 2008, and every six months thereafter, regarding the implementation status of the audit recommendations in the attached audit report until each recommendation is fully implemented.  
**Financial Implications:** See report.  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Approved recommendation
- 20. 126 Opportunities to Increase Revenues, Control Costs, and Decrease Risk: What Happens to an Audit Recommendation Deferred? From: City Auditor**  
**Recommendation:** Direct the City Manager to:
- 1) Resolve issues that prevent implementation of recommendations of the 1999 Budget Monitoring Audit regarding improved accountability, skills, and training in budget monitoring.
  - 2) Develop and document the strategy in place to resolve issues related to the Sungard/HTE FUND\$ financial systems software that, according to City staff, prevent them from implementing audit recommendations.
  - 3) Report to Council on progress made on these issues by May 20, 2008, and no less frequently than every six months thereafter, until resolved.
- Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750  
**Action:** Approved recommendation
- 21. Assembly Bill 851 (Medi-Cal Working Disabled Program) From: Commission on Disability**  
**Recommendation:** Write a letter in support of AB 851 to Governor Arnold Schwarzenegger and Assembly Member Julia Brownley (Santa Monica)  
**Financial Implications:** None  
Contact: Paul Church, Commission Secretary, 981-6300  
**Action:** Approved recommendation.
- 22. Seventh Annual Peace Lantern Ceremony From: Peace and Justice Commission**  
**Recommendation:** Endorse the Seventh Annual Peace Lantern Ceremony to be held in Aquatic Park on or about Saturday, August 9, 2008; and direct the City Manager to post the event on the City's Community Calendar once the date is finalized.  
**Financial Implications:** None  
Contact: Manuel Hector, Commission Secretary, 981-5100  
**Action:** Approved recommendation.

## Council Consent Items

- 23. Support of a Global Marshall Plan for Universal Wellbeing, Security and Environmental Survival**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a resolution in support of a Global Marshall Plan for Universal Wellbeing, Security and Environmental Survival  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Action Calendar. M/S/C (Capitelli/Wozniak) to continue to April 22, 2008. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Wozniak, Bates; Noes – None; Absent – Olds, Worthington.
- 24. Opposing "The Ban on Killing a Viable Unborn Baby Prior to Birth" Act**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a motion opposing "The Ban on Killing a Viable Unborn Baby Prior to Birth" Act, which has been proposed for the November 2008 statewide ballot.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Approved recommendation. Vote: Ayes – Maio, Moore, Anderson, Olds, Worthington; Noes – None; Abstain – Bates, Spring, Capitelli, Wozniak.
- 25. Oppose AB 2601 (Benoit) - Withholding VLF from Sanctuary Cities**  
**From: Mayor Bates**  
**Recommendation:** Oppose AB 2601 (Benoit) which withholds Vehicle License Fees (VLF) to any city that is declared to be a sanctuary city and direct the City Manager to send a letter of opposition to: Senator Don Perata, Pro-Tempore, Assemblyman Charles Calderon, Chair, Assembly Revenue and Taxation Committee  
Assemblyman John Benoit, Assemblywoman Loni Hancock, Oksana Jaffe, Chief Consultant, Assembly Revenue and Taxation Committee  
**Financial Implications:** \$8 million in VLF revenue  
Contact: Tom Bates, Mayor, 981-7100  
**Action:** Approved recommendation.

**Recess – 8:29 p.m. – 8:42 p.m.**

**Worthington present 8:43 p.m.**

### **Action Calendar – Public Hearing**

- 26. ZAB Appeal: 161 Panoramic Way**  
**From: City Manager**  
**Recommendation:** Complete the public hearing and upon conclusion, adopt a Resolution adopting the revised mitigated negative declaration and approving Use Permit No. 04-10000145 to construct a new single family dwelling at 161 Panoramic Way.  
**Financial Implications:** None  
Contact: Dan Marks, Planning and Development, 981-7400  
**Public Testimony:** The Mayor opened the public hearing. 5 speakers. M/S/C (Maio/Worthington) to close the public hearing.

## Action Calendar – Public Hearing

**Action:** M/S/C (Capitelli/Olds) to adopt Resolution No. 64,009–N.S. as amended to include placement of advanced life support services above the construction site during delivery of materials on foot until the pull out is available for use. Vote: Ayes – Maio, Moore, Capitelli, Olds, Bates; Noes – Anderson, Worthington, Wozniak; Abstain – Spring.

## Action Calendar – Old Business

### 27. Legal Options for Challenging Aerial Spraying to Eradicate Light Brown Apple Moth

**From:** City Manager

**Recommendation:** Authorize the Acting City Attorney to work with other Bay Area jurisdictions to file a lawsuit to enjoin aerial spraying to eradicate the Light Brown Apple Moth in the Bay Area, and to join in such a lawsuit if it is filed, subject to financial limitations to be determined by the Council.

**Financial Implications:** Unknown at this time.

Contact: Zach Cowan, City Attorney, 981-6900:

**Action:** Moved to Consent Calendar. Authorize the Acting City Attorney to work with other Bay Area jurisdictions to file a lawsuit to enjoin aerial spraying to eradicate the Light Brown Apple Moth in the Bay Area, and to join in such a lawsuit if it is filed, subject to a financial limitation of \$25,000 and contingent on other cities contributing proportionally. Staff to report back with periodic updates.

### 28. Proposed Condo Conversion Ordinance, BMC Chapter 21.28

**a. From:** City Manager

**Recommendation:** Adopt first reading of a new Condominium Conversion Ordinance

**Financial Implications:** See report

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

**b. From:** Housing Advisory Commission

**Recommendation:** Amend Section 21.28.050.C. of the revised Condominium Conversion Ordinance (CCO) before you this evening, to require that existing and future tenants occupying converted units, along with the homeowners association and all purchasers of converted condominium units, be notified of remaining violations of housing and building codes found during the CCO's local law compliance process.

**Financial Implications:** None

Contact: Oscar Sung, Housing Advisory Commission, 981-5400

Speakers – 8

**Action:** M/S/C (Worthington/Spring) to: adopt first reading of Ordinance No. 7,025–N.S. as amended. Second reading scheduled for April 22, 2008. Staff to return on September 23, 2008. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Worthington, Bates; Noes – Wozniak; Abstain – Olds.

**M/S/C (Maio/Moore) to extend to 11:30 p.m.**

**M/S/C (Maio/Capitelli) to extend to 12:00 a.m.**

## Action Calendar – New Business

### 29. Amendments to BMC 12.70 Regarding Smoking Prohibitions

**From: City Manager**

**Recommendation:** Discussion and possible adoption of first reading of an Ordinance making the following amendments to Berkeley Municipal Code section 12.70: 1) Amend BMC 12.70.020 (C) which defines "Commercial Area Sidewalk"; 2) Amend BMC 12.70.060 to clarify signposting requirements.

**Financial Implications:** See report.

Contact: Phil Kamlarz, City Manager, 981-7000

**Action:** Moved to Consent Calendar. Adopted first reading of Ordinance No. 7,026–N.S. Second reading scheduled for April 22, 2008.

### 30. Discussion and Direction Regarding Potential Ballot Measures for the November 4, 2008 General Municipal Election

**From: City Manager**

**Recommendation:** Provide general direction regarding possible City revenue measures, to be submitted to the voters at the November 4, 2008 General Municipal Election for:

- Public Safety Police
- Public Safety Fire
- Youth Success and Violence Prevention
- Watershed Management (Clean Storm Water)
- Warm Water Pool
- Other Capital Projects

**Financial Implications:** See report.

Contact: Phil Kamlarz, City Manager, 981-7000

Speakers – 3

**Action:** M/S/C (Moore/Maio) to approve the revised recommendation to direct the City Manager to work with the newly created council subcommittee (Maio, Moore Spring, Olds) to:

- 1) Test voter interest in types of programs in the area of Public Safety, Infrastructure, Recreation (including warm water pool) and Library as presented by staff.
- 2) Explore options for combining measures.
- 3) Test various monetary thresholds.
- 4) Return with voter survey results no later than May 6, 2008

Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates; Noes – None.

## Action Calendar – Council Items

- 31. Restore the Civic Arts Coordinator position at full-time (1.0 FTE) for FY 2009**  
**From: Mayor Bates, Councilmembers Moore, Capitelli and Worthington**  
**Recommendation:** Adopt the Mayor's June 2007 Budget Recommendation to:  
1) Maintain the Civic Arts Coordinator position at full-time (1.0 FTE) effective FY 2009  
2) Request the City Manager identify a funding source outside of the Public Art Fund in the amount of \$60,000 necessary to support the position effective FY 2009 and on a permanent basis thereafter.  
**Financial Implications:** General Fund - \$60,000  
Contact: Darryl Moore, Councilmember, District 2 981-7120  
Speakers – 2  
**Action:** M/S/C (Moore/Worthington) to approve the revised recommendation to:  
1) Maintain the Civic Arts Coordinator position at full-time (1.0 FTE) effective FY 2009, and  
2) Ensure that no more than half of \$60,000 necessary to support the position effective FY 2009, and on a permanent basis thereafter, shall come from the Public Art Fund.  
Vote: Ayes – Moore, Anderson, Spring, Capitelli, Worthington, Bates; Noes – Maio, Wozniak; Abstain – Olds.
- 32. Support of Human Rights Torch Relay**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a resolution supporting the Human Rights Torch Relay.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
Speakers – 3  
**Action:** M/S/C (Worthington/Maio) to adopt Resolution No. 64,010–N.S. Vote: Ayes Maio, Moore, Anderson, Spring, Olds, Worthington, Bates; Abstain – Capitelli, Wozniak
- 33. Support of Re-Establishing an East Bay Public Safety Corridor Partnership**  
**From: Councilmembers Worthington and Moore**  
**Recommendation:** That the Berkeley City Council adopt a resolution to express its support for re-establishing an East Bay Public Safety Corridor Partnership and direct the City Manager to send a letter to governmental agencies and stakeholders to request their support in joining a Partnership.  
**Financial Implications:** None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Adopted Resolution No. 64,011–N.S.
- 34. Urging Chinese Government To End Its Violent Suppression Of Peaceful Demonstrations In Tibet**  
**From: Councilmember Worthington**  
**Recommendation:** Adopt a Resolution urging the Chinese government to end its violent suppression of peaceful demonstrations in Tibet.



## Action Calendar – Council Items

**Financial Implications:** None

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

Speakers – 4

**Action:** M/S/C (Worthington/Moore) to adopt Resolution No. 64,012–N.S. Vote: Ayes – Maio, Moore, Anderson, Spring, Olds, Worthington, Bates; Abstain – Capitelli, Wozniak.

### 35. Additional Public Notice on Commission Recommendations and Actions

**From: Councilmember Wozniak**

**Recommendation:** To insure that the Public has the opportunity to comment on recommendations from and action by commissions, the Council asks the City Manager to investigate the feasibility of implementing the following proposals:

- 1) At the time when a commission's agenda is posted on the City Web site, it shall be accompanied by posting of the complete information packet distributed to members of the commission for that meeting, including any text of proposed actions, except any confidential information.
- 2) Within a specified number of days after each commission meets (to be determined after Council receives input on this proposal from commissions and staff), an annotated agenda shall be posted on that commission's Web page listing actions taken by the commission, including the language of items adopted, except any confidential information (similar to the annotated Council agenda posted after its meetings).
- 3) At the time when the Council Agenda Committee's agenda is posted on the City Web site, it shall be accompanied by posting of the full language of any proposals from commissions to be considered for the Council agenda under discussion, except any confidential information.
- 4) The Manager shall report to Council by the end of June, 2008 regarding methods the City could implement on its Web site to facilitate public comment on any commission proposal, such as links from the text of the proposal to a "Comments" page, with such comment becoming part of the public record of the commission (if the comment is received prior to the commission's action on that item) or of the City Council (if the comment is received after a recommendation has been adopted by the commission for Council consideration).
- 5) This proposal shall be circulated to all commission members by May 1, 2008 for comment. For those commissions that do not meet before May 1, 2008, copies shall be mailed to members individually.
- 6) Elements of this proposal may be phased in over time, each new phase being applicable simultaneously to all City commissions.

**Financial Implications:** Staff time.

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

**Action:** M/S/C (Wozniak/Worthington) to approve councilmember Wozniak's recommendation to request the City Manager investigate the feasibility of implementing the following proposals:

- 1) At the time when a commission's agenda is posted on the City Web site, it shall be accompanied by posting of the complete information packet distributed to members of the commission for that meeting, including any text of proposed actions, except any confidential information.

## Action Calendar – Council Items

- 2) Within a specified number of days after each commission meets (to be determined after Council receives input on this proposal from commissions and staff), an annotated agenda shall be posted on that commission's Web page listing actions taken by the commission, including the language of items adopted, except any confidential information (similar to the annotated Council agenda posted after its meetings).
- 3) At the time when the Council Agenda Committee's agenda is posted on the City Web site, it shall be accompanied by posting of the full language of any proposals from commissions to be considered for the Council agenda under discussion, except any confidential information.
- 4) The Manager shall report to Council by the end of June, 2008 regarding methods the City could implement on its Web site to facilitate public comment on any commission proposal, such as links from the text of the proposal to a "Comments" page, with such comment becoming part of the public record of the commission (if the comment is received prior to the commission's action on that item) or of the City Council (if the comment is received after a recommendation has been adopted by the commission for Council consideration).
- 5) This proposal shall be circulated to all commission members by May 1, 2008 for comment. For those commissions that do not meet before May 1, 2008, copies shall be mailed to members individually.
- 6) Elements of this proposal may be phased in over time, each new phase being applicable simultaneously to all City commissions. Vote: Ayes – Maio, Moore, Spring, Capitelli, Olds, Worthington, Wozniak, Bates; Noes – Anderson.

## Information Reports

36. **Audit: Emergency Medical Personal Protective Equipment**  
**From: City Manager**  
Contact: Debra Pryor, Fire, 981-3473  
**Action:** Received and filed.
37. **Update: Implementation of Information Systems General Controls Audit**  
**From: City Manager**  
Contact: Donna LaSala, Information Technology, 981-6500  
**Action:** Received and filed.
38. **Update: Implementation of FUNDS\$ Change Management Audit**  
**From: City Manager**  
Contact: Donna LaSala, Information Technology, 981-6500  
**Action:** Received and filed.
39. **Audit: Association For Sports Field Users**  
**From: City Manager**  
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700  
**Action:** Received and filed.
40. **Status Report: Telecommunication Ordinance, Testing, and Equipment**  
**From: City Manager**  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Received and filed.

## Information Reports

41. **Implementation of the Police Department's Response to the Police Review Commission's Report on Evidence Theft Issues**  
**From: City Manager**  
Contact: Douglas N. Hambleton, Police, 981-5900  
**Action:** Received and filed.
42. **Developing a City Preferred Alternative for Bus Rapid Transit**  
**From: City Manager**  
Contact: Claudette Ford, Public Works, 981-5400  
**Action:** Received and filed.

## Public Comment – Including Items Not Listed on the Agenda – 0

### Adjournment – 11:59 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of March 25, 2008 as approved by the Berkeley City Council.

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Deanna Despain, Deputy City Clerk

## Communications – 03/25/08

### Item 26: ZAB Appeal: 161 Panoramic Way

1. Ann Slaby (3)
2. Regula Muller
3. William Robbins
4. Deborah Raphael
5. Jerry Wachtel, Panoramic Hill Association

### Item 28: Proposed Condo Conversion Ordinance, BMC Chapter 21.28

6. Vince Young

### Item 30: Discussion and Direction Regarding Potential Ballot Measures for the November 4, 2008 General Municipal Election

7. Marie Bowman, on behalf of Friends Protecting Berkeley's Resources

### Wild Turkeys at Lawrence Berkeley National Lab

8. Citizens' Human Commission

### Instant Runoff Voting

9. Barbara Gilbert
10. Sharon Hudson

### Berkeley's Clean Water Efforts

11. L.A. Wood

### Margaret Lowry

12. Yvette Deas

### First Amendment Activities

13. Sharon Adams

## Communications

### Local Business Owner Commentary

14. Robert Gaustad

### Marine Recruiting Office/Code Pink

Voluminous correspondence on file and available for viewing in the City Clerk's Office

## Supplemental Communications and Reports 1

### Item 26: ZAB Appeal: 161 Panoramic Way

15. Catherine Orozco

### Item 28: Proposed Condo Conversion Ordinance, BMC Chapter 21.28

16. John Blankenship

17. Michael St. John, on behalf of David Wilson

18. Mary Myers

### Item 30: Discussion and Direction Regarding Potential Ballot Measures for the November 4, 2008 General Municipal Election

19. James Cisney

20. Karen Davis

21. Stephen Swanson

22. Heather Sarantis

23. Marie Bowman

24. Christine Gimmler

25. Renee Soule

26. Paula Wagner

27. Vivian Pisano

### Item 31: Restore the Civic Arts Coordinator position at full-time (1.0 FTE) for FY 2009

28. Lisa Bullwinkel

### Item 42: Developing a City Preferred Alternative for Bus Rapid Transit

29. Sabrina Porch, on behalf of Emily Marthinsen

30. Hank Resnik, on behalf of Friends of BRT

## Supplemental Communications and Reports 2

### Item 6: Construction of New Berkeley Animal Care Shelter

- Supplemental materials, submitted by City Manager

### Item 26: ZAB Appeal: 161 Panoramic Way

31. Dennis & Barbara Snyder

32. Unknown (4)

### Item 28(a): Proposed Condo Conversion Ordinance, BMC Chapter 21.28

- To Be Delivered Report, submitted by Planning & Development

### Item 30: Discussion and Direction Regarding Potential Ballot Measures for the November 4, 2008 General Municipal Election

- To Be Delivered Report, submitted by City Manger

33. Annie Hallatt

34. Janet McColl

**MINUTES**  
**BERKELEY CITY COUNCIL SPECIAL MEETING**

**MONDAY, MARCH 31, 2008**

**5:00 P.M.**

**2180 Milvia Street, 1st Floor, Cypress Room**  
**Teleconference Locations: 1636 Channing Way, Berkeley, CA**

**Preliminary Matters**

**Roll Call:** 5:06 p.m.

**Present:** Councilmembers Anderson, Capitelli, Olds, Spring, Wozniak, and Mayor Bates.

**Absent:** Councilmembers Maio, Moore and Worthington.

**Public Comment:** Limited to items on this agenda only - 0

**CLOSED SESSION:**

The City Council will convene in closed session to meet with its attorneys concerning the following:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):**

- 1) *Dacey, et al v. City of Berkeley, et al*, Alameda County Superior Court Case No. RG 07314238 –

**Action:** No reportable action taken.

**OPEN SESSION:**

**PUBLIC REPORTS OF ACTIONS TAKEN PURSUANT TO GOVERNMENT CODE SECTION 54957.1.**

**Adjournment – 5:30 p.m.**

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of March 31, 2008 as approved by the Berkeley City Council.

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Deanna Despain, Deputy City Clerk

