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

## Preliminary Matters

### Roll Call

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

1. Oath of Office
2. Pledge of Allegiance to the Flag

### 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: A total of 30 minutes is scheduled. Each speaker is limited to a maximum of 3 minutes.

### Youth Comments: A total of 15 minutes is scheduled. Each speaker is limited to a maximum of 3 minutes.

### Council Action: The City Council may take action related to any subject listed on the Agenda.
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.

1. Landfill Surcharge Fee Payments On Solid Waste
   From: City Manager
   Recommendation: Adopt a Resolution ratifying action taken by the City Manager during recess approving payment of $88,198 in landfill surcharge fees for solid waste shipped out of the County from October 2004 through June 2005.
   Financial Implications: Refuse Fund - $88,198
   Contact: Claudette Ford, Public Works, 981-6300

2. Minutes for Approval
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of July 11, 2005 (closed), July 12, 2005 (regular), July 19, 2005 (regular), and July 25, 2005 (special).
   Financial Implications: None
   Contact: Sara T. Cox, City Clerk, 981-6900

3. Needle Exchange
   From: City Manager
   Recommendation: Adopt a Resolution reviewing and confirming the continued existence of a local emergency with regard to HIV transmission from use of HIV-Infected Needles among injection drug users, and authorizing the local health officer to take steps to enable the operation of Needle Exchange Emergency Distribution.
   Contact: Sara T. Cox, City Clerk, 981-6900

4. Margery Becker v. City of Berkeley
   From: City Manager
   Recommendation: Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 04 178015 entitled Margery Becker v. City of Berkeley in the amount of $35,000.
   Financial Implications: Public Liability Fund - $35,000
   Contact: Manuela Albuquerque, City Attorney, 981-6950

5. Donation to Animal Shelter
   From: City Manager
   Recommendation: Adopt a Resolution approving a $5,000 donation to the Animal Shelter from Reverend Walter Kilburn and Melba Kilburn in memory of their son Philip Kilburn.
   Financial Implications: Animal Shelter Fund - $5,000 Revenue
   Contact: Jim Hynes, City Manager, 981-7000
6. **Formal Bid Solicitations and Requests for Proposals**  
   **From:** City Manager  
   **Recommendation:** Approve new invitations for bids and requests for proposals (RFP) that will be, or are planned to be, issued upon final approval by the requesting department or division.  
   **Financial Implications:** Various Funds - $1,906,626  
   Contact: Fran David, Finance, 981-7300

7. **Agreement: Low-Income Energy Revenues**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution: 1) authorizing the City Manager to execute a contract and any amendments with the State Department of Community Services and Development for the Petroleum Violation Escrow Account Weatherization Program (PVEA/WX) to receive revenues and provide weatherization to eligible Berkeley, Albany, and Emeryville residents in the amount of $16,256 for the period August 1, 2005 to December 31, 2006; 2) approving program priority plans; and, 3) authorizing the City Manager to designate a representative to sign required fiscal and programmatic reports.  
   **Financial Implications:** LIHEAP - Grant Revenue - $16,256  
   Contact: Stephen Barton, Housing, 981-5400

8. **Application For CalHome Funds**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to: 1) submit an application to the State of California Department of Housing and Community Development (HCD) for up to $500,000 in funding under the CalHome Owner-Occupied Rehabilitation Program; and 2) execute any resultant agreements and amendments to the Standard Agreement in order to utilize CalHome funds.  
   **Financial Implications:** Grant Revenue - $500,000  
   Contact: Stephen Barton, Housing, 981-5400

9. **Contract: Financial Consulting Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Seifel Consulting, Inc. for financial consulting services and increase the contract by $25,000 for a total amount not to exceed $65,000.  
   **Financial Implications:** CDBG Fund and HUD Fund - $25,000  
   Contact: Stephen Barton, Housing, 981-5400

10. **Participation in the Chicago Climate Exchange (CF 05-17)**  
    **From:** City Manager  
    **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Chicago Climate Exchange for participation in greenhouse as emission credits trading in an amount not to exceed $5,000 for the period September 14, 2005 to December 31, 2006.  
    **Financial Implications:** General Fund - $5,000  
    Contact: Stephen Barton, Housing, 981-5400
11. Winter Voucher and Winter Shelter Programs  
   From: City Manager  
   Recommendation: Adopt a Resolution authorizing payment of: 1) $5,914 to the Berkeley Food and Housing Project for administrative costs for coordinating referrals to the Joint Winter Shelter at the Oakland Army Base, and increasing the contract amount to $547,784 for the period July 1, 2005 through June 30, 2006; and, 2) $5,086 to the Women's Daytime Drop-In Center for administrative costs for coordinating referrals for the Winter Voucher Program, increasing the contract amount to $130,615 for the period July 1, 2005 through June 30, 2006.  
   Financial Implications: Various Funds - $11,000  
   Contact: Stephen Barton, Housing, 981-5400

12. Contract: SRIP I Disability Insurance Services  
   From: City Manager  
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Cigna Group Insurance to provide third-party administrative services for Supplementary Retirement and Income Plan I (SRIP I) disability benefits from August 1, 2005 to June 30, 2007 in an amount not to exceed $110,000 in the first year and approximately $70,000 in the second year of the two-year contract.  
   Financial Implications: Payroll Deduction Trust Fund - $180,000  
   Contact: David Hodgkins, Human Resources, 981-6800

13. Reject Bids to Construct the Martin Luther King Jr. Civic Center Park Repair and Rehabilitation  
   From: City Manager  
   Recommendation: Adopt a Resolution authorizing the City Manager to reject all bids and direct staff to re-scope and re-bid the Martin Luther King Jr. Civic Center Park Repair and Rehabilitation Project.  
   Financial Implications: Various Funds - $981,000  
   Contact: Marc Seleznow, Parks Recreation & Waterfront, 981-6700

14. Contract: Design Services for Martin Luther King Jr. Civic Center Park Rehabilitation  
   From: City Manager  
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Amphion, Inc. to increase the scope of services and amount by $47,980 for an amount not to exceed $215,874.  
   Financial Implications: Measure S Funds - $47,980  
   Contact: Marc Seleznow, Parks Recreation & Waterfront, 981-6700
15. **Contract: Four Parks Playground Renovations**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications from M.I.G., Inc. for playground renovations at Cedar Rose Park, King School Park, Live Oak Park and Shorebird Park; 2) accepting the bid from P & A Construction Company; 3) authorizing the City Manager to execute a contract and any amendments with P & A Construction Company in an amount not to exceed $919,500 for the period September 13, 2005 to September 14, 2006; and 4) authorizing an additional $102,093 for contingency for a total amount not to exceed $1,021,593.  
**Financial Implications:** Capital Improvement Funds - $1,021,593  
Contact: Marc Seleznow, Parks Recreation & Waterfront, 981-6700

16. **2005 Edward J. Byrne Memorial Justice Assistance Grant (JAG)**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept $60,906 in Federal funds from the 2005 Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program to be used for funding overtime costs associated with violence suppression patrols related to serious violent crimes for a period of approximately 24 months.  
**Financial Implications:** Grant revenue - $60,906  
Contact: Douglas N. Hambleton, Police, 981-5700

17. **Grant: Department of Alcoholic Beverage Control**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a grant agreement and any amendments with the State of California to accept $80,000 in Department of Alcoholic Beverage Control (ABC) grant funding and appropriate the funds to enforce laws to prohibit furnishing alcohol to minors and possession of alcohol by persons under the age of 21, as well as other alcohol-related crimes.  
**Financial Implications:** Grant Revenue - $80,000  
Contact: Douglas N. Hambleton, Police, 981-5700

18. **Contract: FY 2005 Traffic Circles - Phase 2**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the FY 2005 Traffic Circles - Phase 2; 2) rejecting all bids submitted on May 26, 2005 and re-advertising; 3) accepting the bid of Mosto Construction; and 4) authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $177,600 for the period of 75 calendar days from the Notice to Proceed.  
**Financial Implications:** Capital Improvement Fund - $177,600  
Contact: Claudette Ford, Public Works, 981-6300
19. **Contract: Public Safety Building Janitorial Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Universal Building Services to provide janitorial services at the Public Safety Building in an amount not to exceed $108,720 for the period September 1, 2005 to June 30, 2006; and approving options to extend the contract for two additional one-year periods in an amount not to exceed $129,464 for FY 2006-07, and $129,464 for FY 2007-08.  
   **Financial Implications:** Building Maintenance Fund - $108,720  
   Contact: Claudette Ford, Public Works, 981-6300

20. **Contract: Security Guard Services at 1947 Center St. and 2180 Milvia St.**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Securitas Security Services USA, Inc. for security guard services at 1947 Center Street and 2180 Milvia Street for the period November 1, 2005 to June 30, 2006 in an amount not to exceed $77,033; and approving options to extend the contract for two one-year periods in an amount not to exceed $230,239.  
   **Financial Implications:** Various Funds - $307,272  
   Contact: Claudette Ford, Public Works, 981-6300

21. **Contract: Traffic Signal Installation at Hearst Avenue, Arch Street, LeConte Avenue**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution: 1) approving plans and specifications for a traffic signal installation at Hearst Avenue, Arch Street, LeConte Avenue; 2) accepting the University of California’s offer to pay for half the costs of the project improvements; 3) accepting the bid of Phoenix Electric Company; and 4) authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project according to approved plans and specifications, in an amount not to exceed $204,252 for the period of 97 calendar days from the date of receipt of the Notice to Proceed.  
   **Financial Implications:** Capital Improvement Fund - $204,252; partial refund (up to $102,126) from UC Berkeley  
   Contact: Claudette Ford, Public Works, 981-6300

22. **Final Map of Tract 7567: 1321-31 Eighth Street**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution approving the final map of Tract Map 7567, a fifteen unit commercial condominium located at 1321-31 Eighth Street.  
   **Financial Implications:** None  
   Contact: Claudette Ford, Public Works, 981-6300

23. **Final Map of Tract 7591: 2209-11 Sixth Street**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution approving the final map of Tract Map 7591, a six unit residential and live/work condominium consisting of four residential units and two live/work units located at 2209-11 Sixth Street.  
   **Financial Implications:** None  
   Contact: Claudette Ford, Public Works, 981-6300
24. **Proposed Amendment No. 1 to Alameda County Measure B Expenditure Plan**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution endorsing the Alameda County Transportation Authority’s (ACTA) proposed Amendment No. 1 to the 1986 Alameda County Measure B Transportation Expenditure Plan, as required by law to be approved by all fourteen ACTA member cities.  
**Financial Implications:** None  
Contact: Claudette Ford, Public Works, 981-6300

25. **Proclamation Honoring Art Rosenfeld**  
*From: Mayor Bates*  
**Recommendation:** Approve a proclamation honoring Art Rosenfeld, a 50-year Berkeley resident and a pioneer in the field of energy efficiency.  
**Financial Implications:** None.  
Contact: Tom Bates, Mayor, 981-7100

26. **Support UC Sustainable Transportation Initiative**  
*From: Mayor Bates and Councilmember Worthington*  
**Recommendation:** Adopt a Resolution in support of the proposed sustainable transportation guidelines for the University of California system.  
**Financial Implications:** None.  
Contact: Tom Bates, Mayor, 981-7100 and Kriss Worthington, Councilmember District 7, 981-7170

27. **Support for Development of North Shattuck Plaza**  
*From: Councilmembers Capitelli and Spring*  
**Recommendation:** Direct the City Manager to work with community volunteers and the North Shattuck Association, in realizing a “North Shattuck Plaza” at Shattuck Avenue and Shattuck Place, as outlined in concept and approved by Council in January 2001.  
**Financial Implications:** Staff time.  
Contact: Laurie Capitelli, Councilmember District 5, 981-7150 and Dona Spring, Councilmember District 4, 981-7140

28. **Sponsorship for BAHIA’s 30th Anniversary Celebration**  
*From: Councilmember Maio*  
**Recommendation:** Refer to the City Manager a request to determine a funding source to enable the City to become an Amigo Sponsor of BAHIA’s 30th Anniversary Celebration.  
**Financial Implications:** $1,000.  
Contact: Linda Maio, Councilmember District 1, 981-7110
29. **Opposition to SB 1056: GMO Foods**  
   **From:** Councilmembers Spring and Worthington  
   **Recommendation:** Adopt a Resolution opposing SB 1056 and request the City Manager to send letters of opposition to our elected State officials.  
   **Financial Implications:** None.  
   Contact: Dona Spring, Councilmember District 4, 981-7140 and Kriss Worthington, Councilmember District 7, 981-7170

30. **Proclamation: Indigenous Peoples Day 2005**  
   **From:** Councilmembers Spring, Anderson and Moore  
   **Recommendation:** Approve a proclamation in honor of Indigenous Peoples Day on Saturday, October 8, 2005 and present the proclamation to the Indigenous Peoples Day committee at the September 27, 2005 Council meeting.  
   **Financial Implications:** None.  
   Contact: Dona Spring, Councilmember District 4, 981-7140; Max Anderson, Councilmember District 3, 981-7130; Darryl Moore, Councilmember District 2, 981-7120

31. **Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions**  
   **From:** Councilmember Worthington  
   **Recommendation:** Adopt the first reading of an Ordinance adding Berkeley Municipal Code (BMC) Chapter 3.80, Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions.  
   **Financial Implications:** Administrative costs  
   Contact: Kriss Worthington, Councilmember District 7, 981-7170

32. **Oppose Proposition 76 in the Special Election**  
   **From:** Councilmember Worthington and Mayor Bates  
   **Recommendation:** Oppose Proposition 76 in the special election, which may cut funding for schools, health care, police, and firefighters and undermines our democratic system of checks and balances by giving the governor tremendous new powers without sufficient oversight.  
   **Financial Implications:** None.  
   Contact: Kriss Worthington, Councilmember District 7, 981-7170 and Tom Bates, Mayor, 981-7100
33. Support Instant Run-Off Voting (IRV) by Communicating the City of Berkeley’s Official Request to the California Secretary of State, and to Alameda County to Respect the Will of the Voters and Strive to Implement IRV for Berkeley in 2006
From: Councilmember Worthington
Recommendation: The City of Berkeley will: 1) initiate conversations with Alameda County encouraging them to support Berkeley’s IRV election in November 2006 using a vendor capable of running such an election; 2) send a letter to the California Secretary of State requesting clarification of any legal or administrative requirements needed to be met by the City or County to facilitate implementation of IRV in Berkeley; 3) send a letter to Alameda County thanking the acting Registrar of Voters for participating in an active dialogue on how to implement IRV, and encouraging the Board of Supervisors to attempt to facilitate IRV with the current vendor or with any new vendor that may be selected; 4) begin a public review process to be prepared to take City Council action adopting an IRV implementation Ordinance that seeks to standardize rules and regulations among the Alameda County cities, and if necessary to prepare a ballot measure for June 2006 to address any Berkeley specific issues that emerge from the legal and regulatory process.
Financial Implications: None.
Contact: Kriss Worthington, Councilmember District 7, 981-7170

34. 2615 Marin Avenue - Appeal ZAB Decision Use Permit #03-10000069 (To be delivered)
   a. Council Consideration of Appeal of ZAB Approval of 2615 Marin Avenue – Project Information Clarification (September 13, 2005)
      From: City Manager
      Contact: Dan Marks, Planning and Development, 981-7400
   b. From: City Manager (July 19, 2005)
      Recommendation: Adopt a Resolution affirming the Zoning Adjustments Board (ZAB) approval of Use Permit #03-10000069, to construct a single-family dwelling, and dismissing the appeal.
      Financial Implications: None.
      Contact: Dan Marks, Planning and Development, 981-7400
   c. Appeal (July 19, 2005)
      1. Matthew White
      2. Kimberly Kline and Stephen Branam
      3. Daphne and Georg Kalmar
      4. Arvalea Nelson
   d. Communications (July 19, 2005)
      1. Tom Cosgrove
      2. David Richmond and Kelly Klopp Richmond
      3. Matthew White
      4. Arvalea Nelson
      5. Kimberly Kline
e. **Supplemental Communications 1 (July 19, 2005)**
   29. Georg and Daphne Kalmar, Kimberly Kline and Stephen “Hopper” Branam (3)
   30. Kimberly Kline and Georg Kalmar
   31. Kimberly Kline (3)
   32. Herbert and Emilie Steiner
   33. Dave Richmond
   34. Rena Rickles
   35. Petition with 64 signatures, submitted by Kimberly Kline

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:
1) No lawsuit challenging a City decision to deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 
2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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**Action Calendar – Old Business**

35. **Administrative Fees: Inclusionary Housing Program (Held over from July 12, 2005)**
   **From:** City Manager
   **Recommendation:** Conduct a public hearing and upon conclusion: 1) adopt first reading of Ordinance adding Berkeley Municipal Code (BMC) Section 23C.12.100 authorizing the City Council to set fees by Resolution; and 2) adopt a Resolution to be effective upon the effective date of the Ordinance, approving the Inclusionary Housing Program administrative fees specified in the Resolution.
   **Financial Implications:** See report.
   **Contact:** Stephen Barton, Housing, 981-5400

36. **Workplace Bullying (Held over from July 12, 2005)**
   **From:** Commission on Labor
   **Contact:** Delfina M. Geiken, Secretary, 981-7551

37. **Drayage: Disposition of Fines (Held over from July 12, 2005)**
   **From:** City Manager
   **Contact:** Michael Caplan, City Manager, 981-7000
Information Reports

38. Environmentally Responsible Paper Purchases
   From: City Manager
   Contact: Fran David, Finance, 981-7300

   From: City Manager
   Contact: David W. Hodgkins, Human Resources, 981-6800

40. Unrepresented Temporary Employees
   From: City Manager
   Contact: David W. Hodgkins, Human Resources, 981-6800

41. Fee Deferral - 1001 Ashby Avenue
   From: City Manager
   Contact: Dan Marks, Planning and Development, 981-7400

42. Landmarks Preservation Commission Notice of Decision: Approval of Structural Alteration Permit - 2036 Shattuck Avenue, 2599 Telegraph Avenue (7/11/05), 1045 Ashby Avenue, 2599 Telegraph Avenue (8/8/05)
   From: City Manager
   Contact: Dan Marks, Planning and Development, 981-7400

43. Landmarks Preservation Commission Notice of Decision: Structure of Merit Designation - 2901 Otis; Landmark Designation - 2375-77 Shattuck
   From: City Manager
   Contact: Dan Marks, Planning and Development, 981-7400

44. Civic Arts Grant Allocations - FY 2006
   From: Civic Arts Commission
   Contact: Mary Ann Merker, Secretary, 981-7533

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations.

Alta Bates
   1. Julie Gordon Shearer (2)
   2. John O’Shaughnessy
   3. Deborah LeVeen

Beth El Temple Parking and Traffic
   4. Linda Trujillo Bargmeyer
GIS and Technology Fees Survey
5. Barbara Gilbert

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

Odors and Possible Health Risks from Pacific Steel Casting
7. The West Berkeley Alliance for Clean Air and Safe Jobs, submitted by Janice Schroeder (3)
8. Nabil Al-Hadithy, Planning and Development Department

Debris on Sidewalks and Streets
9. Saint John’s Neighbors, submitted by Anne Whyte

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

ADA Sensitivity Training for Taxi Drivers
24. Toni Gugliemi, Bay Area Checker Cab

Baldwin v. Placer County
25. Anne Whyte

Privatizing Social Security – Response to April 19, 2005 Council Item
26. Senator Barbara Boxer

Off-Site Inclusionary Housing
27. Barbara Gilbert

Dog Regulation
28. Barbara Gilbert (3)

Cowboy Mentality Among Berkeley Paramedics
29. Jamai Ellis and Glen Kitzenberger

Housing Desperation for All Californians
30. Barbara Gilbert

Disbanding the Peace and Justice Commission
31. Barbara Gilbert
Communications

Shopping and Parking Concerns
  32. C. Tom Fincher

Community Development Block Grant (CDBG) Program Consolidation and Funding Reduction – Response to April 12, 2005 Council Item
  33. Senator Barbara Boxer

West Campus Pool Closure
  34. Strawberry Creek Lodge, submitted by Nancy Wogan

Downtown University Plan Committee/Task Force Representative
  35. MAAGNA, submitted by Wendy Alfsen, Corresponding Secretary

UC Berkeley Donations
  36. Barbara Gilbert

Adjournment