Preliminary Matters

Roll Call: 7:02 p.m. All present.

Ceremonial Matters:
1. Pledge of Allegiance to the Flag
3. 24th Annual Shoreline Cleanup Day
4. In Recognition of Inkworks Press for Environmental Excellence

City Manager Comments: 0

Public Comment on Non-Agenda Matters: 5

Public Comment on Consent Calendar and Information Items Only: 2

Recess Consent Items

Action: M/S/C (Worthington/Anderson) to adopt Consent Calendar in one motion except as indicated:

1. Contract Amendment: Prescription Psychiatric Medications
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to authorize the execution of an amendment to Contract No. 6841 with United Pharmacy for the provision of prescription psychiatric medications to increase the amount by $75,000 for a total contract amount not to exceed $621,000.
   Financial Implications: See report.
   Contact: Fred Medrano, Health and Human Services, 981-5100
   Action: Adopted Resolution No. 64,178–N.S.
Recess Consent Items

2. **Contract No. 6927B Amendment: DMJM Harris, Inc. for On Call Transportation Engineering/Planning Services**
   
   From: City Manager
   
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 6927B with DMJM Harris, Inc. for on-call transportation planning and engineering services, increasing the not to exceed amount by $40,000 to $180,000.
   
   Financial Implications: See report.
   
   Contact: Claudette Ford, Public Works, 981-6300
   
   Action: Adopted Resolution No. 64,179 N.S.

Consent Calendar

3. **Lease Agreement: City-Owned Property Near Fourth and Harrison Streets**
   
   From: City Manager
   
   Recommendation: Adopt second reading of an Ordinance 7,057–N.S. authorizing the City Manager to execute a lease agreement and any amendments with Building Opportunities for Self-Sufficiency (BOSS) to lease a City-owned parcel of property near Harrison Street at the abandoned Fourth Street for a five-year period with a conditional option to extend for an additional five-year period.
   
   Financial Implications: See report.
   
   First Reading Vote: All Ayes
   
   Contact: Jane Micallef, Housing, 981-5400
   
   Action: Adopted second reading of Ordinance No. 7,057–N.S.

4. **Minutes for Approval**
   
   From: City Manager
   
   Recommendation: Approve the minutes for the Council meetings of July 8, 2008 (special closed); July 8, 2008 (regular); July 14, 2008 (special closed); July 15, 2008 (Joint BHA/Council); July 15, 2008 (regular); July 22, 2008 (special); July 22, 2008 (regular); July 24, 2008 (special closed).
   
   Financial Implications: None
   
   Contact: Deanna Despain, Acting City Clerk, 981-6900
   
   Action: Approved minutes as submitted.

5. **Establish 2009 City Council Meeting Schedule**
   
   From: City Manager
   
   Recommendation: Adopt a Resolution establishing the Council regular meeting schedule for 2009, with starting times of 7:00 p.m.
   
   Financial Implications: None
   
   Contact: Deanna Despain, Acting City Clerk, 981-6900
   
   Action: Adopted Resolution No. 64,180–N.S.
Consent Calendar

6. Downtown Berkeley Business Improvement District
   From: City Manager
   Recommendation: Adopt a Resolution approving the 2009 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 2009; and directing the City Clerk to schedule a public hearing for November 18, 2008, to consider levying a renewed assessment for the year 2009.
   Financial Implications: See report.
   Contact: Michael Caplan, Economic Development, 981-7530
   Action: Adopted Resolution No. 64,181–N.S.

7. Contract: Centralized Homeless Shelter Bed Reservation System
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Berkeley Food & Housing Project to provide the City with a centralized homeless shelter bed reservation system in an amount not to exceed $60,000 for the period October 1, 2008 through September 30, 2009.
   Financial Implications: See report.
   Contact: Lauren Lempert, City Manager's Office, 981-7000
   Action: Moved to Action Calendar. M/S/C (Maio/Moore) to adopt Resolution No. 64,182–N.S. Vote: All ayes.

8. Contract: Downtown Berkeley YMCA
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of $266,166 for fitness center memberships for City employees for the period July 1, 2008 through June 30, 2009.
   Financial Implications: See report.
   Contact: Tracy Vesely, Budget Manager, 981-7000
   Action: Adopted Resolution No. 64,183–N.S.

9. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days
   From: City Manager
   Recommendation: Approve the request for proposals (RFP) that will be, or is planned to be, issued upon final approval by the requesting department or division.
   Financial Implications: Various Funds - $1,262,919
   Contact: Robert Hicks, Finance, 981-7300
   Action: Approved recommendation.
10. **Lease Amendment: 1013 Pardee Street No. 105**  
   **From:** City Manager  
   **Recommendation:** Adopt first reading of an Ordinance to amend Contract No. 7472, approved by Ordinance No. 7,001–N.S., to extend the current lease for one year and to increase expenditure authority for warehouse property lease at 1013 Pardee Street No. 105, for the period covering October 1, 2008 to September 30, 2009 to an amount not to exceed $166,800.00.  
   **Financial Implications:** See report.  
   **Contact:** Debra Pryor, Fire, 981-3473  
   **Action:** Adopted first reading of Ordinance No. 7,059–N.S.  Second reading scheduled for September 23, 2008

11. **Contract: Sponsor-Based Shelter Plus Care Program**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Resources for Community Development to operate as Sponsor under the Shelter Plus Care Program and receive Housing Assistance Payments for an amount not to exceed $119,628 for the period of June 1, 2008 through May 31, 2009.  
   **Financial Implications:** See report.  
   **Contact:** Jane Micallef, Housing, 981-5400  
   **Action:** Adopted Resolution No. 64,184–N.S.

12. **Service Employees International Union Local 1021 Maintenance and Clerical Chapter**  
   **From:** City Manager  
   **Recommendation:** That Council adopt two Resolutions: 1) approving a new four-year Memorandum Agreement with Service Employees International Union Local 1021 Maintenance and Clerical Chapters with a term of June 29, 2008 through June 23, 2012, authorizing the City Manager to execute and implement the new labor agreement that includes certain adjustments to salaries and benefits retroactive to June 29, 2008 or other dates set forth in the contract; and 2) approving a new salary resolution for Representation Units D, J, K-1 and K-2 that implement the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 61,807–N.S.  
   **Financial Implications:** See report.  
   **Contact:** David Hodgkins, Human Resources, 981-6800  
   **Action:** Adopted Resolution No. 64,171–N.S. and Resolution No. 64,172–N.S.
13. Memorandum Agreement: Service Employees International Union Local 1021 Community Services Chapter
From: City Manager
Recommendation: That Council adopt two Resolutions: 1) approving a new four-year Memorandum Agreement with Service Employees International Union Local 1021 Community Services Chapter (hereinafter referred to as the "Union") with a term of June 29, 2008 through June 23, 2012, authorizing the City Manager to execute and implement the new labor agreement that includes certain adjustments to salaries and benefits retroactive to June 29, 2008 or other dates set forth in the contract; and 2) approving a new salary resolution for Representation Units G-1, G-3, I-A, I-B, L, R-1 and R-2 that implements the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 61,805-N.S. and Resolution No. 61,809–N.S.
Financial Implications: See report.
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 64,173–N.S. and Resolution No. 64,174–N.S.

From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from Albany Berkeley Girls Softball League (ABGSL) in the amount of $25,000 to be used for Phase Two of the Gilman Street Sports Fields Project.
Financial Implications: General Fund - $25,000.00 revenue (donation)
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 64,185–N.S.

15. Acceptance of the Chalik Offer of Dedication of a Conservation Easement
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to accept the Chalik Offer of Dedication dated 12/10/07 over a portion of Lower Codornices Creek Restoration and Site Improvement Project.
Financial Implications: None
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700

16. 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 $30,000 for a total contract amount not to exceed $195,000.
Financial Implications: General Fund - $195,000
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 64,186–N.S.
Consent Calendar

   From: City Manager
   Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located at Bonita Avenue, Hearst Avenue, et al., and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with Gold Wing Engineering, until completion of the project in accordance with the approved plans and specifications in an amount not to exceed $312,142 for a term of 190 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. 64,187–N.S.

18. Contract No. 7518A Amendment: MRI Contract Staffing, Inc. (formerly Management Recruiters/Berkeley) for Temporary Parking Services Staff
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7518A with MRI Contract Staffing, Inc. (formerly Management Recruiters/Berkeley) for on-call general surveying services, increasing the amount by $20,000, for a total amount not to exceed $110,000 for the period July 1, 2007 to December 31, 2008.
   Financial Implications: See report.
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,188–N.S.

19. Correction to FY 2009 Street Lighting Assessment Resolution
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the levying of assessments for Berkeley Street Lighting Assessment District No. 1982-1 for FY 2009.
   Financial Implications: See report.
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,177–N.S.

   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a Contract with Urban Ore for salvage of reusable and recyclable items at the City's transfer station, for a total amount not to exceed $144,000 for the term July 1, 2008 through June 30, 2011.
   Financial Implications: See report.
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,189–N.S.
Consent Calendar

21. **Contract: Mental Health Services**
   **From:** Mental Health Commission
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a performance contract and any amendments with the State Department of Mental Health for the provision of mental health services in accordance with California Welfare and Institutions Code Section 5650 for FY 2008-2010.
   **Financial Implications:** See report
   **Contact:** Fred Medrano, Health and Human Services, 981-5100
   **Action:** Adopted Resolution No. 64,190–N.S.

Council Consent Items

22. **Berkeley Holiday Fund**
   **From:** Mayor Bates
   **Recommendation:** That the City Council adopt a Resolution approving the expenditure of $500 to the Berkeley Holiday Fund’s annual campaign with funds from the Mayor’s Office expense account relinquished to the City for this purpose.
   **Financial Implications:**
   **Contact:** Tom Bates, Mayor, 981-7100
   **Action:** Adopted Resolution No. 64,191–N.S.

23. **Doubling of Parking Fines In RPP Areas A, B, and D on UC Berkeley Football Game Days**
   **From:** Councilmember Wozniak
   **Recommendation:** Adopt a Resolution permanently instituting the 2007 pilot program to double parking fines in Residential Parking Permit (RPP) areas in the South campus area on UC Berkeley football home game days. This would include RPP areas A, B, and D, which are currently enforced on Saturdays.
   **Financial Implications:** See report
   **Contact:** Gordon Wozniak, Councilmember, District 8, 981-7180
   **Action:** Adopted Resolution No. 64,192–N.S.

24. **Indigenous Peoples Day 2008**
   **From:** Councilmembers Worthington, Moore and Anderson
   **Recommendation:** Approve the attached proclamation in honor of Indigenous Peoples Day, Saturday October 13, 2008.
   **Financial Implications:** None
   **Contact:** Kriss Worthington, Councilmember, District 7, 981-7170
   **Action:** Approved recommendation.

25. **City of Berkeley Support for Children’s Hospital Bond Act (Proposition 3)**
   **From:** Councilmember Worthington
   **Recommendation:** That the City of Berkeley supports the Children’s Hospital Bond Act (CHBA) of 2008 (Proposition 3) on the November 2008 ballot.
   **Financial Implications:** None
   **Contact:** Kriss Worthington, Councilmember, District 7, 981-7170
   **Action:** Approved recommendation.
Council Consent Items

26. Sponsorship of BUSD’s Black Family Reunion, Approval of Expenditure of Funds from Council members’ Office Expense accounts for Solano Avenue Stroll Parade and How Berkeley Can You Be? Parade
   From: Councilmembers Maio and Moore
   Recommendation: Approve City sponsorship of BUSD’s Black Family Reunion event and expenditure of funds relinquished from Council members’ office expense accounts for costs associated with this event and for participation for the Solano Avenue Stroll and How Berkeley Can You Be? events.
   Financial Implications: None. Funds from Council discretionary accounts.
   Contact: Linda Maio, Councilmember, District 1, 981-7110
   Action: Adopted Resolution No. 64,193–N.S. as amended to include approval of expenditure of funds relinquished from Council members’ office expense accounts for costs associated with BUSD’s Black Family Reunion, Solano Avenue Stroll and How Berkeley Can You Be? Events.

Action Calendar – Old Business

27. Support of the "California Voters FIRST" Act (Continued from July 22, 2008)
   From: Councilmember Capitelli
   Financial Implications: None
   Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
   Action: Continued to October 7, 2008.

Action Calendar - Appeals

28. ZAB Appeal: 1124 Fresno
   From: City Manager
   Recommendation: Adopt a Resolution affirming the Zoning Adjustments Board’s decision to dismiss the appeal of the Zoning Officer's decision to approve Administrative Use Permit No. 07-20000176 to allow the construction of a 366 sq. ft. expansion to an existing third floor, which continues the existing roofline of 27'2", at the front of an existing 2,243 sq. ft. three story, single-family residence.
   Financial Implications: None
   Contact: Dan Marks, Planning and Development, 981-7400
   a. Communication
      1. Steven Roselaren
   Action: M/S/C (Moore/Worthington) to adopt Resolution No. 64,194–N.S. Ayes – Maio, Moore, Anderson, Capitelli, Worthington, Wozniak, Bates. Noes - Olds
29. Establishment of Sustainable Energy Financing District and Introduction of Ordinance Levying Special Taxes
From: City Manager
Recommendation: Conduct a public hearing to consider protests against the establishment of the Sustainable Energy Financing District and upon conclusion:
1. Adopt a Resolution forming the Sustainable Energy Financing District;
2. Adopt a Resolution establishing the maximum bonded indebtedness for the District.
3. Introduce an ordinance, pursuant to Berkeley Municipal Code Section 7.98.160, Ordering the Levy of Special Taxes on parcels that will annex to the District, at rates to be approved by unanimous approval of the owners of said parcels and for apportionment and collection of the special taxes in the manner specified in the resolution forming the District.
Financial Implications:
Contact: Christine Daniel, Deputy City Manager, 981-7000
Public Testimony: The Mayor opened the public hearing. 0 speakers. M/S/C (Maio/Moore) to close the public hearing.
Action: M/S/C (Maio/Worthington) to 1) adopt Resolution No. 64,195–N.S. forming the Sustainable Energy Financing District; 2) adopt Resolution No.64,196–N.S. establishing the maximum bonded indebtedness for the District and 3) adopt first reading of Ordinance No. 7,061–N.S. ordering the levy of special taxes on parcels that will annex to the District.

30. Fees: Public Health Clinical Services
From: City Manager
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution establishing FY 2009 fees, for Public Health Clinical Services effective October 1, 2008 and rescinding Resolution No. 62,625–N.S.
Financial Implications: See report.
Contact: Fred Medrano, Health and Human Services, 981-5100
Public Testimony: The Mayor opened the public hearing. 0 speakers. M/S/C (Moore/Anderson) to adopt Resolution No. 64,197–N.S. establishing FY 2009 fees for Public Health Clinical Services.
Action: M/S/C (Anderson/Moore) to adopt Resolution No. 64,197–N.S. establishing FY 2009 fees for Public Health Clinical Services.

31. Amendments to Street Events Ordinance, BMC Chapter 13.44
From: City Manager
Recommendation: Adopt the first reading of an Ordinance amending provisions of the Street Events Ordinance (BMC Chapter 13.44) that regulate permits for street events.
Financial Implications: None
Contact: Zach Cowan, Acting City Attorney, 981-6950
Action Calendar – New Business

32. Amendment: Traffic Ordinance, BMC Chapter 14.48
   From: City Manager
   Recommendation: Adopt the first reading of an Ordinance amending BMC Chapter 14.48 regulating use of sidewalks.
   Financial Implications: None
   Contact: Zach Cowan, Acting City Attorney, 981-6950
   Action: M/S/C (Worthington/Moore) to table the item and implement a public process including future workshops in possible revisions. Workshops to be scheduled at the Agenda Committee meeting.

33. Amendments to Community Noise Ordinance, BMC Chapter 13.40
   From: City Manager
   Recommendation: Adopt the first reading of an Ordinance amending provisions of the Community Noise Ordinance (BMC Chapter 13.40) that regulate permits for amplified sound.
   Financial Implications: See report.
   Contact: Fred Medrano, Health and Human Services, 981-5100
   Action M/S/C (Worthington/Moore) to table the item and implement a public process including future workshops in possible revisions. Workshops to be scheduled at a future Agenda Committee meeting.

Action Calendar – Council Items

34. Appointment of a Representative to the Alameda County Waste Management Authority
   From: Mayor Bates
   Recommendation: Appoint Council Member Gordon Wozniak to the Alameda County Waste Management Authority.
   Financial Implications: None
   Contact: Tom Bates, Mayor, 981-7100

Information Reports

35. Administrative Correction for Ballot Measure JJ Ballot Question to Remain Consistent with 2004 Language
   From: City Manager
   Contact: Deanna Despain, Acting City Clerk, 981-6900
   Action: Received and filed.

36. Proposition 8 Reassessment Information
   From: City Manager
   Contact: Robert Hicks, Finance, 981-7300
   Action: Received and filed.
Information Reports

   From: City Manager
   Contact: Robert Hicks, Finance, 981-7300
   Action: Received and filed.

38. Audit Update: FY1999 Business License Tax Audit
   From: City Manager
   Contact: Robert Hicks, Finance, 981-7300
   Action: Received and filed.

39. Audit Update: Fire Department Audit - Lost Time and Overtime
   From: City Manager
   Contact: Debra Pryor, Fire, 981-3473
   Action: Received and filed.

40. Audit Update: Controlled Substances in the Fire Department
   From: City Manager
   Contact: Debra Pryor, Fire, 981-3473
   Action: Received and filed.

41. Audit Update: Fire Department Audit - Ambulance Billing
   From: City Manager
   Contact: Debra Pryor, Fire, 981-3473
   Action: Received and filed.

42. Unrepresented Temporary Employees
   From: City Manager
   Contact: David Hodgkins, Human Resources, 981-6800
   Action: Received and filed.

43. LPC NOD: 2222 Harold Way
   From: City Manager
   Contact: Dan Marks, Planning and Development, 981-7400
   Action: Received and filed.

44. Quarterly Report: Crime in Berkeley
   From: City Manager
   Contact: Douglas N. Hambleton, Police, 981-5900
   Action: Received and filed.

45. FY2009 Civic Arts Grant Awards
   From: Civic Arts Commission
   Contact: Mary Ann Merker, Commission Secretary, 981-7000
   Action: Received and filed.

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

Adjourned at 10:51 p.m.
Communications

Item 35: Administrative Correction for Ballot Measure JJ Ballot Question to Remain Consistent with 2004 Language
1. Barbara Gilbert

Alcohol Regulations
2. Robin Wright

Closed Session for 7/24/08
3. Shirley Dean
4. Tom Bates, Mayor
5. Sharon Hudson (2)

Aquatic Park Storm Drain Project
6. Patricia Vaughn Jones, Norman La Force and Mark Liolios, on behalf of Citizens for East Shore Parks (CESP), Sierra Club SF Bay Chapter, and Aquatic Park EGRET, respectively

Taxpayer Subsidies to Developers
7. Barbara Gilbert

Recycling Inconvenience
8. Walter Wood

1885 University Avenue Affordable Housing Agreement
9. Steven Wollmer

District 4
10. Lesley Swain
11. Mary Rose Kaczoroski
12. Deanna Despain, City Clerk’s Office

Proposition 11
13. Avis Worthington

Internal Affairs Bureau Complaint
14. Charles Jackson

BRT
15. Chris Stehlik

The 1Rapid
16. Arin Karol Weitzman

Curbing Homelessness
17. Diana Bermudez

Garbage Collection
18. Francesca Healy

Bevatron and Building 51 Update
19. Don Medley, Lawrence Berkeley Laboratory

Cop Cameras
20. Anne Whyte

Nano Regulations
21. I-Ku Chen
Communications

Underground Wiring 20A Public Funds
22. Pamela Doolan

French Hotel/Cell Phone Antennas
23. Sarah Jones
24. Jordan Rothstein
25. Frances Strassman (2)
26. Shahram Shahruz
27. Zach Cowan, City Attorney’s Office

Memorial Stadium
28. Kent Lewandowski, on behalf of the Sierra Club Northern Alameda County Group

Downtown Berkeley Bike Station
29. Kent Lewandowski, on behalf of the Sierra Club Northern Alameda County Group
30. Austin McInerny

Berkeley Adult Co-ed Soccer League
31. Carmen Patao

Berkeley Community Media
32. George Coates

33. Barbara Bernstein

Community Choice Energy
• Several form letters available for viewing at the City Clerk’s Office

Supplemental Communications and Reports 1

Item 28: ZAB Appeal: 1124 Fresno
34. Chuck Teller and Betsy Bigelow-Teller

Item 34: Appointment of a Representative to the Alameda County Waste Management Authority
35. Shirley Dean
36. Dennis Walton

Supplemental Communications and Reports 2

Item 13: Memorandum Agreement: Service Employees International Union Local 1021 Community Services Chapter
• Supplemental materials, submitted by Human Resources (see agenda item)

Item 31: Amendments to Street Events Ordinance, BMC Chapter 13.44
• Presentation, submitted by City Attorney’s Office (see agenda item)

Item 33: Amendments to Community Noise Ordinance, BMC Chapter 13.40
• Supplemental materials, submitted by City Attorney’s Office (see agenda item)

Fault-Rupture Hazard Zones in California
37. Unknown

3000 Block of Stanton Street
38. Neighbors of Stanton Street