AGENDA

1. Roll Call
2. Public Comment
3. Approval of Minutes: October 31, 2011
4. Review and Approve draft agendas for November 15, 2011
   a. 12/06/11 – 5:30 Special City Council Meeting
   b. 12/06/11 – 7:00 p.m. Regular City Council Meeting
5. Upcoming Council Items:
   a. Proposed Upcoming Council Worksessions
   b. Electric Vehicles
   c. Condominium Conversion Program - Annual Report
6. Land Use Calendar – accept and file
7. Adjournment – next meeting November 28, 2011
Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure Resolution No. 65,337-N.S., Article III, C3c - Agenda - Submission of Time Critical Items

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

The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

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

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Deanna Despain, CMC, City Clerk, 981-6900.

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on November 17, 2011.

Deanna Despain, CMC, City Clerk
1. Roll Call: 2:30 p.m. All present.

2. Public Comment: 0 speakers.

3. M/S/C (Maio/Wozniak) to approve the minutes of October 24, 2011.

4. Review and Approve draft agendas for November 15, 2011
   a. M/S/C (Maio/Wozniak) to approve the agenda of 11/15/11 – 5:30 Special
      City Council Meeting as revised to include City Auditor contact
      information.
   b. M/S/C (Wozniak/Maio) to approve the agenda of 11/15/11 – 7:00 p.m.
      Regular City Council Meeting as revised to reflect the following:
      • Item 11. Official Visits for Army P.F.C. Bradley Manning – moved to
        Action Calendar.
      • Item 12. Supporting Core Religious Practices Involving Male
        Circumcision and Condemning Bigotry – moved to Action Calendar.
      • Item 15. Cease Federal Crackdown on Medical Cannabis Dispensaries –
        Continued to December 6, 2011.
      • Item 16. Extension of Residential Preferential Parking Permit Zones –
        Moved to Action Calendar
      • Item 18. Urging Alameda County to Amend Its Participation in Secure
        Communities – Revision submitted.
      • Item 19. City Manager Referral: Student Cooperatives Eligibility for
        Housing Trust Fund and Relationship to Affordable Housing Fee –
        Councilmember Wozniak added as co-sponsor.
      • Addition: Support the November University of California-wide November
        Days of Action on November 16th
      • Addition: Letter to President Obama Opposing Support of the Keystone XL
        Pipeline

5. Upcoming Council Items:
   a. Proposed Upcoming Council Worksessions
   b. Electric Vehicles

6. Land Use Calendar – accepted and filed.
7. Adjournment – 2:48 p.m.

Deanna Despain, CMC, City Clerk
DRAFT PROCLAMATION
CALLING A SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special
session as follows:

TUESDAY, DECEMBER 6, 2011
5:30 P.M.
Council Chambers – 2134 Martin Luther King Jr. Way

Preliminary Matters

Roll Call:

Public Comment – Items on this agenda only

Worksession:

1. Presentation of Pension Costs and Liabilities by the City Actuary
   From: City Manager
   Contact: Dave Hodgkins, Human Resources, 981-6800

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each
member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the official seal of the City of Berkeley to be
affixed on this 22nd day of November, 2011.

Tom Bates, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:

Date: 11/22/11
Deanna Despain, CMC, City Clerk
NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City 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 Zoning Adjustments Board decision, 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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Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6908 or clerk@cityofberkeley.info for further information.

Agendas and agenda reports may be accessed via the Internet at http://www.CityofBerkeley.info/CityCouncil and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@CityofBerkeley.info

Libraries:
Main - 2090 Kittredge Street
West Branch – 1125 University
South Branch – 1901 Russell

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Please refrain from wearing scented products to this meeting.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.
DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING
TUESDAY, DECEMBER 6, 2011
7:00 P.M.
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR
Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRIS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Deanna Despain, CMC, City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

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

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

Public Comment on Non-Agenda Matters: Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.
Public Comment on Consent Calendar and Information Items Only: The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.

In the event that there are more than three persons wishing to speak either in opposition to or support of a “Consent” item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to “Action”, however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. Amendment: FY 2012 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2012 Annual Appropriations Ordinance No. 7,195–N.S. for fiscal year 2012 based upon recommended re-appropriation of committed FY 2011 funding and other adjustments authorized since July 1, 2011, in the amount of $57,102,171 (gross) and $49,261,483 (net).
2. Amendments to the Massage Therapy Ordinance, Chapter 9.32
From: City Manager

Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Financial Implications: See report
Contact: Zach Cowan, City Attorney, 981-6950
3. Modification of Berkeley Municipal Code Chapter 9.52 Taxicabs and Automobiles for Hire; and Adding Permit Transfer Fees
   From: City Manager
   Recommendation:
   1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 9.52 regarding regulation of taxicabs and automobiles for hire; and
   2. Adopt a Resolution amending Resolution No. 62,299 Section A to include taxi business permit transfers and taxi vehicle permit transfers as part of the fee schedule.
   Financial Implications: See report
   Contact: Christine Daniel, Interim City Manager, 981-7000

   From: City Manager
   Financial Implications: See report
   Contact: Deanna Despain, City Clerk, 981-6900

5. Minutes for Approval
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of November 8, 2011 (special and regular) and November 15, 2011 (specials and regular).
   Financial Implications: None
   Contact: Deanna Despain, City Clerk, 981-6900

6. 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 or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
   Financial Implications: TBD - $2,492,155
   Contact: Robert Hicks, Finance, 981-7300

   From: City Manager
   Recommendation: Maintain the current established threshold of $25,000 for the Sweatshop-Free Procurement Ordinance No. 7,099-N.S.
   Financial Implications: See report
   Contact: Robert Hicks, Finance, 981-7300
8. **Agreement: County Supervisors Association of California Excess Insurance Authority for Medical Malpractice Insurance**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute the documents necessary to join the County Supervisors Association of California Excess Insurance Authority Joint Powers Authority ("CSAC EIA"), including the Joint Powers Agreement and Memorandum of Understanding, to obtain Medical Malpractice Insurance for City employees in the Public Health and Mental Health Divisions of the Department of Health Services beginning December 31, 2011, and continuing with annual renewal thereafter, in an amount not to exceed $42,000 for the initial term through June 30, 2013.  
**Financial Implications:** See report  
**Contact:** Jane Micallef, Health Services, 981-7000

9. **Contract No. 7381D Amendment: Corporate Care, LLC for Carpet Cleaning and Maintenance Services**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7381D with Corporate Care, LLC for the provision of carpet cleaning and maintenance services at Mental Health clinic sites; to increase the amount by $7,850 for a total contract amount not to exceed $56,300.  
**Financial Implications:** Various Funds - $7,850  
**Contact:** Jane Micallef, Health Services, 981-7000

10. **Mental Health Services Act Housing Funds for University Avenue Homes**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution:  
1. Authorizing the City Manager to submit an application from Resources for Community Development (RCD) to the California Housing Finance Agency (CalHFA) to secure a loan in the amount of $758,600 in Mental Health Services Act (MHSA)Housing Program Funds allocated to the City's Mental Health Division for the renovation of the University Homes (UA Homes) Adult housing project; and  
2. Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with RCD in order to specify roles and responsibilities of each entity regarding the provision of supportive services associated with the project.  
**Financial Implications:** See report  
**Contact:** Jane Micallef, Health Services, 981-7000

11. **Reappointment of Ms. Aydan Aysoy to County Paratransit Advisory Group**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution reappointing Ms. Aydan Aysoy to serve as the City of Berkeley's citizen representative on the Paratransit Advisory and Planning Committee (PAPCO) of the Alameda County Transportation Commission (Alameda CTC).  
**Financial Implications:** See report  
**Contact:** Jane Micallef, Health Services, 981-7000
Consent Calendar

12. **CalPERS Reporting of Pension Contributions**
   *From: City Manager*
   **Recommendation:** Adopt two Resolutions:
   1. Approving payment and reporting of the value of the Employer Paid Member Contributions for members of the California Public Employees Retirement System (CalPERS) City of Berkeley Miscellaneous Employees pension plan.
   2. Approving payment and reporting as a tax deferred member paid contribution pursuant to Internal Revenue Code Section 414(h)(2) for members of the CalPERS City of Berkeley Safety Police Employees pension plan and the CalPERS City of Berkeley Safety Fire pension plan.
   **Financial Implications:** No fiscal impact
   **Contact:** David Hodgkins, Human Resources, 981-6800

13. **Lease Agreement: 2547 8th Street**
   *From: City Manager*
   **Recommendation:** Adopt first reading of an Ordinance authorizing the Library to execute a 15 month lease agreement with two 2 month options with West Coast Property Management for real property located at 2547 8th Street, to house the tool lending library program during the construction phase of the South Branch Library, for the expected period extending from January 1, 2012 through July 31, 2013.
   **Financial Implications:** See report
   **Contact:** Donna Corbeil, Library, 981-6100

14. **Contract No. 8350 Amendment: East Bay Conservation Corps/Civicorps Schools for Hazardous Vegetation Removal Services**
   *From: City Manager*
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8350 with the East Bay Conservation Corps/Civicorps Schools (EBCC) to increase the amount by $45,000 for a not to exceed amount of $550,000 for the period ending September 30, 2013.
   **Financial Implications:** Marina Fund - $45,000
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, 981-6700

15. **Contract No. 8733 Amendment: Atkins, Inc. for CEQA Environmental Impact Report for Aquatic Park Improvement Program (APIP)**
   *From: City Manager*
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8733 with Atkins of North America, Inc. to complete the CEQA environmental review process for the Aquatic Park Improvement Program (APIP) by adding $11,270 for a total contract amount not to exceed $148,314.
   **Financial Implications:** Parks Tax Fund - $11,270
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, 981-6700
16. **Contract: McGuire and Hester Construction, Inc. for San Pablo Park Basketball Court Renovation**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution:  
   1. Approving the plans and specifications for the San Pablo Park Basketball Court Renovation Project (Bid Specification No. 11-10561-C);  
   2. Deeming that the lowest Bid received from ERA Construction, Inc. is non-responsive;  
   3. Authorizing the City Manager or his designee to execute a construction contract to the lowest responsive, responsible bidder, McGuire and Hester Construction, Inc. (MH), for the amount of their Bid, $384,870; and  
   4. Authorizing the City Manager and his/her designee to execute change orders, amendments and/or time extensions to the Contract for a construction contingency amount not to exceed $57,730 (15% of the construction contract), for a total spending authority of $442,600.  
   **Financial Implications:** Various Funds - $442,600  
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, 981-6700

17. **Contract: West Coast Arborists for Tree Removal Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager and his/her designee to execute a contract and any amendments with West Coast Arborists, Inc. in an amount not to exceed $116,000 per year for a period of two years beginning December 10, 2011 and ending December 10, 2013, with an option to renew for one additional year, for a total contract amount not to exceed $348,000.  
   **Financial Implications:** Parks Tax Fund - $348,000  
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, 981-6700

18. **Grant Application: Proposition 84 Urban Greening Project Grant Program - Strawberry Creek Center Street Plaza Project**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution approving the submittal of a City of Berkeley Application to the Proposition 84 competitive Urban Greening Project Grant Program for the Center Street Strawberry Creek Plaza Project.  
   **Financial Implications:** $1,900,000 (revenue)  
   **Contact:** Scott Ferris, Parks, Recreation and Waterfront, 981-6700

19. **Mills Act Contracts: 1340 Arch Street; 2811 Benvenue Avenue; 22 Roble Road; 1984 San Antonio Avenue**  
   **From:** City Manager  
   **Recommendation:** Adopt four Resolutions directing the City Manager to enter into the attached Mills Act Contract for each of the properties located at 1340 Arch Street, 2811 Benvenue, 22 Roble Road, and 1984 San Antonio.  
   **Financial Implications:** See report  
   **Contact:** Wendy Cosin, Planning and Development, 981-7400
20. **Contract: St. Vincent de Paul for Mattress Recycling**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with St. Vincent de Paul for hauling, refurbishing and recycling mattresses collected at the City of Berkeley Transfer Station, in an amount not to exceed $180,000 for the period January 1, 2012 to December 31, 2014, with an option for two 1-year extensions.  
**Financial Implications:** Refuse Fund - $180,000  
Contact: Andrew Clough, Public Works, 981-6300

21. **Sewer Easement Deed Agreements at 1232, 1236 and 1240 Milvia Street**  
*From: City Manager*  
**Recommendation:** Adopt first readings of 3 Ordinances authorizing the City Manager to accept Easement Deed Agreements for extension of sewer pipe facilities, with: 1) David Halpin, 1232 Milvia Street; 2) Rachel Callaghan and Martin B. Reich, 1236 Milvia Street; and 3) Carol Edlinger and Josey Edlinger, 1240 Milvia Street.  
**Financial Implications:** None  
Contact: Andrew Clough, Public Works, 981-6300

22. **City Auditor Fiscal Year 2011 Deferrals to 2013 Budget**  
*From: Auditor*  
**Recommendation:**  
1. That Council reaffirm previous votes to: a) Support exploring a whistleblower hotline and b) Implement audit recommendations for the City Manager to consider: -- An electronic timecard system -- Contracts management software -- Improvements to grants management  
2. That Council consider including these as priority projects for the 2013 budget.  
**Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750

23. **Council Office Expense Accounts**  
*From: Auditor*  
**Recommendation:** Rescind Resolution No. 64,019-N.S. and adopt a Resolution to limit the Mayor and Council's carryover expenditure limit to positive balances only effective June 30, 2014.  
**Financial Implications:** See report  
Contact: Ann-Marie Hogan, Auditor, 981-6750

**Council Consent Items**

24. **Appointment of Council Member Linda Maio as Vice President of the Council**  
*From: Mayor Bates*  
**Recommendation:** Officially appoint Council Member Linda Maio to be the Vice President of the Council for a term of one year beginning December 2011 to December 2012.  
**Financial Implications:** None  
Contact: Tom Bates, Mayor, 981-7100
25. **Revisions to Demolition and Elimination of Dwelling Units Ordinance**  
*From: Mayor Bates*  
**Recommendation:** Request the City Manager draft language amending the Berkeley Municipal Code Chapter 23C.08 related to the demolition and elimination of dwelling units for Planning Commission and City Council consideration.  
**Financial Implications:** Unknown  
Contact: Tom Bates, Mayor, 981-7100

26. **City Council Co-Sponsor 1st Annual Martin Luther King Jr. Celebration January 16, 2012**  
*From: Mayor Bates and Councilmembers Anderson and Moore*  
**Recommendation:** Co-sponsor the 1st Annual Martin Luther King Jr. Celebration Breakfast on January 16, 2012.  
**Financial Implications:** None  
Contact: Tom Bates, Mayor, 981-7100

27. **First Annual Martin Luther King Jr. Celebration January 16, 2012: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
*From: Mayor Bates and Councilmember Anderson*  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember including $250 from Mayor Bates to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 1st Annual Martin Luther King Jr. Celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Bates and any other Council members who would like to contribute.  
**Financial Implications:** Councilmembers' Discretionary Funds - $250  
Contact: Tom Bates, Mayor, 981-7100

28. **Adopt the UC Faculty Language to Support the Occupation Efforts**  
*From: Councilmember Maio*  
**Recommendation:** Adopt the UC faculty petition language to express Berkeley’s support for the Wall Street and other occupation efforts.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110

29. **Classify Home Occupation Activities Receiving Five or Fewer Visits as Moderate Impact Home Operation**  
*From: Councilmember Maio*  
**Recommendation:** Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.  
**Financial Implications:** None  
Contact: Linda Maio, Councilmember, District 1, 981-7110
Council Consent Items

30. News Helicopter Noise Impacts  
From: Councilmember Arreguin  
Recommendation: Send a letter to local TV stations requesting consideration of the noise impacts on residents in future deployment of news helicopters  
Financial Implications: None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

31. No Smoking Signs in the Downtown  
From: Councilmembers Arreguin and Capitelli  
Recommendation: Direct the City Manager to work with the Public Works Department and the Berkeley City College Tobacco-less Club to create "No Smoking" signs and develop a plan to install signs at key locations throughout the Downtown area.  
Financial Implications: Unknown  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

32. Residential Preferential Parking (RPP) Saturday Enforcement  
From: Councilmember Arreguin  
Recommendation: Refer to City Manager to evaluate extending Saturday RPP enforcement in areas adjacent to commercial districts.  
Financial Implications: None  
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

33. Stop UC Police Violence - Support Students, Faculty and Staff  
From: Councilmembers Worthington and Arreguin  
Recommendation: That the City Council send a letter opposing UC Police violence.  
Financial Implications: None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

34. Support Letter for Medical Amnesty Encouraging Drug Overdose Witnesses to Call 911  
From: Councilmembers Worthington and Anderson  
Recommendation: Send a letter to California Governor Jerry Brown supporting the creation of Medical Amnesty in California to encourage witnesses of a potential drug-related overdose to call 911.  
Financial Implications: None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.
Action Calendar - Appeals

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment.

35. ZAB Appeal: 2301 Durant Avenue

From: City Manager

Recommendation: Adopt a Resolution to:

1. Determine that appeal issues 3 - 9 are without merit and dismiss the appeal as to those issues; AND
2. As to appeal issues 1 and 2, remand the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 10-10000017 to demolish a 49-space parking garage, 1,500 square foot church community facility, and school building, and construct a five-story mixed-use building with a 59-space parking garage, 2,722 square foot church community facility and Group Living Accommodations (student dormitory) for 164 persons to the ZAB for a public hearing in order to take the following actions only:
   a. Conduct a new public hearing to consider the project under the recently adopted R-SMU regulations (BMC Chapter 23D.52), along with an addendum to the EIR.
   b. Consider and, as the ZAB deems appropriate, make the required demolition findings under Section 23C.08.050.

Financial Implications: None
Contact: Wendy Cosin, Planning and Development, 981-7400

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

36. Extend Residential Preferential Parking Permit Program on Two Streets

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Section 25E of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Parking Permit Parking on two streets.

Financial Implications: General Fund - $1,050
Contact: Andrew Clough, Public Works, 981-6300
37. **ZAB Appeal: 1423 Kains Avenue**  
*From: City Manager*  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution granting the appeal of Ali Eslami, in part, overturning the Zoning Adjustment Board’s (ZAB) decision to deny Use Permit Modification #10-7000010 and Variance #10-10000071, and approve the Use Permit Modification and Variances to reduce the number of off-street parking to three spaces, where four are required; to reduce the required landscaped strip between the parking pads and the rear lot line to 1-foot, 7-inches, where two feet is required; and to reduce the amount of Useable Open Space from approximately 991 square feet to 685 square feet, where 1600 square feet is required; and approve an Administrative Use Permit to allow uncovered parking in the rear yard area.  
**Financial Implications:** None  
Contact: Wendy Cosin, Planning and Development, 981-7400

38. **ZAB Appeal: 2801 Adeline Street**  
*From: City Manager*  
**Recommendation:**  
1. Conduct a public hearing and, upon conclusion, either: a) Adopt a Resolution granting the appeal of Berry Cisco Gardner, Jr., overturning the Zoning Adjustment Board's (ZAB) decision to approve Use Permit No. 10-10000034 to allow retail sales of beer and wine for off-site consumption at an existing retail pharmacy, and denying the Use Permit, OR  
   b) Continue the hearing to consider approval of the Use Permit following revisions to BMC Section 23E.16.040.B.2.c to specify additional circumstances under which a Use Permit for alcohol sales or service may be approved where the applicant has prior violations. AND  
2. Provide direction to the Planning Commission to revise Section 23E.16.040.B.2.c as discussed above.  
**Financial Implications:** None  
Contact: Wendy Cosin, Planning and Development, 981-7400

**Action Calendar – Old Business**

39. **Contracts: Waste Management of Alameda County for Landfill Disposal Services, and for Construction and Demolition Debris Sorting Services (Continued from November 15, 2011)**  
*From: City Manager*  
**Recommendation:** Adopt two Resolutions:  
1. Authorizing the City Manager to execute a new contract and any amendments with Waste Management of Alameda County (WM) for landfill disposal services, for a not-to-exceed amount of $32,740,168 for the period January 1, 2012 through December 31, 2026, and terminating the Waste Management Amended Contract No. 7665A.  
2. Authorizing the City Manager to execute a new contract and any amendments with Waste Management of Alameda County (WM) for construction and demolition (C&D) debris sorting services for a not-to-exceed amount of $3,571,770 for the period January 1, 2012 through December 31, 2014, with the option for two 1-year extensions.  
**Financial Implications:** See Report  
Contact: Andrew Clough, Public Works, 981-6300
Action Calendar – Old Business

40. Support the November University of California-Wide Days of Action (Continued from November 15, 2011)
   From: Councilmember Worthington
   Recommendation: Support the UC-Wide November Days of Action on November 16th.
   Financial Implications: None
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170

41. Letter to President Obama Opposing the Keystone XL Pipeline (Continued from November 15, 2011)
   From: Councilmember Worthington
   Recommendation: Send a letter to President Obama requesting he not approve the Keystone XL Pipeline.
   Financial Implications: None
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170

42. Report on Regional Bodies Participation-County Wide Transportation Plan (Continued from November 15, 2011)
   From: Councilmember Worthington
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Information Reports

43. Status Report: Activities of Public Library
   From: Board of Library Trustees
   Contact: Donna Corbeil, Library, 981-6100

44. ABAG: Fall General Assembly Report on Regional Bodies Participation
   From: Councilmember Wengraf
   Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Public Comment – Including Items Not Listed on the Agenda –

Adjournment

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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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at [http://www.cityofberkeley.info](http://www.cityofberkeley.info).

Agendas and agenda reports may be accessed via the Internet at [http://www.ci.berkeley.ca.us/citycouncil](http://www.ci.berkeley.ca.us/citycouncil) and may be read at reference desks at the following locations:

<table>
<thead>
<tr>
<th>City Clerk Department</th>
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<tr>
<td>2180 Milvia Street</td>
<td>Main - 2090 Kittredge Street</td>
</tr>
<tr>
<td>Tel: 510-981-6900</td>
<td>Claremont Branch – 2940 Benvenue</td>
</tr>
<tr>
<td>TDD: 510-981-6903</td>
<td>West Branch – 1125 University</td>
</tr>
<tr>
<td>Fax: 510-981-6901</td>
<td>North Branch – 1170 The Alameda</td>
</tr>
<tr>
<td>Email: <a href="mailto:clerk@ci.berkeley.ca.us">clerk@ci.berkeley.ca.us</a></td>
<td>South Branch – 1901 Russell</td>
</tr>
</tbody>
</table>

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.
CONSENT CALENDAR
December 6, 2011

To: Honorable Mayor and Members of the City Council
From: Ann-Marie Hogan, City Auditor
Subject: City Auditor Fiscal Year 2011 Deferrals to 2013 Budget

RECOMMENDATION
1) Reaffirm previous votes to:
   a. Support exploring a whistleblower hotline and
   b. Implement audit recommendations for the City Manager to consider:
      • An electronic timecard system
      • Contracts management software
      • Improvements to grants management
2) Consider including these as priority projects for the 2013 budget.

FISCAL IMPACTS OF RECOMMENDATION
Funding would be considered for these requests as part of Council priority-setting for 2013. Our office would return $153,800 in fiscal year 2010 savings instead of carrying over $20,000 for previously budgeted hotline startup costs, $40,000 towards timecards software, and $32,500 towards a contracts management system. We will prepare a Council report for a whistleblower hotline. A limited scope report on cost savings of electronic time card entry is underway by Marcum, LLP. Information Technology estimates $200,000 unbudgeted start up costs for electronic timecards and $75,000 for grants management software.

CURRENT SITUATION AND ITS EFFECTS
We proposed contributing funds to specific software solutions because they are unbudgeted. We are quite concerned that budget cuts have increased fraud risk and delayed implementation of our recommendations to reduce risk and increase efficiency in payroll, contracts, and grants management (see Attachment 1). Our 2010 audit, Employee Benefits: Tough Decisions Ahead, shows that the City has many unfunded and unmet needs far into the future.

The Budget 2011 carryover message stated that Council must identify the Auditor's proposals as priorities before they can be carried over or budgeted. It is understandable that the City Manager has decided to be very careful in committing funds, given the current budget situation. The City Manager has agreed to budget $12,000 to replace the payroll printer in 2013, rather than carry over the expense. We ask that Council include the items above in their discussions of Council priorities for the 2013 budget.
BACKGROUND

Funding to Implement Audit Recommendations
We recommended exploration of electronic timecards (distributed time entry) in our 1999 Payroll Audit, as did a recent Public Works refuse consultant report. Implementation of a Citywide electronic time and attendance system will increase efficiency for supervisors and staff in all departments, reduce payroll errors and adjustments, and could improve the City’s cost accounting and grants accounting.

Improvements to the Citywide contract system were recommended in our 2010 audit Efficiency and Transparency of Contract Fiscal Management Needs Improvement. Deficiencies in Citywide grants management has been the subject of several audits, including our 1998 Public Works Grants Audit. Grants management and general contract management might possibly be addressed as one software solution.

Funding for a Whistleblower Hotline

In 2008, AB2001 authorized California city and county auditors to maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations by local government employees. Our fiscal year 2009 audit plan, transmitted to Council in June 2008, included a planned report on whether to implement such a hotline in the City. On December 8, 2008, Council approved a Consent Item asking the City Manager to explore the creation of a whistleblower hotline. $20,000 has been allocated to the start-up cost since fiscal year 2009. The auditors researched the costs and benefits of whistleblower hotlines by reviewing reports from other cities and counties and interviewing staff. We have delayed making a final recommendation because of concerns about available staffing.

RATIONALE FOR RECOMMENDATION
The whistleblower hotline, electronic time cards, and grants management/contract system programs have potential Citywide benefits. The hotline would deter fraud. Payroll and grants software would save staff time and possibly protect grant revenue.

ALTERNATIVE ACTIONS CONSIDERED
We considered asking Council to allow these funds to be carried over, but because staff resources are not currently available to finalize recommendations, it appears more prudent to consider these costs in the Council’s 2013 priority-setting process.

CONTACT PERSON
Ann-Marie Hogan, City Auditor, 981-6750

Attachment:
1: Open Audit Recommendations as of September 30, 2011
Open Recommendations as of September 30, 2011 with Risk Categories
(Risk Categories: F = Fraud, G = Grants, E = Efficiency/Revenue, O = Oversight)

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Risk Category</th>
<th>Fiscal Year</th>
<th>Total Open</th>
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<tbody>
<tr>
<td>Special Report to Council</td>
<td>F, G, E, O</td>
<td>2008</td>
<td>1</td>
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<tr>
<td>Invisible Problems: Weak Internal Controls Require Disclosure by City Manager</td>
<td>F, G, E, O</td>
<td>2011</td>
<td>12</td>
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<tr>
<td>and Possible Future Council Action on Budget and Workplans</td>
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<tr>
<td>Audit Reports</td>
<td></td>
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<tr>
<td>Efficiency and Transparency of Contract Fiscal Management Needs Improvement</td>
<td>E, O</td>
<td>2011</td>
<td>4</td>
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<td>Equipment Replacement Fund - Sustainability and Transparency</td>
<td>E</td>
<td>2011</td>
<td>14</td>
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<td>Lack of Support for Payroll Adjusting Journal Entries: Grant Revenue at Risk?</td>
<td>G, O</td>
<td>2011</td>
<td>3</td>
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<td>Property and Evidence Room POST Study: Follow-up Audit</td>
<td>F, E</td>
<td>2011</td>
<td>1</td>
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<td>Police Property and Evidence Room: Further Improvements</td>
<td>F, O</td>
<td>2011</td>
<td>5</td>
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<td>Audit: City Fuel Operations Need Improvement</td>
<td>F, O</td>
<td>2011</td>
<td>14</td>
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<td>Utilization of Public Works Sewer Staff Can Be Improved</td>
<td>E, O</td>
<td>2010</td>
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<td>Mental Health Adult Clinic Surprise Cash Count: Client Funds Could Be Lost,</td>
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<td>Stolen, or Misused</td>
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<td>Improved Workflow Systems Will Help Ensure Property Taxes are Adjusted for</td>
<td>F, E</td>
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<td>New Construction</td>
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<td>Over $38,000 in Duplicate and Over Payments Recovered</td>
<td>E, F, O</td>
<td>2010</td>
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<tr>
<td>Public Works Contract Monitoring: Risk of Overpayments / Lack of Inventory</td>
<td>E, F</td>
<td>2010</td>
<td>3</td>
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<td>Controls</td>
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<tr>
<td>Audit of Workers’ Compensation Policies and Procedures</td>
<td>E, F, O</td>
<td>2009</td>
<td>7</td>
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<td>Leases Audit: Conflicting Directives Hinder Contract Oversight</td>
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<td>FY 2008 Surprise Cash Count: Permit Service Center</td>
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<td>Audit of HHS Medi-Cal Mental Health Billings</td>
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<td>Follow-Up Audit of Public Works Construction Contracts</td>
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<td>Audit of the Association of Sports Field Users</td>
<td>F</td>
<td>2006</td>
<td>7</td>
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<td>Parcel Based Special Taxes, Fees, and Assessments Audit</td>
<td>E, F</td>
<td>2005</td>
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<td>Purchase Order Audit - Select Public Works Divisions At the Corporation Yard</td>
<td>F, E</td>
<td>2005</td>
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<td>Accounts Payable Audit</td>
<td>E, F, O</td>
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<td>FUND$ Change Management Audit</td>
<td>F, O</td>
<td>2004</td>
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<td>Cash Receipts / Cash Handling Audit - Treasury</td>
<td>E, F, O</td>
<td>2003</td>
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<td>Customer Service Cash Receipts / Cash Handling Audit</td>
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<td>2003</td>
<td>3</td>
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<td>Police Staffing Audit</td>
<td>E</td>
<td>2002</td>
<td>3</td>
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<tr>
<td>City-wide Payroll Audit</td>
<td>E, F, O</td>
<td>1999</td>
<td>2</td>
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<td>Public Works Grants Audit</td>
<td>G, E, O</td>
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<td><strong>Total</strong></td>
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Highlighted audits are discussed in this Consent item.
To: Honorable Mayor and Members of the City Council
From: Ann-Marie Hogan, City Auditor
Subject: Council Office Expense Accounts

RECOMMENDATION
Rescind Resolution No. 64,019-N.S. and adopt a Resolution to limit the Mayor and Council’s carryover expenditure limit to positive balances only effective June 30, 2014.

FISCAL IMPACTS OF RECOMMENDATION
There will be no cost to implement the recommendation in this report. There could be some savings to the City.

CURRENT SITUATION AND ITS EFFECTS
The City Charter gives the Council, acting as a whole, the authority to set the City’s budget and budget policies. It gives the City Auditor authority regarding the review of payments, including a determination of whether or not a budget appropriation has been exhausted. Currently, Council members, including the Mayor, are authorized to carry over to the subsequent fiscal year as much as $10,000 each year in unspent funds or overspent funds. As written, the enabling resolution appears to say that a Council member may spend up to $10,000 in excess of the amount budgeted. This dollar amount appears large, given the size of Council nonpersonnel budgets. It does not appear that there would be negative impacts, if Council corrected the resolution to return to the previous language, which did not authorize overspending.

The Budget Manager currently reviews Council budgets and provides monthly budget-to-actual reports and projections for purposes of monitoring their budgets. The City Auditor, with assistance from the City Attorney as needed, currently reviews nonpersonnel expenditures to ensure that Council expenditures conform to Council’s adopted policies. Once the policy regarding overspending is clarified, the Budget Manager will alert the City Auditor to help resolve potential issues as needed. The Charter states that the City may not issue checks for unbudgeted amounts. The Budget Manager would subtract any overpayments from the following year’s budget.
BACKGROUND

- In March 1997, Resolution No. 58,890-N.S. approved a one-time carryover of unspent funds from the Mayor and Council accounts, not to exceed $1,500 per account.

- In March 1998, Resolution No. 59,375-N.S. added new language to Resolution No. 58,890 permitting unspent funds to be carried over to the next fiscal year, (i.e., both positive and negative carryover) or rolled back to the previous fiscal year, not to exceed $1,500 per account.

- In September 1999, Resolution No. 60,225-N.S. superseded previous resolutions by increasing the annual carryover maximum to $5,000 for nonpersonnel expenditures only.

- In April 2008, the current Resolution No. 64,019-N.S. superseded previous resolutions by increasing positive and negative annual carryover balances to a $10,000 maximum. Resolution No. 64,019 also increased flexibility of use of funds between personnel and nonpersonnel expenditures.

ALTERNATIVE ACTIONS CONSIDERED

The City Auditor considered recommending that earlier language with more limited carryover amounts be established, such as reverting to the 1998 amount of $1,500 for both positives and negatives.

The City Auditor consulted with the City Manager and met individually with four members of Council regarding this change. Consultation was limited to four legislators, in order to avoid violations of the open meetings law. Two Councilmembers stated that there should not be an allowance for any overspending, since all City departments are expected to keep expenditures within budget. Councilmembers also stated their preference to continue allowing carryover of excess funds, rather than adopt a "use it or lose it" policy.

The Fiscal Year 2011 Carryover Guidelines and Instructions, issued by the Budget Office on August 10, 2011 to Departments reporting to the City Manager, says funds may only be carried over for the following: specific commitments not properly encumbered in the prior fiscal year, Council-approved projects and/or programs that were not completed within the fiscal year, or a City Manager approved department priority explicitly planned to be funded through departmental savings.

CONTACT PERSON

Ann-Marie Hogan, City Auditor (510) 981-6750

Attachments:

1. Resolution
RESOLUTION NO. ##.###-N.S.

ESTABLISHING GUIDELINES AND PROCEDURES FOR CITY COUNCIL OFFICE BUDGET EXPENDITURE ACCOUNTS

WHEREAS, each fiscal year the City Council appropriates funds in the Mayor and Councilmember’s office budgets to cover the costs of Mayor and Council office staff and nonpersonnel expenditures that are reasonable and necessary for the performance of the duties of Mayor and Councilmembers; and

WHEREAS, on April 22, 2008, the City Council adopted Resolution No. 64,019-N.S. authorizing City Council Expense Accounts for staff salaries, fringe benefits, operating costs, and other related expenditures, and authorizing carryovers of up to $10,000; and

WHEREAS, there is a need to rescind and replace Resolution No. 64,019-N.S. to eliminate the annual carryover limit for over expenditures, established in March 1997.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley establishes the following guidelines and procedures for Mayor and City Council Office Budget Expenditure Accounts:

Section 1.
The allocation for Mayor and Councilmember Office staff salaries and fringe benefits is adjusted annually to provide a cost of living adjustment consistent with the increase provided to the unrepresented class of City employees.

Section 2.
The annual allocation for nonpersonnel costs is not subject to a cost of living adjustment.

Section 3.
Funds budgeted for Mayor and Councilmember Office staff salaries may be used for nonpersonnel expenditures. Funds budgeted for nonpersonnel expenditures may be used toward staff salary costs.

Section 4.
Unspent funds allocated for fringe benefits cannot be used for any other personnel or nonpersonnel expenses nor can these excess funds be carried over into the next fiscal year.

Section 5.
Effective June 30, 2014, the Mayor’s Office and Council Offices are not authorized to carry over negative spending balances. Overspent funds will be deducted from subsequent year budgets. Positive balances of up to $10,000 may be carried over to the following fiscal year.
Section 6.
Grants of surplus funds from the Mayor’s Office and Council Office budgets directly to organizations providing benefits to Berkeley residents may only be made by relinquishing such funds to the general fund and obtaining approval of the Council.

BE IT FURTHER RESOLVED that Resolution No. 64,019-N.S. is hereby rescinded.
To:       Members of the City Council

From:    Mayor Tom Bates

Subject: Appointment of Council Member Linda Maio as Vice President of the Council

RECOMMENDATION:
That the City Council officially appoint Council Member Linda Maio to be the Vice President of the Council for a term of one year beginning December 2011 to December 2012.

BACKGROUND:
Vice President of the Council, as defined by the Charter, presides over the Council when the Mayor is absent. In 2008 the City Council adopted Resolution No. 64,288-N.S., establishing a one-year term for the Vice President of the Council to be elected annually at the first City Council meeting in December. I request the City Council to officially appoint Council Member Linda Maio to be the Vice Mayor for the one-year term beginning December 2011 to December 2012.

FISCAL IMPACTS:
None

CONTACT PERSON:
Mayor Tom Bates, 981-7100.

ATTACHMENT: Resolution
RESOLUTION NO XX,XXX

APPOINTMENT FOR THE OFFICE OF VICE PRESIDENT OF THE COUNCIL

WHEREAS, in 2008, the City Council adopted Resolution No. 64,288-N.S., establishing a one-year term for the Vice President of the Council to be elected annually at the first City Council meeting in December, and

WHEREAS, the Mayor nominated a Vice President at the December 6, 2011 City Council Meeting.

NOW THEREFORE, LET IT BE RESOLVED by the Berkeley City Council that the City of Berkeley officially appoint Council Member Linda Maio as the Vice President of the Council for a term of one year, beginning December 2011 to December 2012.
TO: Honorable Members of the City Council
FROM: Mayor Tom Bates
SUBJECT: Revisions to Demolition and Elimination of Dwelling Units Ordinance

RECOMMENDATION
Request the City Manager draft language amending the Berkeley Municipal Code Chapter 23C.08 related to the demolition and elimination of dwelling units for Planning Commission and City Council consideration.

BACKGROUND
As we continue to explore strategies to increase opportunities for housing in the City of Berkeley we need to address the issue of underutilized structures on parcels where the current zoning allows larger structures for more units thus maximizing the efficient use of the land.

Over the past few years a number of potential housing projects have been caught between conflicting City policies.

The first policy conflict is where the City calls for developing, preserving and supporting affordable housing, while another policy supports expanding housing opportunities for Berkeley residents. Though not mutually exclusive, there have been cases when preservation of existing housing has conflicted with opportunities to expand.

Most recently developments at 3240 Sacramento Street and 2525 Telegraph Avenue were caught in this dilemma. Though both cases were ultimately resolved successfully, it highlights the need to have a clear implementation process to deal with these situations instead of on a project by project basis.

The other conflicting policy arises when a property owner requests rental units to be combined into a larger unit. Though it is City policy to encourage larger units to create more opportunities for family housing, it is also City policy to preserve existing rental housing especially units currently subject to rent control.

RECOMMENDED REVISIONS

Demolition Ordinance
This item requests the City Manager return to the City Council with an amended ordinance that will allow demolition of existing housing units that are not designated landmarks or Structure of Merit if:
a. The units are replaced with an equal or greater number of new units inclusive of the current number of existing affordable units; or

b. The current units will be relocated to a new location at the same affordability level; or

c. The demolition is necessary to permit construction of special needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community and if special findings can be made.

Demolition will not be allowed if the building has been removed from the rental market under the Ellis Act in the last five (5) years.

In addition, if the units in the building to be demolished are currently occupied, the following measures would apply:

d. Appropriate notice to sitting tenants including being provided with their rights under the Rent Control Ordinance;

e. Assistance with moving expenses consistent with local ordinance;

f. Subsidization of the rent differential for a replacement unit until new units are ready for occupancy or for up to 4 years whichever comes sooner; and

g. First right of refusal to move into the new building and, if qualified, into the low income units.

Demolition will not be allowed if there have been verified cases of harassment or illegal evictions in the prior twelve (12) months.

Elimination Ordinance
We request staff return with language that would allow elimination and consolidation of rental units if:

1. A new combined unit will be owner occupied for no less than one year prior to and no less than two years after conversion, before another conversion could occur.

2. The currently existing number of units exceeds the density standard for the neighborhood.

3. The change is not detrimental to the existing neighborhood.

4. If the building is five units or less no more than one unit can be combined per building and the owner must agree to maintain Measure Y protections that apply in five unit buildings for tenants in the other units.

FINANCIAL IMPLICATONS
Unknown

CONTACT PERSON
Mayor Tom Bates 510-981-7100
To: Honorable Members of the City Council
From: Mayor Tom Bates and Council Members Max Anderson and Darryl Moore
Subject: City Council Co-Sponsor 1st Annual Martin Luther King Jr. Celebration January 16, 2012

RECOMMENDATION
Co-sponsor the 1st Annual Martin Luther King Jr. Celebration Breakfast on January 16, 2012.

FISCAL IMPACTS OF RECOMMENDATION
No General Fund impact.

BACKGROUND
A coalition of business, faith-based, city representatives and the Berkeley Chief of Police are organizing the 1st Annual Martin Luther King Jr. Celebration Breakfast on January 16, 2012. The purpose of this event is to bring communities together to celebrate the life and dreams of Martin Luther King Jr. and to honor adult and youth leaders in our community. The event will be held at the Shattuck Hotel.

CONTACT PERSON
Tom Bates, Mayor 510-981-7100
Max Anderson Council Member District 3 510-981-7130
Darryl Moore Council Member District 2 510-981-7120
To: Honorable Members of the City Council

From: Mayor Tom Bates and Council Member Max Anderson

Subject: First Annual Martin Luther King Jr. Celebration January 16, 2012: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION
Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember including $250 from Mayor Bates to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 1st Annual Martin Luther King Jr. Celebration, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Mayor Bates and any other Council members who would like to contribute.

FISCAL IMPACTS OF RECOMMENDATION
No General Fund impact; $250 is available from Mayor Bates’ Council Office Budget discretionary account.

BACKGROUND
We are proposing that the City Council make a grant of $250 to Berkeley Chamber of Commerce Foundation to commemorate and honor Martin Luther King Jr. on January 16, 2012. The purpose of this event is to bring the faith based, business, university, youth and civic communities together to celebrate the life and dreams of Martin Luther King Jr. and to honor adult and youth leaders in our community.

CONTACT PERSON
Mayor Tom Bates 510-981-7100
Council Member Max Anderson 510-981-7130

Attachments:
1: Resolution
RESOLUTION NO. ##,##-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Mayor Bates has surplus funds in his office expenditure account (budget code 010- 0101-410); and

WHEREAS, a California non-profit tax exempt corporation Berkeley Chamber of Commerce Foundation seeks funds in the amount of $250 to provide the following public services to publicly commemorate and honor the contributions of Martin Luther King Jr.; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of bringing the communities across the City, including, but not limited to faith based, business, university, youth and civic communities, together to celebrate the life and dreams of Martin Luther King Jr. and to honor adult and youth leaders in our community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $250 per office shall be granted to Berkeley Chamber of Commerce Foundation to fund the following services of bringing the communities across the City, including, but not limited to faith based, business, university, youth and civic communities, together to celebrate the life and dreams of Martin Luther King Jr. and to honor adult and youth leaders in our community.
To: Honorable Mayor and Members of the City Council
From: Councilmember Maio
Subject: Adopt the UC Faculty language to support the Occupation efforts

RECOMMENDATION
Adopt the UC faculty petition language to express Berkeley’s support for the Wall Street and other occupation efforts.

FINANCIAL IMPLICATIONS
None.

BACKGROUND
What follows is the faculty statement expressing support for the Occupation actions:

The social movement known as Occupy Wall Street (OWS) is growing and raising issues of direct relevance to the faculty, students and staff of the University of California, including contracting opportunities and increasing debt loads for our students created by a system of privatized education and a refusal to provide high quality affordable public higher education.

The Council of UC Faculty Associations, on behalf of all UC faculty, is making a petition supporting OWS available for UC faculty to sign. The text of the petition reads:

Petition Statement

We, Berkeley City Council, are in solidarity with and in support of the Occupy Wall Street movement now underway in our city and elsewhere. Many observers claim that the movement has no specific goals; this is not our understanding. The movement aims to bring attention to the various forms of inequality -- economic, political, and social -- that characterize our times, that block opportunities for the young and strangle the hopes for better futures for the majority while generating vast profits for a very few.

The demonstrators are demanding substantive change that redresses the many inequitable features of our society, which have been exacerbated by the financial crisis of 2009 and the subsequent recession. Among these are: the lack of accountability on the part of the bankers and Wall Street firms that drove the economy to disaster; rising economic inequality in the United States; the intimate relationship between the corporate power and government at all levels, which has made genuine change
impossible; the need for dramatic action to provide employment for the jobless and protect programs such as Social Security, Medicare, and Medicaid, in part by requiring the wealthy to pay their fair share of taxes; and the disastrous effects of the costly wars that the United States has been conducting.

Only by identifying the complex interconnections between repressive economic, social and political regimes can social and economic justice prevail in this country and around the globe. It is this identification that we applaud, and we call on all members of our community to lend their support to the peaceful and potentially transformative movement.

CONTACT PERSON
Councilmember Linda Maio Council District 1 510-981-7110
To: Honorable Mayor and Members of the City Council
From: Councilmember Linda Maio
Subject: Classify Home Occupation Activities Receiving Five or Fewer Visits as Moderate Impact Home Operation

RECOMMENDATION
Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.

FISCAL IMPACTS OF RECOMMENDATION
None.

BACKGROUND
Years ago, the City changed the regulations to allow teaching, up to four students at a time, with a Moderate Impact HO, which is an AUP, rather than a Use Permit with public hearing. Zoning Code section 23C.16.030 reads as follows, and is applicable to home occupation activities receiving five or fewer visits weekly:

23C.16.030 Moderate Impact Home Occupations Subject to Use Permit

A. A teaching-related home occupation which meets all of the following conditions shall be allowed subject to issuance of an Administrative Use Permit and subject to payment of gross receipts tax pursuant to the City’s business license tax ordinance as set forth in Chapter 9.04.

1. Such Home Occupations must:
   a. Be conducted entirely within the dwelling unit or group living accommodation room;
   b. Operate within the hours of 10 a.m. and 10 p.m.; and
   c. Occupy less than 400 square feet and less than 20% of the dwelling unit or group living accommodation room;

2. Such home occupations may not:
   a. Involve more than four students at a time;
   b. Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;
   c. Involve hazardous materials, or processes; or
d. Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond that lot line or party walls of multi-unit buildings, or the subject premises.

B. All other home occupations that involve customer visits, or products on the subject premises, as set forth in Sections 23C.16.020.B.1 and 23C.16.020.B.2, may be authorized only by a Use Permit and public hearing, and are subject to the payment of gross receipts tax pursuant to the City’s business license tax ordinance as set forth in Chapter 9.04.

CONTACT PERSON
Linda Maio          District 1          (510) 981-7110
To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguín

Subject: News Helicopter Noise Impacts

RECOMMENDATION:
Send a letter to local TV stations requesting consideration of the noise impacts on residents in future deployment of news helicopters

BACKGROUND:
Recently, Berkeley has had a heap of newsworthy events—specifically a series of earthquakes and political demonstrations at UC Berkeley. These events have attracted the launch of news helicopters which significantly impact the quality of life for Berkeley residents. Many constituents have complained about the noise created by these helicopters.

The airspace in Berkeley is regulated by The Federal Aviation Administration which states helicopters should not fly below 500 feet; however, some news stations such as KTVU aim to not fly below 1,000 feet.

Berkeley’s only recourse would be to respectfully request:
1. That news helicopters fly at a minimum of 1,000 feet but to consider higher altitudes to the extent practically permissible.
2. That they strongly consider, going forward, the impact that news helicopters have on residents when deciding if aerial coverage is vital to a news story.

FINANCIAL IMPLICATIONS:
None

CONTACT PERSONS:
Jesse Arreguín, Councilmember, District 4 981-7140

ATTACHMENTS:
1. Letter to local TV stations
The attachment (s) to this report, has not yet been received from the submitting department.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley, City Council’s Web site
http://www.cityofberkeley.info
To: Honorable Mayor and Members of the City Council

From: Councilmembers Jesse Arreguín and Laurie Capitelli

Subject: No Smoking Signs in the Downtown

RECOMMENDATION:
Direct the City Manager to work with the Public Works Department and the Berkeley City College Tobacco-less Club to create “No Smoking” signs and develop a plan to install signs at key locations throughout the Downtown area.

BACKGROUND:
Berkeley Municipal Code 12.70.030 prohibits smoking in all public places, including, but not limited to all commercial area sidewalks, effectively making the Downtown Area a smoke-free zone. Despite downtown businesses voluntarily posting No Smoking signs, however, many violations occur on the sidewalk on a daily basis.

Councilmember Capitelli and I recently attended a Berkeley City College Tobacco-less Club meeting to discuss how the City can help decrease smoking in the Downtown. It was noted that the No Smoking signage posted by businesses is very helpful in cutting smoking down. However, many of those who still violate the ban expressed unawareness of law since the private signs are largely not interpreted as an official, public pronouncement that carry possible penalties.

A quick survey of the Downtown reveals that there is official No Smoking signage, however, only in the form of relatively small stickers on lamp posts –many of them fading, torn or otherwise vandalized. There is no prominent signage for No Smoking in the Downtown similar to other general information signs.

The BCC Tobacco-less Club would like to partner with the City to design public No Smoking signs to be posted throughout the Downtown and has indicated that they would like to see a sign that both effective and prominent to the extent permissible by sign regulations. A photo of a No Smoking sign is attached to provide an example of what the BCC Tobacco-less Club considers to be effective and creative signage.

FINANCIAL IMPLICATIONS:
Unknown
CONTACT PERSONS:
Jesse Arreguín, Councilmember, District 4  981-7140
Jeff Nicol, BCC Tobacco-less Club  jffnicol@gmail.com

ATTACHMENTS:
  1. Example of No Smoking sign, as posted at Berkeley City College
Attachment 1

DANGER

SMOKING IN THIS COMMERCIAL ZONE
COULD RESULT IN FINES
OF UP TO $271!
To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguín

Subject: Residential Preferential Parking Saturday Enforcement

RECOMMENDATION:
Refer to City Manager to evaluate extending Saturday Residential Preferential Parking (RPP) enforcement in areas adjacent to commercial districts.

BACKGROUND:
There are many areas surrounding commercial districts in which there is no RPP enforcement on Saturdays. I have heard complaints from many constituents that it’s difficult to park near their homes on Saturdays due to lack of available parking space. Sometimes employees who work in these commercial districts park all day on streets which significantly impacts the quality of life for nearby residents.

Additionally, if the city decides to go forward with any new RPP enforcement, it should adequately notify residents of any changes and ensure that new signage is clear and ambiguous, prominently highlighting the fact that a change has occurred so people do not mistakenly get tickets.

FINANCIAL IMPLICATIONS:
None

CONTACT PERSONS:
Jesse Arreguín, Councilmember, District 4  981-7140
To:       Honorable Mayor and Members of the City Council
From:    Councilmember Kriss Worthington
         Councilmember Jesse Arreguin

Subject: Stop UC Police Violence: Support Students, Faculty and Staff

RECOMMENDATION
Send a letter opposing UC Police violence.

BACKGROUND
The central campus of UC Berkeley is in District 7, the district I represent. I sent out the attached personal letter to Chancellor Robert Birgeneau and UC Police Chief Celaya as my personal statement of this subject. I also circulated an open letter to the Berkeley and University communities.

I think that this is a very important issue. The entire City Council should weigh in with an official letter from the City to the Chancellor and UC Police Chief.

FINANCIAL IMPLICATIONS
None.

CONTACT PERSON
Councilmember Kriss Worthington    510-981-7170

Attached:
1- Letter to Chancellor Robert Birgeneau and UC Police Chief
2- Open Letter
Dear Chancellor Birgeneau and Chief Celaya,

I wanted to bring to your attention that banners with Free Speech content appear to have been seized by UCPD in front of Sproul Plaza. The banner was not attached to any tent so should not be in any questionable legal territory as validly permitted. It is hard to imagine that such an act could occur at the exact location of Berkeley where the Free Speech Movement began.

I respectfully request that you promptly inform your officers to STOP seizing banners that are legitimately in the hands of students and protesters. I also request that you return the banners that were inappropriately seized. You can imagine that the sense of irony will not be lost on the public, that the UCPD violated the Free Speech rights of protesters at this particular location.

I understand that there are lot of people at the Occupy Cal event and that such an event can cause a lot of stress on you and officers. Nonetheless, in the United States and in Berkeley, we have clearly established parameters that allow posters and Free Speech banners. We request your prompt attention to this negative blotch on the UCPD on the very first day of Occupy Cal.

These students have made a firm commitment to no violence and no vandalism. The University should be commending the thousands of students that are participating. For many, this could be their very first political protest of their life. They are protesting specifically for additional financing for the University of California. The University should support this enthusiasm and help encourage this to be an effective protest that helps the University and our country.

It is unfortunate and unacceptable that the UCPD are vandalizing and removing free speech banners from the event. Please stop this behavior now.

Thank you for your prompt attention to this important issue.

Sincerely Kriss W.
An Open Letter to the Berkeley and University Community and Friends of Nonviolence Everywhere,

The U.C. Police Department recently used violence against Berkeley students, workers, faculty and community supporters on November 9. This was unprovoked, unexpected, unjustified and unreasonable. The General Assembly at the event had publicly and clearly committed to nonviolence, and the participants appear to have maintained their nonviolence despite the violence inflicted on them. The police clearly could have arrested individuals rather than repeatedly hitting them with batons and grabbing them by their hair. There are multiple videos documenting the police use of excessive force. The Stephen Colbert commentary mentions “spearing a small Asian girl in the spleen first” but there appeared to be a true reflection of diversity in Black, White, Asian, Arab and Latino students and workers equally assaulted by the Police.

I believe it is important for the community to stand up and speak out against this injustice. See suggestions below. To avoid confusion, the City of Berkeley Police have not been reported to be part of this violence, it is the U.C P.D.

U.C. Police also appear to have violated multiple people’s legitimate rights to free speech and freedom of assembly. There are reports of U.C. Police tearing down legally posted notices of the event. U.C. Police also confiscated at least one banner and a banner or poster at the event and the U.C. Police Chief declined to answer my questions why. Instead the U.C. Police Chief’s unprofessional response was “I know what I am doing. I’ve been in law enforcement for twenty-nine years, and how many years have you done it?” From the antagonistic tone of the response I knew this was an overly stressed person, but I counted on the Chancellor to provide leadership, so I emailed both the Chancellor and the Chief. Unfortunately the Chancellor was apparently out of town and has subsequently sought to justify the U.C. Police violence by blaming the nonviolent protesters. I was personally present for most of the afternoon and evening and saw only one-sided violence by the Police and none by the students. (Admittedly, some of that time, I was on my cell phone addressing blighted buildings, helicopter noise complaints, returning calls, and taking care of City business, but I still had my eyes and ears out for any problems on Sproul.)

As I stated in my email to the Chancellor before the U.C. Police violence: “These students have made a firm commitment to no violence and no vandalism. The University should be commending the thousands of students that are participating. For many, this could be their very first political protest of their lives. They are protesting specifically for additional financing for the University of California. The University should support this enthusiasm and help encourage this to be an effective protest that helps the University and our country.”

I believe it is important for the community to stand up and speak out against this injustice. This is a moral issue, not just a political issue. There are multiple ways to help. These include:
1. Writing a letter or email to the Chancellor, and/or the media. 
   Chancellor@berkeley.edu

2. Asking your friends or groups to write letters or sign petitions.

3. Become an observer to reduce the likelihood of violence when more people are watching.

4. Donate time or money to support these courageous students, and/or hold a fundraiser/educational event.

5. **Show up on Sproul on Tuesday November 15** starting at noon. 2 p.m. is the rally and 5 p.m. is the General Assembly for the follow up event organizers have titled Open University

6. Join those of us who are pledging to put our bodies with, or in between the U.C. Police and the students to discourage U.C. Police from further violence. Please email Alejandro Soto-Vigil if you are willing to make this pledge at asoto-vigil@cityofberkeley.info

7. Advocate for dropping the trumped up charges against these nonviolent protesters.

8. Please feel free to contact me if you would like to help, or have any suggestions for what we should do.
To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington  
Councilmember Max Anderson  
Subject: Support Letter for Medical Amnesty Encouraging Drug Overdose Witnesses to Call 911

RECOMMENDATION
Send a letter to California Governor Jerry Brown supporting the creation of Medical Amnesty in California to encourage witnesses of a potential drug-related overdose to call 911.

BACKGROUND
Medical Amnesty is a measure employed to encourage witnesses of a potential drug-related overdose to call 911 or seek other emergency assistance.

A Medical Amnesty Bill, California AB 2460, was passed by both the California Assembly and Senate in 2010, but failed to gain the signature of Governor Schwarzenegger. We recommend that you take up this important initiative again. The State of New York passed a similar act this year demonstrating their commitment to saving lives.

As Tyler Sheaffer of Students For Sensible Drug Policy says, “It's common sense that 911 callers may be apprehensive to contact medical and law enforcement authorities, even if a friend is dying, due to the risk it may present to themselves -- drugs on their possession or evidence of drug usage out in the open. Providing amnesty to the caller during the initial visit by authorities may dramatically reduce deaths.

As the proposed amnesty text suggests, the State should provide that “it shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, or to possess with intent to sell, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted the seeking of medical assistance if that person does not obstruct medical or law enforcement personnel.”

FINANCIAL IMPLICATIONS
None.
CONTACT PERSON
Councilmember Kriss Worthington  510-981-7170
Councilmember Max Anderson  510-981-7130

Attachments:
  1. Letter to State Legislature
  2. AB2460
  3. NY Bill AB 2063
To Governor Brown,

This is about saving lives in California.

Drug overdose is now a leading cause of injury death in the United States. In light of this stark statistic, taking direct action to prevent overdose deaths is an increasingly important cause. Medical Amnesty is an important policy that will increase the likelihood of an overdosing person being treated by the proper medical authorities.

As Tyler Sheaffer of Students For Sensible Drug Policy says, “It’s common sense that 911 callers may be apprehensive to contact medical and law enforcement authorities, even if a friend is dying, due to the risk it may present to themselves -- drugs on their possession or evidence of drug usage out in the open. Providing amnesty to the caller during the initial visit by authorities may dramatically reduce deaths.”

A Medical Amnesty Bill, California AB 2460, was passed by both the California Assembly and Senate in 2010, but failed to gain the signature of Governor Schwarzenegger. We the undersigned request that you indicate that you would consider a similar bill in 2012.

The State of New York passed a Medical Amnesty bill this year demonstrating its commitment to preventing unnecessary deaths.

As the proposed amnesty text suggests, the State should provide that “it shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, or to possess with intent to sell, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted the seeking of medical assistance if that person does not obstruct medical or law enforcement personnel.”

To save lives, it is vital that we again revive the cause of Medical Amnesty.

Respectfully,
An act to add Section 11376.5 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law generally provides punishment for the unauthorized use, possession, and sale of controlled substances.

This bill would provide that it shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted the seeking of medical assistance if that person does not obstruct medical or law enforcement personnel. The bill would provide that its provisions shall not affect laws prohibiting the selling, providing, giving, or exchanging of drugs for money, goods, or services, or laws prohibiting the forcible administration of drugs against a person's will. The bill would provide that it shall not affect liability for any offense that involves activities made dangerous by the consumption of controlled substances, as specified.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:
(a) Drug overdose is the second leading cause of injury death in the United States, behind only motor vehicle accidents and ahead of firearms. California has the greatest number of overdose deaths in the country per year. Moreover, drug and alcohol overdose morbidity and mortality are not confined to adults but also devastate California's youth.
(b) The State Department of Alcohol and Drug Programs reported
that there were 3,102 overdose deaths in 2002, the first year the department began tracking overdose deaths in California. By 2006, the number of overdose deaths had grown to 3,646.

(c) Many overdose fatalities occur because peers delay or forgo calling 911 or seeking emergency assistance for fear of arrest or police involvement, which researchers continually identify as the most significant barrier to the ideal first response of calling emergency services. Furthermore, if criminal punishment is intended to deter drug abuse, it is clearly too late to deter such abuse when a person is already suffering from an overdose.

(d) It is the intent of the Legislature to encourage a witness of a drug-related overdose to call 911 or seek other emergency assistance in a timely manner in order to save the life of an overdose victim by establishing a state policy exempting drug possession or drug paraphernalia possession from criminal prosecution in situations involving medical emergencies.

(e) It is not the intent of the Legislature to protect individuals from prosecution for other offenses, or to interfere with law enforcement protocols to secure the scene of an overdose.

SEC. 2. Section 11376.5 is added to the Health and Safety Code, to read:

11376.5. (a) Notwithstanding any other law, it shall not be a crime for a person to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, if that person, in good faith, seeks medical assistance for another person experiencing a drug-related overdose that is related to the possession of a controlled substance, controlled substance analog, or drug paraphernalia of the person seeking medical assistance, and that person does not obstruct medical or law enforcement personnel.

(b) Notwithstanding any other law, it shall not be a crime for a person who experiences a drug-related overdose and who is in need of medical assistance to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia if the person or one or more other persons at the scene of the overdose, in good faith, seek medical assistance for the person experiencing the overdose.

(c) This section shall not affect laws prohibiting the selling, providing, giving, or exchanging of drugs for money, goods, or services, or laws prohibiting the forcible administration of drugs against a person's will.

(d) Nothing in this section shall affect liability for any offense that involves activities made dangerous by the consumption of a controlled substance or controlled substance analog, including, but not limited to, violations of Section 23103 of the Vehicle Code as specified in Section 23103.5 of the Vehicle Code, or violations of Section 23152 or 23153 of the Vehicle Code.

(e) For the purposes of this section, "drug-related overdose" means an acute medical condition that is the result of the ingestion or use by an individual of one or more controlled substances or one or more controlled substances in combination with alcohol, in quantities that are excessive for that individual. An individual's condition shall be deemed to be a "drug-related overdose" if a reasonable person of ordinary knowledge would believe the condition to be a drug-related overdose.
Section 1. It is the intent of the legislature to encourage a witness or victim of a drug or alcohol related overdose to call 911 or seek other emergency assistance in order to save the life of an overdose victim by establishing a state policy of protecting the witnesses or victim from arrest, charge, prosecution, and conviction for drug possession, drug paraphernalia possession, and certain alcohol related offenses. It is not the intent of the legislature to protect individuals from arrest, charge, or prosecution for other offenses, including drug trafficking, or to interfere with law enforcement protocols to secure the scene of an overdose.

S 2. The criminal procedure law is amended by adding a new section 140.60 to read as follows:

S 140.60 WITNESS OR VICTIM OF DRUG OR ALCOHOL OVERDOSE.

1. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE

THE FOLLOWING MEANINGS:

(A) "DRUG OR ALCOHOL OVERDOSE" OR "OVERDOSE" MEANS AN ACUTE CONDITION INCLUDING, BUT NOT LIMITED TO, PHYSICAL ILLNESS, COMA, MANIA, HYSTERIA OR DEATH, WHICH IS THE RESULT OF CONSUMPTION OR USE OF A CONTROLLED EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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SUBSTANCE OR ALCOHOL AND RELATES TO AN ADVERSE REACTION TO OR THE QUANTITY OF THE CONTROLLED SUBSTANCE OR ALCOHOL OR A SUBSTANCE WITH WHICH THE CONTROLLED SUBSTANCE OR ALCOHOL WAS COMBINED; PROVIDED THAT A PATIENT'S CONDITION SHALL BE DEEMED TO BE A DRUG OR ALCOHOL OVERDOSE IF A PRUDENT LAYPERSON, POSSESSING AN AVERAGE KNOWLEDGE OF MEDICINE
AND HEALTH, COULD REASONABLY BELIEVE THAT THE CONDITION IS IN FACT A DRUG OR ALCOHOL OVERDOSE AND (EXCEPT AS TO DEATH) REQUIRES HEALTH CARE.

(B) "HEALTH CARE" MEANS THE PROFESSIONAL SERVICES PROVIDED TO A PERSON EXPERIENCING A DRUG OR ALCOHOL OVERDOSE BY A HEALTH CARE PROFESSIONAL LICENSED, REGISTERED OR CERTIFIED UNDER TITLE EIGHT OF THE EDUCATION LAW OR ARTICLE THIRTY OF THE PUBLIC HEALTH LAW WHO, ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE, MAY PROVIDE DIAGNOSIS, TREATMENT OR EMERGENCY SERVICES FOR A PERSON EXPERIENCING A DRUG OR ALCOHOL OVERDOSE.

2. A PERSON WHO, IN GOOD FAITH, SEeks HEALTH CARE FOR SOMEONE WHO IS EXPERIENCING A DRUG OR ALCOHOL OVERDOSE OR OTHER LIFE THREATENING MEDICAL EMERGENCY SHALL NOT BE ARRESTED, CHARGED, PROSECUTED FOR OR CONVICTED OF A CONTROLLED SUBSTANCE OFFENSE UNDER ARTICLE TWO HUNDRED TWENTY OR A MARIHUANA OFFENSE UNDER ARTICLE TWO HUNDRED TWENTY-ONE OF THE PENAL LAW, OTHER THAN AN OFFENSE INVOLVING SALE FOR COMPENSATION, OR FOR POSSESSION OF ALCOHOL BY A PERSON UNDER AGE TWENTY-ONE YEARS UNDER SECTION SIXTY-FIVE-C OF THE ALCOHOLIC BEVERAGE CONTROL LAW, OR FOR POSSESSION OF DRUG PARAPHERNALIA UNDER ARTICLE THIRTY-NINE OF THE GENERAL BUSINESS LAW, WITH RESPECT TO ANY CONTROLLED SUBSTANCE, MARIHUANA, ALCOHOL OR PARAPHERNALIA THAT WAS OBTAINED AS A RESULT OF SUCH SEEKING OR RECEIVING OF HEALTH CARE.

3. A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL OVERDOSE OR OTHER LIFE THREATENING MEDICAL EMERGENCY AND, IN GOOD FAITH, SEeks HEALTH CARE FOR HIMSELF OR HERSELF OR IS THE SUBJECT OF SUCH A GOOD FAITH REQUEST FOR HEALTH CARE, SHALL NOT BE ARRESTED, CHARGED, PROSECUTED FOR OR CONVICTED OF A CONTROLLED SUBSTANCE OFFENSE UNDER ARTICLE TWO HUNDRED TWENTY OR A MARIHUANA OFFENSE UNDER ARTICLE TWO HUNDRED TWENTY-ONE OF THE PENAL LAW, OTHER THAN AN OFFENSE INVOLVING SALE FOR COMPENSATION, OR FOR POSSESSION OF ALCOHOL BY A PERSON UNDER AGE TWENTY-ONE YEARS UNDER SECTION SIXTY-FIVE-C OF THE ALCOHOLIC BEVERAGE CONTROL LAW, OR FOR POSSESSION OF DRUG PARAPHERNALIA UNDER ARTICLE THIRTY-NINE OF THE GENERAL BUSINESS LAW, WITH RESPECT TO ANY SUBSTANCE, MARIHUANA, ALCOHOL OR PARAPHERNALIA THAT WAS OBTAINED AS A RESULT OF SUCH SEEKING OR RECEIVING OF HEALTH CARE.

S 3.

Section 390.40 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:

3. THE ACT OF SEEKING HEALTH CARE FOR SOMEONE WHO IS EXPERIENCING A DRUG OR ALCOHOL OVERDOSE OR OTHER LIFE THREATENING MEDICAL EMERGENCY SHALL BE CONSIDERED BY THE COURT WHEN PRESENTED AS A MITIGATING FACTOR IN ANY CRIMINAL PROSECUTION FOR A CONTROLLED SUBSTANCE, MARIHUANA, DRUG PARAPHERNALIA, OR ALCOHOL RELATED OFFENSE.

S 4. This act shall take effect immediately.
To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Support the November University of California-Wide Days of Action

RECOMMENDATION
Support the UC-Wide November Days of Action on November 16th.

BACKGROUND
The "Bill in Support of the November Days of Action" supports a walkout and noontime rally on the UC Berkeley campus to occur Nov. 9 and 10 as a consequence of the budget gap UC Berkeley faces over the next four years. The Regents will be discussing the potential four-year plan at their upcoming meeting from November 15-17. The Day of Action calls for the support for additional student representation on the Board of Regents, in context of UC student’s tuition and fees make up 40% of the UC General Funds, and supports UCSA asking for the 2 additional designates.

FINANCIAL IMPLICATIONS
None

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170
To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Letter to President Obama opposing the Keystone XL Pipeline

RECOMMENDATION
Send a letter to President Obama requesting he not approve the Keystone XL Pipeline.

BACKGROUND
The Keystone XL Pipeline is a crude oil transportation system that would stretch thousands of miles from the oil sands of Alberta, Canada, across the US all the way to the Gulf Coast. It would cut through Montana, South Dakota, Kansas, Nebraska, Oklahoma and Texas. The proposed Keystone Extension would boost the US's consumption of the Canadian oil sands by 50%.

This project would be immensely detrimental to the environment in a number of ways. Extracting oil from oil sands results in up to 30% more greenhouse gas emissions than conventional oil wells and requires far more energy to refine. Further, there is a great deal of risk of leeching dangerous toxins into the environment from the massive pits from which the oil is mined. Finally, the pipeline would run over one of the largest sources of fresh water in the world, the Ogallala Aquifer, potentially threatening the drinking water of more than 2 million citizens.

We endorse the Sierra Club’s letter to President Obama, which is attached.

FINANCIAL IMPLICATIONS
None.

CONTACT PERSON
Councilmember Kriss Worthington 510-981-7170
Meghan Cleary meghan.cleary@berkeley.edu

Attached:
1- Letter to President Obama, as drafted by the Sierra Club
Dear President Obama,

The City of Berkeley urges you to oppose TransCanada's proposed Keystone XL oil pipeline, which climate scientist James Hansen called "essentially game over" for the environment. The extraction and transportation process associated with this tar sands oil would produce more carbon emissions than traditional oil.

Additionally, an oil spill along the pipeline - which would cut through Montana, South Dakota, Kansas, Nebraska, Oklahoma and Texas - would be potentially disastrous to our environment and our economy, especially since the Keystone XL pipeline would pass over a number of environmentally-sensitive areas. For instance, the pipeline would pass over the Ogallala Aquifer, which provides drinking water for millions of Americans and supplies 30% of our nation's agricultural water.

Approving the Keystone XL pipeline would run completely counter to your administration's commitment to reducing dangerous carbon pollution - and we can't afford to put our communities, our families and our environment at risk.

Respectfully,
To:        Honorable Mayor and Members of the City Council  
From:    Councilmember Kriss Worthington.  
Subject: Report on Regional Bodies Participation—County Wide Transportation Plan  

BACKGROUND 
Below is a brief report on the meeting in which I represented the City on the following regional body: 

10/7 Countywide Transportation Plan Update and Transportation Expenditure Plan Development Steering Committee and Community Advisory Working Group met Friday from 12-1:30pm. at 1333 Broadway, Suite 300 in Oakland, CA. 

There was a joint meeting with the County Wide Transportation Plan (CWTP) Steering Committee and the Community Advisory Working Group (CAWG), consisting of a roundtable discussion with Steering Committee and CAWG members on the development of the Countywide Transportation Plan and the Transportation Expenditure Plan (CWTP-TEP). It was a significant opportunity to have direct communication with CWTP members and CAWG. The CAWG expressed strong support for the prioritization of programs and getting a substantial increase in funding in comparison to projects. Having person to person communication was a step forward to understanding concerns of this group.


This informational report is submitted in compliance with Chapter 2.06 Open Government, Article III, 2.06.090 Reports regarding regional body, which says, “Council members who represent the City on regional bodies and commissions shall, promptly after attending meetings of those bodies, provide to the City Council and the public a report that briefly summarizes the discussion and any action or any item that affects the City of Berkeley. Such reports shall state where additional information about the issues summarized may be obtained (Ord. 7166-NS)”.

FINANCIAL IMPLICATIONS  
None.

CONTACT PERSON  
Councilmember Kriss Worthington 510-981-7170
INFORMATION CALENDAR
December 6, 2011

To: Honorable Mayor and Members of the City Council
From: Board of Library Trustees
Submitted by: Donna Corbeil, Director of Library Services, Acting as Secretary, Board of Library Trustees

SUBJECT: Status Report: Activities of Public Library

SUMMARY
This Berkeley Public Library Annual Report for Fiscal Year 2010-2011 is presented to the Berkeley City Council and the community to provide updated information about the status and activities of the Public Library in its provision of a vital and valued service to the community. The annual report includes information about programs, services, and major activities and decisions of Library staff and Board of Library Trustees during the past year.

CURRENT SITUATION AND ITS EFFECTS
The Berkeley Public Library consists of the Central Library in the downtown district, four neighborhood branch libraries, and a tool lending library. In fiscal year 2011, due to temporary construction closures, the Library saw a slight decrease in the number of items that were checked out (1,960,906 items) by 1,368,549 visitors. A host of cultural, literary, and artistic events took place at Berkeley’s libraries this past year, enjoyed by over 36,525 persons—more than a third of Berkeley’s population. The Library continues to be one of the most heavily-utilized and enjoyed public libraries in California.

Community involvement in the planning process for Measure FF Branch Library improvements is essential to ensure the Library continues to serve the needs of Berkeley residents. Community planning meetings in the neighborhoods began in September 2009 and have continued thereafter, totaling 16 to date and an additional 14 design presentations made to the Board.

In the next few months the Library will produce an annual report for fiscal year 2011 to distribute both electronically and in paper to the community highlighting services, statistics on use, a summary of the budget, and other information related to the general state of the library. The Library Board is committed to communicating with the public regarding their activities and the status of the Library, and has directed staff to continue the past practice of producing and distributing an annual report.
BACKGROUND
As prescribed by the City of Berkeley Charter, the Board of Library Trustees is to make an annual report to City Council giving the condition of the library with a summary of their proceedings. In addition, reports and information as requested on specific topics are shared with the Council. In the past, these reports have been written and oral.

POSSIBLE FUTURE ACTION
None

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
None

CONTACT PERSON
Donna Corbeil, Director of Library Services, Library, 981-6195

Attachments:
  1. Berkeley Public Library Board of Library Trustees: Annual Report to City Council
  2. Resolution
Berkeley Public Library Board of Library Trustees:
Annual Report to City Council

Summary: This Berkeley Public Library Annual Report for Fiscal Year 2010-2011 is presented to the Berkeley City Council and to the Berkeley community in order to provide current information about the activities of the Public Library and its commitment to creating lasting public value. The Annual Report includes information about programs, services, and major activities and decisions of Library staff and Board of Library Trustees during the past year. The Library is dedicated to its mission of developing collections, resources, facilities, and services that meet the cultural, informational, recreational, and educational needs of Berkeley’s diverse, multi-cultural community.

The Berkeley Public Library consists of the Central Library in the downtown district, four neighborhood branch libraries, and a tool lending library. The Library’s authorized staffing during FY2011 was 165 employees, or 112.925 FTE. The Library’s amended annual operating budget for FY2012 is $15,434,453. Expenditures during FY2011 totaled $14,739,739. In FY2011, the Library’s total annual circulation (i.e. the number of items from the collection that were borrowed) was 1.96 million, the second consecutive year in which users borrowed materials close to 2 million times. The Library’s collection includes over 600,000 items, including books, magazines, DVDs, CDs, audiobooks, and tools.

I. Berkeley Public Library Staff Report: July 2010 through June 2011

A Gateway to Knowledge and Talent, A New Type of Town Square:
Statistical Highlights

The popularity of the Library and its services is still growing. The Library is a new type of town square where citizens find knowledge, free programs for kids and grownups, career and small business assistance, computers, and of course free books, movies, music, downloadable audio, and other materials. Through its innovative services, programs, and collection the Berkeley Public Library successfully represents the breadth of the community’s interests and needs. The Library is listed among Library Journal’s “Star Libraries”.

During the current economic recession, libraries across the country are becoming more important to their communities as citizens borrow what they cannot buy, attend programs that don’t require an outlay of cash, retool for a new career, hunt for new jobs, or simply enjoy a welcoming place to be. A recent USC/LA Times poll found that Californians’ most preferred source for books was their local library. But times have not been kind to libraries across the nation. While many have had to cut staff and services in order to keep their doors open, the Berkeley Public Library has maintained and even expanded some of its activities. This is an institution that is building local value through the collective social capital resulting from residents coming together and enjoying their shared resources. This rings true at the Berkeley Public Library:

- During the 2010-2011 fiscal year 1,368,549 visits were made to the five Berkeley Public Libraries: over twelve times the entire population of Berkeley. The Library generates a tremendous amount of visitor foot traffic, which naturally often results in economic activity for neighboring businesses, throughout the city. Over 650,000 of these visits were at the Central Library, which is one of the downtown neighborhood’s “anchor tenants”.
• While down slightly from the year before due to temporary construction closures, circulation of Library materials remains at historically high levels: 1,960,906 books, recordings, movies, and tools were circulated to 94,718 registered borrowers in the past year—about 21 checkouts per patron and the second highest per capita checkouts, for a city of this size, in the state. The upward trend over several years (an increase of 27% since 2006) is profound.

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• With collections comprising over 600,000 items, the total materials available represents nearly 6 per resident, well over double the statewide average.

• Library materials are delivered upon request directly to users’ most convenient location: last year, reserves for 220,133 different books, DVDs, CDs, audiobooks, and other hoped-for items were filled. This service continues to flourish, with ever greater usage with each passing year.

• A Library service beloved by many thousands is the Link+ cooperative lending project with dozens of other libraries: patrons seeking materials not owned by the Berkeley Library requested and received 23,118 items from other institutions.

• The Library held 1577 public programs at Library facilities and at other community locations, with a total of 36,525 persons in attendance. Of these programs, 1124 events were for preschool or school–age audiences, encouraging excellent reading habits and promoting lifelong library use among our younger citizens.

• As always, the citizens of Berkeley—be they students, seniors, small businesspersons, or anyone—look to their libraries as authoritative sources of information on every topic under the sun. This year was no exception as approximately 200,000 information requests were answered with accuracy and thoroughness by expert librarians.

• In tandem with the temporary construction closures at the Claremont and North Branches, the Library launched its BranchVan service to continue providing access to collections, reserves, and materials drop-offs in the affected neighborhoods.
Number of public programs:

- Number of Programs

- Program Attendance:

- Free Public Programs

All year long the Library is home to a dazzling array of cultural, literary, and artistic programs, enjoyed by over 36,000 persons. The Berkeley Public Library ranks #1 in per capita program attendance among California libraries serving populations this size. Many of these wonderful events would not have been
possible without the support of the Friends of the Berkeley Public Library, who gave grants totaling $88,554 for program support:

- Cultural enrichment for a vibrant community:
  - Music: the Central Library is a hub of musical activity, and the past year was marked by many more entries in the ongoing series of free concerts loved by so many:
    - The Library continues its partnership with the Downtown Berkeley Music Festival, with a live performance by virtuoso roots musicians Eric and Suzy Thompson.
    - For many years, free lunchtime concerts have made the Central Library a true cultural destination for many Berkeleyans, and this past year continued this wonderful tradition with performances by jazz pianist Bill Bell, Chanticleer’s Youth Choir, the mesmerizing Solstice and Spiritual Journey ensembles, and a Brazilian Choro group.
    - And the Library continued its association with the Berkeley West Edge Opera with free preview performance of G.F. Handel’s Xerxes.
  - Patrons also learned more deeply about music during a series of jazz appreciation seminars taught by pianist Bill Bell.
  - The much-loved Café Literario series of lectures and discussions of books in Spanish continued at the West Branch Library.
  - Local cineastes enjoyed the yearlong “Book Into Film” series of screenings of films combined with discussions of their literary source material.

**Children’s Services**

- Berkeley’s children are at the center of the Library’s mission. Last year was the third year in which Children’s Librarians visited every 2nd grade classroom in the city to introduce children in this crucial age group to the worlds that are open to them with their library cards, and to help maintain the spark of excitement that comes with mastery of reading skills.
- The springtime Read with Me activities for children ages 0-5 continued with over 200 children participating, the most yet. This program builds early literacy skills for the youngest, as well as offering encouragement to their caregivers by helping them read with their young children. Prizes included t-shirts with a QR code linking mobile devices to the Library’s web site.
- An ongoing grant from the Institute of Museum and Library Sciences is helping the Library team up with the Lawrence Hall of Science to offer science kits for school age children. These kits contain simple science activities that can be done with materials from home and a book on the corresponding topic. Many of these were checked out at this year’s popular Science Festival at the Central Library.
- Other museum partnerships were continued with the Bay Area Discovery Museum and Berkeley’s Habitot Children’s Museum, and new a connection was made with the Contemporary Jewish Museum, to provide free passes that may be checked out from the Library.
- Berkeley families demonstrated their love for the Little Scientist programs, with classes filling up during spring and summer in this exploration of science for 3½ to 5 year olds.
- While free events for preschoolers are perennially popular, children’s librarians also create programs to help continue the love of books and library attendance into elementary school and
beyond. Two book discussion groups, the 4th and 5th Grade Book Club and the Middle School Book Group continue to be well-loved, and there has been enthusiastic participation in gaming programs: *Family Games of Strategy*, and *Games Galore!* in the library, programs geared for children ages 7-13.

- This summer’s Summer Reading Program theme was *One World, Many Stories*, with 1589 kids participating and receiving hundreds of free prizes, including a round-trip ride on the Oakland/Alameda Ferry, bowling passes, and a coupon for books from the Friends of the Berkeley Public Library Bookstore. Summer Reading events included interactive theatre program where kids acted out a Greek myth, Mexican games. This always-popular summertime activity helps local children and their families maintain strong reading skills between grades in an altogether fun way. We also have a dedicated cadre of Student Friends, volunteers from grades 6-8, who help librarians with a variety of tasks and projects every summer.

**Teen Services**

- The Library represents an important link between Berkeley’s teens and City services, and the work of Berkeley’s Teen Specialist Librarians helps to bridge this gap.
- Staff collaborated with local youth to produce a play written, directed, and starring teen patrons. A cast and crew of 15 teens was put together and rehearsed at the Library over the course of the summer. Two performances were held at the Willard Metal Shop Theater, with total attendance of 150.
- The Teen PlayReaders, a dynamic group of young performer-dramatists, met weekly all year.
- Library staff developed and shared a "Comic Book Club" collection with Berkeley Unified School District, raising grant funds to purchase multiple copies of 10 graphic novels to be used in joint book club projects at Willard, Longfellow, and Berkeley High.
- A popular weekly gaming program continues to bring teens into the South Branch Library, and the Chess Club continued at North Branch Library.
- Teen Specialists collaborated with the Public Health Division & BHS Health Center, bringing book discussion and craft activities to teen mothers at the Vera Casey Teen Parenting Program.
- Earphone English is a weekly event at King Middle School and Berkeley High, in which a librarian selects high-quality audio recordings of books that appeal to teens. Students listen to the stories while reading the accompanying printed book. Berkeley High English Language Learning teachers consistently brought their classes to the Central Library.
- Teen Services continued its outreach to 8th graders at the three middle schools, and Berkeley High, coordinating book clubs, book talks, and resume workshops for high school students.
- Many local teens wrote reviews of books they enjoyed, and posted them to an active, ongoing blog created by Teen Services librarians.
- Librarians designed and implemented a very successful summer reading program. Grand prizes - an acoustic guitar and a Samsung tablet computer – were greeted with enthusiasm.

**Berkeley READS (Adult and Family Literacy)**

Literacy is not a new area for the Berkeley Public Library. This issue has been approached with innovation and creativity by Library staff and volunteers. The Library’s literacy program offers a variety of services to adults who want to improve their basic reading and writing skills. Most
students participate in one-to-one tutoring with trained volunteers; also available are family literacy programming for students with small children, computer-assisted learning, small group instruction, periodic workshops and student leadership opportunities.

- Berkeley READS was awarded $46,808 from the 2010/2011 California Library Literacy Services (CLLS) Grant Program.
- Family Literacy Outreach story times, book distributions and early literacy workshops were conducted at nine outreach sites including all four Berkeley Head Start preschools, Women’s Daytime Drop-In Center, Bahia and Centro Vida programs, Vera Casey Center Teen Parenting Program and three Berkeley Unified School District Early Childhood Development classes.
- Berkeley READS continued family literacy classes for parents and children (seeded as a FY2009 Berkeley Adult School partnership and funded in part by a community partner donation) providing direct-client service weekly on Wednesday evenings at the West Branch Library.
- A Berkeley READS student, Board President for VALUE (Voice of Adult Learners United to Educate), continued in her statewide leadership role by providing testimonials in front of two State Budget Committees at the State Capitol in Sacramento.
- A grant-funded Cultural Arts Literacy program continued in providing museum field trips (including in-kind docent tours and admission passes) and art workshops (conducted by tutors and learners); a literacy student wrote in reference to the Jewish Contemporary Museum trip—“When I go to the museum, it’s my first time on BART. I like that.”
- At the 2011 Commission on Adult Basic Education National Conference, Berkeley READS coordinator and student moderator presented three adult learner panel presentations: From Shame to Learner to Leader and Adult Learner Leadership Institute, and a presentation focused on Cultural Arts Literacy in Educating the Whole Person.
- Health Literacy and Gardening project was expanded with in-kind donations including gardeners, supplies, consultation, volunteer labor and workshops from Victory Garden Foundation, Inc, Kitchen on Fire, numerous local nurseries and City of Berkeley /U.C. Berkeley’s Berkeley Project Day.

Planning and Support

- The Berkeley Public Library Foundation has demonstrated a strong history of support for the Library, particularly raising capital funds to support facility improvements. The Foundation has undertaken a multi-year capital campaign in the amount of $3.5 million to fund the furniture, fixtures, equipment and other expenses associated with the Branch Library Improvement Program. Currently the Foundation has received pledges amounting to over half of the intended target goal, and made payments of $350,000 to the Library. Fundraising committees comprised of community members from Berkeley’s neighborhoods are actively working to raise funds in support of the Library’s branch projects. Information about the Foundation’s efforts is available at [http://bp1f.org/branch-campaign](http://bp1f.org/branch-campaign)
- The Foundation’s ninth Annual Authors Dinner at the Central Library on February 12, 2011, with local writer, economist and former US Secretary of Labor Robert Reich as Honorary Chairperson. Among the other 30 eminent authors recognized included Tobias Wolff, Dave Eggers, Raj Patel, Romney Steele, Sarah Houghteling, Noah Alper, Vendela Vida, and Thacher Hurd. Held in the Main Reading Room of the landmark Central Library, the Authors Dinner celebrates the Bay Area’s uniquely vibrant literary community and raises funds which directly aid the Library. The
Fred and Pat Cody Award, created by local furniture maker Berkeley Mills, was awarded to Marion Abbott and Ann Leyhe, founders of Mrs. Dalloway’s Literary & Garden Arts.

- The Library’s other major support organization, the Friends of the Berkeley Public Library, generously furnished the Library with grants totaling $88,554 in support of a wide variety of services and programs.

**The Library as a Recession Sanctuary**

In response to dramatic economic changes, Library business is booming as a “first responder” with services and programs providing the tools for economic stability. In Berkeley, checkouts and borrower counts have jumped as patrons eschew book, music and movie purchases and instead turn to the Library’s free collections. Program attendance is up, as more Berkeleys take advantage of the Library’s many opportunities for free entertainment for all ages. Many thousands use Library computers and the high-speed WiFi networks.

The Library has also developed specific strategies to assist those in need:

- Hundreds of jobseekers and business owners received free advice and support in the extremely popular business seminar series, presented through a partnership with the Cal State East Bay Small Business Development Center. Topics in this exciting series included *Getting Certified and Doing Business with Government, Social Media, Successful Restaurants, Retail 101, Search Engine Optimization*, and—yum—*Street Food Savvy*.

Other business and career-development events included:

- This recession has seen the rise of the “reluctant entrepreneur”—business start-ups by those laid off from paid employment—and the weekly one-on-one counseling sessions for dozens of new entrepreneurs from the Service Corps of Retired Executives (SCORE) are serving this new user group.
- Classes on searching for foundation grants, partnering with the Foundation Center.
- Regular job searching and career counseling workshops, conducted with the North Cities One Stop Career Center.
- The Library continued its partnership with the Berkeley Rent Board, hosting Landlord-Tenant counseling sessions with mediation specialists every month.
- Each week, in addition to the hundreds of individuals making use of the Library’s free computers and broadband connectivity, those new to computers are taking advantage of the free *Basic Computing* classes to learn essential skills such as navigating the Internet, creating and using an email account, completing online employment applications, and drafting a resume. This year over 800 students attended these classes, expanding their tech skills for free.

**Connecting the Disconnected**

- The Library continues its frontal assault on the “Digital Divide”—the gap between those people with and those without effective access to digital and information technology. At its 73 computers dedicated to Internet and public computing 267,013 individual sessions were logged by Library users.
- For many Americans broadband access is something that exists only at their public libraries. The Library serves as the one place where they can send email, apply for jobs, use social networking sites, and conduct online business. A recent study found that over 40% of library patrons use
library computers for career and education needs. The Library is connecting this population with jobs, school, and the emotional support they need.

• The Library’s “electronic branch”—its web sites and the immeasurably rich electronic resources cardholders can access there—continues to be a vibrant conduit of knowledge and research information to the community. During the past year over 1 million visits were logged at www.berkeleypubliclibrary.org—roughly 3000 people every day of the year. More than 200,000 of these web visitors to the Library made use of the abundant resources accessible among the many subscription databases and e-books the Library provides free to cardholders, such as full-text journal articles, online career research, legal and computing e-textbooks, online test practice, and much more.

• The Library created LibGuides, a new web utility that permits staff Librarians to create finding aids on many difficult-to-research topics like consumer information, health and wellness, legal resources, and tax assistance.

• Additionally, staff launched a new series of free public trainings on the use of the abundant digital content available via www.berkeleypubliclibrary.org. Subjects include genealogical research, language instruction, exam prep, and small business resources.
II. Board of Library Trustee Proceedings & Activities

Trustee Appointments

The Chair and Vice-Chair elections occurred in November 2010; Susan Kupfer was elected Chair and Darryl Moore as Vice-Chair. At the May 11, 2011 meeting, elections were held to replace trustee Kupfer due to her pending term end, Trustee Winston Burton was elected Vice-Chair, both Trustee Moore and Burton are to serve through November 2011.

Trustee Susan Kupfer’s second term ended on May 13, 2011; Trustee Carolyn Henry Golphin tendered her resignation effective May 13, 2011. As a result the Board undertook a recruitment process beginning in January 2011 to fill the vacancy, producing and distributing flyers announcing the upcoming vacancy and application process, and placed a paid ad in local media.

At a special meeting on April 13, 2011 the Board interviewed candidates for the upcoming trustee vacancies. Following discussion of the applicants the Board, by Resolution R11-032, the Board recommended to City Council the appointment of Jim Novosel and Julie Holcomb as the preferred candidate for a four-year term effective May 14, 2011.

Meetings

The Board set on November 10, 2010 the regular BOLT meeting time as the second Wednesday of the month, excepting the summer recess taken in August.

The Board held regular meetings on: July 14, 2010, September 15, 2010; October 18, 2010, November 10, 2010; December 8, 2010; January 12, 2011; February 16, 2011(Closed Session for annual personnel evaluation of the Director of Library Services); March 9, 2011(Closed Session for annual personnel evaluation of the Director of Library Services); April 13, 2011; May 11, 2011; and June 8, 2011.

The Board held one Special Session on March 17, 2011. Three Special Joint Closed Sessions with the Board and City Council were held on: September 20, 2010; December 13, 2010; and June 13, 2011.

Activities and Significant Decisions

Facilities

The Board approved the Library’s participation in the Downtown Berkeley Property-based Business Improvement district (PBID) pending City Council approval.

Services

The Board set the 2011 Holiday Schedule for the library by Resolution R10-083 at the November 10, 2010 meeting.

The Board concluded the process begun in 2009 to replace the Library’s self-check vendor with selection of Bibliotheca Inc. at the October 18, 2010 regular meeting when a contract was approved by Resolution R10-077. Implementation was successfully completed.

Fiscal

The Board adopted an amended FY2011 adopted budget of $25,634,911, inclusive of Measure FF bond funds at the regular meeting of October 18, 2010 by Resolution 10-076. The
$16,000,000 proceeds of the second and final sale of bonds authorized by Measure FF were appropriated by Resolution 10-091 at the December 8, 2010 meeting. The Library’s operating budget for FY2012 is $15,434,453.

At the December 8, 2010 regular meeting the Board began development of the biennial Library budget for Fiscal Year 2012 and 2013; Library budget priorities were set at the January 12, 2011 meeting; public discussion continued at the February 16, 2011 meeting; and a Library Budget Workshop was held by the Board at the March 9, 2011 regular meeting. A presentation of the proposed FY 2012 / 13 biennial budget and proposed budget balancing measures were discussed at the April 13, 2011 meeting and the Proposed Biennial budgets for fiscal years 2012 and 2013, including grant and gift awards was adopted on May 11, 2011 by Resolution 11-038. The Library FY 2012 / 2013 amended proposed budget was approved to reflect the increased tax revenues on June 8, 2011 by Resolution 11-045. The Library’s 2012 /2013 Work Plan was adopted at the July 13, 2011 meeting.

The Board made a recommendation to Council to set the Library Services Tax rate for FY 2012 with a growth factor of 2.821% based on the San Francisco Bay Consumer Price Index (CPI) for April 2011.

Policy
Approval of:

- Use of Library Collections (Tools) by Library Staff
- General Records Schedule (GRS) amendments related to the library

Administrative Regulations adapted to the Library operating structure and adopted by the Board included:

AR 10.11: Gift / Donation Policy (Revised)

III. Significant Branch Renovation Program Activities, Measure FF

Since Berkeley’s voters approved Measure FF in November 2008, the Berkeley Public Library has embarked on its building program to enhance library services and to improve accessibility, code compliance, and seismic safety in all the neighborhood branches to serve the neighborhood communities into the future. Information, current plans and project information, links to make a comment, and links to notices of past meetings are available at http://www.berkeleypubliclibrary.org/about_the_library/b-renovation.php.

In 2011 a blog was added to the Library’s web presence for the construction phase of the North and Claremont branches, recent photos and information can be found at: http://www.bplbranches.blogspot.com/. In addition, weekly construction updates for each project are posted: http://www.berkeleypubliclibrary.org/about_the_library/documents/090511_BPL_North_Weekly_Construction_Update.pdf.

Staff developed options for continued service in neighborhood affected by temporary library closures, including children’s programming and the acquisition of a BranchVan to provide access for reserves, returns and browsing. Information on services during the temporary closures,
including the BranchVan schedule is posted at:
http://www.berkeleypubliclibrary.org/about_the_library/branch_van_schedules.php.

As needed the Board has recommended to Council for approval contracts and contract amendments related to the implementation of the branch library bond measure and submitted informational reports on the status of related activities:

- BHM Construction for construction of the North Branch Library (following request to rebid)
- Fine Line Construction for the Claremont branch Library
- Contract Amendments – Rene Cardinaux, AIA, LLC; Field Paoli Architects; Architectural Resources Group Inc.
- Purchase from OBS, Inc. customized Sprinter book van (to provide mobile library services in impacted communities during construction)

CLAREMONT BRANCH

The branch is currently closed to the public, construction activities began on April 25, 2011. The current anticipated Final Completion date is December 26, 2011.

NORTH BRANCH

The branch is currently closed to the public, construction activities began on May 16, 2011. The current anticipated Final Completion date is March 17, 2012.

SOUTH BRANCH

A Use Permit for a new South Branch library was approved by City Council on May 17, 2011 and filled with the County on May 19. The project is in the Construction Document Phase. The public art selection process has commenced.

The Library began the search for a temporary alternative location for the Tool Lending library during construction.

WEST BRANCH

A Use Permit for a new West Branch library was approved by City Council on May 17, 2011 and filled with the County on May 19. The project is in the Construction Document Phase. The public art selection process has commenced.

An informational report on the status of the public art component of the first two projects was included on the regular City Council meeting of May 17, 2011.
RESOLUTION NO.: 11-068

THE BOARD OF LIBRARY TRUSTEES APPROVES AND AUTHORIZES THE DRAFT ANNUAL REPORT TO THE BERKELEY CITY COUNCIL FOR THE JULY 2010 – JUNE 2011 FISCAL YEAR.

WHEREAS, as proscribed by the City of Berkeley’s Charter, the Board of Library Trustees should make an annual report to City Council giving the condition of the Library with a summary of their proceedings; and

WHEREAS, each year staff prepares a draft annual report to the Berkeley City Council for Board discussion; and

WHEREAS, the Annual Report includes information about programs, services, and major activities and decisions of Library staff and Board of Library Trustees during the previous year; and

WHEREAS, the Annual Report is presented to the Berkeley City Council and the community to provide current information about the status and activities of the Public Library; and

WHEREAS, the current document also includes the second annual report on significant branch library renovation activities and the use of Measure FF bond funds, approved in November 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Library Trustees of the City of Berkeley approves and authorizes the draft annual report for the July 2010 – June 2011 fiscal year.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on October 12, 2011.

NOES: None.
ABSENT: None.
ABSTENTIONS: None.

Darryl Moore, Chairperson

Donna Corbeil, Director of Library Services
Serving as Secretary to the Board of Library Trustees
To: Honorable Mayor and Members of the City Council

From: Councilmember Susan Wengraf

Subject: ABAG: Fall General Assembly Report on Regional Bodies Participation

BACKGROUND:

On Thursday, October 13, 2011, I represented the City of Berkeley at the ABAG Fall General Assembly in San Francisco. The theme of the conference was “Greening Our Communities: Healthy People, Healthy Bay, Healthy Economy.” As the ABAG Fall Assembly is informational only, no voting on any issues occurred.

I have included, for your information, two handouts from the ABAG Fall General Assembly that I found to be of particular interest. One is about electrical vehicle charging, put out by the Bay Area Climate Collaborative. The other is titled “Green Streets, Cleaner Stormwater: A Primer” published by the San Francisco Estuary Project.

You can watch PowerPoint presentations by panelists and see photos of the participants in the Assembly, by going to: http://www.abag.ca.gov/ga.html

CONTACT:

Susan Wengraf, City Council, District 6  981-7160

Attachments:

1: Handouts from the ABAG Fall General Assembly
Ready, Set, Charge, California!

A Guide to EV-Ready Communities

OPPORTUNITY

The recent mass market introduction of electric vehicles (EVs) is the beginning of what is projected to be as many as 1 million plug-in electric vehicles in California within ten years. However, there are currently no common standards for municipalities on key technical and policy considerations. Ensuring communities are “EV-Ready” is essential to catalyzing the adoption of plug-in electric vehicles.

“Charging stations have begun to pop up around downtown San Francisco, and that city has joined with San Jose and Oakland with the vision of becoming the ‘electric vehicle capital of the United States.’”

—President Barack Obama

ABOUT READY, SET, CHARGE, CALIFORNIA!

A GUIDE TO EV-READY COMMUNITIES

This guide will ensure EV-Ready communities by providing guidelines on key challenges and questions facing local governments including charger siting, effective signage, best-practices on permitting and inspections, and more.

Developed with leading Bay Area experts on electric vehicles and drawing on best-practices nation-wide, the guidelines will reduce the cost and effort by communities to become “EV-ready.” The Ready, Set, Charge Project will also include outreach to local governments in northern and southern California to accelerate the adoption of EVs, a vital part of California’s developing clean energy economy.

PROJECT PARTNERS

- ABAG
  ASSOCIATION OF BAY AREA GOVERNMENTS
- EV Communities Alliance
- COUNTY OF SONOMA
- LightMoves
- CLEAN FUEL CONNECTION INC.
Ready, Set, Charge, California!
A Guide to EV-Ready Communities

GUIDELINES

I. Overview of the EV Ecosystems
   Core technologies, significance of EVs, and stakeholder coordination.

II. EV-Ready Communities Policies, Actions, and Incentives
   An illustrative guide for local governments, providing examples of EV policies at both the internal and community-wide levels.

III. Model Development Regulations and Guidance
   Recommended definitions, zoning and building code amendments, and policy guidance related to permitting, signage, and accessibility.

IV. Installation Streamlining for Residential EV Chargers
   Permitting and inspection best practices to facilitate streamlined residential EV charging station permitting.

V. Charging Station Installation Strategies
   Guidance for locating and installing EV chargers.

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EV INFRASTRUCTURE CONSIDERATIONS

Local governments are seeking guidance on optimal charging station siting, clear signage, sufficient spacing and other considerations.


TIMELINE

Q1-2 2011: Produce draft guidelines with Bay Area EV leaders

Q2 2011: Unveil guidelines at Charged EV Symposium

Q3 2011: Refine draft guidelines based upon public comment

Q3-4 2011: Launch regional guidelines adoption outreach

2012: Support statewide guidelines adoption
GREEN STREETS, CLEANER STORMWATER: A PRIMER

CUTTING THE CURBS

The quiet city of El Cerrito is loudly leading the way in the East Bay in tackling and treating the grime and grease and other pollutants that race off its streets into the storm drains—and eventually San Francisco Bay—when it rains. In two block-long stretches of San Pablo Avenue (one at Eureka, the other at Madison), the city cut the curbs to allow stormwater from the street to flow into several large planters. By slowing and holding onto the stormwater, the planters encourage pollutants in the water to drop out and be filtered by the microbes in the soil and plant roots. The plants themselves take up excess nutrients in the stormwater. Projects like these are sometimes called "green streets."

WHAT ARE GREEN STREETS AND HOW DO THEY WORK?

Green streets are streets where plants and soil are a visible part of the storm drain and gutter system. Designed to tie into the existing street and storm drain system, these green streets projects retain and filter stormwater while they beautify the street. A variety of green streets facilities—stormwater planters, rain gardens, curb extensions or bulb-outs, bioswales, and vegetated swales—are now being used by cities to treat pollutants in stormwater. All of these landscape features work by slowing the water down and either allowing it to infiltrate into the ground or to flow through slowly before it goes back into the storm drain system. The purpose is to hold onto the stormwater longer than in a traditional curb-and-gutter system so that pollutants can be filtered out. Whether stormwater infiltrates or flows through the landscape feature depends on the location and the goals of the project—and practical issues such as whether or not there are facilities, pipes, or conduit located beneath the surface.

Green streets are designed by engineers, who calculate the volume of water they want to treat. No matter what their size, green streets facilities all use the simple principle of letting plants and soil "do the work" to treat pollution. The city of Portland, Oregon and others have found that using plants and soil to treat stormwater can be less expensive than building and maintaining pipes and other "hard" structures. An added benefit of using soil and plants is that, unlike pipes and concrete, they offer habitat for birds, butterflies, and bees.

Plants like those in a Portland stormwater planter help catch and slow runoff while providing habitat for pollinators and birds. Photo by Lisa Owens Viani.

"The City was excited to build this project—a project that could help demonstrate the potential for treating runoff from our streets and roads while at the same time providing an aesthetic improvement to our urban streetscape. It's also exciting to see the interest this project is generating from all kinds of other parties such as Caltrans, clean water organizations, regulatory entities, and private consulting firms."—Jerry Bradshaw, Public Works Director, City of El Cerrito

The El Cerrito planters were built below grade so that polluted water running off of the street and sidewalk will flow into them and be filtered before going into the storm drain system and the Bay. Photo by Lisa Owens Viani.

Illustration courtesy of Gutes & Associates.
Curb extensions aka bulb-outs (below) are often used on wide streets, and can help slow traffic, in addition to greening up a concrete- and asphalt-heavy landscape.

Stormwater from the street flows into this curb extension in San Bruno.

Rain gardens are often used in residential areas, at schools, or at city halls and other government offices, where there is usually room for bigger stormwater treatment facilities; the one below was built at El Corrito’s City Hall and takes runoff from the building’s roof.

A rain garden at El Corrito City Hall is planted with sedges, vine maples, and other natives.

Brisbane built this rain garden at its City Hall. This photo (and the curb extension photo above left) courtesy of the San Mateo Countywide Water Pollution Prevention Program.
**Bioswales** are long, fairly shallow depressions in the earth that often use a curved or sinuous form to slow water, and are planted with native or non-native grasses and other vegetation. Like the other green streets facilities, bioswales treat stormwater from adjacent parking lots or roads. The one below filters runoff from a parking lot. Research from Portland, Oregon indicates that swales planted with native species filter more pollutants than swales planted with turf.

**Eco-roofs and green walls** are two additional, innovative and attractive ways of treating stormwater. **Eco-roofs** are roofs on top of which a layer of plastic has first been installed (to prevent water damage), and then a shallow layer of soil and plants added. When rain falls on a traditional hard roof, it often races off into gutters and into the storm drain system—and San Francisco Bay. When rain falls on an eco-roof, it is slowed, absorbed, and filtered.

**Green walls** also filter water that sheets off of roofs before it can make its way to the street. Both eco-roofs and green walls can provide habitat for birds and pollinators. Birds have begun nesting on some eco-roofs in Portland, Oregon.

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**THE SCIENCE OF GREEN STREETS**

The San Francisco Estuary Institute (SFEI) recently found that a rain garden installed next to a parking lot in Daly City, California reduced PCBs and mercury in the runoff by 40 percent, and pollutants from motor oil, diesel, and asphalt called PAHs, as well as heavy metals, including zinc, copper, lead, and nickel, by over 80 percent. Most of this pollution comes from cars and other vehicles. In El Cerrito, scientists are testing for copper, mercury, PCBs, pesticides, and other contaminants.

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"The old way of managing stormwater was to put it in a pipe and forget about it. That approach doesn’t recognize that stormwater can be an asset when it’s integrated into building and site design." — Tom Liptan, City of Portland, Sustainable Stormwater Division
RETHINKING OUR STREETS

All of these landscape features—sometimes called "LID" (for low impact development) or "green infrastructure"—can be used in both urban and in residential settings, beautifying streets, calming traffic, and offering habitat.

Kevin Robert Perry, of Nevue Ngan, author of the award-winning San Mateo County Sustainable Green Streets and Parking Lots Design Guidebook, which can be downloaded at www.flowstobay.org, says green streets can start as simply as planting street trees—and be as advanced as curbless streets, where stormwater simply shoeflows into green streets treatment devices. "We need to go back and reverse our auto-oriented infrastructure and rethink our streets," says Perry.

In downtown Portland, a planter adds greenery to the streetscape while treating stormwater. Photo by Lisan Owen Viani.

This residential street in Milwaukie, Oregon has no curbs, just a concrete border. Polluted runoff sheets off the road into the planter where it is filtered. Photo courtesy of Kevin Robert Perry.

"Retrofitting green streets is not just about managing stormwater but is equally about creating streets that promote biking, walking, and transit and doing it in a way that makes our communities far more aesthetic and livable. Retrofitting streets for livability is probably one of the most important aspects in creating healthy and vibrant communities, because streets, good or bad, often define the character of our neighborhoods. In retrofitting neighborhoods with green streets, we have the opportunity to transform a neighborhood's character and do it in such a way that also helps the environment at multiple levels."—Kevin Robert Perry, Nevue Ngan
## Upcoming Workshops

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<td>December 6</td>
<td>Presentation of Pension Costs and Liabilities by the City Actuary</td>
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<tr>
<td>December 13</td>
<td>Federal and State Budget Update: Public Facilities Capital Needs</td>
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### Last Updated: 11/14/11

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<td>ZAB</td>
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### Notification

1. Appeal Receipt Letter
2. Public Hearing Scheduled Letter

### Public Hearings Scheduled (2)

- ZAB: 9/7/2011 to 12/6/2011
- LPC: 12/14/2011

### Remanded to ZAB or LPC

- 2801 Adeline St. LPC 12/14/2011
- 1423 Kains Ave. ZAB 12/6/2011

### Appeals Submitted (1)

- 2911 Russell St. LPC 12/14/2011

### Working Calendar for Scheduling Land Use Matters Before the City Council

- Estimated Time Needed
- Management - Notification (1) Appeal Receipt Letter
- Remanded to ZAB or LPC
- Public Hearings Scheduled (2)
- Appeals Submitted (1)
- NOD - Notices of Decision
- Address