Preliminary Matters

Roll Call: 7:04 p.m. All present.

Ceremonial Matters:

1. 2008 Summer Art Brochure Winners
2. April is Alcohol Awareness Month
3. LGBTQ Family Night at YMCA

City Manager Comments: None

Public Comment on Non-Agenda Matters: 5
Public Comment on Consent Calendar and Information Items Only: 9

Consent Calendar

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

Recess Consent Items

1. Contract No. 7217 Amendment: San Pablo Park Pathway and Frances Albrier Recreation Center Renovations
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 7217 with Rosas Brothers Construction in the amount of $2,000 for a total contract amount not to exceed $545,389 and to extend the contract term to June 31, 2008.
   Financial Implications: Capital Improvement Fund - $2,000
   Contact: Claudette Ford, Public Works, 981-5400
   Action: Adopted Resolution No. 64,013–N.S.
Recess Consent Items

2. Fairbanks Scales, Inc. - Emergency Repairs for Transfer Station Scales
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to increase purchase authority by $15,000 to a total $40,000 for Fairbanks Scales, Inc., for emergency repairs of scales at the transfer station.
   Financial Implications: General Fund - $40,000
   Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
   Action: Adopted Resolution No. 64,014–N.S.

Consent Calendar

3. Proposed Condo Conversion Ordinance, BMC Chapter 21.28
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,025–N.S.
   First Reading Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Worthington, Bates; Noes – Wozniak; Abstain – Olds.
   Financial Implications: See report
   Contact: Dan Marks, Planning and Development, 981-7400

4. Amendments to BMC 12.70 Regarding Smoking Prohibitions
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,026–N.S making the following amendments to Berkeley Municipal Code section 12.70: 1) Amend BMC 12.70.020 (C) which defines "Commercial Area Sidewalk"; 2) Amend BMC 12.70.060 to clarify sign posting requirements.
   Financial Implications: See report.
   First Reading Vote: All Ayes
   Contact: Phil Kamlarz, City Manager, 981-7000
   Action: Adopted second reading of Ordinance No. 7,026–N.S.

5. Minutes for Approval
   From: City Manager
   Recommendation: Approve the minutes for the Council meetings of March 3, 2008 (special), March 11, 2008 (regular), March 17, 2008 (special), March 25, 2008 (special and regular), March 31, 2008 (special closed).
   Contact: Deanna Despain, City Clerk, 981-6900
   Action: Approved Minutes as submitted

6. Revised June 2008 City Council Meeting Schedule
   From: City Manager
   Recommendation: Adopt a Resolution amending Resolution 63,559–N.S. to revise the City Council regular meeting schedule for June 2008.
   Financial Implications: None
   Contact: Deanna Despain, City Clerk, 981-6900
   Action: Adopted Resolution No. 64,015–N.S.
7. **Revised January 29, 2008 Meeting Minutes**  
   **From:** City Manager  
   **Recommendation:** Revise the January 29, 2008 meeting minutes, Item 25, Evidence Theft Issues within the Berkeley Police Department to reflect the following action taken: M/S/C (Wozniak/Maio) (a) accept the City Manager recommendation and accept the recommendation from the Police Review Commission (b), asked the Police Review Commission to submit a report on specific recommendations and directed the City Manager to submit an interim report to Council on March 25, 2008.  
   **Financial Implications:** None  
   **Contact:** Deanna Despain, City Clerk, 981-6900  
   **Action:** Approved recommendation.

8. **City Council Liaison to Selected Commissions**  
   **From:** City Manager  
   **Recommendation:** Adopt first reading of an Ordinance removing the provision for Council liaisons on the Citizens Humane Commission, Commission On Aging, Planning Commission, Community Health Commission, and Personnel Board.  
   **Financial Implications:** None  
   **Contact:** Deanna Despain, City Clerk, 981-6900  
   **Action:** Moved to Action Calendar. M/S/C (Moore/Maio) to adopt first reading of Ordinance No. 7,027–N.S. as amended to retain the Community Health Commission Liaison. Second reading scheduled for May 6, 2008.

9. **Second Amendment to FY 2008 Annual Appropriations Ordinance**  
   **From:** City Manager  
   **Recommendation:** Adopt first reading of an Ordinance amending the FY 2008 Annual Appropriations Ordinance No. 6,987–N.S. for fiscal year 2008 based upon recommended funding adjustments authorized since July 1, 2007, in the amount of $5,806,276.  
   **Financial Implications:** See report  
   **Contact:** Tracy Vesely, Budget Manager, 981-7000  
   **Action:** Adopted first reading of Ordinance No. 7,028–N.S. Second reading scheduled for May 6, 2008.

10. **South Berkeley Revolving Loan Fund Certification**  
    **From:** City Manager  
    **Recommendation:** Adopt a Resolution endorsing the South Berkeley Revolving Loan Fund (RLF) Plan Certification as required by the federal Economic Development Administration (EDA).  
    **Financial Implications:** See report.  
    **Contact:** Michael Caplan, Economic Development, 981-7530  
    **Action:** Adopted Resolution No. 64,016–N.S.
Consent Calendar

11. Renewal of the Telegraph Property and Business Improvement District
From: City Manager
Recommendation: Adopt two Resolutions:
1) Authorizing the City Manager to cast the City's assessment ballot for its commercial property within the boundaries of the Telegraph Property and Business Improvement District (TPBID) in favor of the reestablishment of the District,
2) Declaring intent to reestablish the TPBID for the ten-year period beginning July 1, 2008 and ending June 30, 2018, setting a public hearing for June 17, 2008 on reestablishment of the District, and directing the City Clerk to conduct a mail ballot of property owners who are to pay the assessment.

Financial Implications: See report.
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 64,017–N.S. and Resolution No. 64,018–N.S.

12. Council Office Budget Guidelines and Procedures
From: City Manager
Recommendation: Repeal Resolution 62,470–N.S., and adopt a resolution establishing guidelines and procedures for City Council Office Budget expenditure accounts.
Financial Implications: None
Contact: Tracy Vesely, Budget Manager, 981-7000
Action: Moved to Action Calendar. M/S/C (Maio/Capitelli) to adopt Resolution No. 64,019–N.S.

13. Contract: DataProse Inc, Printing and Mailing Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a three-year agreement with DataProse, Inc. to provide printing and mailing services for the period of May 1, 2008 through June 30, 2011, in the amount of $200,000 with an option for two 1-year extensions through June 30, 2013 for a total five (5) year contract amount not to exceed $325,000.
Financial Implications: Various Funds - $325,000
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted Resolution No. 64,020–N.S.

14. Formal Bid Solicitations and Request for Proposals
From: City Manager
Recommendation: Approve the attached request for proposals (RFP) that will be, or is planned to be, issued upon final approval by the requesting department or division.
Financial Implications: Various Funds - $5,255,342
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
15. **Annual Investment Report, Revisions to Investment Policies and Designation of Investment Authority**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution accepting the Annual Investment Report, and renewing the delegation of authority to make investments to the Director of Finance.  
   **Financial Implications:** None  
   **Contact:** Robert Hicks, Finance, 981-7300  
   **Action:** Adopted Resolution No. 64,021–N.S.

16. **Lease Amendment: 1013 Pardee Street No. 105**  
   **From:** City Manager  
   **Recommendation:** Adopt first reading of an Ordinance to amend Contract No. 7472, approved by Ordinance No. 7,001–N.S., to increase expenditure authority for warehouse property lease at 1013 Pardee Street No. 105, for the period covering October 1, 2007 to September 30, 2008, to an amount not to exceed $188,293  
   **Financial Implications:** Measure Q - $188,293  
   **Contact:** Debra Pryor, Fire, 981-3473  
   **Action:** Adopted first reading of Ordinance No. 7,029–N.S.  Second reading scheduled for May 6, 2008.

17. **Contract: Low Income Energy Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution:  
   1) Authorizing the City Manager or his designee to execute a contract and any amendments with the State Department of Community Services and Development for the Low-Income Home Energy Assistance Program (LIHEAP) to receive revenues and provide weatherization and bill payment assistance to eligible residents of Berkeley, Albany, and Emeryville in the amount of $199,873 for the period January 1, 2008 through December 31, 2008,  
   2) Approving the program priority plans  
   3) Authorizing the City Manager to designate a representative to sign required fiscal and programmatic reports.  
   **Financial Implications:** Various Funds - $199,873 (revenue)  
   **Contact:** Jane Micallef, Housing, 981-5400  
   **Action:** Adopted Resolution No. 64,022–N.S.

18. **Appointment of Director of Information Technology**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution confirming the appointment of Donna LaSala as Director of Information Technology.  
   **Financial Implications:** General Fund - $140,000  
   **Contact:** David Hodgkins, Human Resources, 981-6800  
   **Action:** Adopted Resolution No. 64,023–N.S.
Consent Calendar

19. Appointment of Director of Parks, Recreation and Waterfront
   From: City Manager
   Recommendation: Adopt a Resolution confirming of William Rogers as Director of Parks, Recreation and Waterfront.
   Financial Implications: Parks Tax Fund and Marina Fund - $143,000
   Contact: David Hodgkins, Human Resources, 981-6800
   Action: Adopted Resolution No. 64,024–N.S.

20. Contract No. 7008 Amendment: Hanson Bridgett Marcus Vlahos Rudy LLP
    From: City Manager
    Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing Contract No. 7008 with Hanson Bridgett Marcus Vlahos Rudy LLP (hereinafter "Hanson Bridgett") by increasing expenditure authority in an amount not to exceed $40,000 for legal services pertaining to federal and state tax issues.
    Financial Implications: General Fund - $40,000
    Contact: David Hodgkins, Human Resources, 981-6800
    Action: Adopted Resolution No. 64,025–N.S.

    From: City Manager
    Recommendation: Adopt a Resolution to amend Resolution No. 60,777–N.S., the Unrepresented Employee Manual, to amend Article 13.9 (Fire Chief, Deputy Fire Chief, Assistant Fire Chief and Paramedic Supervisor Retiree Medical Plan), and Article 13.10 (Retiree Medical for the Police Chief and Deputy Police Chief Classification).
    Financial Implications: See report
    Contact: David Hodgkins, Human Resources, 981-6800
    Action: Adopted Resolution No. 64,026–N.S.

22. Application: Summer Food Service Program
    From: City Manager
    Recommendation: Adopt a Resolution authorizing the City manager to submit an application to the California State Department of Education, Child Nutrition Services Division for the Summer Food Service Program and to execute any resultant agreement and amendments.
    Financial Implications: Youth Lunch Fund - $87,695
    Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
    Action: Adopted Resolution No. 64,027–N.S.

23. Contract No. 7185 Amendment: East Touchdown Plaza
    From: City Manager
    Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7185 with Design, Community & Environment (DC&E) in the amount of $19,380 for additional services necessary to complete the construction bid package for a total contract amount not to exceed $168,021 and to extend the contract term to December 31, 2008.
    Financial Implications: MTC Fund - $168,021
    Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
    Action: Adopted Resolution No. 64,028–N.S.
24. **Revenue Contracts: Sustainable Energy Financing District**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute revenue contracts and any amendments with a) the Bay Area Air Quality Management District for the approximate period May 1, 2008 through April 31, 2010 in the amount of $75,000 and b) the US Environmental Protection Agency for the approximate period May 1, 2008 through April 31, 2010 in the amount of $115,000 for the development of a Sustainable Energy Financing District program (aka, Berkeley FIRST [Financing Initiative for Renewable and SolarTechnology]).  
**Financial Implications:** See report  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 64,029–N.S.

25. **Revenue Contract: GHG Environmental Management System**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a revenue contract and any amendments with the Bay Area Air Quality Management District (BAAQMD) for the approximate period May 1, 2008 through December 31, 2009 in the amount of $40,000 in revenues for the development of implementation guidance for local greenhouse gas emissions reduction strategies.  
**Financial Implications:** See report  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Adopted Resolution No. 64,030–N.S.

26. **Grant and Contract: California Integrated Waste Management Board and Community Conservation Centers, Inc.**  
*From: City Manager*  
**Recommendation:** Authorize the City Manager to accept the California Integrated Waste Management Board (CIWMB) Grant for a total of $139,255 and adopt a resolution approving a contract with Community Conservation Centers, Inc. (CCC) to manage universal waste collection and recycling for the period of May 1, 2008 - March 31, 2010, in an amount not to exceed $82,300.  
**Financial Implications:** See report.  
Contact: Dan Marks, Planning and Development, 981-7400  
**Action:** Approved recommendation and adopted Resolution No. 64,031–N.S.

27. **Increase Purchase Order for Evidence Testing**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase FY 2008 Purchase Order No. 67626 to Alameda County Criminality Laboratory by $25,000 for evidence testing and analysis services provided in FY 2008 as expenditures exceed the $25,000.00 purchase limit currently authorized.  
**Financial Implications:** See report  
Contact: Douglas N. Hambleton, Police, 981-5900  
**Action:** Adopted Resolution No. 64,032–N.S.
28. **Abatement of Nonconforming/Substandard Sewer Laterals on Private Property**

From: City Manager

**Recommendation:** Adopt first reading of an Ordinance amending BMC Section 17.24 80 to confirm that upon transfer of ownership, the buyer (the new owner) will be responsible for the compliance with this section, and a transfer of ownership between family members does not require inspection or testing if there is no reassessment of property value by the county.

**Financial Implications:** None

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Adopted first reading of Ordinance No. 7,030–N.S. Second reading scheduled for May 6, 2008.

29. **Lease Agreement: Jonathan Mack, 2435 Channing Way**

From: City Manager

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Jonathan Mack for a Caribbean clothing and music store at 2435 Channing Way in the Telegraph Channing Garage Shops, generating $64,909 in revenue over an initial three-year term from July 1, 2008 to June 30, 2011 with an additional lease option of five years.

**Financial Implications:** Off Street Parking Fund - $64,909 (3 year revenue)

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Adopted first reading of Ordinance No. 7,031–N.S. Second reading scheduled for May 6, 2008.

30. **Lease Agreement: Felix Osifo, 2444 Durant Avenue**

From: City Manager

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Felix Osifo for a retail clothing store at 2444 Durant Avenue in the Telegraph Channing Garage Shops, generating $79,214 in revenue over an initial term of five years from July 1, 2008 to June 30, 2013 with an additional lease option of five years.

**Financial Implications:** See report.

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Adopted first reading of Ordinance No. 7,032–N.S. Second reading scheduled for May 6, 2008.

31. **Lease Agreement: Revolution Books at 2425C Channing Way**

From: City Manager

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a new lease agreement with Revolution Books for retail space located at 2425C Channing Way, in the Telegraph/Channing Garage Shops, generating $97,493.88 for the five-year period, June 1, 2008 to May 31, 2013, with an additional lease option of five years.

**Financial Implications:** See report.

Contact: Claudette Ford, Public Works, 981-6300

**Action:** Adopted first reading of Ordinance No. 7,033–N.S. Second reading scheduled for May 6, 2008.
Consent Calendar

32. Increase Expenditure Authorization for Busch Systems, Inc. for Food Scrap Pails/Recycling Containers
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to increase the authorized expenditure from $100,000 to $129,505 for Busch Systems, Inc. to provide food scrap pails and recycling containers in FY 2008.
   Financial Implications: Refuse Fund - $129,505
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,033–N.S.

33. Contract No. 6818 Amendment: Securitas Security Guard Services USA, Inc. for 1947 Center Street and 2180 Milvia Street
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Securitas Security Guard Services USA, Inc. for security guard services at 1947 Center Street and 2180 Milvia Street, increasing the amount by $124,389 for a total not to exceed $433,661, and extending the term by one year for a revised contract period of September 14, 2005 to June 30, 2009.
   Financial Implications: See report
   Contact: Claudette Ford, Public Works, 981-6300

34. Contract No. 7518: Management Recruiters/Berkeley for Temporary Parking Services Staff
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7518 with Management Recruiters/Berkeley for a temporary Parking Services Specialist, increasing the total not to exceed amount by $31,500 to $90,000 for the period July 1, 2007 to August 31, 2008.
   Financial Implications: Off Street Parking Fund - $31,500
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,035–N.S.

   From: City Manager
   Recommendation: Adopt a Resolution:
   1) Approving plans and specifications for the Street Rehabilitation FY 2007 Project, 08-10318-C;
   2) Accepting the bid of Gallagher & Burk, Inc.;
   3) Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $2,980,155 for the period of 150 calendar days from the date of the execution of the contract.
   Financial Implications: See report
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,036–N.S.
Consent Calendar

   From: City Manager
   Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located at Buena Avenue, Josephine Street, et al, and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with K. J. Woods Construction, Inc., until completion of the project in accordance with the approved plans and specifications in an amount not to exceed $459,800 for a term of 220 calendar days from the date of the execution of the contract.
   Financial Implications: Sewer Capital Improvement Fund - $459,800
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,037–N.S.

37. Purchase Order: Municipal Maintenance Equipment for Parking Enforcement Vehicles
   From: City Manager
   Recommendation: Adopt a Resolution accepting the City of San Francisco award for Go-4 vehicles, which satisfies the requirement of Berkeley Charter Section 67, and authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment for eleven parking enforcement vehicles for an amount not to exceed $321,813.
   Financial Implications: Equipment Replacement Fund - $321,813
   Contact: Claudette Ford, Public Works, 981-6300
   Action: Adopted Resolution No. 64,038–N.S.

Council Consent Items

38. Non-Retail Uses In Mixed Use Developments That Are Not In Commercial Nodes
   From: Mayor Bates and Councilmember Moore
   Recommendation: Request the City Manager direct staff to consider changes in current commercial zoning that would allow non-retail ground floor uses in mixed-use developments between designated commercial nodes and refer to the Planning Commission for consideration and recommendation by November 18, 2008.
   Financial Implications: Unknown
   Contact: Tom Bates, Mayor, 981-7100
   Action: Approved recommendation.

Worthington absent - 8:17 p.m. – 8:45 p.m.

39. Hours Of Operations At Pay And Display Parking Meters
   From: Mayor Bates and Councilmembers Spring and Capitelli
   Recommendation: Request the City Manager develop a cost analysis and plan to:
   1) Locate Pay and Display meters throughout the downtown area (Hearst to Dwight and Oxford to Martin Luther King Jr. Way);
   2) Expand the hours of operations at Pay and Display parking meters until 10:00 p.m.,
   3) Allow evening parkers to purchase multiple hours of parking,
   4) Dedicate a portion of the revenues to alternative transit modes and the arts.
   Financial Implications: Staff time to develop plan.
   Contact: Tom Bates, Mayor, 981-7100
Council Consent Items

Action: Moved to Action Calendar. M/S/C (Capitelli/Wozniak) to approve the recommendation as amended to request the City Manager develop a cost analysis and potential impacts of a plan to:
1) Locate Pay and Display meters throughout the downtown area (Hearst to Dwight and Oxford to Martin Luther King Jr. Way);
2) Expand the hours of operations at Pay and Display parking meters until 10:00 p.m.,
3) Allow evening parkers to purchase multiple hours of parking,

40. Establishing a City Service Animal Ordinance
From: Councilmember Maio
Recommendation: Refer to the City Manager and Disability Commission the development of a program and ordinance which will educate and inform businesses about access rights for disabled individuals and the legal requirements under the Americans with Disabilities Act (ADA) regarding the use of service animals. A program similar to our non-smoking program might be a useful vehicle.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.

41. City Sponsorship of the 2008 Rainbow Berkeley LGBT Pride Celebration on May 18th
From: Councilmembers Worthington and Moore
Recommendation: Approve City sponsorship of the 9th Annual Rainbow Berkeley LGBTQ Pride Celebration.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

42. Alcohol-Involved Collision and DUI Arrest Data
From: Councilmembers Spring and Moore
Recommendation: Request the City Manager direct staff to collect data on sources of alcohol in alcohol-involved collisions and DUI Arrests.
Financial Implications: None
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Approved recommendation.

43. Oppose SB 1334 - Lead Plumbing
From: Councilmember Olds
Recommendation: Write a letter to the Honorable Ron Calderon and Senator Don Perata expressing the Berkeley City Council’s opposition to SB 1334.
Financial Implications: None
Contact: Betty Olds, Councilmember, District 6, 981-7160
Action: Approved recommendation.
Council Consent Items

44. Support Assembly Bill 2586, Protections for Tenants in Foreclosed Properties
From: Councilmember Worthington
Recommendation: Support Assembly Bill 2586 which would establish protections for tenants in foreclosed properties such as providing 60-day notice for eviction, proper noticing of any foreclosures or evictions, end utility shut-offs, and clarify lender obligations.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

45. Sponsorship of 6th Annual Holocaust Remembrance Day Event and Approval of Proclamation
From: Councilmember Worthington
Recommendation: Approve City sponsorship of the 6th Annual Holocaust Remembrance Day event and adopt the Holocaust Remembrance Day proclamation.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Appeal

46. ZAB Appeal: 1441 Ashby Avenue
From: City Manager
Recommendation: Adopt a Resolution affirming the decisions of the Zoning Adjustments Board (ZAB) to certify the Final Environmental Impact Report (EIR) and to approve Use Permit No. 07-1000046 to establish a biodiesel fueling station.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
Action: M/S/C (Capitelli/Moore) to adopt Resolution No. 64,039–N.S. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates.

Action Calendar – Public Hearings

47. Allocation of Funds for the Federal Community Development Block Grant (CDBG), Emergency Shelter Grant
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:
1) Adopting recommendations for funding under the FY 2009 CDBG, ESG, and HOME Community Housing Development Organization (CHDO) operating expense programs (see Attachment 1, Exhibit A);
2) Authorizing the execution of resultant agreements and amendments for the FY 2009 CDBG, ESG, and HOME CHDO operating expense funds (5% of the HOME entitlement);
3) Allocating 85% of the FY 2009 HOME funds to the Housing Trust Fund (HTF) and 10% for HOME program delivery; and
4) Authorizing the City Manager to submit the Fourth-Year (FY2009) Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) which includes the applications.
Financial Implications: See report.
Contact: Jane Micallef, Housing, 981-5400
**Action Calendar – Public Hearing**

**Public Testimony:** The Mayor opened the public hearing. 6 speakers. M/S/C (Moore/Anderson) to close the public hearing.

**Action:** M/S/C (Moore/Capitelli) to adopt Resolution No. 64,040–N.S. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates. Abstain on $60,000 allocation to Affordable Housing Associates – Spring.

---

**48. Grant: 2008 Citizen’s Options for Public Safety (COPS) Grant**

*From: City Manager*

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution authorizing the City Manager to accept $204,495 in California Citizen’s Options for Public Safety (State COPS) grant funding for fiscal year 2008 for half time Community Services Specialist I, hourly Juvenile Bureau Counselor(s), hourly Police Aides, overtime and miscellaneous small equipment.

**Financial Implications:** Citizen’s Options Fund: $204,495

Contact: Douglas N. Hambleton, Police, 981-5900

**Public Testimony:** The Mayor opened the public hearing. 0 speakers. M/S/C (Moore/Maio) to close the public hearing.

**Action:** M/S/C (Moore/Capitelli) to adopt Resolution No. 64,041–N.S. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates.

---

**49. Sunshine Ordinance Report**

*From: City Manager*

**Recommendation:** Conduct a public hearing and upon conclusion give direction to staff on any additional revisions to the draft Sunshine Ordinance and whether to place the Sunshine Ordinance on the May 6, 2008 agenda for a first reading.

**Financial Implications:** See report

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** M/S/C (Capitelli/Olds) to continue item to a worksession on October 7, 2008 to allow for citizens to deliberate for 90 days and submit recommendations to staff. Staff to submit a matrix and report at the October 7, 2008 worksession. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates.

---

**Action Calendar – Old Business**

**50. Revised Light Brown Apple Moth Resolution**

*From: Councilmembers Maio, Moore and Spring*

**Recommendation:** Adopt the following revised Light Brown Apple Moth (LBAM) resolution.

**Financial Implications:** None

Contact: Linda Maio, Councilmember, District 1, 981-7110

**Action:** Continue to May 6, 2008.
Action Calendar – Old Business

   From: Councilmember Worthington
   Financial Implications: None
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   Action: Continue to May 6, 2008.

Action Calendar – New Business

52. **Addition of Chapter 7.98 to the Berkeley Municipal Code - Special Tax Financing Law - Sustainable Energy Financing District**
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance to amend the Berkeley Municipal Code by adding Chapter 7.98 providing for special tax financing for the installation of energy efficiency improvements, including solar.
   Financial Implications: See report
   Contact: Christine Daniel, Deputy City Manager, 981-7000

53. **Increase the City Manager’s Authority Over Service Contracts**
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 7.18.010A to increase the City Manager's expenditure authority for services to $50,000.
   Financial Implications: None
   Contact: Robert Hicks, Finance, 981-7300

54. **Contracts: Stockton Recycling Inc. & Zanker Road Resource Management for C&D Processing**
   From: City Manager
   Recommendation: Adopt two Resolutions authorizing the City Manager to execute two contracts, each for the term of April 23, 2008 to June 30, 2011, for construction and demolition waste processing with:
   1) Stockton Recycling Company, Inc. ("Stockton") to sort construction and demolition waste for an amount not to exceed $547,688 in FY 2008 and a total contract amount not to exceed $5,476,742; and
   2) Zanker Road Resource Management ("Zanker") for an amount not to exceed $275,508 in FY 2008 and a total contract amount not to exceed $2,755,080.
   Financial Implications: See report.
   Contact: Claudette Ford, Public Works, 981-6300
   Action: M/S/C (Anderson/Maio) to hold over to May 6, 2008. Noes – Capitelli, Olds, Wozniak
55. Support Petition for Review Pertaining to Patient-Health Plan Disputes  
From: Councilmember Anderson  
Recommendation: Write a letter to the California Supreme Court asking that it grant review of the Appellate Court’s decision in California Consumer Health Care Council, et al. v. California Department of Managed Health Care, et al., C055056, Cal. App. 3rd District  
Financial Implications: None  
Contact: Max Anderson, Councilmember, District 3, 981-7130  
Action: M/S/C (Anderson/Worthington) to approve Councilmember Anderson’s recommendation to write a letter to the California Supreme Court asking that it grant review of the Appellate Court’s decision in California Consumer Health Care Council, et al. v. California Department of Managed Health Care, et al., C055056, Cal. App. 3rd District. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates.

56. Opposition to Initiative 1326, Runner Initiative  
From: Councilmember Worthington  
Recommendation: Adopt a motion expressing its opposition to Initiative 1326, the Runner Initiative, which would increase funding for criminal justice programs by half a billion dollars annually; facilitate the prosecution of more youth as adults; increase penalties for drug offenses and offenses alleged to be “gang” related; create mandatory criminal background checks for housing subsidy recipients; and prohibit bail for undocumented immigrants changed with “gang related” felonies.  
Financial Implications: None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
Action: M/S/C (Anderson/Moore) to approve Councilmember Worthington’s recommendation to adopt a motion expressing its opposition to Initiative 1326, the Runner Initiative. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates.

57. Sponsorship of Annual Celebration of Berkeley Conscientious Objectors and War Resisters Day  
From: Councilmember Worthington  
Recommendation: Approve City sponsorship of the annual Celebration of Berkeley Conscientious Objectors and War Resisters Day to be held on Saturday, May 17, 2008 in Civic Center Park; allow the peace flag be flown in front of City Hall on May 15, 2008; and direct the City Manager to post the events on the City of Berkeley’s Community Calendar.  
Financial Implications: None  
Contact: Kriss Worthington, Councilmember, District 7, 981-7170  
Action: M/S/C (Worthington/Moore) to approve Councilmember Worthington’s recommendation to Approve City sponsorship of the annual Celebration of Berkeley Conscientious Objectors and War Resisters Day to be held on Saturday, May 17, 2008 in Civic Center Park; allow the peace flag be flown in front of City Hall on May 15, 2008; and direct the City Manager to post the events on the City of Berkeley’s Community Calendar. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Bates; Abstain – Wozniak.
58. **Support of HR 2831, Lilly Ledbetter Fair Pay Act of 2007**  
*From: Councilmember Worthington*  
**Recommendation:** Adopt a motion to send a letter to Senators Dianne Feinstein and Barbara Boxer urging them to support H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007.  
**Financial Implications:** None  
**Contact:** Kriss Worthington, Councilmember, District 7, 981-7170  
**Action:** Moved to Consent Calendar. Approved Councilmember Worthington’s recommendation to adopt a motion to send a letter to Senators Dianne Feinstein and Barbara Boxer urging them to support H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007. (Abstain – Capitelli, Wozniak)

59. **Extension of the Transfer Tax Seismic Exemption to Include a “Green” Exemption for Major Energy Efficiency and Solar Improvements**  
*From: Councilmember Wozniak*  
**Recommendation:** Refer to the City Manager a request to develop a ballot measure for the November 2008 election. This measure should provide incentives for Berkeley residents to attain the City’s ambitious Measure G goals of decreasing greenhouse gas emissions by extending the seismic exemption of the Transfer Tax to include a “green” exemption for major energy efficiency and solar improvements. Issues to be considered are:  
1) Should this “green” exemption apply to all structures (residential as well as commercial & industrial) or only residential structures,  
2) What kind of energy improvements should qualify for a “green” exemption and  
3) Should alternate sources of energy, such as photovoltaic, qualify.  
**Financial Implications:** See report  
**Contact:** Gordon Wozniak, Councilmember, District 8, 981-7180  
**Action:** Held over to May 6, 2008.

M/S/C (Anderson/Moore) to extend meeting to 11:30 p.m.

---

**Action Calendar – Time Critical Items**

60. **Amendments to Development Standards Related to Density Bonus (To be delivered)**  
*a. From City Manager*  
**Recommendation:**  
1. Consider the two alternate Ordinances attached to this report addressing development standards for mixed-use, commercial and residential buildings in commercial districts;  
2. Find the Ordinances compliant with Dutra, consistent with the General Plan, and exempt from the California Environmental Quality Act of the proposed changes, as discussed in the September 19, 2006 staff report (Attachment 3); and  
3. Conduct a first reading of the preferred Ordinance language. The Planning Commission recommends adoption of the Joint Subcommittee’s recommended language (Attachment 1), planning staff recommend adoption of the staff recommended language (Attachment 2).  
**Financial Implications:** See report  
**Contact:** Dan Marks, Planning and Development, 981-7400
b. From: Mayor Bates, Councilmembers Maio and Moore
Recommendation: Consider approving either the Planning Commission or the Planning Staff recommendation to modify the development standards for mixed-use, commercial, and residential building in commercial districts and conduct a first reading of the Ordinance that reflects the approved zoning recommendation.
If the first reading is approved, schedule a special meeting of the City Council on or before May 1, 2008 for a second reading of the Ordinance, so that it will take effect prior to the June 3, 2008 election.
The approved Zoning Ordinance amendments shall be deemed repealed if the 2008 Ballot Proposition 98 does not take effect.
Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100
Action: M/S/C (Maio/Anderson) to adopt first reading of Ordinance No. 7,036–N.S. (Staff recommended Ordinance) as amended. Section 3 – 23E.28.85 C to read: In mixed-use and exclusively residential buildings a minimum of 10% of the required residential parking spaces shall be provided at grade and may not be met by mechanical lift parking. The Board may modify this requirement by Use Permit.
M/S/C (Anderson/Maio) to extend meeting to 12:00 a.m.

Information Reports

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

62. LPC NOD: 1124 Addison Street & 2611 Ashby Avenue
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.

63. LPC NOD: 2277 Shattuck Avenue
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.

64. Follow-Up Audit of Public Works Construction Contracts
From: City Manager
Contact: Claudette Ford, Public Works, 981-6300
Action: Received and filed.

65. Audit: Revised Interim Report on Medi-Cal Mental Health Revenue at Risk
From: Auditor
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Received and filed.
Information Reports

   From: Fair Campaign Practices Commission  
   Contact: Zach Cowan, City Attorney, 981-6950  
   Action: Moved to Consent and referred to Agenda Committee.

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

Adjournment – 12:00 a.m. in honor of Jay Walters.

Communications – 04/22/08

   Item 46: ZAB Appeal: 1441 Ashby Avenue  
   1. Carlvin Justice

   Item 47: Allocation of Funds for the Federal Community Development Block Grant (CDBG), Emergency Shelter Grant  
   2. Nasira Abdul-Aleem

   Item 49: Sunshine Ordinance Report  
   3. Dean Metzger  
   4. Lynda Winslow

   Item 50: Revised Light Brown Apple Moth Resolution  
   5. Jane and Michael Hausauer

Pedestrian Safety and Public Review Draft of the Pedestrian Master Plan  
6. Julia Ross (Approximately 150 pages of petitions available for review in Clerk’s office.)  
7. Phillip Price  
8. Juliet Lamont

Bus Rapid Transit  
9. Hank Resnik  
10. Sabrina McMurtry

Pacific Steel Casting  
11. Jason Kibbey, Community Environmental Advisory Commission  
12. Andrew Galpern

Smoking Ordinance  
13. Robin Wright  
14. Kevin Rothrock  
15. Paul Larrinaga

Ballot Measures/South Branch Library  
16. Elaine Green, Save Our Library (SOL)

Affordable Housing Agreement on 1950 MLK Jr Way  
17. Stephen Wollmer (2)

Crime in South Berkeley  
18. Robin Wright  
19. Jane Aeon
Communications

365/367 Panoramic Way
20. Ann Reid Slaby (2)

Aquatic Park Prostitution

Cal’s High Performance Center
22. James Hill

Support Local Businesses
23. PhoeBe sorgen

Re-Use of Old Buildings
24. Barbara Gilbert

Telecommunication Concerns
25. Weston Lane

Warm Water Pool
26. Marie Bowman

Marine Recruiting Office/Code Pink
• Voluminous correspondence on file and available for viewing in the City Clerk’s Office

Supplemental Communications and Reports 1

Item 11: Renewal of the Telegraph Property and Business Improvement District
27. Roland Peterson

Item 39: Hours Of Operations At Pay And Display Parking Meters
28. Michael Katz
29. Bruce Kaplan

Item 40: Establishing a City Service Animal Ordinance
30. Laura Miller
31. Sabrina Leunig
32. Cathy Condon
33. Jennie Alexich
34. Cindi & Howard Goldberg
35. Roland Moore

Item 59: Extension of the Transfer Tax Seismic Exemption to Include a “Green” Exemption for Major Energy Efficiency and Solar Improvements
36. Barbara Gilbert
37. Miriam Wilson
38. Nancy Mueller

Item 60: Amendments to Development Standards Related to Density Bonus
39. Hank Resnik
40. Elyce Judith
41. Alan Tobey
42. Leah Brumer
Supplemental Communications and Reports 1

43. James Paxson
44. Berkeley Design Advocates
45. Jeff Hobson
46. Leon Mayeri
47. Victoria Eisen
48. Steve Solnit and Maryann Sargent
49. Roy Nakadegawa

Supplemental Communications and Reports 2

Item 14: Formal Bid Solicitations and Request for Proposals
• Revised materials, submitted by Finance Department (see agenda item)

Item 35: Contract: Gallagher & Burk, Inc., Street Rehabilitation FY 2007 Project
• Supplemental materials, submitted by City Clerk (see agenda item)

Item 39: Hours Of Operations At Pay And Display Parking Meters
50. Chris Strachwitz
51. Marie Bowman, on behalf of Berkeley Alliance of Neighborhood Associations

Item 46: ZAB Appeal: 1441 Ashby Avenue
• Supplemental materials, submitted by City Clerk (see agenda item)

Item 47: Allocation of Funds for the Federal Community Development Block Grant (CDBG), Emergency Shelter Grant
52. Unknown

Item 49: Sunshine Ordinance Report
53. Roger Marquis
54. Sharon Hudson
55. Jinky Gardner

Item 50: Revised Light Brown Apple Moth Resolution
• Supplemental materials, submitted by Dona Spring, District 4 (see agenda item)
• Supplemental materials, submitted by Linda Maio, District 1 (see agenda item)

Item 55: Support Petition for Review Pertaining to Patient-Health Plan Disputes
56. John Metz

Item 56: Opposition to Initiative 1326, Runner Initiative
57. Ella Baker Center for Human Rights

Item 60: Amendments to Development Standards Related to Density Bonus
• Supplemental materials, submitted by Planning & Development (see agenda item)
58. Jesse Arreguin, Housing Advisory Commission
59. Marie Bowman, on behalf of Berkeley Alliance of Neighborhood Associations

Instant Runoff Voting/IRV & Iraq
60. Sennet Williams