

September 11, 2011

Phil Kamlarz
City Manager
2180 Milvia Street
Berkeley, CA 94704

Dear Phil,

We, the undersigned, would like to ask for clarification about several issues regarding Berkeley's municipal pools. The Sept. 20 meeting at the Albrier Center will be a welcome opportunity for communication regarding the Warm Pool, and the Sept. 27 Council work session will allow the Council, staff and community to discuss the future of all the pools. However, the questions listed below are of great concern to pools users and the community at large yet would be impractical to address orally in detail during those meetings.

We want to emphasize that these questions are meant in a positive, cooperative spirit to lay the groundwork for moving forward, providing the necessary tools for decision-making by the City and establishing public confidence in the process. Without an assessment of Warm Pool needs and budget fundamentals, no accurate planning could take place for a Council decision on whether to place a pools measure on the 2012 ballot, and any public opinion polling for such a measure would be distorted by lack of information and uncertain budget numbers.

Many of these questions have been asked you on our behalf by Council members in recent months, but were not directly addressed in your June 28 report to Council or your Aug. 19 memo to Council members. We ask you to please provide a written response by Friday, Sept. 23, so that the pools community can digest these issues before the Sept. 27 Council work session on the pools.

Below are our questions:

1. Regarding the Warm Pool, if the City's plan is to provide subsidies or otherwise enhanced access to the Berkeley YMCA pools for current Warm Pool users, what is the City's estimate of how many disabled and elderly Warm Pool users will *not* be adequately served by this arrangement, either because the YMCA option might not include 92-degree deep water, or because of accessibility issues or other matters?
2. Regarding #1, what is the City's interpretation of its obligations under the Americans With Disabilities Act?
3. Regarding the Warm Pool, if the City's plan is to provide enhanced access to the Berkeley YMCA pools for current Warm Pool users, what is the City's estimate of how many current patrons of the Warm Pool's Parent & Tot and Aqua-Chi programs will *not* be adequately served because of cost or other factors?
4. On Measure C, why did the City stipulate 45 percent soft costs, when the regional/industry norm is 25 percent? BUSD's capital projects in 1992-2011 averaged 21

percent, Albany pools 18 percent and Measure FF (Berkeley branch libraries) was 36 percent because of historic landmark issues and complicated remodeling.

5. On Measure C, why did the City stipulate 17.5 percent for construction contingency, when the regional/industry norm is 5 percent for new construction and 10 percent for remodels?
6. On Measure C, of the 45 percent soft costs and other categories, how much was intended for City staff overhead? We note that BUSD normally charges 0.5 percent staff overhead for capital projects with an external manager, Albany Unified School District is charging zero staff overhead on its pools project, and Measure FF included zero staff overhead.

We thank you for your attention to this matter.

Sincerely,



Robert Collier
Co-chair, Berkeley Pools Campaign
(in individual capacity)



Ed Gold
Co-chair, Berkeley Pools Campaign
Chair, Commission on Aging
Commissioner, Commission on Disability
(in individual capacity)



JoAnn Cook
Steering Committee member and former co-chair,
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(in individual capacity)



Madelyn Stelmach
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Cc: all City Council members