

AGENDA

BERKELEY CITY COUNCIL SPECIAL MEETING

TUESDAY, SEPTEMBER 19, 2000

Preliminary Matters

Roll Call: 7:30 p.m.

Ceremonial Matters:

Proclamation: 50th Anniversary of the San Pablo Neighborhood Council

Comments from the City Manager : *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 and/or action.*

Comments from the Public: *A total of thirty (30) minutes is scheduled. Each speaker is limited to a maximum of three (3) minutes.*

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

Consent Calendar

The Council will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion. Items removed from the Consent Calendar will be held over to the next meeting unless the City Manager requests action due to priority.

- Speed Limit Along Claremont Avenue** (*first reading vote: no - Worthington*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 14.24 by adding Section 14.24.220 changing the speed limit along Claremont Avenue from 25 to 30 MPH between Ashby Avenue and Alcatraz Avenue/Oakland city limit.
Contact: Rene Cardinaux, Public Works, 665-3460

Consent Calendar

2. **Amendment to Commercial Energy Conservation Ordinance** (*first reading vote: unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Section 19.72.170 of the Berkeley Municipal Code (BMC) to establish a procedure to record a certificate of non-compliance with the County Recorder to improve compliance with the Commercial Energy Conservation Ordinance (CECO).
Contact: Stephen Barton, Housing, 665-3481
3. **Living Wage Ordinance, Marina Zone (CR #2000-120)**(*first reading vote: unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Sections 13.27.020, 13.27.030 and 13.27.050 to establish a requirement that specified employers within the Marina Zone pay employees a living wage.
Contact: Manuela Albuquerque, City Attorney, 644-6380
4. **Sublease Agreement: Berkeley Main Library, 2150 Kittredge**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing an \$85,000 increase in the sublease agreement with the Regents of the University of California for the use of office space at 2150 Kittredge Street for the Main Library's administrative staff through approximately June 30, 2001.
Contact: Adelia Lines, Library Services, 644-6095 x18
5. **Lease Agreement: Berkeley Main Library, 731 Dwight Way**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing a \$25,000 increase in the lease agreement with Bedayn Associates of Lafayette, California, to temporarily house Library maintenance staff and equipment at 731 Dwight Way, through approximately June 30, 2001.
Contact: Adelia Lines, Library Services, 644-6095 x18
6. **Contract: Economic Revitalization and Community Development, Telegraph/Southside**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments in the amount of \$55,000 with the Telegraph Area Association to support economic revitalization and community development in the Telegraph/Southside neighborhood for Fiscal Year ending June 30, 2001.
Contact: Bill Lambert, Economic Development, 705-8180

Consent Calendar

7. **Contracts: Domestic Violence Prevention**
From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute contracts and any amendments with Narika, the National Latina Health Organization, the Berkeley Unified School District and Harder+Company Communications Research in amounts not to exceed \$27,500, \$14,500, \$32,500 and \$13,700 respectively, for assistance in developing and implementing community interventions for domestic violence prevention, for the period July 1, 2000 to June 30, 2003; and authorizing advance payments in the amount of \$5,000 for each agency.

Contact: Fred Medrano, Health and Human Services, 665-6879

8. **Communication Tower Study**

From: City Manager

Recommendation: Adopt a Resolution approving procedures that include: 1) citizen involvement in the establishment of the Consultant's scope of work, the request for qualification (RFQ) criteria, the selection of the consultant, and the review of the consultant's final report; 2) authorizing the City Manger to proceed with the preparation of the RFQ; and 3) directing the City Manager report back to Council with the RFQ document prior to issuance of the RFQ.

Contact: Rene Cardinaux, Public Works, 665-3460

9. **Cooperative Agreement: Ashby/Claremont Signal**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Cooperative Agreement with Caltrans to fund the modification of the traffic signal at Ashby Avenue and Claremont Avenue.

Contact: Rene Cardinaux, Public Works, 665-3460

10. **Extending the Term of the Waterfront Commission**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 3.36.070 extending the date for termination of the Waterfront Commission until May 31, 2001, and ratifying the actions of the Commission since January 1, 2000.

Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222

11. **Schedule for Biennial Budget Process**

From: City Manager

Recommendation: Adopt the proposed schedule for FY2002 & FY2003 Biennial Budget Process including the setting of one or more special work sessions to discuss Citywide workplan priorities and provide direction to staff in the development of the City Manager's FY2002 & FY2003 Proposed Budget. The first special work session is proposed for either Monday, November 13, or Thursday, November 16.

Contact: Phil Kamlarz, Deputy City Manager, 644-6580

Consent Calendar

12. **Lease Agreement: Fire Engines** *(to be delivered)*

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 60,672-N.S. authorizing the City Manager to execute a contract, purchase order, and any amendments with Golden State Fire Apparatus and related third parties for lease-purchase of seven fire engines.

Contact: Phil Kamlarz, Deputy City Manager, 644-6580

13. **1999-2000 Alameda County Grand Jury Final Report
City Manager Report** *(to be delivered)*

Recommendation: Approve response by the City Manager.

Contact: Manuela Albuquerque, City Attorney, 644-6380

a. From: Mayor Dean

Recommendation: Request the City Manager prepare the required response from the City to the 1999-2000 Alameda County Grand Jury Final Report, such response to be to Grand Jury Recommendation 00-35: "that all local elected or appointed governing bodies and political subdivisions of the County hold annual workshops to familiarize the governing body members and staff with the Brown Act."

Contact: Shirley Dean, Mayor, 644-6484

14. **Oppose Claremont Expansion Proposals**

From: Councilmember Armstrong

Recommendation: Oppose in principle proposals for the dramatic expansion of hotel rooms, traffic and parking lots on the Claremont Resort property.

Contact: Polly Armstrong, Councilmember District 8, 644-6401

15. **Physical Fitness Center for Disabled and Seniors**

From: Councilmember Spring

Recommendation: Request the City Manager develop an informational brochure on the planned Physical Fitness Center located at Berkeley High School.

Contact: Dona Spring, Councilmember District 4, 644-6266

16. **Proclamation for September as Car-Free Month and Fee Waiver for Celebration of Car-Free Month**

From: Councilmembers Worthington and Spring

Recommendation: Support a proclamation for September as Car-Free Month and adopt a Resolution waiving fees for two block parties for a celebration of Car-Free Month.

Contact: Kriss Worthington, Councilmember District 7, 644-6398; Dona Spring, Councilmember District 4, 644-6266

Consent Calendar

17. **Oppose Measure C – Vision 2010**

From: Councilmembers Worthington, Breland, Olds and Vice Mayor Shirek

Recommendation: Oppose Measure C, Alameda County's Comprehensive Plan to Protect Agriculture, Open Space and Natural Resources, which is on the November ballot.

Contacts: Kriss Worthington, Councilmember District 7, 644-6398; Margaret Breland, Councilmember District 2, 644-6400; Betty Olds, Councilmember District 6, 644-6399; Maudelle Shirek, Councilmember District 3, 644-6243

18. **Support Measure E – Peralta Community College District Bond Measure**
From: Councilmembers Worthington and Spring and Vice Mayor Shirek
Recommendation: Support Measure E which is on the November ballot contingent upon Peralta Community College District enforceable written commitment to the City of Berkeley to insure completion of a permanent Vista Community College campus.
Contacts: Kriss Worthington, Councilmember District 7, 644-6398; Dona Spring, Councilmember District 4, 644-6266; Maudelle Shirek, Councilmember District 3, 644-6243
19. **Bio-Engineered Products**
From: Councilmember Spring
Recommendation: Adopt a Resolution urging the federal government to require labeling of genetically manipulated foods and further urges a moratorium on the production of such genetically manipulated foods; and request the City Manager send copies of the Resolution to our federal legislators.
Contact: Dona Spring, Councilmember District 4, 644-6266
20. **Homeless Programs Funding Process**
From: Homeless Commission
Recommendation: Adopt a Resolution directing the City Manager to coordinate the Measure O funding process with those of the Community Services Block Grant (CSBG), General Fund and the Community Development Block Grant (CDBG) programs.
Contact: Jane Micallef, Secretary, 644-8616
a. City Manager Report
Recommendation: Concurs with the content and recommendations of the Commission. Health and Human Services and Housing staff have initiated planning and coordination efforts for Fiscal Year 2002-2003 community agency funding.
Contact: Fred Medrano, Health and Human Services, 665-6879

Public Hearings

*Reports and communications related to public hearings that were distributed to Council when the issue was first heard are not included. However, new material has been noted with an *.*

21. **Continued Public Hearing - Appeal of Landmarks Preservation Commission Designation of the West Berkeley Shellmound as a Landmark, Three Blocks Bounded by University Avenue, Hearst Avenue, I-80 and 4th Street; Adoption of a**

Zoning Ordinance Amendment to Require an Administrative Use Permit for Projects that Could Adversely Affect the Shellmound *(continued from July 18)*

a. Appeals filed by Richard and Charlene deVecchi; and the 620 Hearst Group, LLC

b. City Manager Report - September 19, 2000 *

Recommendation: Continue the public hearing to the meeting of October 17, 2000.

Contact: Wendy Cosin, Planning and Development, 705-8108

22. **Appeal of Landmarks Preservation Commission Designation of the Swink House, Cottage and Garden at 1525-1529 Shattuck Avenue, as a Berkeley Structure of Merit**

a. Appeal filed by Adolph and Patricia Meyer

b. City Manager Report *(to be delivered)*

Recommendation: Conduct Public Hearing and continue any decision on the appeal to the meeting of September 26, 2000.

c. City Manager Report (July 25, 2000)

Contact: Wendy Cosin, Planning and Development, 705-8108

c. Communications

1. Harvey Sherback, petition with 722 signatures; Swink House historical reference; letters of support from business community; Berkeley Engineering and Research Inc. structural report; C.N.A. Newsletter No. 263, page 3; Elaine Parrish letter, July 17 article from Daily Planet.
2. Art Goldberg
3. Alice Waters*
4. Elaine Blum Parrish*
5. Richard Mazzero, Cesar restaurant*
6. Robert Fischer, Dale Sanford's*
7. Produce Center, 1500 Shattuck Avenue*
8. Various signatures, The Cheese Board Collective Inc.*
9. Nina Hairstyling*
10. Pauline Benton, University Plumbing and Hardware*
11. Bruce Linton, Ph.D.*
12. Syd Strong, Ph.D.*
13. Art Goldberg*

Public Hearings

23. **Cable Television Rates**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution authorizing the City Manager to execute a Rate Order of the City of Berkeley establishing the maximum permitted cable television rates that AT&T Cable Services can charge for the Basic Service Tier and equipment and installation, effective June 1, 2000.

Contact: Phil Kamlarz, Deputy City Manager, 644-6580

24. **Tentative Map Condo Conversion - 1177-83 Delaware Street**
From: City Manager
Recommendation: Conduct a public hearing on the appeals of the Planning Commission's decision to approve a Condominium Conversion under Berkeley Municipal Code (BMC) Section 21.28.120 to convert four single family houses on one lot to four condominiums at 1177, 1179, 1181 and 1183 Delaware Street.
Contact: Wendy Cosin, Planning and Development, 705-8108
- a. Communications:**
1. David Darlington
 2. Louise Lo
25. **Grant: Citizens' Option for Public Safety (COPS)**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution authorizing the City Manager to accept approximately \$243,000 from the State of California, Citizens' Option for Public Safety (COPS) Program to be used for youth recreation and service programs in South and West Berkeley.
Contact: D. E. Butler, Police, 644-6568

Information Reports

26. **Ashkenaz Accessibility Review**
From: Commission on Disability
Contact: Virginia Vafa, Secretary, 665-3440
27. **Investment Report, Fourth Quarter Ending June 30, 2000**
From: City Manager
Contact: Fran David, Finance, 665-7401
28. **Case of People v. Kahlil Jacobs-Fantauzzi**
From: Commission on Aging
Contact: Lisa Ploss, Secretary, 644-6050

Communications

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

- 1) Re: Relocation of Congregation Beth El at 1301 Oxford St., Berkeley.
 - a) Roderick N. McAulay
 - b) Jan Hangartner
 - c) Peggy Mendelson
 - d) Mary Ann Brewin
 - e) Daniel Caraco
 - f) Susan Knopka
 - g) Richard Wesell

- h) Maureen Wesolowski
 - i) Peter A. Ekstein, A.I.A.
 - j) Eva Bansher
 - k) Gail Greenlees
 - l) Carol S. Norris & Alan S. Kay
 - m) Kelsey and Charles Underwood
 - n) Kathleen A. Barrows
 - o) Eric Carlson
 - p) Amy Traum, Neil Koren
 - q) Paolo Balduzzi
 - r) Jules Kragen, re: Temple Beth El.
 - s) Fred Bauman
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- 2) Howie & Connie Muir, re: 2700 San Pablo Ave.
 - 3) David C. McGraw, Director, Environment, Health and Safety Division, Lawrence Berkeley National Laboratory re: City Council Information Request.
 - 4) Anne Marselis, re: 2700 block of College Ave.
 - 5) Jean Nandi, re: Web Page Accessibility for People with Disabilities.
 - 6) Neighbors re: House fire on Martin Luther King , gratitude for Fire and Police Departments services, with 18 signatures.
 - 7) Disability Rights Education and Defense Fund, Inc. Arlene B. Mayerson, re: ADA Implications for Public Meetings of Government Bodies under the Ralph M. Brown Act
 - 8) John Vance (*additional pages available for review in the City Clerk's office*).

Adjournment
