

AGENDA

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, SEPTEMBER 26, 2000

Preliminary Matters

Roll Call: 7:00 p.m.

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

Recognition of Dragon Boat Race Team

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.*

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 taken up after the "Action Calendar" unless the Council reorders the agenda.

1. **Needle Exchange Emergency Distribution**

From: City Manager

Recommendation: Adopt a Resolution reviewing and confirming the continued existence of a local emergency with regard to HIV transmission from use of HIV-infected needles among injection drug users, and authorizing the Director of Public Health to take steps to enable the operation of needle exchange emergency distribution.

Contact: Sherry Kelly, City Clerk, 644-6480

Consent Calendar

2. **Sublease Agreement: Berkeley Main Library, 2150 Kittredge** (*first reading vote: Absent - Armstrong, Olds*)
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

3. **Lease Agreement: Berkeley Main Library, 731 Dwight Way** (*first reading vote: Absent - Armstrong, Olds*)
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

4. **Extending the Term of the Waterfront Commission** (*first reading vote: Absent - Armstrong, Olds*)
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

5. **Contract: Green Building Design Assistance Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Green Resource Center (GRC) to provide green building design assistance and to manage a public process to define a green building policy for the City, in the amount of \$59,550, for the period September 27, 2000 through September 26, 2001.
Contact: Stephen Barton, Housing, 665-3481

6. **Homelessness Prevention Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the transfer of \$30,000 from the General Fund portion of the Housing Trust Fund for the purpose of: a) contracting with Eden I&R, Inc. (Eden Information and Referral) to establish a database of available housing in Berkeley, in an amount not to exceed \$20,000; and b) increasing funding to Eden Council for Hope and Opportunity (ECHO) in the amount of \$10,000 for intake and administration in the City-funded Homelessness Prevention Program (HPP).
Contact: Stephen Barton, Housing, 665-3481

Consent Calendar

7. **Grant: Traffic Stop Demographic Data Collection**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept \$25,000 in grant funds from the California Highway Patrol for Police Department personnel costs associated with the collection of traffic stop demographic data.
Contact: D. E. Butler, Police, 644-6568
8. **Temporary Agency Services**
From: City Manager
Recommendation: Adopt a Resolution approving an expense of up to \$70,000 for Appleone Temporary Employment Agency services to the Police Department for the period July 1, 2000 to June 30, 2001.
Contact: D. E. Butler, Police, 644-6568
9. **Three-Wheel Parking Enforcement Vehicles**
From: City Manager
Recommendation: Adopt a Resolution accepting the City of Daly City bid procedures to satisfy the requirements of the Berkeley Charter, Section 67, and authorizing a purchase order to Municipal Maintenance Equipment for the purchase of five (5) GO-4 scooter parking enforcement vehicles.
Contact: D. E. Butler, Police, 644-6568
10. **Purchase of Medical Supplies**
From: City Manager
Recommendation: Adopt a Resolution accepting the City of Fremont bid procedures to satisfy the requirements of Berkeley Charter Section 67 and authorizing a purchase order to Promedix in an amount not to exceed \$105,000 for medical supplies for the Fire Department ambulances for the period July 1, 2000 through June 30, 2001.
Contact: Reginald Garcia, Fire, 644-6665
11. **Unit Modification - Local 535 and Local 790**
From: City Manager
Recommendation: Adopt a Resolution amending Resolutions No. 59,883-N.S. and No. 59,798-N.S., Classification and Salary Resolutions for Local 535 and 790 Employees to include Information Systems Support Technician in Local 535 and Accounting Technician in Local 790.
Contact: Ron Brown, Personnel, 665-7614
12. **Salary Ranges - Director and Deputy Director of Library Services**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 59,841-N.S., Classification and Salary Resolution for Unrepresented Employees, to provide a 6% equity adjustment for Library executive classifications, effective June 25, 2000.
Contact: Ron Brown, Personnel, 665-7614

Consent Calendar

13. **Salary Range - Police Aide Classification**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 59,841-N.S., Classification and Salary Resolution for Unrepresented Employees, to establish a five-step range for the Police Aide classification.
Contact: Ron Brown, Personnel, 665-7614
14. **Department Name Change to Human Resources**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 59,841-N.S., Classification and Salary Resolution for Unrepresented Employees, to revise classification titles in the Human Resources Department.
Contact: Ron Brown, Personnel, 665-7614
15. **Revised Personnel Rules and Regulations and Establishment of Unrepresented Employee Manual**
From: City Manager
Recommendation: Adopt two Resolutions: 1) adopting the revised Personnel Rules and Regulations; and 2) establishing the Unrepresented Employee Manual which contains the current benefits and working conditions for Unrepresented employees, and rescinding Resolution No. 57,901-N.S., Personnel Rules and Regulations.
Contact: Ron Brown, Personnel, 665-7614
16. **Berkeley Alliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$95,701 to provide the administrative support and project services for this partnership endeavor with the Berkeley Unified School District (BUSD) and the UC Berkeley (UCB) campus
Contact: Weldon Rucker, Acting City Manager, 644-6580
17. **Downtown Berkeley Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the year 2001 Annual Report of the Downtown Berkeley Business Improvement District; declaring Council's intention to levy an annual assessment for the Downtown Berkeley Business Improvement District for calendar year 2001; and directing the City Clerk to schedule a public hearing for the October 17 Council agenda to consider levying a renewed assessment for the year 2001.
Contact: Bill Lambert, Economic Development, 705-8180

Consent Calendar

18. **East Bay Municipal Utility District Permit to Connect to Sanitary Sewer**
From: City Manager
Recommendation: Adopt first reading of an Ordinance adding Section 17.16.020 to the Berkeley Municipal Code (BMC) to include a reference to the existing authority under East Bay Municipal Utility District (EBMUD) Ordinance 311 which requires businesses and industries to obtain a permit from EBMUD prior to connecting to the sanitary sewer for all such entities located in the City of Berkeley.
Contact: Rene Cardinaux, Public Works, 665-3460
19. **Contract: Geotechnical/Engineering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Kleinfelder, Inc., in an amount not to exceed \$970,000, to provide geotechnical; and engineering testing support services for various city projects for a period of thirty months.
Contact: Rene Cardinaux, Public Works, 665-3460
20. **Contract: Computer Networking Equipment at 2180 Milvia Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with AMS.NET for acquisition, installation and configuration of computer networking equipment at 2180 Milvia Street, for a total contract amount not to exceed \$295,00 for the period September 27, 2000 to June 30, 2001.
Contact: Chris Mead, Information Systems, 665-7661
21. **Fee Waiver: United Nations Association Run for Peace**
From: Councilmember Breland
Recommendation: Adopt a Resolution waiving all fees associated with the United Nations Association -USA (UNA-USA) East Bay Chapter's second annual "Run for Peace" at the Berkeley Marina on Sunday, October 22, 2000.
Contact: Margaret Breland, Councilmember District 2, 644-6400
22. **Name Path in Honor of Scott Newhall**
From: Councilmember Olds
Recommendation: Request the City Manager name the path off of Hill Road in honor of Scott Newhall, former owner of the adjacent property and editor of the San Francisco Chronicle.
Contact: Betty Olds, Councilmember District 6, 644-6399
23. **Design Study for Telegraph Avenue Fifth Block Streetscape Improvements**
From: Councilmember Worthington
Recommendation: Refer to the City Manager and Parks Department the feasibility of doing a design study for the Telegraph Avenue Fifth Block streetscape improvements.
Contact: Kriss Worthington, Councilmember District 7, 644-6398

Consent Calendar

24. **Support ASUC Senate Resolution - Safe Housing**
From: Councilmember Worthington
Recommendation: Refer to the Housing Advisory Committee and the City Manager the Resolution in support of Safe Housing from the ASUC Senate.
Contact: Kriss Worthington, Councilmember District 7, 644-6398
25. **Support AB1961 - Gun Control**
From: Mayor Dean
Recommendation: Support AB1961 (Machado) which expands the definition of a prohibited machine gun to cover trigger mechanisms used to convert other weapons into machine guns; and direct the City Clerk to notify the sponsors of the bill, the City's legislative representatives and lobbyist in Sacramento, and the Governor (the Bill is enrolled and on the Governor's desk).
Contact: Shirley Dean, Mayor, 644-6484
26. **Support AB2774 - General Plan Updates**
From: Mayor Dean
Recommendation: Support AB1774 (Corbett) which allocates \$10M from the State General Fund for a program of competitive grants to cities and counties (up to \$250,000) to revise and update their general plans; direct the City Clerk to notify the sponsor of the bill, and the City's legislative representatives and lobbyist in Sacramento; and request the City Manager to position the City to have a good chance to receive money under this program if instituted.
Contact: Shirley Dean, Mayor, 644-6484
27. **UC Memorial Stadium Lighting Project**
From: Mayor Dean
Recommendation: Request the City Manager obtain a legal opinion regarding the possibility that the University may file a CEQA categorical exemption on the newly configured Memorial Stadium retractable lights project, and playing a certain number of football games at night, rather than conducting a full environmental impact report.
Contact: Shirley Dean, Mayor, 644-6484
28. **Support SB1629 - Pedestrian and Bicycle Safety Access Along Highways (to be delivered)**
From: Mayor Dean
Recommendation: Support S.B. 1629 (Sher) which would require local agencies to provide bicycle and pedestrian access on both sides of all highways and local roads newly-constructed or substantially-reconstructed after January 1, 2003, unless exceptions are determined after a public hearing; and direct the City Clerk to notify the bill sponsor and the City's legislative representatives and lobbyist in Sacramento.
Contact: Shirley Dean, Mayor, 644-6484

Consent Calendar

29. **Energy Regulation and Pricing** *(to be delivered)*
From: Mayor Dean
Recommendation: Adopt a Resolution relating to California utility rates and regulations.
Contact: Shirley Dean, Mayor, 644-6484
30. **Assistance to East Bay Depot for Creative Reuse**
From: Councilmember Maio
Recommendation: Direct the City Manager to provide assistance to the East Bay Depot for Creative Reuse, on an emergency basis, in the form of a rent guarantee, and develop the appropriate agreement between the City and the Depot to ensure the City is at no risk.
Contact: Linda Maio, Councilmember District 1, 644-6359

Action Calendar

Appeals:

31. **Zoning Appeal of Use Permit 99-10000103 to construct a single family residence and a garage within the required front yard setback at 1163 Cragmont Avenue**
- a. Appeal filed by Rebecca Rose Smith** of the Zoning Adjustments Board decision of June 22, 2000, approving permits to construct a single family residence and a garage within the required front yard setback.
- b. City Manager Report**
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve the project.
Contact: Wendy Cosin, Planning and Development, 705-8105
- c. Communications**
1. Samuel J. Leffler
 2. Cynthia Livingston
 3. John Harte
 4. Mary Ellen Harte
 5. Julia Harte
 6. Betty J. Soules
 7. Jean Carmichael
 8. Daniel Hartz
 9. P. Louis Dixon
 10. Haley Dixon
 11. Sarah Smith
 12. Sandra R. Luft
 13. Rufus P. Browning
 14. Lieba Faier
 15. Gerd H. and Dorothea E. Ilg

Action Calendar

16. Dorothy M. Edelstien
17. Rebecca Smith, two letters
18. Petition signed by 28 persons
19. Karen Butte
20. Elisabeth Wickham, Cragmont Area Preservation Association (CAPA)

Priority – Continued Public Hearings and Decision on Prior Public Hearings

32. **Appeal of Landmarks Preservation Commission Designation of the Swink House, Cottage and Garden at 1525-1529 Shattuck Avenue, as a Berkeley Structure of Merit Testimony:** *(Public hearing held on September 19 and continued to September 26. Only new material has been duplicated and included and indicated with an asterik)*
- a. **Appeal filed by Adolph and Patricia Meyer**
 - b. **City Manager Report** *(to be delivered)*
Recommendation: Continue Public Hearing and upon conclusion adopt a Resolution either upholding reversing or remanding the decision of the Landmarks Preservation Commission to designate the Swink House as a Structure of Merit.
 - c. **City Manager Report (July 25, 2000)**
Contact: Wendy Cosin, Planning and Development, 705-8108
 - d. **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
 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
 14. Sarah Wikander, President, Berkeley Architectural Heritage Association*

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.

Action Calendar

Old Business:

33. **Contract: Council Chamber Renovations** (*removed from the Consent Calendar by Councilmember Armstrong and held over from September 12.*)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute contract amendments with Todd Jersey Architects to provide additional architectural and engineering services for the Council Chambers Renovation Project, by increasing the authorized contract amount by up to \$50,000, for a new contract total amount not to exceed \$72,900, and extending the term of the contract through July 1, 2001.
Contact: Rene Cardinaux, Public Works, 665-3460
- a. **From: Councilmember Spring** (*from 9/12 meeting supplemental report*)
Recommendation: Amend City Manager recommendation as follows: 1) the feasibility study will also compare costs and benefits of a new Council Chamber compared to feasibility of changes to the current chambers; 2) a consultant architect specializing in ADA accessible modifications will be hired by the lead consultant; 3) the consultant will work with a subcommittee of people with disabilities; the City Manager purchase a cuing system funded at \$25,000 in the 1999 budget.
Contact: Dona Spring, Councilmember District 4, 644-6266.
34. **Salary Adjustment - Animal Shelter Director Position** (*removed from the Consent Calendar by the City Manager and held over from September 12.*)
From: Mayor Dean, Councilmembers Olds and Spring
Recommendation: The City Manager consider increasing the salary now being offered in the recruitment of a new Manager of the City's Animal Shelter and report back to Council within thirty days.
Contact: Shirley Dean, Mayor, 644-6484; Betty Olds, Councilmember District 6, 644-6399, Dona Spring; Councilmember District 4, 644-6266
35. **Council Agenda Management Problems** (*held over from September 12.*)
From: Mayor Dean
Recommendation: Request the City Manager schedule a special meeting at which the whole Council can spend sufficient time to review agenda problems, to review specifically the previously submitted proposals from Auditor Hogan, Councilmember Breland and Mayor Dean, as well as any new proposals which may be submitted prior to the special meeting; Council to review complaints from Commissions regarding delay of items submitted and the process and timeline for submission of such items; the City Manager to report to the Council on questions of staff work load disruption and financial implications of Council-submitted items and make any recommendations to consider at the special meeting.
Contact: Shirley Dean, Mayor, 644-6484

Action Calendar

36. **Earthquake Preparedness** *(removed from the Consent Calendar by Councilmember Worthington and held over from September 12)*
From: Mayor Dean
Recommendation: Request the City Manager, working with the Disaster Council, to:
A) schedule a special joint meeting in November with the City Council and members of the Disaster Council at which the Council, Disaster Council and members of the public will be informed of the status of all efforts the City has in place to respond to a major earthquake. All Neighborhood Watch Groups are to be invited to this meeting and the meeting will include: 1) review and possible modification of existing programs and efforts; 2) review of remaining work to be done, setting priorities, work program and budget; and 3) review of shelter program citywide; B) encourage each Neighborhood Watch Group to hold a mock drill in November: 1) preparedness information is supplied to the group by the City; 2) each Neighborhood Watch Groups is requested to discuss their preparedness, review status of supplies and each member requested to review individual household plan; and 3) request the City Manger to report to Council on this effort and to prepare a citywide map showing areas Neighborhood Watch Group cover, and plans to cover the uncovered areas; and C) ask local newspapers to carry information about the special meeting, the classes that area available, supplies each household should have and other pertinent information.
Contact: Shirley Dean, Mayor, 644-6484
37. **Physical Fitness Center for Disabled and Seniors** *(removed from the Consent Calendar by Councilmember Olds and held over from September 19.)*
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
38. **Support Measure E – Peralta Community College District Bond Measure** *(removed from the Consent Calendar by Councilmember Shirek and held over from September 19.)*
From: Councilmembers Worthington and Spring
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

New Business:

39. **Council Meeting Calendar - Year 2001**
From: City Manager
Recommendation: Adopt a Resolution establishing a schedule for the City Council meetings for the Year 2001 to provide for either Option A or Option B and to establish that all regular Council meetings shall start at 7:00 p.m.
Contact: Sherry Kelly, City Clerk, 644-6480

Action Calendar

40. **Pedestrian Signals in Honor of Sharon Spencer**
From: Commission on Disability
Recommendation: Direct staff to install pedestrian signals in memory of Sharon Spencer's death, preferably at the Ashby/Piedmont intersection, and if not feasible, at the unsignalized crossing of Martin Luther King, Jr. Way at the South Berkeley BART station, before the first anniversary of Sharon Spencer's death, as follows - install Santa Rose lights, including the following features: 1) audible and visible crossing signals for pedestrians; 2) a push bar or motion detector; and 3) an activation mechanism with an audible signal.
Contact: Virginia Vafa, Secretary, 665-3440
- a. City Manager Report**
Recommendation: Refer Commission's request for a crosswalk warning system on Martin Luther King, Jr. Way to the Traffic Engineer as a candidate location to be evaluated with other proposed locations according to established traffic engineering criteria.
Contact: Rene Cardinaux, Public Works, 665-3460

Information Reports

41. **Claremont Resort and Spa (CR 2000-143)**
From: City Manager
Contact: Wendy Cosin, Planning and Development, 705-8108
42. **Residential Rental Inspection Program - Audit Update (CR 133-00)**
From: City Manager
Contact: Stephen Barton, Housing, 665-3481
43. **Grant: Mental Health Services - Assembly Bill 2034**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 665-6879
44. **Landmarks Preservation Commission Notice of Decision - 2219-21 Fifth Street**
From: City Manager
Contact: Wendy Cosin, Planning and Development, 705-8108
45. **UC Theater (to be delivered)**
From: City Manager
Contact: Bill Lambert, Economic Development, 705-8180

Communications

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

Page No.

- 1) Re: Relocation of Congregation Beth El at 1301 Oxford St., Berkeley.
 - a) Lloyd & Sheila Andres
 - b) Stephen W. Shaughnessy forwarding report from Department of Fish & Game
 - c) Mai K. Arbegast
- 2) Charles Pappas, re: project at #1 Whitaker
- 3) Philip Armstrong, US. Environmental Protection Agency, Region IX., re: Melvin Calvin & Donner Labs at Berkeley Aquatic Park
- 4) John Vance (*additional pages available for review in the City Clerk's office*).

Adjournment
