

AGENDA

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, DECEMBER 5, 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.*

Swearing In of Councilmembers Elected on November 7, 2000

Introduction of Darryl Moore, New Trustee of Peralta Community College District

Proclamation: World AIDS Day

Proclamation: Longfellow School Day

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.*

Youth Forum: *A total of fifteen (15) minutes is designated to allow youth an opportunity to address the Council. 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. Confirming Results of General Municipal Election** *(to be delivered)*
From: City Manager
Recommendation: Adopt a Resolution confirming the results of the November 7, 2000 General Municipal Election and confirming adoption of the following documents: 1) three Bond Measures - Measure P (Library Improvements Bond), Measure Q (Disaster Fire Protection Bond), Measure R (Warm Water Pool Facilities Bond); 2) seven Ordinances - Measure S (Park Maintenance Tax), Measure T (Streetlight Tax), Measure U (Business License Tax), Measure V (Library Gann Reauthorization), Measure W (Parks Gann Reauthorization), Measure X (EMS Gann Reauthorization), Measure Y (Rent Eviction Controls); and 3) one Resolution - Measure Z (Low-Rent Housing Resolution).
Contact: Sherry M. Kelly, City Clerk, 644-6480
- 2. 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
- 3. Regulation of Indoor Entertainment Events** *(first reading - unanimous)*
From: City Manager
Recommendation: Adopt second reading of an Ordinance repealing Berkeley Municipal Code (BMC) Chapter 9.44 regulating indoor entertainment events (Ordinance No. 3289-N.S., as amended) and adopting a new Chapter 13.46 regulating large indoor entertainment events.
Contact: Manuela Albuquerque, City Attorney, 644-6380
- 4. Certified Unified Program Agency (CUPA) Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to establish a new financial fund for the "Certified Unified Program Agency" program.
Contact: Wendy Cosin, Planning and Development, 705-8108
- 5. Memorandum of Understanding: Oil Spill Incident Command and Management**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to sign the Memorandum of Understanding (MOU) between the State of California and the County of Alameda relating to Oil Spill Incident Command and Management.
Contact: Wendy Cosin, Planning and Development, 705-8108

- 6. Contract: Geotechnical and Material Testing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Signet Testing Labs, Inc. to provide geotechnical and material testing services for the Martin Luther King, Jr. Civic Center, Berkeley Public Library and other projects by increasing the contract amount by \$150,000 for a new contract total not to exceed \$650,000.
Contact: Rene Cardinaux, Public Works, 665-7550
- 7. Police Department Motorcycle Purchase**
From: City Manager
Recommendation: Adopt a Resolution accepting the City of Concord's bid procedures to satisfy the requirements of the Berkeley Charter Section 67 and authorizing a purchase order to McGuire Harley Davidson (of Walnut Creek in an amount not to exceed \$102,900 for the purchase of six Harley Davidson motorcycles.
Contact: Rene Cardinaux, Public Works, 665-7550
- 8. Senior Building Inspector Classification**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 59,883-N.S., Classification and Salary Resolution for Local 535 Employees to adopt the classification of Senior Building Inspector and abolish classification of Senior Building Inspector (Housing, Electrical and Mechanical).
Contact: Ron Brown, Human Resources, 665-7614
- 9. Revenue Agreement: Low-Income Energy Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Low-Income Home Energy Assistance Program Emergency Contingency Funds (LIHEAP-ECF) revenue agreement and any amendments with the State Department of Community Services and Development in the amount of approximately \$30,000 for the period November 15, 2000 through December 31, 2001, to provide bill payment assistance and weatherization assistance to eligible residents of Berkeley, Albany, and Emeryville.
Contact: Stephen Barton, Housing, 665-3481
- 10. Contract: High-Efficiency Traffic Signals**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Advanced Traffic Products for the purchase of high-efficiency light emitting diode (LED) green signals in amount not to exceed \$47,000.
Contact: Stephen Barton, Housing, 665-3481
- 11. Fiscal Year 2001 Tax and Revenue Anticipation Notes**
From: City Manager
Recommendation: Adopt a Resolution providing for the sale and issuance of Fiscal Year 2001 Tax and Revenue Anticipation Notes.
Contact: Frances David, Finance, 665-7401

12. Children's Oral Health Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Alameda County Public Health Department for the provision of dental services, education and outreach to eligible elementary schools in Berkeley, in an amount not to exceed \$50,000, for the period July 1, 2000 through June 30, 2001, and approving an advance payment of \$25,000.
Contact: Fred Medrano, Health and Human Services, 665-6879

13. Partnering with the University Avenue Association to Apply for a Transportation for Livable Communities Capital Grant

From: Councilmembers Maio, Breland, Spring

Recommendation: Partner with the University Avenue Association (UAA) to apply for a Transportation for Livable Communities (TLC) capital grant of up to \$2,000,000 for streetscape improvements on University Avenue; appropriate \$24,500 from the parks budget to hire a landscape architect to assist staff and the community in preparing the application; and commit to the required 11.5% local match funds for this purpose.
Contact: Councilmember Linda Maio, District 1, 644-6359; Councilmember Margaret Breland, District 2, 644-6400; Councilmember Dona Spring, District 4, 644-6266

14. North American "Rio+10" Preparatory Conference

From: Councilmember Maio

Recommendation: Request that the City Manager express an interest in the City hosting the North American "Rio+10" Preparatory Conference, acquire additional information, and report back before December 15th for possible action.
Contact: Councilmember Linda Maio, District 1, 644-6359; Councilmember Margaret Breland, District 2, 644-6400; Councilmember Dona Spring, District 4, 644-6266

15. Fair Elections in Florida (to be delivered)

From: Councilmember Maio

Recommendation: Because fair elections are essential to our democracy, it is requested that the Council go on record as expecting that a fair and democratic election be conducted in Florida, meaning that every vote should be counted; and as deploring irregular and illegal actions such as the one that occurred in Seminole County, Florida, wherein the Supervisor of Elections permitted only Republican party operatives to correct 4,700 Republican absentee ballot applications so they would not be thrown out; and that the Council take appropriate action to disseminate this position and encourage citizens, especially other elected officials and bodies, to take similar actions.
Contact: Councilmember Linda Maio, District 1, 644-6359

Consent Calendar

- 16. Development of the City's Oxford Parking Lot**
From: Councilmembers Maio, Spring and Worthington
Recommendation: Request that the Planning Commission establish a process to develop an RFP for the development of the Oxford site, that the City Manager assign the appropriate Planning and Housing Department staff to support this effort, and include a feasibility study on underground parking at the site by March, 2001.
Contact: Councilmember Linda Maio, District 1, 644-6359; Councilmember Margaret Breland, District 2, 644-6400; Councilmember Dona Spring, District 4, 644-6266
- 17. Transportation for Liveable Communities Grant Proposal**
From: Mayor Dean
Recommendation: Request the City Manager work with the University Avenue Association (UAA) to apply for a Transportation for Liveable Communities (TLC) capital grant for streetscape improvements on University Avenue.
Contact: Mayor Shirley Dean, 644-6484
- 18. International Council for Local Environmental Initiatives' (ICLEI) North America Preparatory Conference**
From: Mayor Dean
Recommendation: Request the City Manager reply to the inquiry of the International Council for Local Environmental Initiatives that the City of Berkeley agrees to host its North America Preparatory Conference and further that the Council request that representatives from the Community Environmental Advisory Commission, the Energy Commission and Manager-designated staff form a City Conference Liaison Committee to work with representatives of ICLEI regarding this matter.
Contact: Mayor Shirley Dean, 644-6484
- 19. Proclamation Honoring Peralta Community College District Trustee Tom Brougham**
From: Mayor Dean
Recommendation: Approve the drafting by Mayor Dean of a proclamation from the entire Council honoring retiring Peralta Community College District Trustee Tom Brougham.
Contact: Mayor Shirley Dean, 644-6484
- 20. Prohibiting the Use of Skateboards, Rollerblades, Bicycles, Scooters, and Similar Devices During Special Events**
From: Mayor Dean
Recommendation: Request the City Attorney draft an ordinance which would prohibit the use of skateboards, rollerblades, bicycles, scooters, and similar devices at special events when City streets have been closed and crowded conditions endanger pedestrians, but continuing to allow this use when pedestrian safety is not an issue.
Contact: Mayor Shirley Dean, 644-6484

21. City Staff Assistance to Respond to a Project of the National League of Cities on Public Finance for the 21st Century

From: Mayor Dean

Recommendation: Approve the provision of City staff assistance to the Mayor's Office to participate as requested in the National League of Cities (NLC) project *Toward a System of Public Finance for the 21st Century: A Framework for Public Discussion*.
Contact: Mayor Shirley Dean, 644-6484

22. Objection to the Continued Siphoning of the Local Property Tax by the State of California

From: Mayor Dean and Councilmember Olds

Recommendation: Direct the City Manager to write to Governor Davis (with copies to Ms. Megan Taylor at the League of California Cities and the City's Sacramento representatives and lobbyist) expressing the City's strong disapproval of the Governor's veto of SB 1637, which would have returned a portion of local property taxes to local government, and to his recent decision to finance the rollback of the state sales tax by maintaining the large state budget surplus (financed by the diversion of local property taxes and other questionable measures)
Contact: Mayor Shirley Dean, 644-6484, Councilmember Betty Olds, District 6, 644-6399

23. Re-Name Certain Streets in the Marina Area

From: Mayor Dean and Councilmember Olds

Recommendation: Refer to the City Manager, Waterfront, Planning, Parks and Recreation, Transportation, and other Commissions as appropriate, this proposal to re-name certain streets west of I-80 as follows: 1) University Avenue (west of I-80), Marina Boulevard, and Spinnaker Way to become Cesar Chavez Drive; 2) University Avenue from Marina Boulevard to Seawall to become Tom Bates Boulevard; and 3) Seawall to become David Brower Way
Contact: Mayor Shirley Dean, 644-6484, Councilmember Betty Olds, District 6, 644-6399

24. West Berkeley Air Quality Study

From: Mayor Dean

Recommendation: Request the City Manager 1) develop a recommendation to the City Council on the scope of services necessary to conduct an adequate West Berkeley ambient air quality study and health risk assessment, which would interpret the results from the data of such a study; 2) in addition to the staff resources of the City, consult with the Community Environmental Advisory and Health Commissions, the Bay Area Air Quality Management District (BAAQMD), the California Department of Health Services, UC's School of Public Health, and others as he deems appropriate; and 3) consider the costs of such a study in conjunction with the mid-year budget review process.
Contact: Mayor Shirley Dean, 644-6484

Presentation

25. **Presentation by Neighbors for Fire Safety Regarding New Hills Fire House**
From: Councilmember Olds
Contact: Councilmember Betty Olds, District 6, 644-6399
26. **Staffing of Police Traffic Enforcement Team**
From: City Manager
Contact: Dash Butler, Police, 644-6568

Action Calendar

Old Business:

27. **Berkeley Without Wires A Citywide Plan for The Undergrounding of Utilities**
From: Undergrounding Utilities Task Force and Council Subcommittee on Undergrounding (*Removed from Consent Calendar by Councilmember Worthington and held over from 11/21*)
Recommendation: 1) Receive the report, "Berkeley Without Wires Principles" 2) authorize the City Manager to pursue and implement a grant from the Dunn Foundation for the production of a professional quality video tape to be used in community outreach concerning the subject of undergrounding utilities.
Contact: Dick White, Chair, Utilities Undergrounding Task Force
28. **Rule 20B: - Undergrounding Utilities Districts** (*Removed from Consent Calendar by Councilmember Maio and held over from 11/21*)
From: Undergrounding Utilities Task Forces
Recommendation: Adopt a Resolution allocating \$50,000 for undergrounding utilities to be used for low-income individuals located within Rule 20B undergrounding utility districts.
Contact: Dick White, Chair, Utilities Undergrounding Task Force

New Business

29. **Unreinforced Masonry Retrofit Compliance**
From: City Manager
Recommendation: 1) Adopt a Resolution providing findings for modifying the Uniform Code for Building Conservation Standards for Seismic Retrofit; 2) adopt first reading of an Ordinance repealing Berkeley Municipal Code (BMC) Section 19.28.230 through 19.28.310, the Seismic Hazard Mitigation Program for Unreinforced Masonry Buildings, and readopting it with certain amendments as BMC Chapter 19.38.
Contact: Wendy Cosin, Planning and Development, 705-8108
30. **Landmark Preservation Commission: Possible Conflict of Interest**
From: City Manager
Recommendation: Discussion and possible further action for a second opinion and oral update by City Attorney.
Contact: Manuela Albuquerque, City Attorney, 644-6380

Information Reports

31. Safety Members' Pension Fund Annual Reports - FY2000

From: City Manager

Contact: Frances David, Finance, 665-7401

32. Annual Inflation Adjustment of Council Salaries

From: City Manager

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

33. Council Agenda Addresses on Agenda/Web

From: City Manager

Contact: Sherry M. Kelly, City Clerk, 644-6480

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. Dana Carl Pignolet, Pignolet Construction
2. Barbara Lee, Member of Congress, re: Post Office Number Dispensers System
3. Re: Relocation of Congregation Beth El at 1301 Oxford St., Berkeley
 - a. Arthur Gill
 - b. Louis Jonas
 - c. Christine Shen and Luis Berro
 - d. Gloria Goldberg, Harry Polland
 - e. Evelyn Elson
 - f. Alan Stephens
 - g. Dan R. Sukiennik
 - h. Ann V-Sukiennik, Ph.D.
 - i. Nancy Werthan
4. Re: Nextel telecommunications antennas
 - a. Zelda Bronstein, President Thousand Oaks Neighborhood Association
 - b. Albert L. Magid
 - c. Charlotte Fishman
 - d. Melvin Lemberger and Dorothy Lemberger
 - e. Constance and Kevin Sutton
5. Petition signed by 50 persons, neighbors of Ashby Bart, re: Ed Roberts Campus
6. Re: 2700 San Pablo Avenue
 - a. David Levinson for Neighbors for Responsible Development
 - b. Patrick Kennedy

Communications

7. Robert Lichtman, re: Berkeley Way Parking Lot, Meter Timing
8. Deborah Badhia, Executive Director, Downtown Berkeley Association, re: Holiday Free Parking in City Garages
9. Sandra Decker, re: Parking Ticket - Street Sweeping
10. Sabrina Klein, Executive Director, Julia Morgan Center for the Arts, re: Height bonus
11. Norman La Force, Chair, East Bay Public Lands Committee, re: Eastshore State Park
12. Zasa Swanson, President, Berkeley Partners for Parks, re: Acquisition of “American Soils” property as Public Park land
13. Charles L. Smith, re: Miscellaneous tree issues
14. Senator Don Perata, re: Increased funding for bicycle related activities
15. Howie Muir, re: San Pablo Zoning Ordinance
16. L.A. Wood, re: Regulatory Conflict of Interest and the city of Berkeley

Adjournment
