

AGENDA

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, DECEMBER 12, 2000

Preliminary Matters

Roll Call: 7:00 p.m.

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.

1. **Unreinforced Masonry Retrofit Compliance** *(first reading vote: unanimous 12/5)*

From: City Manager

Recommendation: Adopt second 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

2. **Settlement: Theda Williams v. City of Berkeley**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Attorney to settle Public Liability Claim No. 00-220 in the matter of Theda Williams in the amount of \$13,000.

Contact: Manuela Albuquerque, City Attorney, 644-6380

Consent Calendar

3. **Settlement: Jeannie Morris v. City of Berkeley**

From: City Manager

Recommendation: Adopt a Resolution authorizing the settlement of Public Liability Claim No. 00-045, Jeannie Morris, in the amount of \$25,000.

Contact: Manuela Albuquerque, City Attorney, 644-6380

4. **Legal Office Supervisor Classification**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 59,841-N.S., Classification and Salary Resolution for Unrepresented Employees to establish the classification of Legal Office Supervisor, with a monthly salary range of \$3672-4403, effective July 30, 1999, adjusted by the 4% COLA effective June 25, 2000, and abolish the Supervising Legal Secretary classification.

Contact: Ron Brown, Human Resources, 665-7614

5. **Memorandum of Understanding: Berkeley Fire Fighters Association**

From: City Manager

Recommendation: Adopt two Resolutions: 1) approving a new four year Memorandum of Understanding with the Berkeley Fire Fighters Association/I.A.F.F. Local 1227 with a term of July 9, 2000 through July 3, 2004; authorizing the City Manager to execute and implement the new labor agreement that includes certain adjustments to benefits retroactive to July 9, 2000; and 2) approving a new salary resolution for Representation Unit B that implements the new salary levels negotiated in the new labor agreement and rescinding Resolution No. 58,803-N.S.

Contact: Ron Brown, Human Resources, 665-7614

6. **Public Safety Building Communication Tower Study**

From: City Manager

Recommendation: Adopt a Resolution approving a Request for Qualifications (RFQ) to recruit a consultant to perform a study of issues surrounding the Public Safety Building Communications Tower.

Contact: Rene Cardinaux, Public Works, 665-3460

7. **Lease: 1947 Center Street**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the City's lease agreement with 1947 Center Street Associates to increase the rent by \$2,688,063 for the five year extension period and extend the term through December 31, 2005 with an option to extend for an additional three years in order to house the staff of Public Works Engineering, Capital Improvement Projects and other City support services as may be needed at 1947 Center Street.

Contact: Rene Cardinaux, Public Works, 665-3460

Consent Calendar

8. **Lease: 2081 Center Street**

From: City Manager

Recommendation: Adopt first reading of an Ordinance increasing the City Manager's expenditure authority by \$155,365 for the lease agreement with Seagate Shattuck Associates, LLC, for the property located at 2081 Center Street.

Contact: Rene Cardinaux, Public Works, 665-3460

9. **Contract: Hazardous Waste Disposal, Universal Waste Disposal and Emergency Clean-Up**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Consolidated Waste Industries, Inc. for disposal of hazardous wastes and universal wastes generated by the City, and to provide emergency response, clean-up and disposal services for accidental hazardous substances release, or disposal of abandoned hazardous wastes. In the event that Consolidated Waste Industries is unable to perform said services in accordance with Federal and State regulations or City requirements in an emergency, authorize the City Manager to execute a contract with Sturgeon and Sons as the secondary contractor, and in the same manner execute a contract with Ecology Control as a tertiary contractor for said services in an amount not to exceed \$90,000 for the first year, with a total amount not to exceed \$500,000 on an as needed basis for the five year period. The total expenditure amount for work performed on all three contracts shall not exceed \$500,000.
Contact: Rene Cardinaux, Public Works, 665-3460
10. **Contract: News Clipping Service**
From: City Manager
Recommendation: Adopt a Resolution: 1)authorizing prior expenditures owed in excess of \$25,000 for news clipping services provided by ProFacto Research; and 2) authorizing the City Manager to execute a contract and any amendments with ProFacto Research in the amount of \$53,488 for the period July 1, 2000 through June 30, 2001.
Contact: Weldon Rucker, Acting City Manager, 644-6580
11. **Contract: Downtown Berkeley Association/Main Street Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association (DBA) Main Street Program for \$214,000 of Downtown Business Improvements District (BID)-generated funds and General Fund monies to support Downtown revitalization.
Contact: Bill Lambert, Economic Development, 705-8180

Consent Calendar

12. **Contract: Mental Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate \$92,060 from the Berkeley Unified School District to provide mental health services for Healthy Start programs at multiple school sites; and to execute the resultant agreement and any amendments for FY2001.

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

13. **Cost of Netanyahu Event**

From: Councilmember Spring

Recommendation: Request the City Manager provide information regarding the costs to the taxpayers regarding the Netanyahu event at the Berkeley Community Theater and

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

14. **Illegal Sewer Line -Storm Drain Connections**

From: Councilmember Maio

Recommendation: Refer the matter of illegal connections between storm water drains and sanitary sewer lines to the staff and Public Works Commission to research the matter and come up with a plan to: 1) alert homeowners as to the health hazards of overflows caused by illegal storm drain connections to the sanitary sewer line on private property; 2) conduct an education campaign as to how homeowners can check for an illegal connection; and 3) if an illegal connection is detected, outline steps the homeowner would need to follow to eliminate the connection.

Contact: Linda Maio, Councilmember District 1, 644-6359

15. **Free Two-Hour Parking During Holiday Season**

From: Mayor Dean

Recommendation: Refer to the City Manager a proposal to initiate a new public-private partnership for the purpose of attracting shoppers to our downtown by providing free two-hour parking, with merchant validation, during the holiday season, commencing upon City Manager and Downtown Business Association agreement and continuing through January 1, 2001.

Contact: Shirley Dean, Mayor, 644-6484

16. **Aquatic Park Expansion and Funding**

From: Mayor Dean

Recommendation: The City Manager investigate the possibility that funds may be available to acquire private property for the purpose of expanding Aquatic Park through two programs administered by the California State Parks Office, the Land and Water Conservation Fund and the Murray-Hayden Grant Program.

Contact: Shirley Dean, Mayor, 644-6484

Consent Calendar

17. **Proclamation Recognizing Police Officers for Meritorious Service**

From: Mayor Dean

Recommendation: Approve a Proclamation to be presented at the December 19 meeting recognizing the meritorious service of Police Officers Dozier, Lindenau, Louis, Luna, Mercado, Pon and Wilson during the May 23, 2000 fire at 1628 Josephine Street

Contact: Shirley Dean, Mayor, 644-6484

18. **Excuse Mayor Dean from January 16, 2001 Meeting**

From: Mayor Dean

Recommendation: Excuse Mayor Dean from attending the January 16, 2001 Council meeting because of her participation in a U.S. Conference of Mayors 69th Winter Meeting in Washington, D.C.

Contact: Shirley Dean, Mayor, 644-6484

19. **Emergency Radio Station AM-1610**

From: Mayor Dean

Recommendation: Request the City Manager immediately evaluate upgrading the existing City Emergency Radio Station, totally replacing it, or developing an alternative; advise the Council on whether action needs to be taken without delay, and what funding source might be available in such a circumstance, or whether action and funding can be delayed to Mid Year Budget Review.

Contact: Shirley Dean, Mayor, 644-6484

Presentations

20. **Environmental Economy Program, Sustainable Business Alliance-Berkeley, and The Green Resource Center**

From: City Manager

Information Report

Contact: Bill Lambert, Economic Development, 705-8180

Public Hearings

21. **Increase in Tuolumne Fees**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving an increase of fees for Tuolumne Camp for a one-year period effective January 1, 2001 and rescinding Resolution No. 59,989-N.S.

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

Public Hearings

22. **Certification of Gas Heating Appliances - Filing Fees**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution establishing the proposed filing fee schedule for the Certification of Gas Heating Appliances Program.

Contact: Stephen Barton, Housing, 665-3481

23. **Tentative Map Condo Conversion - 1177-83 Delaware Street** *(continued from September 19, October 17, November 21)*

a. Appeal of Kenneth J. Schmier, Eric S. Schmier, David Darlington and Louise Lo of Planning Commission Decision of July 26, 2000.

Contact: Sherry Kelly, City Clerk, 644-6480

b. From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution 1) rejecting the appeal; and 2) affirming the decision of the Planning Commission granting the parcel map subject to the conditions required by Section 21.28.120 of the Berkeley Municipal Code (Subdivision Ordinance).

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

c. Communications:

1. Michael Lott
2. Lisa Lerner

Contact: Sherry Kelly, City Clerk, 644-6480

24. **Regulate Installation of Telecommunications Facilities**

From: City Manager

Recommendation: 1) Adopt a Resolution adopting a Mitigated Negative Declaration for amendment of Berkeley Municipal Code (BMC) to add new Chapter 16.10 and amend Title 23 (Zoning Ordinance) to regulate installation of telecommunications systems and equipment; 2) conduct a public hearing and upon conclusion, adopt first reading of an Ordinance regulating telecommunications providers in Berkeley regarding the time, place, and manner of their installation, operations, and maintenance activities; 3) initiate amendments to the Zoning Ordinance (BMC) Section 23D.08.060 and Subtitle 23F to prohibit dangerous fence structures and add regulations regarding the installation of telecommunications pedestals and related structures; and 4) refer the proposed amendments to the Planning Commission and request the Planning Commission consider the changes at a public hearing within 30 days as required by Section 23A.20.030 of the Zoning Ordinance.

Contact: Chris Mead, Information Systems, 665-7661; Manuela Albuquerque, City Attorney, 644-6380

Public Hearings

- a. Communications**
1. Stephanie Manning
 2. Kevin Sutton
 3. Erica Etelson

4. Northern California Telecommunications Coalition
 5. John Taylor
 6. Cecilia V. Estolano, Gibson, Dunn & Crutcher LLP
 7. Leonard Schwartzburd, Ph.d.
- Contact: Sherry Kelly, City Clerk, 644-6480

Information Reports

25. **Formal Bid Solicitations and Request for Proposals**
From: City Manager
Contact: Fran David, Finance, 665-7401
26. **Grant Renewals: Public Health Services**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 665-6879
27. **Breast and Prostate Cancer Outreach Activities (CR# 158-00)**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 665-6879
28. **Earthquake Preparedness (CR# 206-00)**
From: City Manager
Contact: Reginald Garcia, Fire, 644-6665
29. **Green Building Assistance for Single Family Residences (CR# 196-00)**
From: City Manager
Contact: Stephen Barton, Housing, 665-3481
30. **Status Report on Skateboard Park Including Update on Expenditures (to be delivered)**
From: City Manager
Contact: Phil Kamlarz, Deputy City Manager, 644-6580
31. **Earthquake Preparedness (CR# 206-00)**
From: Disaster Council
Contact: Reginald Garcia, Secretary, 644-6665

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. Peter D. Venturini, Chief, Stationary Source Division, Air Resources Board, response to Council letter re: phase-out of methyl tertiary butyl ether (MTBE) from gasoline.
2. Terrence Jue re: no parking sign posted traffic ticket.

3. VISA1, re: Corporation Yard neighborhood tour and environmental inspection.
4. Randy Silverman, Convenor, Berkeley Gray Panthers, re: PG&E rate increase.
5. Sherry Smith, Chair, Berkeley Civic Arts Commission, re: increase in pay for Civic Arts Coordinator.
6. Miya Rodolfo-Sioson, Chair, Commission on Disability, re: accommodation to attend Commission meeting by telephone.
7. Howie Muir re: West Berkeley Area Plan's "Nodal Development Concept".
8. Re: 1301 Oxford, Congregation Beth El project
 - a. Juliet Lamont (three letters)
 - b. Eleanore Lee
 - c. Jeannie McGreevy
 - d. Danielle York
 - e. Amy Oppenheimer
 - f. Theodore E. Cohn
 - g. Petition containing 23 signatures
 - h. Jaime Alcabes
 - i. Lillie Brum
 - j. Rebecca G. Lhermitte
 - k. Minnie Adler
 - l. Cynthia and Peter Hecker
 - m. Ralph Freeman
 - n. Jack Adler
 - o. David A. Jaffe
 - p. Melissa Rapp
 - q. John K. Huster
 - r. Bonnie and Max Cooperstein
 - s. Morgan Tharan
 - t. Isaiah Tharan

Communications

9. L. A. Wood re: Harrison Playing Field site
10. Janice Thomas, Panoramic Hill Association, re: UC Berkeley Memorial Stadium Permanent Lighting Project.
11. Robert Hourula, re: project at 2422 - 5th Street.

Adjournment