

SUMMARY

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, JUNE 19, 2001

Preliminary Matters

Roll Call: 7:09 p.m. - All present

Ceremonial Matters:

Vice Mayor Maudelle Shirek was presented with flowers for her 90th birthday celebration.

Comments from the Public: 10 speakers heard.

Report from Closed Session: Moved, seconded, carried (Maio/Breland; Noes – Worthington; Absent – Spring) to adopt Resolution No. 61,110-N.S. authorizing the City Attorney to enter into a settlement agreement in the matter of City of Berkeley et al.v. ARCO (Alameda County Case No. 817808-0) in which the City will provide ARCO with a release and indemnity in return for the sum of \$200,000 to the City.

Consent Calendar

Action: Moved, seconded, carried (Shirek/Worthington) to approve the Consent Calendar in one motion except as indicated.

1. **Event Promoters Provide Advance Notice to Police Department (CF# 10-01)** (*first reading vote 6/12 - unanimous*)

From: City Manager

Recommendation: Adopt second reading of an Ordinance adding Chapter 13.47 to the Berkeley Municipal Code, requiring event promoters and venue operators to provide advance notice to the Police Department.

Contact: Manuela Albuquerque, City Attorney, 981-6950

Action: Removed from the Consent Calendar by Councilmember Maio and held over to July 10, 2001.

2. **Lease Agreement: Main Library, 2150 Kittredge Street** (*first reading vote 6/12/01 - unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance authorizing the City Manager to amend the sublease with the University of California for use of office space at 2150 Kittredge Street by the Main Library administrative staff, and increasing the rent to \$18,750 and extending the term to September 15, 2001.
Contact: MaryLou Mull, Library, 644-6095
Action: Adopted second reading of Ordinance No. 6631–N.S., effective July 19, 2001.
3. **Lease Agreement: Main Library, 731 Dwight Way** (*first reading vote 6/12/01 - unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending the lease agreement with Bedayn Associates of Lafayette by increasing the rent \$6,300 and extending the term through September 30, 2001 to temporarily house Library maintenance staff and equipment at 731 Dwight Way.
Contact: MaryLou Mull, Library, 644-6095
Action: Adopted second reading of Ordinance No. 6632–N.S., effective July 19, 2001.
4. **Temporary Personnel Services**
From: City Manager
Recommendation: Adopt a Resolution increasing a purchase order with TAC Temporary Services by \$11,500 for a total amount not to exceed \$36,500 for temporary personnel services in the Public Works Department for the period July 1, 2001 through June 31, 2001.
Contact: Rene Cardinaux, Public Works, 981-6300
Action: Adopted Resolution No. 61,111–N.S.
5. **Findings: Use Permit Appeal - 1825 Berkeley Way**
From: City Manager
Recommendation: Adopt a Resolution overturning the Zoning Adjustments Decision to approve Use Permit 00-10000099 to allow construction of a new dwelling at 1825 Berkeley Way, adopting findings, and granting the appeals.
Contact: Wendy Cosin, Planning and Development, 705-8102
Action: Adopted Resolution No. 61,112–N.S.
6. **Contract: Training Services for Public Works Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract with Trinity Ltd. to conduct training sessions covering field customer services, team building and conflict resolution for 212 Public Works employees, for a total contract amount not to exceed \$51,500, from June 30, 2001 through March 31, 2002.

Contact: Rene Cardinaux, Public Works, 981-6300

Action: Adopted Resolution No. 61,113–N.S.

7. **Contract: Security Guard Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with ABC Security Service, Inc. at the Corporation Yard and the Solid Waste Management Center for the period July 1, 2001 to June 30, 2002, in an amount not to exceed \$175,200 (\$97,000 for the Corporation Yard and \$78,200 for the Solid Waste Management Center); and approve an option to extend the contract for four additional one-year periods up to a maximum of five years at the City's discretion.

Contact: Rene Cardinaux, Public Works, 981-6300

Action: Adopted Resolution No. 61,114–N.S.

8. **Contract: Ambulance Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alameda County for ambulance services for the period July 1, 1999 through June 30, 2004.

Contact: Reginald Garcia, Fire, 981-3473

Action: Adopted Resolution No. 61,115–N.S.

9. **Lease: 2055 Center Street for Central Duplicating and Mail Delivery Facility**

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a one-year lease agreement with Seagate Properties in an amount not to exceed \$63,000 for lease payments plus operating expenses of approximately \$18,000, for a total expense not to exceed \$81,000, to continue to house the Central Duplicating and Mail Services at 2055 Center Street.

Contact: Fran David, Finance, 981-7300

Action: Adopted first reading of Ordinance. Second reading June 26, 2001.

10. **Irrigation Supplies and Parks Services**

From: City Manager

Recommendation: Adopt a Resolution approving expenses up to \$30,000 for Ewing Irrigation for supplies and services purchased by the Parks and Waterfront Department for the period July 1, 2000 to June 30, 2001.

Contact: Lisa Caronna, Parks and Waterfront, 981-6700

Action: Adopted Resolution No. 61,116–N.S.

11. **Contract: Youth Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with East Bay Asian Youth Center (EBAYC) to provide youth services for Fiscal Years 2002 and 2003, in the amount of \$256,438; and authorizing a two-month advance payment.

Contact: Stephen Barton, Housing, 981-5400

Action: Adopted Resolution No. 61,117–N.S.

12. **Grant and Contracts: Medi-Cal Insurance Outreach Program**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to: 1) execute an amendment to the grant agreement with the State of California, Department of Health Services, Medi-Cal Eligibility Branch, for the Medi-Cal Insurance Outreach Program, to accept additional funds in the amount of \$121,000; 2) execute amendments to the contracts with Lifelong Medical Care, five elementary schools, and one middle school, to educate and assist families in applying for health insurance and to utilize preventative health care services, to increase the amounts by \$105,061, for a total not to exceed \$140,252, and to extend the terms to June 30, 2002; and 3) provide each agency with a two-month advance payment.

Contact: Fred Medrano, Health and Human Services, 981-5100

Action: Adopted Resolution No. 61,118–N.S.

13. **Janitorial Services at Mental Health Facilities**

From: City Manager

Recommendation: Adopt a Resolution authorizing closeout invoice payments in an amount not to exceed \$19,900 to Pinnacle Environmental Services, Inc. for janitorial services provided at 2636/2640 Martin Luther King Jr. Way and at 1925 Derby Street, through June 30, 2001.

Contact: Fred Medrano, Health and Human Services, 981-5100

Action: Adopted Resolution No. 61,119–N.S.

14. **Senior Animal Control Officer Classification**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 59,798-N.S., Classification and Salary Resolution for SEIU Local 790, to establish a Senior Animal Control Officer classification with a salary range of \$3,229 to \$3,495 per month, effective June 24, 2001.

Contact: Ron Brown, Human Resources, 981-6800

Action: Adopted Resolution No. 61,120–N.S.

15. **Salary Increase: Psychiatrist; and Title Change: Supervising Psychiatrist**

From: City Manager

Recommendation: Adopt two Resolutions: 1) amending Resolution No. 59,883-N.S., Classification and Salary Resolution for SEIU Local 535 Employees, to approve equity salary increases for Psychiatrists classifications, effective June 24, 2001; and 2) amending Section 1 of Resolution No. 59,841-N.S., Classified Salary Resolution for Unrepresented Employees, to

approve an equity salary increase for Supervising Psychiatrist and a change in classification title, effective June 24, 2001.

Contact: Ron Brown, Human Resources, 981-6800

Action: Adopted Resolution No. 61,121–N.S. and Resolution No. 61,122–N.S.

16. **Classification and Salary Changes for Unit Z3**

From: City Manager

Recommendation: Adopt a Resolution amending Section 1 of Resolution No. 59,841-N.S., Classified Salary Resolution for Unrepresented Employees, to establish new classification titles and salary ranges in Unit Z3, adjusted by a 1% equity increase, adjust related Z3 classifications by a 1% equity increase, and abolish classifications replaced by the new classifications, effective June 24, 2001.

Contact: Ron Brown, Human Resources, 981-6800

Action: Adopted Resolution No. 61,123–N.S.

17. **Senior Auditor Classification**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 60,051-N.S., Classification and Salary Resolution for Local One Employees, to establish the Senior Auditor classification with a salary range of \$4,702 to \$5,684 per month, effective June 24, 2001.

Contact: Ron Brown, Human Resources, 981-6800

Action: Adopted Resolution No. 61,124–N.S.

18. **Accelerated Vacation Accrual for Unrepresented New Hires**

From: City Manager

Recommendation: Adopt a Resolution amending Exhibit A of Resolution No. 60,777-N.S. to allow the City Manager to amend Section 3 of the Unrepresented Employee Manual to provide for an accelerated vacation accrual rate for new hires.

Contact: Ron Brown, Human Resources, 981-6800

Action: Adopted Resolution No. 61,125–N.S.

19. **Assistant Environmental Health Specialist, Registered Environmental Health Specialist and Senior Environmental Health Specialist Classifications**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 59,883-N.S., Classification and Salary Resolution for SEIU Local 535 Employees, to approve equity salary increases for Registered Environmental Health Specialist classifications, effective June 25, 2000.

Contact: Ron Brown, Human Resources, 981-6800

Action: Adopted Resolution No. 61,126–N.S.

20. **Limit Agenda Items for June 26 Council Meeting**
From: Mayor Dean
Recommendation: Approve limiting the number of items on the agenda for the Council meeting on June 26, 2001 to two items, the adoption of the City's Fiscal Year 2002-2003 Budget, and specifically related recommendations, and continuation of the hearing on Congregation Beth El's proposed synagogue at 1301 Oxford Street.
Contact: Shirley Dean, Mayor, 981-7100
Action: Removed from the Consent Calendar by Councilmember Spring. Moved, seconded, carried (Worthington/Spring) to approve calling a Special Meeting at 5:00 p.m. on June 26, 2001 for purposes of adopting the budget; holding the regular Housing Authority Meeting at 6:30 p.m.; and holding the regular Council Meeting at 7:00 p.m., but excluding all old business from this agenda.
21. **Day Labor**
From: Mayor Dean
Recommendation: Request the City Manager perform a feasibility study, either in-house, in partnership with existing agencies, or by hiring a consultant, to look into the situation of day laborers congregating on Hearst Street at each corner between Sixth and Frontage Road specifically to: 1) determine the extent of the problem and the number of day laborers at these locations at different hours of the day; and 2) to meet with the day laborers and affected businesses to establish appropriate actions needed to reduce the problems that are being reported.
Contact: Shirley Dean, Mayor, 981-7100
Action: Removed from the Consent Calendar by Councilmember Worthington and held over to July 10, 2001.
22. **Support Assembly Bill 841 to Establish a State-Level Pedestrian Access and Safety Commission**
From: Mayor Dean
Recommendation: 1) Support AB 841 (Havice, Shelley) that would establish the California Pedestrian Access and Safety Commission for the purposes of reviewing and improving pedestrian sidewalks and street crossing infrastructure throughout the state and ensuring the pedestrian infrastructure is accessible and safe; and 2) request the City Clerk notify the bill's sponsors and our State legislators and lobbyist of the City's position.

Contact: Shirley Dean, Mayor, 981-7100

Action: Approved recommendation.

23. **Support Sierra Nevada Forest Plan Amendment Record of Decision, the Roadless Area Conservation Rule and US Forest Service Work on the Regulations**

From: Mayor Dean

Recommendation: 1) Support the Sierra Nevada Forest Plan Amendment Record of Decision (the Sierra Nevada Framework), the Roadless Area Conservation Rule (the Roadless Rule), and the U.S. Forest Service work on these regulations; and 2) request the City Clerk advise the U.S. Secretary of Agriculture Ann Veneman, the Chief of the U.S. Forest Service Dale Bosworth, and the City's Congressional representatives and Washington lobbyist of the City's position.

Contact: Shirley Dean, Mayor, 981-7100

Action: Approved recommendation.

24. **Additional Council Meeting Regarding Held Over Items**

From: Mayor Dean

Recommendation: Request the City Manager establish a date for an additional meeting of the Council in order to address held-over items prior to the annual recess in August.

Contact: Shirley Dean, Mayor, 981-7100

Action: Removed from the Consent Calendar by Councilmember Worthington and held over to July 10, 2001.

25. **Proclaim June as Pride/Lesbian Gay Bisexual Transgender Mental Health Awareness Month**

From: Councilmember Worthington

Recommendation: 1) Proclaim June as Pride/Lesbian Gay Bisexual Transgender Mental Health Awareness month; and 2) commend GAYLESTA for addressing and meeting the special mental health needs of the gay, lesbian, bisexual and transgender communities.

Contact: Kriss Worthington, Councilmember District 7, 981-7170

Action: Approved recommendation. Proclamation to be given on June 26, 2001.

26. **Proclamation Honoring Phil Lesh**

From: Councilmember Worthington

Recommendation: Proclaim July 1 honoring Phil Lesh, bass guitarist for Grateful Dead, for his music and support of humanitarian causes.

Contact: Kriss Worthington, Councilmember District 7, 981-7170

Action: Approved recommendation. Proclamation to be given on June 26, 2001.

27. **AC Transit Major Investment Study**

From: Transportation Commission

Recommendation: Adopt a Resolution selecting Telegraph Avenue as the preferred alignment, and bus rapid transit (BRT) as the preferred transit mode choice for the Major Investment Study (MIS).

Contact: Karen Haney-Owens, Secretary, 705-8137

City Manager Report

Recommendation: Concurs with the recommendation of the Commission.

Contact: Wendy Cosin, Planning and Development, 705-8102

Action: Removed from the Consent Calendar by Councilmember Worthington and held over to July 10, 2001.

Public Hearings

Adoption of the 2002-2003 Budget is scheduled for the meeting of June 26, 2001.

28. **Biennial Budget – Fiscal Years 2002-2003**

From: City Manager (*to be delivered*)

a. City Manager Update on Proposed FY 2002-FY2003 Biennial Budget

i. Recommended Funding Proposals

ii. Recommended Revenue Proposals – Increase in Parking Citation Fines

Contact: Phil Kamlarz, Deputy City Manager, 981-7006

b. **From: Mayor Dean** – Recommended Budget Amendments (*June 12, 2001*)

c. **From: Councilmember Hawley** – Recommended Budget Amendments (*June 12, 2001*)

d. **From: Councilmember Spring** - Revised Budget Amendments dated *June 19, 2001*

Recommendation: Council waive its rules and vote to refer to the City Manager the proposed Budget Amendments so that the companion appropriation measures can be prepared for final passage on June 26, 2001.

e. **From: City Manager** (*to be delivered*)

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate terms, appropriate funds and execute loan documents, contracts and any necessary amendments for an emergency loan of \$60,000 for the Berkeley Symphony.

Contact: Phil Kamlarz, Deputy City Manager, 981-7006

Action: Moved, seconded, carried (Spring/Armstrong) to adopt Resolution No. 61,127–N.S.

f. **From: Parks and Recreation Commission** (*to be delivered*)

Recommendation: Endorses the proposal, outlined by the City Manager, of combining Parks Maintenance, Recreation, Camps, Waterfront and the Young Adult Project into one department and recommends that Council: 1) approve the plan previously endorsed by the Commission for implementing the \$600,000 in new Parks Tax funding; 2) approve funding (approximately \$50,000) for the survey to begin the study of the Santa Fe Right of Way, in conjunction with the priorities previously established by the Council; 3) continue its commitment to using the General Fund to assist in the remediation of hazardous play areas, on an ongoing basis; 4) begin a similar commitment to funding deferred capital needs at recreation centers by allocating at least \$250,000 per year from the General Fund for the repair and maintenance of recreations centers; 5) consider funding necessary capital improvements and repairs at Tuolumne Camp from the General Fund or some other funding source in such a way that funds currently dedicated for repairing our parks and recreation centers are not adversely impacted.
Contact: Jay Kelekian, Secretary, 981-6707

Public Testimony: The Mayor opened the public hearing on the budget. Moved, seconded, carried (Armstrong/Worthington) to close the public hearing. Decision on the budget scheduled for June 26, 2001 at 5:00 p.m.

29. **Sather Gate Parking Garage Fees** *(to be delivered)*

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution establishing new parking fees and a merchant validation program at Sather Gate Garage.
Contact: Fran David, Finance, 981-7300

Public Testimony: The Mayor opened the public hearing - 6 speakers heard. Moved, seconded, carried (Maio/Worthington) to close the public hearing.

Action: Moved, seconded, carried (Armstrong/Worthington) to adopt Resolution No. 61,128-N.S.

30. **Extend Residential Permit Parking**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Sections 25E and 25M of Resolution No. 56,508-N.S. by adding a subsection to extend residential permit parking on both sides of Francisco Street between California Street and McGee Avenue; and authorizing the use of \$300 from the operating budget of the Public Works Department to cover implementation costs.
Contact: Rene Cardinaux, Public Works, 981-6300

a. Communications

1. Christopher Gamper
2. Matthew and Cecilia Bowman

3. Linda Gordon
4. James Leiby
5. Emily Klion
6. Davis Baltz
7. David Miotke
8. Petition

Public Testimony: The Mayor opened the public hearing - 3speakers heard. Moved, seconded, carried (Worthington/Armstrong) to close the public hearing.

Action: Moved, seconded, carried (Worthington/Armstrong) to adopt Resolution No. 61,129-N.S.

Presentation

31. **Adjustments to Council Districts (Redistricting - Census 2000)**

From: City Manager

Recommendation: Following a brief presentation, Council amend its rules to take the following actions at this meeting: 1) approve a schedule that meets state, county and charter mandated timelines for the redistricting process; 2) call special meetings for required public hearings or actions by the Council; 3) approve a process for public and Council input for redrawing Council district boundaries based on the 2000 Census; and 4) provide the City Manager and City Clerk with other direction as needed.

Contact: Sherry Kelly, City Clerk, 981-6900; Chris Mead, Information Systems, 981-6500

Action: Moved, seconded, carried (Worthington/Armstrong – Noes – Olds) to approve recommendations 1, 2 and 3 and to direct staff to prepare a redistricting plan as recommended by staff.

Information Reports

32. **Minority and Gender Representation Report (CF# 176-01)**

From: City Manager

Contact: Ron Brown, Human Resources, 981-6800

Action: Received and filed.

33. **Alta Bates Use Permit Status** (*to be delivered*)

From: City Manager

Contact: Wendy Cosin, Planning and Development, 705-8102

Action: Received and filed.

34. **Request for Proposals for Ticket Processing Services (CF28b-01)**

From: City Manager

Contact: D. E. Butler, Police, 981-5700

Action: Received and filed.

Communications

Action: The following communications were read, noted and filed, unless otherwise indicated:

1. Regarding bus shelters **Maio, Worthington, Dean**
 - a. Mark Wieder
 - b. Julia Cato
 - c. Shanna Haines
2. The Berkeley Potters Studio (35 members) regarding support for the Berkeley Artisan District.
3. Katherine Roberts, Rosa Parks School, regarding Berkeley Symphony Orchestra.
4. Gary Meyer, regarding UC Theater feasibility study. **Maio, Armstrong**
5. Letter signed by Pam Ormsby, Paul Shain, Barbara Getz, Fred Godelle, Johanna Vondeling, Elaine Eastman, Marc Mathieu and petition signed by 53 individuals regarding development of 1155-63 Hearst Street. **Maio, Dean**
6. Regarding Berkeley Symphony Orchestra.
 - a. Sheila Jordan, Alameda County Superintendent of Schools
 - b. Mary Watkins
 - c. Ruth Dorman
7. Howie and Connie Muir regarding 2700 San Pablo Avenue project. **Maio, Dean**
8. Ashley and Sarah Kayler, regarding energy crisis and fees for installing solar panels. **Maio, Worthington, Hawley, Olds, Dean**
9. Orrel Judith Later, President, Uncommon Grounds, regarding coffee pricing. **Maio, Hawley, Dean**

**SUPPLEMENTAL COMMUNICATIONS
AND AGENDA REPORTS**

Item 1 – Event Promoters Provide Advance Notice to Police Department

10. Karla James, Copwatch, Bay Area Coalitioin for Headwaters, Managing Director of Rose Foundation for Communities and the Environment. **Worthington**

Item 7 – Contract: Security Guard Services

11. Revised Resolution from City Manager

Item 21 – Day Labor

12. Warren White, President, Truitt& White **Hawley, Olds, Dean**
13. Denny Abrams, Fourth Street Shops **Hawley, Olds, Dean**

Item 28 – Biennial Budget

14. Councilmember Dona Spring
15. Candace Sanderson and Silvio Claudio
16. Lisa Bullwinkel, Executive Director, Solano Avenue Assn. **Hawley**
17. Melissa Ehman, M.P.H., California Department of Health Services **Maio**
18. Deborah Badhia, Downtown Berkeley Assn.

Item 30 – Extend Residential Permit Parking

19. K.M. Walowit

Item 31 – Adjustments to Council Districts

20. Revised Exhibit B to City Manager’s Report
21. Jo Ann B. Price, President, League of Women Voters **Worthington, Dean**

Adjournment

Actions: Moved, seconded, carried (Worthington/Olds) to extend the meeting to complete specific agenda items. Moved, seconded, carried (Worthington/Olds) to suspend the rules to complete specific items.

The meeting adjourned at 12: 15 a.m.