

# AGENDA

## BERKELEY CITY COUNCIL MEETING TUESDAY, DECEMBER 9, 2003 – 7:00 P.M. Council Chambers, 2134 Martin Luther King Jr. Way

### Preliminary Matters

#### Roll Call

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

1. United Pool Council Fundraising and Donation

**City Manager Comments:** *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.*

**Public Comment:** *A total of 30 minutes is scheduled. Each speaker is limited to a maximum of 3 minutes.*

**Youth Comments:** *A total of 15 minutes is scheduled. Each speaker is limited to a maximum of 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. **Taxi Permits for Wheelchair Accessible Taxis** (*First reading 11/25/03 – Absent – Spring*)

**From: City Manager**

**Recommendation:** 1) Adopt second reading of an Ordinance adding Berkeley Municipal Code (BMC) Chapter 9.52 “Regulating Taxis and Vehicles for Hire”, defining “Accessible Taxicab” and amending Section 9.52.020 regarding categories of vehicles and the maximum number operated in each category.

Contact: Stephen Barton, Housing, 981-5400, Fran David, Finance, 981-7200, Rene Cardinaux, Public Works, 981-6330 and Fred Medrano, Health and Human Services, 981-5100

## Consent Calendar

- 2. Lease: Berkeley Women's Crew for Property in Aquatic Park** (*First Reading – 11/25/03*)  
**From: City Manager**  
**Recommendation:** Adopt second reading of an Ordinance authorizing the City Manager to execute a lease agreement and any amendments with the Berkeley Women's Crew, Inc. for City property located at 80 Bolivar Drive in Aquatic Park for an estimated amount of \$500 for five years.  
Contact: Marc Seleznow, Parks, Recreation and Waterfront, 981-6700
- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for Council meetings of November 17, 2003 (special), November 18, 2003 (special and regular), November 25, 2003 (regular).  
Contact: Sherry Kelly, City Clerk, 981-6900
- 4. Appointment of Standby Officers for the Mayor and Councilmembers and City Manager Order of Succession during an Emergency**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions: 1) confirming the appointment of Standby Officers for the Mayor and each Councilmember to serve in the event the elected official is unavailable during an emergency and 2) approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster and rescinding Resolution No. 61,351-N.S.  
Contact: Reginald Garcia, Fire, 981-5500
- 5. Temporary Appointments: Interns in Information Technology Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the extension of two temporary appointments of Interns in the Information Department for the period not to exceed March 30, 2004. (General Fund - \$16,614)  
Contact: Nicki Spillane, Human Resources, 981-6800
- 6. Pool Operations and Donation by United Pool Council**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation of \$52,000 from the United Pool Council (UPC); amending the Aquatics budget to reflect the new revenue; and extending pool operations through the winter months. (Revenue to General Fund - \$52,000 )  
Contact: Marc Seleznow, Parks, Recreation and Waterfront, 981-6700

## Consent Calendar

- 7. Grants: 2002 Resources Bond Act (Proposition 40) – California Clean Water, Clear Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a competitive grant application to the State of California Department of Parks and Recreation for available grant funding through the 2002 Resources Bond Act (Proposition 40), Murray-Hayden Urban Parks and Youth Service Grant Program for the Martin Luther King Jr. Youth Services Center, authorizing the City Manager or designee to execute related grant agreements and any amendments, and accept these grant funds. (Grant award up to \$750,000 with no required matching funds.)  
Contact: Marc Seleznow, Parks, Recreation and Waterfront, 981-6700
- 8. License Agreement: Bait Shop at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with the Berkeley Marina Charter Boat Association, Inc. to operate the bait shop at the Berkeley Marina for a five-year period from January 1, 2004 until December 31, 2008 with options for annual renewals for up to five additional years. (Annual revenue of approximately \$45,000 for Marine Enterprise Fund.)  
Contact: Marc Seleznow, Parks, Recreation and Waterfront, 981-6700
- 9. Contract: Traffic Mitigation Monitoring for Alta Bates Use Permit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole-source contract and any amendments not to exceed \$212,390 with Fehr & Peers to provide traffic mitigation monitoring for the Alta Bates Use Permit for calendar years 2004 through 2006. (Alta Bates to fund this contract.)  
Contact: Dan Marks, Planning, 981-7400
- 10. Contract: Bridget Transitional House Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Solid Builders for the Bridget Transitional House project for structural improvements, increasing the existing contract by \$25,000 for a total amount not to exceed \$310,000. (Housing Mitigation Fund)  
Contact: Rene Cardinaux, Public Works, 981-6300
- 11. Contract: Parking Sign and Information System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with IBI Group for the evaluation, analysis, planning and design of parking wayfinding signage and other parking information for off-street parking in the City (primarily the Downtown and Southside) for an amount not to exceed \$93,321. (Off Street Parking Fund - \$93,321)  
Contact: Peter Hillier, Transportation, 981-7010

## Consent Calendar

**12. Process for Review of the Agenda Committee**

**From: Mayor Bates**

**Recommendation:** 1) Authorize a review of the Agenda Committee; 2) direct the Agenda Committee to report to Council in March with possible changes to the Council Rules of Procedure based on that review; and 3) request the public to provide comments to the Agenda Committee to assist with this review.

Contact: Tom Bates, Mayor, 981-7100

**13. Priority Point System for Inclusionary Units**

**From: Councilmember Maio**

**Recommendation:** Refer to the City Manager a request that staff study and make a recommendation regarding the establishment of a priority point system that would give preference in renting or purchasing inclusionary units to Berkeley residents, those who work in Berkeley, public service employees, seniors and the permanently disabled.

Contact: Linda Maio, Councilmember District 1, 981-7110

**14. Support of SB 754 - Heritage Tree Preservation Act**

**From: Councilmember Olds**

**Recommendation:** Support SB 754, (Senator Perata) legislation to protect California's old-growth trees from commercial cutting.

Contact: Betty Olds, Councilmember District 6, 981-7160

## Appeals

**15. Appeal: 3075 Telegraph Avenue**

**a. From: City Manager**

**Recommendation:** Adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision designating 3075 Telegraph Avenue, the Concrete Grid Forms Company building, a City Landmark and dismissing the appeal.

Contact: Dan Marks, Planning, 981-7400

**b. Appeal**

1. Sam Sorokin

**16. Appeal: 1326 Allston Way** (*Public Hearing held and closed on 11/18/03. Held over from 11/25/03*)

**a. From: City Manager** (*October 21, 2003*)

**Recommendation:** Adopt a Resolution affirming the decision of the Zoning Adjustments Board, based on findings and conditions, to approve Use Permit 02-100000008 for 1326 Allston Way, City of Berkeley Corporation Yard, to allow demolition of non-residential buildings, construction of storage buildings, installation of 7,368 square feet of modular offices and relocation of certain non-essential services and staff offsite and dismissing the appeal.

Contact: Dan Marks, Planning, 981-7400

## Appeals

**b. Appeal by:**

1. Tamara and Daniel Horodysky
2. Nancy Hunt
3. Gerardo Moreno
4. Judith and Steven Sager
5. Patricia Jones
6. Judith Olson
7. Muni and Tania Schwieg
8. Bruce Simon
9. Michele Manning
10. Letti Glavde
11. Jessica Phrogus

**c. Supplemental Communication** (*October 21, 2003*)

1. Appeal, submitted by Tamara Horodysky, Daniel Horodysky, Nancy Hunt, Gerardo Moreno, Judith Sager, Patricia Jones, Judith Olson, Muni and Tania Schweig, Bruce Simon, Michelle Hanning, Hughes Hudnall, Lettie Glaude, and Jessica Phrogus
2. Daniel and Toni Horodysky
3. Elise Peeples

**d. Communications** (*November 18, 2003*)

1. Martin Gugino
2. George Collins
3. Mary Magocsy

**e. Supplemental Communication** (*November 18, 2003*)

58. Toni Horodysky, Corporation Yard Neighbors for a Better Berkeley
59. Shawn George Weikerta, Corporation Yard Neighbors for a Better Berkeley
60. Regina E. Gurst, Corporation Yard Neighbors for a Better Berkeley

***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.*

## Public Hearing

**17. Solano Avenue Business Improvement District** *(Public Hearing opened on 11/18/03)*

**From: City Manager**

**Recommendation:** Conduct a public hearing on the proposed establishment of the Berkeley Solano Avenue Business Improvement District and upon conclusion: 1) delay action as necessary to allow the City Clerk to tabulate any oral or written protests against formation of the proposed District received before or during the public hearing; and 2) if no majority protest exists, consider whether to make changes in the proposed assessments, boundaries or programs of the BID; and 3) adopt the first reading of an Ordinance adding Berkeley Municipal Code (BMC) Section 7.97 establishing the District and levying assessments on businesses within the District for calendar year 2004.

Contact: Tom Myers, Economic Development, 981-7530

## Old Business

**18. City Manager's Contract Authority** *(Held over from 11/4/03 by Councilmember Worthington)*

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance 1) amending the Berkeley Municipal Code (BMC) Section 7.18.010B to increase the City Manager's expenditure authority for capital improvements, including playground improvements and equipment, to \$100,000, 2) adding BMC Section 7.18.010C to increase the City Manager's general expenditure authority for supplies, equipment, and materials to \$50,000, and 3) amending BMC Section 7.18.020A to increase the City Manager's emergency expenditure authority for materials, supplies and equipment to \$50,000 and for public construction projects, playground improvements and equipment to \$100,000.

Contact: Fran David, Finance, 981-7200

**19. Support SB 916: Increasing Bay Area Bridge Tolls to Fund Transportation Improvements** *(Held over from 11/25/03 by Councilmember Hawley)*

**a. From: Councilmember Worthington**

**Recommendation:** Support SB 916 (Perata) on the March 2004 Ballot, which will increase Bay Area Bridge Tolls to fund transportation improvements.

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

**b. From: Councilmember Hawley**

**Recommendation:** Take no position on SB 916 and ask Senator Perata and the Senate Rules Committee to correct the statement in the Committee's digest of SB 916 that erroneously lists the City of Berkeley as a supporter of the bill.

Contact: Mim Hawley, Councilmember District 5, 981-7150

## New Business

20. **Amendment to FY 2004 Annual Appropriations Ordinance** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the FY 2004 Annual Appropriations Ordinance No. 6,752–N.S. based upon recommended re-appropriation of unexpended FY 2003 funding and other adjustments authorized since July 1, 2003 in the amount of \$69,205,375.  
Contact: Paul Navazio, Budget, 981-7000
21. **Lease: City-Owned Property at 711 Harrison Street** *(to be delivered)*  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and any amendments with Building Opportunities for Self-Sufficiency (BOSS) to lease City property on a parcel of property to be created at 711 Harrison Street as a site for transitional housing.  
Contact: Stephen Barton, Housing, 981-5400
22. **West Berkeley Branch Library Improvements**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the appropriation of \$3.1 million of bond funds (Measure P, November 2000), contingent upon the grant of \$6 million in Proposition 14 State funds with a 35% match by the City to renovate and expand the West Berkeley Branch Library. (State funding - \$6 million; Local match of bond funds - \$3.1 million)  
Contact: Jackie Griffin, Library, 981-6195
23. **Planning Commission Review of Potential Hotel/Conference Center**  
**From: Mayor Bates**  
**Recommendation:** Direct the Planning Commission to examine the potential hotel and Conference Center in Downtown Berkeley and to report no later than May, 2004 with preliminary recommendations.  
Contact: Tom Bates, Mayor, 981-7100

## Information Reports

24. **Formal Bid Solicitations and Request for Proposals**  
**From: City Manager**  
Contact: Fran David, Finance, 981-7300
25. **Fee Deferrals: 2517 Sacramento Street (Affordable Housing Associates)**  
**From: City Manager**  
Contact: Dan Marks, Planning, 981-7400
26. **Grant: Door-to-Door Household Hazardous Waste (HHW) Collection Program**  
**From: City Manager**  
Contact: Dan Marks, Planning, 981- 7400

## Information Reports

27. **Internal Control Risks Associated with Budget Cuts and Freezes**  
**From: City Auditor**  
Contact: Ann-Marie Hogan, City Auditor, 981-6750
28. **Peer Review of City of Berkeley Auditor's Office**  
**From: City Manager**  
Contact: Ann-Marie Hogan, City Auditor, 981-6750
29. **Human Rights Abuses in Cuba (CF 23-03)**  
**From: Peace and Justice Commission**  
Contact: Manuel Hector, Secretary, 981-5110

## Communications

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

### **High Cost of Berkeley's Traffic Circles**

1. David N. Keightley
2. Mani Simmons
3. Beth Sheppard
4. Judith Reich
5. Jason Meggs

### **Long's Drugstore at Bancroft and Shattuck**

6. Terry Cochrell

### **International Tribunal for Afghanistan**

7. Leuren Moret

### **Escaped Property Tax**

8. Gale Garcia

### **Recall Election of Governor Gray Davis**

9. Raymond H. Hawkins

### **Berkeley Budget**

10. Jonathan Polland

### **Relocation of the Animal Shelter**

11. Karen Ball

### **Absence of "No Trespass" Sign at St. John's Presbyterian Church**

12. Anne Marselis Whyte

### **Long Range Development Plan at LBNL**

13. Leuren Moret

## Adjournment