

AGENDA

BERKELEY CITY COUNCIL MEETING TUESDAY, DECEMBER 16, 2003 – 7:00 P.M. Council Chambers, 2134 Martin Luther King Jr. Way

Preliminary Matters

Roll Call

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.*

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 carried over to the next regular meeting unless determined to be a priority by the City Manager or City Council.

- 1. City Manager's Contract Authority** (*First reading 12/9/03 – Noes – Spring, Worthington*)
From: City Manager
Recommendation: Adopt second 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
- 2. Solano Avenue Business Improvement District** (*First reading 12/9/03; Noes - Olds*)
From: City Manager
Recommendation: Adopt second 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

Consent Calendar

- 3. Lease: City-Owned Property at 711 Harrison Street** *(First reading 12/9/03)*
From: City Manager
Recommendation: Adopt second 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
- 4. Needle Exchange**
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 local health officer to take steps to enable the operation of Needle Exchange Emergency Distribution.
Contact: Sherry Kelly, City Clerk, 981-6900
- 5. Grant: Federal Emergency Management Agency Assistance to Firefighters Grant Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to apply for and accept a grant and any amendments, from the Federal Emergency Management Agency (FEMA) Fire Preventative and Safety Grant in the amount of \$696, 832 to fund fire prevention and safety activities. (Project costs - \$995,473; Revenue from federal grant - \$696,832; Local match - \$298,641 from Parks, Recreation and Waterfront, Fire, and Public Works Solid Waste.)
Contact: Reginald Garcia, Fire, 981-5500
- 6. Contract: Lighting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Community Energy Services Corporation for lighting audits and installation services to increase the amount by \$22,211 for a total amount not to exceed \$1,089,818 and extend the expiration date to March 31, 2004. (PUC Grant \$1.95 million)
Contact: Stephen Barton, Housing, 981-5400
- 7. Grant and Contract: Low-Income Energy Revenues**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1) execute a contract and any amendments with the State Department of Community Services and Development for the Low-Income Home Energy Assistance Program (LIHEAP) to receive revenues and provide weatherization and bill payment assistance to eligible residents for Berkeley, Albany, and Emeryville, in an amount not to exceed \$180,000 for the approximate period January 1, 2004 through December 31, 2004; 2) approve the program priority plans; and 3) designate a representative to sign required fiscal and programmatic reports. (DCSD Grant - \$180,000; local match – none.)
Contact: Stephen Barton, Housing, 981-5400

Consent Calendar

- 8. Grant: Homeless Management Information Systems**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept Community Services Block Grant (CSBG) in the amount of \$40,000, and execute any resultant agreements and amendments for the implementation of a Homeless Management Information System (HMIS) for the period November 1, 2003 to October 31, 2004. (CSBG Grant - \$40,000)
Contact: Stephen Barton, Housing, 981-5400
- 9. License Agreement: Kite Sales and Rentals at Cesar Chavez Park**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with Tom McAlister, dba Highline Kites, to operate a van selling and renting kites and other wind-powered equipment at the end of Spinnaker Way adjacent to Cesar Chavez Park for a five-year period from January 1, 2004 through December 31, 2008. Upon mutual consent and provided Highline Kites is not in default, the agreement allows for extension of the license for up to five additional years. (Revenue - \$2,100 year to Marina Enterprise Fund)
Contact: Marc Seleznow, Parks, Recreation and Waterfront, 981-6700
- 10. Grant: Alcoholic Beverage Control - University of California Partnership Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant contract and any amendments with the State of California in order to accept \$50,000 a Department of Alcoholic Beverage Control (ABC) – University of California (UC) Partnership Grant and appropriate these funds for the enforcement of underage drinking laws and to reduce alcohol consumption by UC students. (State Grant - \$50,000)
Contact: Roy Meisner, Police, 981-5900
- 11. Contract: Mattress Recycling and Disposal Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole-source contract and any amendments with St. Vincent de Paul Society for mattress recycling and disposal services for the period of February 1, 2004 through January 31, 2007, in an amount not to exceed \$250,000. (Refuse Fund - \$250,000.)
Contact: Rene Cardinaux, Public Works, 981-6300
- 12. Accounts Payable Audit**
From: City Auditor
Recommendation: Request the City Manager to report back on April 20, 2004, regarding the implementation status of each of the Auditor's recommendations, and every six months thereafter, until all recommendations have been implemented.
Contact: Ann-Marie Hogan, City Auditor, 981-6750

Consent Calendar

13. 4x4 Joint Task Force on Housing

From: Mayor Bates

Recommendation: Adopt a Resolution: 1) reactivating the 3x3 Joint Task Force on Housing with the Rent Stabilization Board; changing the composition to include four members each from the City Council and Rent Stabilization Board to form a 4x4 committee; and 3) appointing Mayor Bates, Councilmembers Maio, Spring and Wozniak to represent the Council.

Contact: Tom Bates, Mayor, 981-7100

14. Options to Purchase Real Property at Dwight and Martin Luther King Jr. Way

From: Councilmember Spring

Recommendation: Request that the City Manager come back with options for acquiring the property that currently sites the recycling center at Dwight and Martin Luther King Jr. Way.

Contact: Dona Spring, Councilmember District 4, 981-7140

15. Contract: Expanded Winter Shelter

a. From: Homeless Commission

Recommendation: 1) Request the Berkeley Unified School District (BUSD) and the University of California (UC) at Berkeley make available an appropriate facility to use as an emergency shelter in inclement weather (including the old alternative High School site) or the City should identify another appropriate site owned by or under City control for expanded winter shelter; and 2) if an appropriate site is located, adopt a Resolution identifying funds for an emergency winter shelter in an amount not to exceed \$25,000.

Contact: Jane Micallef, Secretary, 981-5426

b. From: City Manager

Recommendation: Adopt a Resolution: 1) creating the Berkeley Emergency Storm Shelter (BESS) Project and 2) authorizing an amendment of the existing contract with Dorothy Day House to include the BESS project in its scope of work, increasing the contract amount by \$23,725 for a total amount not to exceed \$54,613 for the period July 1, 2003 through June 20, 2004. (General Fund- \$23,725 one time expenditure from carryover savings.)

Contact: Stephen Barton, Housing, 981-5400

Public Hearing

16. Appeal: 3045 Shattuck Avenue

a. From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, direct staff to prepare a Resolution declaring the property at 3045 Shattuck a public nuisance.

Contact: Dan Marks, Planning, 981-7400

b. Appeal

1. Christina Sun

c. Communications

1. Christina Sun

2. Robert Lauriston, Neighbors' representative

3. Jennifer Elrod

Public Hearing

17. **Extend Residential Permit Parking Program**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution amending Sections 25C and 25N of Resolution No. 56,508-N.S. by adding subsections to extend residential permit parking on Bancroft Way, between California Street and Jefferson Street; and on Virginia Street, between Chestnut Street and West Street; and authorizing the use of \$1,200 to cover implementation costs. (General Fund - \$1,200)

Contact: Peter Hillier, Transportation, 981-7010

18. **Contract: Implement Automated Red-Light Photo Enforcement System**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution implementing an automated traffic enforcement program and authorizing the City Manager to execute an agreement and any amendments with Transol USA to install a red light enforcement system at certain intersections for period December 20, 2003 to December 31, 2005.

Contact: Peter Hillier, Transportation, 981-7010 and Roy Meisner, Police, 981-5900

19. **Franchise Agreement: Cable Television Rates and Charges**

a. From: City Manager

Recommendation: Conduct a public hearing to receive any oral or written comments on the recent rate increase for basic cable television service and upon conclusion, take no action, thereby allowing the rate increase to stand.

Contact: Chris Mead, Information Systems, 981-6500

b. Communications

1. Barbara Gilbert

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 - Budget

20. **Implementation Plan for Budget Crisis Recovery Strategy** *(Discussion and report presented at special meeting at 5pm)*

From: City Manager

Recommendation: Approve implementation of short and long term fiscal measures that address the Council's adopted recovery strategy and immediate state budget cuts.

Contact: Phil Kamlarz, City Manager, 981-7000

Action Calendar - Budget

21. **Amendment to FY 2004 Annual Appropriations Ordinance** (*Held over from 12/9/03. Discussion continued at special meeting at 5pm*)

a. From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2004 Annual Appropriations Ordinance No. 6,752–N.S. for FY 2004 based upon recommended re-appropriation of unexpected FY 2003 funding and other adjustments authorized since July 1, 2003, in the amount of \$69,205,375.

Contact: Paul Navazio, Budget, 981-7000

b. From: Councilmember Spring

Recommendation: Approve allocation of \$2500 of unspent funds from North Shattuck Walnut Square music events FY 2003 last year's allocation to be rolled over to FY 2004 budget.

Contact: Dona Spring, Councilmember District 4, 981-7140

New Business

22. **Submission of Permit Task Force Report**

From: Mayor Bates

Recommendation: Direct the City Manager to: 1) return with a work plan for reviewing and implementing the recommendations of the Permit Task Force; and 2) set a special work session to review the work plan, discuss the recommendations, and take public comment.

Contact: Tom Bates, Mayor, 981-7100

Time Critical

23. **Suspension of The Lanterman Development Disabilities Services Act**

From: Councilmember Spring

Recommendation: Request the City Manger write a letter in opposition to the Governor's attempt to suspend *The Lanterman Development Disabilities Act* and massive cuts to people with disabilities and seniors and fax this letter to our elected state representatives and to members of the Senate Subcommittee conducting budget hearings on health and human services.

Contact: Dona Spring, Councilmember, District 4, 981-7140

Information Reports

24. **Update on Employment Programs** (*CF 58-03*)

From: City Manager

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

Information Reports

25. **Withdrawal of Use Permit Application – 2514 and 2516 Benvenue Avenue**
From: City Manager
Contact: Dan Marks, Planning, 981-7400
26. **Non-Support for Funding Events Not on Approved List**
From: Councilmember Maio
Contact: Linda Maio, Councilmember District 1, 981-7110

Communications

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

Broken Water Line

1. Glen, Gean and Kathleen Winger (2)

Cost-effective Traffic Circle Calming

2. Hank Resnik
3. Pawsey

Further Investigation of Fred Lupke Accident

4. Jason Meggs

Adjournment