

AGENDA

BERKELEY CITY COUNCIL SPECIAL MEETING

TUESDAY, SEPTEMBER 28, 2004 – 6:00 P.M.

LONGFELLOW SCHOOL AUDITORIUM, 1500 DERBY STREET

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.*

Council Action: *The City Council may take action related to any subject listed on the Agenda.*

Action Calendar – Public Hearing

1. Creeks Ordinance

a. From: City Manager

Recommendation: Conduct a public hearing on the current Creek Ordinance, Berkeley Municipal Code (BMC) Chapter 17.08 and upon conclusion: 1) adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 17.08 either by approving Alternative A or Alternative B language incorporating standards to govern rebuilding of structures that encroach in the required setback area in the event of destruction due to a disaster and 2) provide direction to staff as to whether the Council would like further revisions to the creek ordinance considered as part of its priority setting process for the upcoming year.

Financial Implications:

Contact: Dan Marks, Planning, 981-7400

b. Communications

1. Barbara Gilbert
2. Paul Krahenbuh and Patricia Boyar
3. Kirstin Miller, Ecocity Builders
4. Kirstin Miller and Richard Register, Ecocity Builders (2)
5. Robin O'Donell, Susan Church, Mischa Lorraine, Jill Korte
6. Juliet Lamont and Phil Price
7. Carole Schemmerling and Jennifer Mary Pearson, Friends of Strawberry Creek
8. Carole Schemmerling, Urban Creeks Council of California
9. Lloyd and Sheila Andres
10. Ann B. Erickson
11. Daniella Thompson
12. John L. Lineweaver, Diablo Holding, Ltd.

Action Calendar – Public Hearing

13. Lori Dobeus
14. Juliet Lamont and Phil Price
15. Eva Alexis Bansner
16. Frank and Gabrielle Morris
17. Jill Korte
18. Margaret Morse
19. Peter Klatt
20. Carol and Garret G. Thunen
21. Robert and Judy de Vries
22. Ned and Janis Dairiki
23. Bannus Hudson
24. Jim Sharp
25. Joan Sprinson
26. Mary Ann Brewin (2)
27. Wayne Christopher
28. Morton McDonald, Roy McDonald Associates, Inc.
29. Cy H Silver
30. Kevin Beadles, Wendy Beadles, Ray A. L'Esperance, Jill L'Esperance, John L. Bunch, Stephen K. Tollefum, Zafer Yasa, Muzcet Yasa, Jim Webster
31. Sylvia McLaughlin; Martin Bourque, Ecology Center; Helen Burke, Sierra Club; John Steere, Urban Creeks Council; Kitty McLean, Sierra Club; Richard Register, Ecocity Builders; Hank Resnik, Sierra Club; Kirstin Miller, Ecocity Builders; Claire Risley, BEST/BFBC; Stephen Kelly; David Room, Post Carbon Institute; Gus Yates, RG, CHG
32. Sylvia McLaughlin; Martin Bourque; Ecology Center; Kitty McLean, Sierra Club; John Steere, Urban Creeks Council; Stephen Kelly; David Room, Post Carbon Institute; Helen Burke, Sierra Club; Kirsten Miller, Ecocity Builders; Hank Resnik, Sierra Club; Claire Risley, BEST, BFBC, WBPAC
33. Jane and Tom Kelly
34. Urban Creeks Council
35. Beth Lamont
36. Kevin Powell and Melanie Goldfield
37. David R. Clore
38. Terry Powell, Community Relations Office, Berkeley Lab
39. Steven Ross and Erin Bradner
40. Diane Tokugawa
41. Sherrick Slattery
42. Catherine and Robert B. Scholer
43. Eleanor Janet Moscow, Anita Elke, Norman Moscow
44. Melanie Jordan
45. Henry and Fredora Darmstadt

Public Comment

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

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.

- 2. Lease Agreement: 1947 Center Street –Basement** (*First Reading September 21, 2004 – Unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance authorizing the City Manager to execute a lease agreement with the City of Richmond, California (Richmond Works) for program space, located at 1947 Center Street, Basement, for the purpose of operating a One Stop Career Center for a period of eight months.
Financial Implications: See report.
Contact: Fred Medrano, Health and Human Services, 981-5100
- 3. 3000 Shasta Road Fire Station – Exchange of Properties** (*First Reading September 21, 2004 – Unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance conveying the Potter Street right-of-way west of the Eastshore Freeway to the East Bay Regional Park District (EBRPD) and accepting Shasta Road from Grizzly Peak Boulevard to the City boundary.
Financial Implications: None.
Contact: Rene Cardinaux, Public Works, 981-6300
- 4. Hazardous Materials Codes** (*First Reading September 21, 2004 – Unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance repealing Berkeley Municipal Code (BMC) Chapters 11.18 and 11.52 the Hazardous Materials Codes, and reenacting these chapters in a new BMC Title 15, Hazardous Materials, as Chapters 15.04, 15.08 and 15.12.
Financial Implications: None.
Contact: Dan Marks, Planning, 981-7400
- 5. Annual Investment Report - Investment Policies and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution accepting the Annual Investment Report, approving the amendments to the investment policies, and renewing the delegation of authority to make investments to the Director of Finance.
Financial Implications: None.
Contact: Fran David, Finance, 981-7300

Consent Calendar

6. **Formal Bid Solicitations and Requests for Proposals**

From: City Manager

Recommendation: Approve new invitations for bids and requests for proposals (RFP) that will be, or are planned to be, issued; that have been issued and received due to extenuating circumstances; or that have been sent out (opened) but not yet received (closed).

Financial Implications: Various Sources – \$3,085,000.

Contact: Fran David, Finance, 981-7300

7. **Contract: Mental Health Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute performance contracts and any amendments with the State Department of Mental Health for the provision of mental health services in accordance with California Welfare and Institutions Code Section 5650 for FY 2003 and FY 2004.

Financial Implications: See report.

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

8. **National Alcohol & Drug Addiction Recovery Month**

From: City Manager

Recommendation: Adopt a Resolution proclaiming September 2004 as National Alcohol and Drug Addiction Recovery Month.

Financial Implications: None.

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

9. **Contract: Spiral Sidewalk Project**

From: City Manager

Recommendation: Adopt a Resolution: 1) approving specifications for the FY 2005 Spiral Sidewalk Project; 2) accepting the bid of JS Concrete Construction; and 3) authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$235,740.

Financial Implications: General Capital Improvement Fund – \$163,964; Work for Private Party Fund – \$50,000; Gas Tax Fund – \$21,776.

Contact: Rene Cardinaux, Public Works, 981-6300

10. **Contract: Installation of Thermoplastic Roadway Markings**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a two-year, on call contract and any amendments with Chrisp Company to provide and install thermoplastic roadway markings in an amount not to exceed \$250,000.

Financial Implications: See report.

Contact: Peter Hillier, Transportation, 981-7010

Information Reports

11. **Investment Report: Quarters Ending June 30, 2004 and March 31, 2004**
From: City Manager
Contact: Fran David, Finance, 981-7300
12. **Library Audit Purchasing & Accounts Payable Audit Implementation Update**
From: Director of Library Services
Contact: Jackie Y. Griffin, Secretary, 981-6195

Communications

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

1. None.

Adjournment