

SUMMARY

BERKELEY CITY COUNCIL SPECIAL MEETING

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

LONGFELLOW SCHOOL AUDITORIUM, 1500 DERBY STREET

Preliminary Matters

Roll Call: 6:06 p.m. All present.

City Manager Comments: None

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.
13. Lori Dobeus
14. Juliet Lamont and Phil Price
15. Eva Alexis Bansner
16. Frank and Gabrielle Morris
17. Jill Korte

Action Calendar – Public Hearing

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. Tollefun, 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 Testimony: The Mayor opened the public hearing. 62 speakers. Moved, seconded, carried (Breland/Worthington) to close the public hearing.

Action: Moved, seconded, carried (Olds/Worthington) to adopt the first reading of alternative two of an ordinance to allow rebuilding without a “No Feasible Alternative” Finding as revised to: 1) allow rebuilding of substantially the same structure or portions thereof; 2) include all structures not merely residential ones; 3) remove section D; and 4) revise Section B to allow rebuilding without the need for additional permits under the Creeks Ordinance but require compliance with currently applicable building codes. Second reading scheduled for October 5, 2004. Referred to the City Manager to bring back alternative recommendations for proceeding with a review of the ordinance in its entirety at the October 12, 2004 Work Session.

Public Comment

Public Comment: No speakers.

Consent Calendar

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

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
Action: Adopted Ordinance No. 6822–N.S. Effective October 28, 2004.
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
Action: Adopted Ordinance No. 6823–N.S. Effective October 28, 2004.
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
Action: Adopted Ordinance No. 6824–N.S. Effective October 28, 2004.

Consent Calendar

- 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
Action: Adopted Resolution No. 62,664–N.S.
- 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
Action: Approved recommendation.
- 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
Action: Adopted Resolution No. 62,665–N.S.
- 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
Action: Adopted Resolution No. 62,666–N.S.
- 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
Action: Adopted Resolution No. 62,667–N.S.

Consent Calendar

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

Action: Adopted Resolution No.62,668–N.S.

Information Reports

11. Investment Report: Quarters Ending June 30, 2004 and March 31, 2004

From: City Manager

Contact: Fran David, Finance, 981-7300

Action: Received and filed.

12. Library Audit Purchasing & Accounts Payable Audit Implementation Update

From: Director of Library Services

Contact: Jackie Y. Griffin, Secretary, 981-6195

Action: Received and filed.

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.

Supplemental Reports and Communications #1

Item 1: Creeks Ordinance

46. Allan F. Leung

47. Steven Ross and Erin Bradner (2)

48. Janet Byron

49. Alan Gould

50. Juliet Lamont, Environmental Consultant; Phil Price, Live Oak Codornices Creek Neighborhood Association; Tom Kelly, Strawberry Lodge Restoration Project

51. Henrik and Barbara Bull

52. Juliann Sum

53. Susan Schwartz, Friends of Five Creeks

54. Ann Hughes

55. Tim White

56. Linda and Terry Kanat

57. Barbara Gilbert

Supplemental Reports and Communications #1

58. Douglas Keislar
59. Margaret W. Bogle
60. Dawn Whalin
61. Carolyn and Wilton Vondamm
62. Steven and Lydia Mullerheim
63. Luz Buitrago
64. Suzanne Marr
65. Barbara Oliver
66. Bob Jacobsen
67. James C. Robinson
68. Joseph Cerny
69. Skip Battle
70. Marty Myers
71. Juri Komendant and Linda Calvin
72. Bruce Rude
73. Bill Falik
74. Megan (Mary M.) Barton and Brian Huse
75. Jonathan Reinis
76. Josephine Coatsworth and Robert Bennin
77. Catherine and Robert Scholes
78. Jeffrey J. Carter
79. Lois Segal
80. James and Chris Iams (2)
81. Norman P. Moscow, Eleanor J. Moscow and Anita C. Eblé
82. Winsor Soule and Marcia Tanner
83. Richard and Miriam Misrach
84. Lynn Landor
85. Roy Doolan
86. Herbert Dreyfus
87. Peter Wahrhaftig
88. George and Jacqueline Ivelich

Supplemental Reports and Communications #2

89. Presentation Materials, submitted by Planning Department
90. Alice Kahn
91. Joseph and Karen Zelan
92. Tatwina Chinn Lee
93. Roger W. Hoag
94. Phillip Polak, Jr., Robert Blackbury, Ann Smith, Richard H. Lee, L. Lee, Chester Zum
95. Morton McDonald, Roy McDonald Associates
96. Helen Barber
97. Suzanne M
98. Carol Schemmerling, Urban Creeks Council
99. Juliet Lamont

Supplemental Reports and Communications #2

100. Robert and Merle Davis
101. Richard Ingels
102. Peter Klatt
103. Jim Sweeney
104. Shirely Dean
105. Mischa Lorraine
106. Vonnie Gurgin
107. Daniel Dean
108. Diane R. Crowley
109. Trudy Washburn
110. Bob Allen
111. Neighbors on Urban Creeks: Barbara and Bob Allen, Diane Crowley, Shirely and Dan Dean, Genevieve Dreyfus, Cecilia Gaerlan, Vonnie Gurgin, Martha Jones, Jill Korte, Jerry Landis, Mischa Lorraine, Robin McDonnell, Dean Metzger, Miriam Ng, Jana Olson and Trudy Washburn
112. Anthony Bernhardt and Lynn Feintech
113. Owen and Senta M. Pugh Chamberlain
114. Administrative Record
115. Signed Petitions, 38 Signatures

Adjournment

Adjourned at 10:43 p.m. in memory of Alex Tara.