

AGENDA

BERKELEY CITY COUNCIL MEETING TUESDAY, OCTOBER 12, 2004 – 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.*

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 taken up after the "Action Calendar" unless the Council reorders the agenda.

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for Council meetings of September 21, 2004 (regular) and September 28, 2004 (special).

Contact: Sherry Kelly, City Clerk, 981-6900

2. Medical Marijuana Dispensaries

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 12.26 to impose a quota and deconcentration requirements on medical marijuana dispensaries, as requested by the City Council September 21, 2004.

Financial Implications: None.

Contact: Manuela Albuquerque, City Attorney, 981-6950

- 3. Contract: Strategic Planning, Children's Mental Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Lisa Warhuus, Ph.D. for strategic planning services in the Mental Health Division, Family, Youth and Children's (FYC) Program, for the period October 13, 2004 through October 12, 2005, for an amount not to exceed \$40,000.
Financial Implications: General Fund – \$40,000.
Contact: Fred Medrano, Health and Human Services, 981-5100
- 4. Grant: High School Human Services Academies**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant from the Zellerbach Family Foundation for funds in the amount of \$40,000 for the purpose of developing high school Human Service Academies, a model for engaging young people in health careers, for the period October 13, 2004 through October 12, 2005; and to execute a contract and any amendments with Lifelong Medical, Inc., in the amount of \$40,000 to serve as the fiscal agent for this grant at a cost not to exceed \$3,200 which is included in the grant award.
Financial Implications: See report.
Contact: Fred Medrano, Health and Human Services, 981-5100
- 5. Franchise Agreement: Non-Exclusive Rubbish Hauling**
From: City Manager
Recommendation: Adopt a Resolution declaring intention to grant non-exclusive rubbish collection and transportation franchise for an indeterminate period to Golden Gate Disposal and Recycling Company (GGD&R) and scheduling a Public Hearing on November 16, 2004.
Financial Implications: Increased revenue.
Contact: Rene Cardinaux, Public Works, 981-6300
- 6. Contract: Street-Parking Pay Stations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments thereto with Cale Parking Systems USA, Inc. in an amount not to exceed \$332,460 to install pay and display stations in the Southside Pilot Area and cover all associated costs. Overall project is expected to increase parking fund revenues to cover the cost of the purchase.
Financial Implications: See report.
Contact: Peter Hillier, Transportation, 981-7010
- 7. Oppose Proposition 64: Limits on Private Enforcement of Unfair Business Competition Laws**
From: Councilmember Worthington
Recommendation: Oppose Proposition 64 which will place limits on Private Enforcement of Unfair Business Competition Laws.
Contact: Kriss Worthington, Councilmember District 7, 981-7170

Action Calendar – Old Business

8. **Ellis Implementation Ordinance** (*Held over from October 5, 2004 by Councilmembers Worthington and Spring*)

From: Rent Stabilization Board

Recommendation: Adopt first reading of an Ordinance amending Section 13.77.055 of the Berkeley Municipal Code (BMC), Ellis Implementation Ordinance, to increase the amount of the relocation benefit given to displaced tenants and to include elderly and disabled tenants in the class of tenants who qualify for relocation benefits.

Financial Implications: None.

Contact: Jay Kelekian, Rent Stabilization Program, 644-6128

Action Calendar – New Business

9. **Creeks Ordinance** (*To be delivered*)

From: City Manager

Recommendation: Provide direction to staff on work program options presented in staff report.

Contact: Dan Marks, Planning, 981-7400

10. **Voluntary Time Off Program and Temporary Closure of Select City Offices**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to implement a Voluntary Time Off Program (VTO) that results in the temporary closure of some City offices and non-essential services for certain days during Fiscal Year 2005, and which permits staff to voluntarily take time off on those days, resulting in immediate cost savings to the City of Berkeley.

Financial Implications: See report.

Contact: Phil Kamlarz, City Manager, 981-6190

11. **University Avenue Strategic Plan Height and Setback Standards and Review Consistency**

From: City Manager

Recommendation: Take the following actions as recommended by the Planning Commission: 1) adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 23E.36 to implement the University Avenue Zoning Overlay in order to establish specific Height and Setback standards as provided for in the University Avenue Strategic Plan (UASP); and 2) authorize the Office of Transportation and Department of Public Works to define a scope of study for consideration of funding to prepare a Comprehensive Parking Study and Plan for Streetscape Improvements in the University Avenue corridor, as recommended in the UASP.

Financial Implications: See report.

Contact: Dan Marks, Planning, 981-7400

Action Calendar – New Business

12. Parking Meter Fund: Review Revenue and Expense Allocations

a. From: Citizen's Budget Review Commission

Recommendation: Direct staff to: 1) update allocation of revenues and expenses to the Parking Meter Fund (PMF); 2) continue the management oversight of the PMF by the Transportation Department; 3) focus on equipment vulnerabilities and new technology to improve meter availability and revenue; and 4) develop performance indicators and other financial benchmarks to better evaluate program productivity.

Financial Implications: None.

Contact: Tracy Vesely, Secretary, 981-7024

b. From: City Manager

Recommendation: Refer to Staff for analysis and report back to Council in December 2004.

Contact: Phil Kamlarz, City Manager, 981-7024

Information Reports

13. Basic Life Support Ambulance Service

From: City Manager

Contact: David Orth, Fire, 981-3473

14. Landmarks Preservation Commission Notice of Decision: 147 Tunnel Road - Approval of Structural Alteration

From: City Manager

Contact: Dan Marks, Planning, 981-7400

Communications

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

American Baptist Seminary of the West

1. David C. Levy, Morrison & Foerster LLP

Proposition 68

2. Justin Colsky

Berkeley Cops Ticketed Claremont Protest Supporters

3. Ginger Ogle

Adjournment