

SUMMARY

BERKELEY CITY COUNCIL MEETING TUESDAY, OCTOBER 12, 2004 – 7:00 P.M. Council Chambers, 2134 Martin Luther King Jr. Way

Preliminary Matters

Roll Call: 7:01 p.m. All present.

Ceremonial Matters:

1. Proclamation recognizing the contributions of Abrams, Millikan and Kent and the Fourth Street Merchants Association for their support of BUSD's Performing Arts Department through the annual Jazz on Fourth Festival.

City Manager Comments :

1. The Registrar of Voters has provided notice that voters in three Berkeley precincts comprised of less than 250 voters (Precincts 208020, 208420 and Precinct 205550) will be voting by mail ballot in the November 2, 2004 election. For additional information, contact the Alameda County Registrar of Voters at 272-6933.
2. The City is encouraging those at risk of contracting the flu to contact their health care provider for an immunization. Please call the City's Public Health Department at 981-5300 for more information.

Public Comment: 13 speakers.

Consent Calendar

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

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

Action: Approved minutes as submitted.

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

Action: Adopted first reading of Ordinance. Second reading scheduled for October 19, 2004. (Noes – Worthington; Abstain – Spring)

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

Action: Adopted Resolution No. 62,681–N.S.

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

Action: Adopted Resolution No. 62,682–N.S.

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

Action: Adopted Resolution No. 62,683–N.S.

Consent Calendar

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

Action: Removed from Consent Calendar by Councilmember Breland. Moved, seconded, carried, (Wozniak/Worthington) to adopt Resolution No. 62,684–N.S.

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: Approved recommendation (Abstain – Wozniak).

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: Moved, seconded, carried (Spring/Breland; Noes – Olds; Abstain – Hawley) to adopt first reading of Ordinance. Second reading scheduled for October 19, 2004.

Moved, seconded, carried (Hawley/Wozniak; Abstain – Olds) a motion to refer the Ordinance to the 4X4 Committee to consider revisions based on tenant needs.

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

Action: Moved, seconded, carried (Worthington / Maio) a motion to conduct a brief discussion and hold over to October 19, 2004.

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

Action: Moved, seconded, carried (Worthington/Maio; Absent – Olds) to adopt Resolution No. 62,685–N.S.

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: Moved, seconded, failed (Hawley/Spring; Noes – Breland, Shirek, Spring, Worthington and Bates; Abstain - Maio) to direct staff to prepare a progress report on the status of University Avenue in relation to the rest of the City in two years and again in four years.

Moved, seconded, carried (Wozniak/Hawley; Noes – Worthington; Abstain – Breland) a substitute motion to adopt first reading of Ordinance and authorizing the Office of Transportation and Public Works to prepare a Comprehensive Parking Study and Plan including consideration of funding for Streetscape Improvements.

Moved, seconded, carried (Worthington/Breland; Noes – Hawley; Abstain – Shirek, Olds) a motion to direct the Planning Department to provide a separate progress and density bonus impacts report on University Avenue as part of the housing element.

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

Action Calendar – New Business

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

Action: Moved, seconded, carried (Worthington/Maio) to approve recommendation.

Information Reports

13. Basic Life Support Ambulance Service

From: City Manager

Contact: David Orth, Fire, 981-3473

Action: Received and filed.

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

From: City Manager

Contact: Dan Marks, Planning, 981-7400

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.

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 (*Wozniak, Maio*)

Supplemental Reports and Communications # 1

Item 6: Contract: Street-Parking Pay Stations

4. Patrick Ryan

Item 8: Ellis Implementation Ordinance

5. Peter J. Mutnick

Item 11: University Avenue Strategic Plan Height and Setback Standards and Review Consistency

6. David Early, Livable Berkeley
7. Kristin Leimkuhler
8. Stephen Wollmer

Adjournment

Adjourned at 9:56 p.m. in memory of Robert Brower.