

AGENDA

BERKELEY CITY COUNCIL MEETING

TUESDAY, NOVEMBER 16, 2004 – 7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way

Teleconferencing Location – Massone Hotel, Balneario de Huacachina, Ica, Peru

**Note: Teleconferencing for this meeting will take place during the Ceremonial portion only.*
This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953, Teleconferencing. Any member of the public may attend this meeting at either the Council Chambers or at the teleconference location. Questions regarding this matter may be addressed to Sherry M. Kelly, City Clerk, 981-6900.*

Preliminary Matters

Roll Call

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Recognition of members of Council leaving office.

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. **Police Substation Lease** *(First Reading November 9, 2004 – Unanimous)*

From: City Manager

Recommendation: Adopt second reading of an Ordinance amending Ordinance No. 6,670–N.S. to remove expenditure limitation capping lease payments, thereby enabling the City Manager to pay past due rent in the amount of \$30,197 to Huck Rorick and Associates for the Police Substation located at 3140 Martin Luther King Jr. Way/3192 Adeline Street.

Financial Implications: Parking Meter Fund – \$30,197.

Contact: Roy Meisner, Police, 981-5700

- 2. Bond Authorization for the Thousand Oaks Heights Applicant Funded Utility Undergrounding Assessment District**
From: City Manager
Recommendation: Approve two Resolutions: 1) amending Resolution No. 62,412–N.S., Resolution of Intention, to exercise a contingent obligation election, determining assessments remaining unpaid; and 2) authorizing issuance of limited obligation bonds, approving the form and substance of the fiscal agent agreement, bond purchase contract, preliminary official statement and continuing disclosure certificate, providing for the form, execution and issuance bonds, and authorizing related actions and execution of related documents in connection with the issuance, sale and delivery of the bonds.
Financial Implications: See report.
Contact: Fran David, Finance, 981-7300
- 3. Contract: Janitorial Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Universal Building Services for janitorial services at 2636/2640 Martin Luther King Jr. Way, 1925 Derby Street and 2809 Telegraph Avenue, Mental Health Division locations, increasing the amount by \$47,000 for a total contract amount not to exceed \$97,000, and extending the term to November 30, 2004.
Financial Implications: State Realignment and Medi-Cal funds – \$47,000
Contact: Fred Medrano, Health and Human Services, 981-5100
- 4. Contract: Janitorial Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Township Building Services, Inc., for janitorial services at 2636/2640 Martin Luther King, Jr. Way, 1925 Derby Street and 3283 Adeline Street, Mental Health Division locations, for the period December 1, 2004 through June 30, 2005, for an amount not to exceed \$10,000, with authority to enter into a maximum of four (4) one year extension options, for a total amount not to exceed \$87,264 for the period through June 30, 2009.
Financial Implications: State Realignment and Federal Medicaid funds – \$10,000.
Contact: Fred Medrano, Health and Human Services, 981-5100
- 5. Contract: Jubilee Restoration**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the scope of services of the contract with Jubilee Restoration to allow Jubilee to use the \$26,000 allocation for general organizational support and releasing the funds in one lump sum.
Financial Implications: None.
Contact: Stephen Barton, Housing, 981-5400

Consent Calendar

- 6. Contract: Design Services for Shorebird Nature Center Trailer Replacement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Gelfand Partners for design services and construction observation of the Shorebird Nature Center Trailer Replacement in an amount not to exceed \$71,820.
Financial Implications: Marina Operations and Maintenance Fund – \$49,967; Proposition 12 Fund – \$290,000.
Contact: Marc Seleznow, Parks Recreation & Waterfront, 981-6700
- 7. Contract: Vasco Road Landfill Agreement with Republic Service, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to extend the Vasco Road Landfill Agreement with Republic Service, Inc. for one year, from January 1, 2005 through December 31, 2005 at a cost of \$2,600,000.
Financial Implications: Refuse Fund – \$2,600,000.
Contact: Rene Cardinaux, Public Works, 981-6300
- 8. Grant: Repaving Gilman Street (*to be delivered*)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the filing of an application for Federal Surface Transportation Program Funding for repaving Gilman Street; committing the necessary non-federal match for the project; stating the assurance of the City to complete the project; and authorizing the City Manager to accept the grant and to execute any resultant agreements and amendments.
Financial Implications: See report.
Contact: Rene Cardinaux, Public Works, 981-6300
- 9. Proclamation: Families with Children from China /Northern California Day**
From: Councilmember Hawley
Recommendation: Approve a proclamation naming January 29, 2005 as “Families with Children from China /Northern California Day.”
Contact: Miriam Hawley, Councilmember District 5, 981-7150
- 10. Presentation: Young Latina Leadership and Mentoring Program**
From: Councilmember Breland
Recommendation: Schedule a presentation by the Young Latina Leadership and Mentoring Program to acquaint the Council and the community with their project and their need for financial assistance for painting supplies to prime the wall for the mural.
Contact: Margaret Breland, Councilmember District 2, 981-7120

Consent Calendar

11. Appointment to Mental Health Commission

a. From: Mental Health Commission

Recommendation: Adopt a Resolution re-appointing Paul Clermont to the Mental Health Commission, Special Public Interest Category to complete a three-year term beginning November 17, 2004 and ending May 13, 2005.

Financial Implications: None.

Contact: Harvey Turek, Secretary, 981-5213

b. From: City Manager

Recommendation: The City Manager concurs with the content and recommendations of the report.

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

12. Central American Free Trade Agreement

a. From: Peace and Justice Commission

Recommendation: Adopt a Resolution opposing the Central American Free Trade Agreement and urging that the United States Congress defeat it.

Financial Implications:

Contact: Manuel Hector, Secretary, 981-5110

b. From: City Manager

Recommendation: The City Manager takes no position concerning the recommendations of the Commission.

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

Action Calendar – Presentation

13. The Bread Project

From: Councilmember Breland

Contact: Margaret Breland, Councilmember District 2, 981-7120

Action Calendar – Public Hearing

14. Downtown Berkeley Business Improvement District

From: City Manager

Recommendation: 1) Conduct a public hearing and upon conclusion, adopt a Resolution confirming the 2005 Annual Report of the Downtown Business Improvement District (BID), thereby levying an annual assessment for the Downtown BID for calendar year 2005; and 2) adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association (DBA) Main Street program for \$260,000 of Downtown BID funds to support Downtown revitalization.

Financial Implications: See report.

Contact: Tom Myers, Economic Development, 981-7530

Action Calendar – Public Hearing

15. Solano Avenue Business Improvement District

a. From: City Manager

Recommendation: 1) Conduct a public hearing and upon conclusion, adopt a Resolution confirming the 2004 Annual Report of the Solano Avenue Business Improvement District (BID), thereby levying an annual assessment for the Solano Avenue BID for calendar year 2005; and 2) adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Solano Avenue Association (SAA) for \$36,000 of BID funds.

Financial Implications: See report.

Contact: Tom Myers, Economic Development, 981-7530

b. Communications

1. Susan Boat, Scissors and Comb
2. Ed Forcum, Rosebud Gallery
3. Anni Ayers, Anni Ayers Forcum Gallery

16. Grant: 2004 Local Law Enforcement Block Grant

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution: 1) authorizing the City Manager to accept \$60,906 in Federal Funds from the 2004 Local Law Enforcement Block Grant (LLEBG) Program to be used to fund overtime costs associated with a Violence Suppression Program for a period of approximately 24 months; and 2) utilizing \$6,767 from the existing 2003 State COPS Grant, to cover the required local match.

Financial Implications: Grant Revenue – \$60,906; State Cops Grant – \$6,767.

Contact: Roy Meisner, Police, 981-5700

17. Non-Exclusive Rubbish Hauling Franchise

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance granting non-exclusive franchise for rubbish collection and transportation to Golden Gate Disposal and Recycling Company and directing the City Manager to negotiate a Franchise Agreement with this company.

Financial Implications: Refuse Fund – Increased revenue.

Contact: Rene Cardinaux, Public Works, 981-6300

18. Fees for Sunday Parking at Oxford Lot

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 59,789-N.S. to apply fees to Sunday parking at the Oxford Parking Lot effective December 6, 2004.

Financial Implications: See report.

Contact: Peter Hillier, Transportation, 981-7010

Time Critical

19. 1797 Shattuck Avenue – Certification and Review of Tentative Tract Map 7537

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.

Ed Roberts Campus

1. Diane Dew, Center for Accessible Technologies

Construction Markings on City Streets and Sidewalks

2. Dean Metzger, Claremont Elmwood Neighborhood Association

Fire Truck Funding

3. Jim Hultman
4. Dean Metzger, Claremont Elmwood Neighborhood Association
5. Robin Wright
6. Walter Wood

Central American Free Trade Agreement

7. PhoeBe ANNE (sorgen)

Ellis Implementation Ordinance

8. Peter J. Mutnick

Ohlone Dog Park

9. Ann Hallatt

Smoke Alarms

10. Anne Whyte

Adjournment