SUMMARY

BERKELEY CITY COUNCIL MEETING

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

Council Chambers, 2134 Martin Luther King Jr. Way

Preliminary Matters

Roll Call: 7:09 p.m. Absent – Bates.

Ceremonial Matters

1. Recognition and tribute to Councilmembers leaving office and retiring City Clerk.

   Action: Presented proclamations and tributes honoring Councilmembers Shirek, Breland and Hawley and City Clerk Sherry Kelly for their years of service.

City Manager Comments: None.

Public Comment: 15 speakers.

Consent Calendar

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

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
   Action: Adopted Ordinance No. 6,829–N.S. Effective December 16, 2004.

Consent Calendar

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
Action: Adopted Resolution No. 62,712–N.S. and Resolution No. 62,713–N.S.

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
Action: Adopted Resolution No. 62,714–N.S. (Noes – Worthington; Absent - Bates)

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
Action: Adopted Resolution No. 62,715–N.S. (Noes – Worthington; Absent - Bates)

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
Actions: Removed from Consent Calendar by Councilmember Wozniak. Moved, seconded (Olds/Wozniak) a main motion to not approve monies for Jubliee Restoration but to reserve these monies for another youth services program.

Moved, seconded, carried (Worthington/Maio; Noes – Olds; Abstain – Shirek; Absent – Bates) a substitute motion to adopt Resolution No. 62,716–N.S. revised to: 1) execute a new general fund contract with Jubilee Restoration in the amount of $13,000 for the period through June 20, 2005 for general organizational support; 2) to advance the first half o the contract amount; and 3) to reserve $13,000 for funding youth services for the second half of the fiscal year either with Jubilee or with Jubilee and another partner depending on the outcome of the HUD investigation and funding.

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
Action: Adopted Resolution No. 62,717–N.S.

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 though December 31, 2005 at a cost of $2,600,000.
Financial Implications: Refuse Fund – $2,600,000.
Contact: Rene Cardinaux, Public Works, 981-6300
Action: Adopted Resolution No. 62,718–N.S.

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
Action: Adopted Resolution No. 62,719–N.S.

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
Action: Approved proclamation.

Consent Calendar

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
Action: Approved recommendation to refer scheduling to the Agenda Committee.

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

Action: Adopted Resolution No. 62,720–N.S.

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: Adopted Resolution No. 62,721–N.S.

Action Calendar – Presentation

13. The Bread Project
From: Councilmember Breland
Contact: Margaret Breland, Councilmember District 2, 981-7120
Action: Presentation made.

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

Public Testimony: The Vice-Mayor opened the public hearing. No speakers. Moved, seconded, carried (Maio/Wozniak; Absent – Bates) to close the public hearing.
Action: Moved, seconded, carried (Maio/Worthington; Absent - Bates) to adopt Resolution No. 62,722–N.S. and Resolution No. 62,723–N.S.

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

Public Testimony: The Vice-Mayor opened the public hearing. No speakers. Moved, seconded, carried (Maio/Hawley; Absent – Bates) to close the public hearing.
Action: Moved, seconded, carried (Hawley/Worthington; Absent - Bates) to adopt Resolution No. 62,724–N.S. and Resolution No. 62,725–N.S.

Action Calendar – Public Hearing

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

Public Testimony: The Vice-Mayor opened the public hearing. No speakers. Moved, seconded, carried (Maio/Worthington; Absent – Bates) to close the public hearing.
Action: Moved, seconded, carried (Olds/Maio; Absent - Bates) to adopt Resolution No. 62,726–N.S.

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

Public Testimony: The Vice-Mayor opened the public hearing. No speakers. Moved, seconded, carried (Worthington/Maio) to close the public hearing.
Action: Moved, seconded, carried (Hawley/Worthington: Absent - Bates) to adopt first reading of Ordinance. Second reading scheduled for December 7, 2004.

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

Public Testimony: The Vice-Mayor opened the public hearing. No speakers. Moved, seconded, carried (Worthington/Hawley; Absent Bates) to close the public hearing.
Action: Moved, seconded, carried (Worthington/Hawley; Noes – Wozniak; Absent - Bates) to adopt Resolution No. 62,727–N.S.

Time Critical

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

Ed Roberts Campus

1. Diane Dew, Center for Accessible Technologies

Construction Markings on City Streets and Sidewalks

2. Dean Metzger, Claremont Elmwood Neighborhood Association (*Wozniak)*

Fire Truck Funding *(Breland, Maio)*

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

Central American Free Trade Agreement *(Breland)*

7. PhoeBe ANNE (sorgen)

Ellis Implementation Ordinance

8. Peter J. Mutnick

Ohlone Dog Park

9. Ann Hallatt

Smoke Alarms *(Breland)*

10. Anne Whyte

Supplemental Reports and Communications #1

Item 5: Contract: Jubilee Restoration

11. Larry Organ *(Spring)*
12. Brian, EyeOnBerkeley (2)

Item 15: Solano Avenue Business Improvement District

13. Petitions with 36 signatures, submitted by Susan Boat (2)
14. Judith Foster
15. Frank Bliss
16. Donna Boechler
17. George and Elaine Kanakis
18. Steve Schoen
19. Don Hazen

Supplemental Reports and Communications #2

Ceremonial Matters

20. Recognition of City Clerk and Outgoing City Council Members Program, submitted by City Manager's Department

Fiscal Year 2005 Proposed Budget and Fiscal Year 2006 Reduction Plan

21. Councilmember Maio

Adjournment

Adjourned at 11:04 p.m. in memory of Joseph Howerton.