



Office of the City Manager

CONSENT CALENDAR

March 20, 2007

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Pamyla C. Means, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of January 16, 2007 (regular), January 29, 2007 (closed), January 30, 2007 (special and regular) and February 13, 2007 (special and regular).

CONTACT PERSON

Pamyla C. Means, City Clerk, 981-6900

Attachments:

1. January 16, 2007–Regular City Council Minutes
2. January 29, 2007–Special Closed City Council Minutes
3. January 30, 2007–Special City Council Minutes
4. January 30, 2007–Regular City Council Minutes
5. February 13,2007–Special City Council Minutes
6. February 13, 2007–Regular City Council Minutes

MINUTES

BERKELEY CITY COUNCIL MEETING

TUESDAY, JANUARY 16, 2007

7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way
Teleconference Location – 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call: 7:04 p.m. All present.

Ceremonial Matters:

1. Proclamation declaring January 16, 2007 South Berkeley YMCA Learning Academy Day in the City of Berkeley.
2. Proclamation declaring January 2007 National Blood Donor month and urging all citizens to pay tribute to those among us who donate for others in need.

City Manager Comments: (1) Winter Shelter Program and (2) City accessibility recognition

Public Comment – Consent Calendar: 2 speakers.

Consent Calendar

Action: Moved/Seconded (Maio/Worthington) adopted the Consent Calendar in one motion with Items 9 and 13 removed for discussion and Items 28 and 29 added to the Consent Calendar:

1. **Extension of the Waterfront Commission** (*First reading – December 12, 2006 - Unanimous*)
From: Waterfront Commission
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 3.36.070 extending the term of the Waterfront Commission to December 31, 2011.
Financial Implications: Minimal.
Contact: Marc Seleznow, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Ordinance No. 6,962–N.S. Effective February 15, 2007.
2. **Parking Meter And Pay-And-Display Station Fees** (*First reading – December 12, 2006 - Unanimous*)
From: City Manager
Recommendation: Adopt the second reading of an Ordinance amending Berkeley Municipal Code (BMC), Section 14.52.120, Parking Meter and Pay-and-Display Station Fees to increase the rate to \$1.00 per hour, effective March 5, 2007.
Financial Implications: See report.
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Ordinance No. 6,963–N.S. Effective February 15, 2007.

Consent Calendar

3. Repealing BMC Section 6.36.010 Regulating People's Park

From: City Manager

Recommendation: Adopt first reading of an Ordinance repealing Berkeley Municipal Code (BMC) Section 6.36.010 regulating People's Park and amending BMC Section 6.36.020.

Financial Implications: None

Contact: Manuela Albuquerque, City Attorney, 981-6950

Action: Adopted first reading of Ordinance. Second reading scheduled for January 30, 2007.

4. Formal Bid Solicitations and Request for Proposals

From: City Manager

Recommendation: Approve the attached request for proposals (RFP) that will be, or is planned to be, issued upon final approval by the requesting department or division.

Financial Implications: Various funds - \$1,170,000.

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

5. Contracts: Mental Health Supportive Housing

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute: a) an amendment to the contract with the Menlo Hotel for the provision of temporary housing to increase the contract amount by \$180,000 for a total contract amount not to exceed \$204,500, and to extend the expiration date to June 30, 2008; b) an amendment to the contract with the Avondale Hotel for the provision of temporary housing to increase the contract amount by \$100,000 for a total contract amount not to exceed \$205,000, and to extend the expiration date to June 30, 2008; and c) a contract and any amendments with the Lakehurst Hotel for the provision of temporary housing for the period February 1, 2007 through June 30, 2008 in an amount not to exceed \$41,510.

Financial Implications: Integrated Services and Housing for Homeless Mentally Disabled (AB2034) - \$321,510

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

Action: Adopted Resolution No.63,542–N.S.

6. Contract: Design and Construction of Storage Lockers

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Building Opportunities for Self-Sufficiency for final design and construction costs associated with the Storage Locker Program at the Multi-Agency Service Center in an amount not to exceed \$39,429 for the period July 1, 2006 through June 30, 2007.

Financial Implications: General Fund - \$39,429

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

Action: Adopted Resolution No. 63,543–N.S.

7. Mental Health Program Relocation to 2433 Channing Way

From: City Manager

Recommendation: Authorizing the City Manager to relocate the Mental Health Mobile Crisis Team to City-owned commercial property located at 2433 Channing Way.

Financial Implications: General Fund - \$23,556

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

Action: Approved recommendation.

Consent Calendar

- 8. Grant: Waste Tire Enforcement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application to the California Integrated Waste Management Board, and accept funds for a Waste Tire Enforcement Grant for a period of five years beginning FY 2006/2007 through FY 2011/2012.
Financial Implications: Unknown
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 63,544–N.S.
- 9. Authorization to Execute HTF Loan Documents for Allston House**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or his designee, to execute the development loan agreement and other documents related to the Housing Trust Fund (HTF) permanent loan in the amount of \$789,546 for Allston House, a 47-unit acquisition and rehabilitation project for low-income and very low-income families. The loan was approved by City Council on November 14, 2006.
Financial Implications: See report
Contact: Stephen Barton, Housing, 981-5400
Action: Removed from the Consent Calendar. Moved/Seconded (Spring/Worthington) adopted Resolution No. 63,545–N.S.
- 10. Winter Homeless Shelter Program - MOU and Expenditures**
From: City Manager
Recommendation: Adopt a Resolution authorizing: 1) an increase of \$7,000 for the Winter Shelter Program that is needed for rehabilitation of the facility being used at the former Oakland Army Base; and 2) the City Manager to enter into a Memorandum of Understanding (MOU) with the City of Oakland, Department of Human Services, in an amount not to exceed \$71,000 for the Winter Shelter Program, an increase of \$7,000 from the already authorized MOU with the City of Oakland for an amount not to exceed \$64,000 (Resolution No. 63,446).
Financial Implications: See report
Contact: Stephen Barton, Housing, 981-5400
Action: Adopted Resolution No. 63,546–N.S.
- 11. Contract: Community Agency Consultant/ Employee Related Legal Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing an amendment to the existing contract with Easy Does It to increase the amount by \$6,000 for a total not to exceed \$777,244 for the period July 1, 2006 through June 30, 2007 for an Organization Consultant and employee related legal services.
Financial Implications: See Report
Contact: Stephen Barton, Housing, 981-5400
Action: Adopted Resolution No. 63,547–N.S.

Consent Calendar

- 12. Contract: Legal Services - Federal And State Tax Issues**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing contract with Hanson Bridgett Marcus Vlahos Rudy LLP (hereinafter "Hanson Bridgett") by increasing expenditure authority in an amount not to exceed \$40,000 for legal services pertaining to federal and state tax issues for the period of January 1, 2007 through December 31, 2007.
Financial Implications: General Fund - \$40,000
Contact: David W. Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,548–N.S.
- 13. Health Plan Rate Increases**
From: City Manager
Recommendation: Adopt two Resolutions: 1) approving a 20% rate increase for the Kaiser Foundation Health Maintenance Organization (HMO) health plan for Active Employees, a 57.8% rate increase for Early Retirees, and a 29.1% rate increase for Senior Advantage Retirees; and 2) approving a 13.33% rate increase for the Health Net HMO health plan for Active Employees, a 61.47% increase for Early Retirees, a 1.57% rate increase for Seniority Plus Retirees, and a 1.46% decrease for the Health Net Point of Service (POS) for both Active Employees and Early Retirees effective January 1, 2007, through December 31, 2007, and rescinding Resolution No. 63,143–N.S. and Resolution No. 63,144–N.S.
Financial Implications: Payroll Deduction Trust Fund - \$1,918, 000
Contact: David W. Hodgkins, Human Resources, 981-6800
Action: Removed from the Consent Calendar. Moved/Seconded (Wozniak/Olds) adopted Resolution No. 63,549–N.S. and Resolution No. 63,550–N.S (Noes – Worthington).
- 14. Contract: Design and Engineering Services for the Gilman Street**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with SFE/Landscape Architects to provide additional design and engineering services for the Gilman Street Sports Fields project in an amount not to exceed \$12,760 for a new contract total not to exceed \$444,416, which includes a 10% contingency; and extending the term through December 31, 2007.
Financial Implications: 2000 Bond Act CA Prop 12 Fund - \$12,760
Contact: Marc Seleznow, Parks Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,551–N.S.
- 15. Contract: Environmental and Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to approve three contracts and any amendments with JWC Urban Design, Shawna Brekke-Read, and Illingworth & Rodkin, Inc. for planning and environmental review services in an amount not to exceed \$250,000 each for a total contract period of three years, with the sole source of funding derived from funds provided by applicants.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,552–N.S.

Consent Calendar

- 16. Contract: Purchase Order for Deoxyribonucleic Acid (DNA) Testing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1) increase FY 2007 Purchase Order #61815 by \$35,000.00 for a total amount not to exceed \$60,000.00 to Forensic Analytical Laboratory for DNA testing and analysis; and, 2) execute a personal services contract, and any amendments, with Forensic Analytical Laboratory in an amount not to exceed \$60,000.00 for investigative forensic examination and reporting services, including, but not limited to, DNA testing and analysis, each year for a total of five (5) years from FY 2007 through FY 2011.
Financial Implications: See report
Contact: Doug Hambleton, Chief of Police, 981-5700
Action: Adopted Resolution No. 63,553–N.S.
- 17. Contract: Traffic Engineering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with W-Trans (Whitlock & Weinberger Transportation, Inc.) for traffic engineering consulting services on the Gilman I-80 Roundabout Project; increasing the contract amount by \$62,949 for a new contract total not to exceed amount of \$77,649; and changing the contract term to January 8, 2005 through December 31, 2007.
Financial Implications: \$62,949 (Funds 661 and 850)
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,554–N.S.
- 18. Contract: Storm Drain Leaf and Debris Removal**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with East Bay Conservation Corps, increasing the amount by \$25,001 to a total not to exceed \$50,000, and extending the termination date to March 31, 2008.
Financial Implications: Capital Improvement Fund - \$25,001
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,555–N.S.
- 19. Contract: Hauling and Processing of Compostable Materials**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Grover Landscape Services, Inc., for hauling and processing of compostable material from the City's transfer station, increasing the amount by \$4,400,000 for an amount not to exceed \$7,964,600 for the period August 1, 2000 to July 31, 2010.
Financial Implications: Various Funds - \$4,400,000
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,556–N.S.

Consent Calendar

20. **Remarks By Mayor Bates On Goals And Opportunities For 2007**
From: Mayor Bates
Recommendation: That 30 minutes are set-aside for the Mayor to make comments on the challenges and opportunities facing the City at the Council work session on February 13, 2007.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.
21. **Invitation to the Bay Area Air Quality Management District**
From: Councilmember Maio
Recommendation: Invite the Bay Area Air Quality Management District to present the findings of the most recent study regarding diesel particulate impacts and port expansion to the Council.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
22. **Budget Surplus Allocation for ASUC Welcome Week**
From: Councilmember Wozniak
Recommendation: That the City Council approve a grant of \$1,000 to be funded from Councilmember Wozniak's surplus non-personnel budget to the Associated Students of the University of California (ASUC) to help fund select Welcome Week activities.
Financial Implications: District 8 Office Fund - \$1,000
Contact: Gordon Wozniak, Councilmember, District 8 - 981-7180
Action: Adopted Resolution No. 63,557–N.S.
23. **Filling Two HWCAC Vacancies Among the Elected Representatives of the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointments of Ms. Jell Messing (District 2) and Ruby Holder (District 2) as elected representatives of the poor on the Human Welfare Community Action Commission (HWCAC), having been selected by the remaining elected representatives of the poor at the HWCAC on November 15, 2006.
Financial Implications: None
Contact: Angellique De Coud, Secretary, Human Welfare and Community Action Commission, 981-5400
Action: Adopted Resolution No. 63,558–N.S.

Public Comment – Issues Not on Agenda: 6 speakers.

Action Calendar – Old Business

24. **Prohibition of City Memberships in Organizations Participating in Electoral Politics**
(held over from December 12, 2006)
From: Councilmember Spring
Recommendation: Request the City Manager draft a policy that will prohibit City memberships in organizations that participate in electoral politics such as the Berkeley Chamber of Commerce.
Financial Implications: See report
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Continued no date specific.

Action Calendar – Old Business

25. **Term Limits for Commissioners** (*held over from December 12, 2006*)
From: Councilmembers Capitelli and Olds (*December 12, 2006*) **and Supplemental Report from Councilmember Capitelli** (*January 16, 2007*)
Recommendation: Request that the City Manager direct the City Attorney to draft language amending section 3.02 of the Berkeley Municipal Code to: 1. Amend the language of Section 3.02.040 to insure that commissioners who have served for eight cumulative years on a board or commission take a two-year leave before being reappointed; and 2. Limit commissioner service to one board or commission at any given time.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150; Betty Olds, Councilmember, District 6, 981-7160
Action: Moved/Seconded/carried (Olds/Moore) to request that the City Manager direct the City Attorney to prepare an ordinance amending Section 3.02 of the Berkeley Municipal Code to: (1) Amend the language to insure that commissioners serving on quasi-judicial commissions (including the Planning Commission, Zoning Adjustments Board, Landmarks Preservation Commission and the Housing Advisory Commission) who have served for eight cumulative years on a board or commission take a two-year leave before being reappointed; (2) to limit commissioner service on a quasi-judicial board to one board or commission at any given time; (3) remove the eight-year term limitation for all other commissioners; and (4) that these new provisions be effective July 1, 2007. (Noes – Anderson, Maio, Spring, Worthington).
26. **University of California’s Southeast Campus Integrated Project** (*held over from December 12, 2006*)
From: Councilmember Capitelli
Recommendation: Request the City Manager present a brief update at the January 16, 2007 meeting about the public information efforts regarding the City’s response to the University of California’s Southeast Campus Integrated Project.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember District 5, 981-7150
Action: No action taken. Capitelli/Wozniak/Bates volunteered to serve on sub-committee to address issues related to the University of California’s Southeast Campus Integrated Project.

Action Calendar – New Business

27. **Mobile Disaster Fire Protection System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Hytrans BV for portions of the Mobile Disaster Fire Protection System (MDFPS) in an amount not to exceed \$4,700,000.
Financial Implications: Community Facilities District #1 Fire Protection Bond Fund - \$4,700,000
Contact: Debra Pryor, Fire Chief, 981-5500
Action: Continued no date specific.

Action Calendar – New Business

28. **Oxford Plaza and David Brower Center Project - Amendments to the Disposition and Development Agreement**
From: City Manager
Recommendation: Adopt first reading of an Ordinance 1) authorizing the City Manager to execute an Amendment to the Disposition and Development Agreement, and all other necessary documents to sell certain real property generally located on Oxford Street between Kittredge and Allston Way and 2) authorizing the City Manager to make any necessary modifications to the Reciprocal Easement Agreement concerning the sale.
Financial Implications: See report
Contact: Stephen Barton, 981-5400
Action: Moved to Consent Calendar. Adopted first reading of Ordinance. Second reading scheduled for January 30, 2007. (Noes – Olds)
29. **Panoramic Hill Planning**
From: Councilmember Wozniak
Recommendation: Refer an amendment to the mid-year FY 2007 budget update to add \$5,000 to initiate the first phase of a \$50,000 effort for the Panoramic Hill neighborhood.
Financial Implications: \$5,000
Contact: Gordon Wozniak, Councilmember, District 8, 981-7180
Action: Moved to Consent Calendar. Approved Councilmember Wozniak's recommendation to refer an amendment to the mid-year FY 2007 budget update to add \$5,000 to initiate the first phase of a \$50,000 effort for the Panoramic Hill neighborhood.

Communications

Referred items 4, 5, 7, 28 & 29 to the City Manager and/or Boards and Commissions for investigation and/or recommendations.

Transportation in Berkeley

1. Margot Smith

Dorm Noise

2. Sharon Hudson (2)
3. Harry Le Grande

***La Loma Stairway Privacy (Maio)**

4. Rozalina Gutman

***EPA Watershed Planning Workshop (Spring)**

5. Juliet Lamont

Rent Board Counselors

6. Sharon Hudson

***Creeks Ordinance (Maio)**

7. Patricia and Alan Francis-Lyon

Trader Joe's

8. Stephen Wollmer
9. Peter Klatt

Cell Towers

10. Laurie Baumgarten

Communications

Police Department Complaint

11. Mari-Lynne Earls

The Oaks at UC Stadium

12. Kent Lewandowski, Andy Katz, Juliet Lamont, Wendy Alfsen, on behalf of Sierra Club,
Northern Alameda County

13. Denise Traicoff

14. Judy Shelton

15. Judy Wykle

16. Helen Wykle

17. Eustaciog Riego

Emergency Service Cuts

18. Donald Brown

Overtime for Fire Fighters

19. Samuelae@*****.com

Section 8 Rent Hikes

20. Vita Viola

UC Lawsuit

21. Ignacio Dayrit

Municipal Treatment of Vacant Lots

22. Barbara Gilbert

Kaiser Advertising

23. Dr. Phillips

Berkeley Art Museum Project – Incorporate UC Printing Plant

24. Michael Katz

Dover Sales Site Contamination

25. Mark Toland

Board of Library Trustees Meeting

26. Jane Welford, on behalf of SuperBOLD

Greenhouse Gases

27. Kate Bernier

***Relocation of Tenants During Construction (Maio)**

28. Robert Eberwein*

***Telegraph Avenue (Capitelli/Worthington)**

29. Kathryn Ranharter

Supplemental Communications 1

Item 24: Prohibition of City Memberships in Organizations Participating in Electoral Politics

30. Nancy Carleton

Item 25: Term Limits for Commissioners

31. Jinky Gardner, League of Women Voters

32. Iris Starr

33. Nancy Carleton

34. Robert Vogel, Kitchen Democracy

Item 27: Mobile Disaster Fire Protection System

35. Dennis Jackson, Kidde Fire Fighting

36. Pam Sihvola

Supplemental Communications and Reports 2

Item 23: Filling Two HWCAC Vacancies Among the Elected Representatives of the Poor

37. Supplemental report, submitted by Human Welfare and Community Action Commission

Item 25: Term Limits for Commissioners

38. Barbara Gilbert

Item 28: Oxford Plaza and David Brower Center Project - Amendments to the Disposition and Development Agreement

39. Supplemental report, submitted by City Manager

ASUC Spring Welcome Week – Calendar of Events

40. Sammy Averbach

YMCA Learning Academy

41. Thelette Bennett

Adjournment

Adjourned at 9:26 p.m. in memory of Marianne Magid, Henry Clark, and Susan Duncan.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 16, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, JANUARY 29, 2007

Preliminary Matters

Roll Call: 5:05 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Olds, Spring (via teleconference), Worthington, Wozniak and Mayor Bates.

Absent: Councilmember Moore. Councilmember Moore was noted present at 5:15 p.m.

Public Comment: None.

Closed Session – 5:05 p.m.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):

City of Berkeley v. University of California et.al.
Alameda County Superior Court No. RG. 06302934

City Attorney Manuela Albuquerque reported that the Alameda County Superior Court Judge Barbara Miller issued an injunction enjoining the University of California from proceeding with construction of its Student Athlete High Performance Center on January 26, 2007. No action was taken.

Adjournment

Adjourned at 5:30 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of January 29, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES

BERKELEY CITY COUNCIL SPECIAL MEETING

TUESDAY, JANUARY 30, 2007

6:00 P.M.

**Council Chambers, 2134 Martin Luther King Jr. Way
Teleconference Location – 1636 Channing Way, Berkeley, CA**

Preliminary Matters

Roll Call: 6:03 p.m. All present.

Work Session

1. Quarterly Economic Development Workshop

From: City Manager

Contact: Michael Caplan, Economic Development, 981-7000

Action: Received and filed.

Staff reported on economic development activities including GIS data development, update of Sales Tax trends and labor market conditions and trends. It was suggested that districts be added for South and West Berkeley to provide a better picture of economic activities in those areas; that data be included in each category to determine the volume of both lost and gained wages, that the vacancy survey be reviewed by Council, and further analysis be completed regarding independently owned businesses.

Public Comment

Public Comment: 2

Adjournment

Moved, seconded, carried (Maio/Worthington) to adjourn at 7:03 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of January 30, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES

BERKELEY CITY COUNCIL MEETING

TUESDAY, JANUARY 30, 2007

7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way
Teleconference Location – 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call: 7:20 p.m. All present.

Ceremonial Matters:

1. Proclamation designating February 7, 2007 as National Black HIV/AIDS Awareness Day.

Public Comment – Consent Calendar Items: 3

Consent Calendar

Action: Moved/Seconded/Carried (Olds/Capitelli) adopted the Consent Calendar in one motion with the exception of Items 19 and 22, which were removed for discussion, and Items 28 and 29, which were added to the Consent Calendar.

- 1. Repealing BMC Section 6.36.010 Regulating People's Park** (*First reading – January 16, 2007 - Unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance repealing Berkeley Municipal Code (BMC) Section 6.36.010 regulating People's Park and amending BMC Section 6.36.020.
Financial Implications: None
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted Ordinance No. 6,964–N.S. (Noes – Anderson/Spring). Effective March 1, 2007.
- 2. Oxford Plaza and David Brower Center Project - Amendments to the Disposition and Development Agreement** (*First reading – January 16, 2007 - No: Olds*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance 1) authorizing the City Manager to execute an Amendment to the Disposition and Development Agreement, and all other necessary documents to sell certain real property generally located on Oxford Street between Kittredge and Allston Way and 2) authorizing the City Manager to make any necessary modifications to the Reciprocal Easement Agreement concerning the sale.
Financial Implications: See report
Contact: Stephen Barton, Housing, 981-5400
Action: Adopted Ordinance No. 6,965–N.S. (Noes – Olds) Effective March 1, 2007.

Consent Calendar

3. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of December 5, 2006 (regular), December 11, 2006 (special) and December 12, 2006 (regular).

Financial Implications: None

Contact: Pamyla Means, City Clerk, 981-6900

Action: Approved minutes as submitted.

4. Revised 2007 City Council Meeting Schedule

From: City Manager

Recommendation: Adopt a Resolution amending Resolution 63,501–N.S. to revise the City Council regular meeting schedule for 2007.

Financial Implications: None

Contact: Pamyla Means, City Clerk, 981-6900

Action: Adopted Resolution No. 63,559–N.S (as amended 1/30/07).

5. Formal Bid Solicitations and Request for Proposals

From: City Manager

Recommendation: Approve the attached request for proposals (RFP) that will be, or is planned to be, issued upon final approval by the requesting department or division.

Financial Implications: Various Funds - \$263,000

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

6. Contract: Albany Unified School District

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a revenue agreement and any amendments with the Albany Unified School District for the provision of school-based clinical mental health services in the amount of \$60,000, and authorizing the implementation of the project and appropriation of funding for related expenses.

Financial Implications: Revenue - \$60,000

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

Action: Adopted Resolution No. 63,560–N.S.

7. Contract: Legal Advisory Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Goldfarb and Lipman LLP for legal advisory services, increasing the contract amount by \$100,000 for a new contract amount not to exceed \$319,950 and expiring when services are no longer required by the City.

Financial Implications: Capitol Improvement Fund - \$100,000

Contact: Stephen Barton, Housing, 981-5400

Action: Adopted Resolution No. 63,561–N.S.

Consent Calendar

- 8. License Agreement: Laundry Machines at "A" Dock in the Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement with the WEB Services Company, Inc. for installation and maintenance of laundry machines in the restroom building at "A" dock in the Marina.
Financial Implications: \$1,200 over five years.
Contact: Marc Seleznow, Parks, Recreation & Waterfront
Action: Adopted Resolution No. 63,562–N.S.
- 9. Contract: Closed Captioning Services - Zoning Adjustment Board Meetings**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with Theresa Darrenougue to perform Closed Captioning Services for the Zoning Adjustment Board Meetings, increasing the contract amount by \$25,000 for a total not to exceed \$45,000 and extending the term from June 30, 2007 to June 30, 2008.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,563–N.S.
- 10. Lease: 2118 Milvia Street**
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance authorizing the City Manager to execute a lease amendment with N.E.W. Milvia Property, LLC, the successor in interest to NORA E. WAGNER, TRUSTEE UTD for real property located at 2118 Milvia Street for the purpose of leasing office space for the Planning and Development Department for the period September 1, 2006 through August 31, 2011.
2. Authorize the City Manager to execute a full and final release and settlement agreement (attachment 2) for resolution of claims of back undercharged rent. The City Attorney has prepared a separate confidential memorandum to City Council analyzing and making recommendations in this regard.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance 6,966–N.S. (Abstain – Spring). Second reading scheduled for February 13, 2007.
- 11. Contract: Police Department Towing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$30,000.00 in totality, with the following towing service providers; Avenue Towing, Berry Brothers Towing, East Bay Tow and Recovery, and Husteads Inc., to provide necessary towing services as required by the City of Berkeley Police Department for a period of one year. The contract is to start February 1, 2007 and end January 31, 2008. This contract has the option to renew annually for up to four additional years.
Financial Implications: General Fund - \$30,000
Contact: Douglas Hambleton, Chief of Police, 981-5700
Action: Adopted Resolution No. 63,564–N.S.

Consent Calendar

- 12. Contract: Special Counsel and Legal Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract for special counsel and legal services with the law firm Goldfarb & Lipman, increasing the amount of the contract by \$23,000 for a total not to exceed \$71,499.
Financial Implications: Metropolitan Transportation Commission - \$23,000
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No.63,565–N.S.
- 13. Contract: Hills Fire Station Construction**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Alten Construction for the Hills Fire Station, increasing the current contract by \$87,990 for a total amount not to exceed \$3,804,270 and extending the term to March 31, 2007.
Financial Implications: Measure G Fund - \$87,990
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No.63,566–N.S.
- 14. Contract: Transit Benefits Administrator**
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 63,390–N.S., and authorizing the City Manager to amend the contract with Employee Benefits Specialists, Inc. (No. 6855A) to administer the pre-tax commute benefit program for City employees, increasing the total not to exceed amount to \$137,515 for the period January 1, 2007 through December 31, 2010.
Financial Implications: Payroll Deduction Trust Fund - \$137,515
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,567–N.S.
- 15. Final Map of Tract 7774 - 2020 Kittredge Street**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 7774, a 186-unit residential and commercial condominium located at 2020 Kittredge Street, Berkeley, California.
Financial Implications: None
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,568–N.S.

Consent Calendar

- 16. Measure G Greenhouse Gas Emission Reduction Initiative Implementation**
From: Mayor Bates
Recommendation: That the City Council 1.) authorize the City to enter into an agreement with Sustainable Berkeley to assist in the development of the Measure G Greenhouse Gas Reduction Initiative; 2.) authorize the City and Sustainable Berkeley to apply for grants to fund the development of the reduction plan and associated pilot projects; and 3.) refer to the mid-year budget and next fiscal year budget allocations of up to a combined \$100,000 to fund the development of the emissions reduction plan as directed by the voters.
Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation (Abstain – Spring).
- 17. One-Time Budget Referral for "How Berkeley..." 2006 Extraordinary Expenditures**
From: Councilmember Maio, Moore and Spring
Recommendation: That the City Council refer to the mid-year budget process \$3,457 in unexpected expenditures in 2006 for the "How Berkeley Can You Be?" event.
Financial Implications: General Fund - \$3,457
Contact: Linda Maio, Councilmember, District 1, 981-7110; Darryl Moore, Councilmember, District 2, 981-7120; Dona Spring, Councilmember, District 4, 981-7140
Action: Approved recommendation.
- 18. Designate February 7, 2007 as National Black HIV/AIDS Awareness Day**
From: Councilmembers Moore, Anderson, and Worthington
Recommendation: Adopt a Resolution designating February 7, 2007 as National Black HIV/AIDS Awareness Day in the City of Berkeley.
Financial Implications: None.
Contact: Darryl Moore, Councilmember, District 2, 981-7120; Max Anderson, Councilmember, District 3, 981-7130; Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 63,569–N.S (as revised at the meeting).
- 19. Alternatives to Giving BHS Students Citations for Sitting on 2180 Building Ledge**
From: Councilmember Spring
Recommendation: Refer to the City Manager Berkeley Municipal Code section 13.36.065 violating city building security with the request that 1) he return to the council with information on what the penalty is for this infraction including the county charges with options for lowering the penalty to not exceed \$50 including county charges for this particular infraction; and 2) that the Council refer to the Parks and Recreation Commission and the Landmarks Commission this request for park benches to be installed at the south side of 2180 Milvia Street.
Financial Implications: See report.
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Removed for discussion. The Police Chief explained the process for issuing citations for sitting on the ledge and costs associated with fines imposed. Moved/Seconded (Spring/Olds) approved recommendation (Noes – Worthington).

Consent Calendar

- 20. Joining the National Pro-Choice City Campaign**
From: Councilmembers Olds and Moore
Recommendation: That the City Council pass a resolution defining and affirming Berkeley's status as a Pro-Choice City and that the City of Berkeley officially join the Pro-Choice City Campaign.
Financial Implications: None
Contact: Betty Olds, Councilmember, District 6, 981-7160; Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 63,570–N.S.
- 21. Opposition to President Bush's Escalation of Troops for the War in Iraq**
From: Councilmember Worthington
Recommendation: Adopt a resolution opposing the decision by President Bush to escalate the conflict in Iraq by sending additional American troops to Iraq and urging members of the US Senate and House of Representatives to declare their formal opposition to troop escalation.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Removed from Consent for discussion and continued to February 13, 2007.
- 22. Resolution to Eliminate Racial Discrimination**
From: Councilmember Worthington
Recommendation: Adopt a resolution in support of enforcement of the Convention on Elimination of all forms of Racial Discrimination (CERD) and refer to the City Manager the polling and reporting of the City's progress in eliminating racial discrimination.
Financial Implications: Relatively small.
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Removed from Consent for discussion, referred to the City Manager for report/recommendation and continued to February 27, 2007.
- 23. Appointment to the Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing Regina Simpkins to the Mental Health Commission, as a representative of the General Public Interest Category, for a three-year term beginning January 31, 2007 and ending January 30, 2010.
Financial Implications: None.
Contact: Carol Patterson, Commission Secretary, 981-5217
Action: Adopted Resolution No. 63,571–N.S.

Public Comment – Issues not on the Agenda: 8

Action Calendar – Appeals

24. LPC Appeal: 1 Cyclotron Road (Bevatron)

a. From: City Manager

Recommendation: Adopt a Resolution to affirm the decision of the Landmarks Preservation Commission (LPC) to designate the Lawrence Berkeley National Laboratory Bevatron site, Building 51, a City of Berkeley Landmark.

Financial Implications: None

Contact: Dan Marks, Planning and Development, 981-7400

b. Appeal: Friends of the Bevatron

c. Communications: None.

Staff reported that the subject of the appeal is the actual language in the Notice of Decision. Staff believes that the Notice of Decision is responsive and accurately reflects the commission's proceedings.

Action: Moved/Seconded/Carried (Wozniak/Capitelli) adopted Resolution No. 63,572–N.S (as amended at the meeting). (Noes – Spring/Worthington)

Recess 9:01 – 9:15 p.m.

Action Calendar – New Business

25. BAPAC Proposals Concerning Additional Alcohol Regulations

From: City Manager

Recommendation:

1. Refer to the Planning Commission amendments to Berkeley Municipal Code section 23C.04.030 and chapters 23B.60 and 23B.64 and provide any additional policy directions regarding Berkeley Alcohol Policy Advisory Coalition (BAPAC) Proposals concerning additional alcohol regulations;
2. Adopt first reading of an Ordinance adding a new chapter 9.84 to the Berkeley Municipal Code (Mandatory Responsible Beverage Service Training; Attachment 1);
3. Adopt first reading of an Ordinance adding a new chapter 13.49 to the Berkeley Municipal Code (Social Host Ordinance; Attachment 2); and
4. Refer to Staff for redrafting Ordinance amending Sections 13.48.030, 13.48.040 and 13.48.050 of the Berkeley Municipal Code (Second Response Ordinance; Attachments 3-A and 3-B).
5. Ask the City Manager to report back on enforcement resources and approaches after meeting with BAPAC

Financial Implications: See report

Contact: Manuela Albuquerque, City Attorney, 981-6950

Action: Moved/Seconded/Carried (Olds/Worthington). (Noes – Worthington; Abstain – Maio):

- (1) Referred to the Planning Commission
- (2) Adopted first reading of Ordinance 6,967–N.S. (new Chapter 9.84). Second reading scheduled for February 13, 2007.
- (4) Continued action on proposed ordinance amending Chapter 13 regarding second response.

Action Calendar – New Business

- (5) Directed the City Manager to report back on enforcement resources and approaches, including FTE resources after meeting with BAPAC.
- (6) Added - Directed staff to review other agency “deemed approved” ordinances relative to required training (consider recommendation of the California Grocers Association in letter dated January 30, 2007) and record keeping, establishment of “best practices” and minimum operating standards, look at provisions for those that are grandfathered in and options (including amortization) for implementing minimum operating standards that would capture grandfathering and nonconforming uses. Friendly amendment by Anderson accepted to refer to the Planning Commission to look at an ordinance to bring nonconforming alcohol outlets operating hours into compliance over a period of time. And to reduce the amount of time for nonconforming uses to resume operations from one year to 90 days.

Moved/Seconded/Carried (Maio/Anderson) to extend the meeting to 11:15 p.m.

Moved/Seconded/Carried (Capitelli/Anderson) to extend the meeting to 11:30 p.m. (Noes – Olds).

Action: Moved/Seconded/Carried (Olds/Worthington):

(3) Adopted first reading of Ordinance 6,968–N.S. (adding new Chapter 13.49). Second reading scheduled for February 13, 2007.

26. BAPAC Proposals Concerning Additional Alcohol Regulations

From: Community Health Commission

Recommendation: Review and update existing ordinances that regulate businesses, which sell alcohol, and provide effective and consistent enforcement of these ordinances, with the emphasis being on prevention.

Financial Implications: None

Contact: Kimi Sakashita, Commission Secretary, 981-5344

Action: Approved recommendation.

27. Zoning Ordinance (BMC Title 23) Amendment: Eliminating 4 Plus 4 Inclusionary Units Exception

From: City Manager

Recommendation: Adopt first reading of an Ordinance to (1) amend Berkeley Municipal Code (BMC) Sections 23C.12.020 and 23E.20.080 to require projects with a total of five or more residential units and live/work units (but not five or more live/work units) to provide inclusionary units equivalent to 20% of the total number of units and pay in-lieu fees for fractional portion of the required inclusionary units; and (2) modify BMC Section 23E.20.080 to require all inclusionary live/work units be dispersed throughout the project and be comparable to the size, design and appearance of non-inclusionary units.

Financial Implications: None

Contact: Dan Marks, Planning and Development, 981-7400

Action: Continued to February 27, 2007.

Action Calendar – New Business

28. Zoning Ordinance Amendments - Design Review Committee Membership

From: City Manager

Recommendation: Adopt a first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 23B.08.010 to no longer require one of the two Zoning Adjustments Board members appointed to the Design Review Committee fill the position of DRC chair and add a definition of "layperson."

Financial Implications: None

Contact: Dan Marks, Planning and Development, 981-7400

Action: Moved/Seconded on Consent (Olds/Capitelli) adopted first reading of Ordinance 6,969–N.S. Second reading scheduled for February 13, 2007.

29. Joint Subcommittee on Density Bonus

From: Mayor Bates

Recommendation: Request the Joint Subcommittee on Density Bonus complete its work and make final recommendations to the Planning Commission by March 31, 2007 with the thanks of the City Council for their time and effort.

Financial Implications: None.

Contact: Tom Bates, Mayor, 981-7100

Action: Directed that the subcommittee complete its work and terminate by March 31, 2007.

Information Reports

30. Status Report: Recommendations To Combat Alcohol And Other Drug Problems

From: City Manager

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

Action: Received and filed.

31. Audit: Association For Sports Field Users

From: City Manager

Contact: Marc Seleznow, Parks, Recreation and Waterfront, 981-6700

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. All communications submitted to Council are public record.

Item 25: BAPAC Proposals Concerning Additional Alcohol Regulations

1. Berkeley Safe Neighborhood Committee

MILO Foundation

2. Catherine Minor

Clothing Box Scam

3. Ariel Curtis and Paul Anderson

Communications

Rotation Closure of Fire Stations

4. Aroza Simpson, Strawberry Creek Lodge Tenants Association

Panoramic Hill

5. Richard M. White, Panoramic Hill Association
6. Ann Reid Slaby

Commissioner Term Limits and Service Limits

7. Barbara Gilbert

Economic Development

8. Barbara Gilbert

Cell Phone Antennas

9. Wendy Alfsen, MAAGNA
10. Andrew Williams
11. Bill Litton

Appeal of 651 Addison Permit to Demolish Existing Building

12. Evan McDonald

Berkeley Crime

13. Barbara Gilbert

Precision Technical Coatings – Dover Sales Site

14. Mark Toland

Partnership with City of Alameda

15. David Howard

Save the Oaks at UC Stadium

Numerous email communications submitted in a substantially similar format are on file in the City Clerk Department.

Supplemental Communications 1

Item 16: Measure G Greenhouse Gas Emission Reduction Initiative Implementation

16. Rob Wren
17. Wendy Alfsen
18. Catherine Squire

Item 24: LPC Appeal: 1 Cyclotron Road (Bevatron)

19. LA Wood and Pamela Sihvola

Items 25 and 26: BAPAC Proposals Concerning Additional Alcohol Regulations

20. Nancy Carleton

Supplemental Communications 2

Items 25 and 26: BAPAC Proposals Concerning Additional Alcohol Regulations

21. Timothy M. James
22. Lori Lott
23. Irene Hegarty
24. Dona Spring

Supplemental Communications 2

Items 27: Zoning Ordinance (BMC Title 23) Amendment: Eliminating 4 Plus 4 Inclusionary Units Exception

- 25. Tim Rempel and Liz Miranda
- 26. Tim Rempel, et al
- 27. Herbert A. Schreier, M.D.

Supplemental Reports

Item 4: Revised 2007 City Council Meeting Schedule

- Revised Report, submitted by City Clerk.

Item 18: Designate February 7, 2007 as National Black HIV/AIDS Awareness Day

- Revised Report, submitted by Councilmembers Moore, Anderson, and Worthington.

Item 25: BAPAC Proposals Concerning Additional Alcohol Regulations

- Presentation Materials, submitted by City Attorney.

Adjournment

Adjourned at 11:28 p.m. in memory of Theodore Rose Scates and Susan Adams.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of January 30, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES

BERKELEY CITY COUNCIL SPECIAL MEETING

TUESDAY, FEBRUARY 13, 2007

5:00 P.M.

**Council Chambers, 2134 Martin Luther King Jr. Way
Teleconference Location – 1636 Channing Way, Berkeley, CA**

Preliminary Matters

Roll Call: 5:02 p.m. Absent: Worthington.

Work Session

1. State of the City

From: Mayor Bates

Contact: Tom Bates, Mayor, 981-7100

Action: Received and filed.

Recess 5:48 – 5:57 p.m.

2. FY 2007 Second Quarter Budget Update Workshop

From: City Manager

Contact: Phil Kamlarz, City Manager, 981-7000

Action: Continued to February 13, 2007 Regular Meeting.

Public Comment

Public Comment – Limited to items on this agenda only – 2 speakers. Worthington present.

Supplemental Communications and Reports

Item 1: State of the City

1. Presentation Materials, submitted by Mayor Bates

Item 2: FY 2007 Second Quarter Budget Update Workshop

2. Genevieve Dreyfus, et al
3. Robert Vogel
4. Revised Attachment, submitted by City Manager.
5. Presentation Materials, submitted by City Manager.

Adjournment

Moved/seconded/carried (Worthington/Wozniak) adjourned at 6:00 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of February 13, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES

BERKELEY CITY COUNCIL MEETING
TUESDAY, FEBRUARY 13, 2007
7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way
Teleconference Location – 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call - 7:10 p.m. All present.

Ceremonial Matters:

1. Mayor Bates declared February 15, 2007 as Denise Brown Day

City Manager Comments: Reported on Black History Month scheduled activities

Public Comment on Consent Calendar Items Only: 15 speakers.

Consent Calendar

Action: Moved/seconded/carried (Maio/Worthington) adopted the Consent Calendar in one motion. Removed for Discussion: Items 2 and 6. Added from Old Business: Item 26.

- 1. BAPAC Alcohol Regulations – Mandatory Responsible Beverage Server Training** (*First reading – January 30, 2007 – unanimous*)
From: City Manager
Recommendation: Adopt second reading of Ordinance 6,967–N.S adding a new Chapter 9.84 to the Berkeley Municipal Code (Responsible beverage Server Training).
Financial Implications: See report
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted Ordinance No. 6,967–N.S. Effective March 15 2007.
- 2. BAPAC Alcohol Regulations – Social Host** (*First reading – January 30, 2007 – Noes – Worthington; Abstain – Maio*)
From: City Manager
Recommendation: Adopt second reading of Ordinance 6,968–N.S adding new Chapter 13.49 to the Berkeley Municipal Code (Social Host).
Financial Implications: See report
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Continued to February 27, 2007. (Public Comments – 4). Direction: Further define "knowingly"; and exempt students who self-report.

Consent Calendar

- 3. Lease: 2118 Milvia Street** (*First reading – January 30, 2007- Abstain – Spring*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,966-N.S. authorizing the City Manager to execute a lease amendment with N.E.W. Milvia Property, LLC, the successor in interest to NORA E. WAGNER, TRUSTEE UTD for real property located at 2118 Milvia Street for the purpose of leasing office space for the Planning and Development Department for the period September 1, 2006 through August 31, 2011.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Ordinance No. 6,966–N.S. Effective March 15 2007.
- 4. Zoning Ordinance Amendments - Design Review Committee Membership** (*First reading – January 30, 2007 – Unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,969-N.S. amending Berkeley Municipal Code (BMC) Section 23B.08.010 to no longer require one of the two Zoning Adjustments Board members appointed to the Design Review Committee fill the position of DRC chair and add a definition of "layperson."
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Ordinance No. 6,969–N.S. Effective March 15 2007.
- 5. Nam Im Kim v. City of Berkeley Settlement**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG06 215145 entitled Kim v. COB.
Financial Implications: Public Liability Fund - \$24,000
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted Resolution No. 63,573–N.S.
- 6. BAPAC Proposals—Follow-up Report on Second Response Ordinance Amendments**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Sections 13.48.030, 13.48.040 and 13.48.050 of the Berkeley Municipal Code (Second Response Ordinance; Attachment 1-A.)
Financial Implications: See report.
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Continued to February 27, 2007. (Public Comments – 3). Direction: Go back to 60 days for second responses, provide more flexibility for the City Manager on the fines; provide consideration for those who self-report; provide some type of consideration if the host is not able to clear out the party after the first response. In addition, provide information regarding the number of times police have responded to out of control parties in the last year, the number of second response notices issues, and the number of times a second response fine has been imposed.

Consent Calendar

7. **Formal Bid Solicitations and Request for Proposals**

From: City Manager

Recommendation: Approve the attached request for proposals (RFP) that will be, or is planned to be, issued upon final approval by the requesting department or division.

Financial Implications: Various Funds - \$871,036

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

8. **Lease: 3282 Adeline Street**

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a three-year lease agreement and any amendments with Mansour Taeed for real property located at 3282 Adeline Street for the purpose of leasing office space for the Family, Youth and Children's Program for the period March 15, 2007 through March 14, 2010 with an option to extend for an additional five-year period.

Financial Implications: Health (Short/Doyle) Fund - \$121,303

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

Action: Adopted first reading of Ordinance No. 6,971–N.S. Second reading scheduled for February 27, 2007

9. **Contract: Berkeley Emergency Storm Shelter**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment of the existing contract (Contract Number 6689A) with Dorothy Day House to augment funding for the Berkeley Emergency Storm Shelter, increasing the contract amount by \$6,375 for a total not to exceed \$105,228 for the period July 1, 2005 through June 30, 2007.

Financial Implications: General Fund - \$6,375

Contact: Stephen Barton, Housing, 981-5400

Action: Adopted Resolution No. 63,574–N.S.

10. **Contract: Low Income Energy Services**

From: City Manager

Recommendation: Adopt a Resolution 1) authorizing the City Manager to execute a contract and any amendments with the State Department of Community Services and Development for the Low-Income Home Energy Assistance Program (LIHEAP) to receive revenues and provide weatherization and bill payment assistance to eligible residents of Berkeley, Albany, and Emeryville in the amount of \$191,266 for the period January 1, 2007 through December 31, 2007; 2) approving the program priority plans and 3) authorizing the City Manager to designate a representative to sign required fiscal and programmatic reports.

Financial Implications: See report

Contact: Stephen Barton, Housing, 981-5400

Action: Adopted Resolution No. 63,575–N.S.

Consent Calendar

11. **Camp Classifications**

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 61,812-N.S., Classification and Salary Resolution for Unit X1 - Unrepresented Support Classifications, to establish new camp classifications with deep salary ranges and to abolish the current camps classifications effective February 25, 2007.

Financial Implications: None

Contact: David W. Hodgkins, Human Resources, 981-6800

Action: Adopted Resolution No. 63,576–N.S.

12. **Insurance Policy with Cigna Group Insurance for Employee Basic and Supplemental Life Insurance**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments for life insurance with Cigna Group Insurance to provide basic and supplemental life insurance for the period of January 1, 2007 through December 31, 2008.

Financial Implications: See report

Contact: David W. Hodgkins, Human Resources, 981-6800

Action: Adopted Resolution No. 63,577–N.S.

13. **Salary Range Increase: Deputy Director of Planning**

From: City Manager

Recommendation: Adopt a Resolution to amend Resolution No. 61,812-N.S., Classification and Salary Resolution of Executive and Confidential Management Classifications Z1, to adjust the salary range for the Deputy Director of Planning by 10.6% effective February 25, 2007.

Financial Implications: See report

Contact: David W. Hodgkins, Human Resources, 981-6800

Action: Adopted Resolution No. 63,578–N.S. (Noes – Spring).

14. **Contract: East Touchdown Plaza Aquatic Park Planning and Design Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Design, Community & Environment (DC&E) to complete the planning and design services and prepare construction bid documents for the East Touchdown Plaza in Aquatic Park in an amount not to exceed \$148,641 which includes a ten percent contingency for the period of February 15, 2007 through June 30, 2008.

Financial Implications: SHOPP TEA Grant Funds - \$148,641

Contact: Marc Seleznow, Parks, Recreation and Waterfront

Action: Adopted Resolution No. 63,579–N.S.

15. Contract: Plan Checking Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute contracts and any amendments thereto including total amounts with BureauVeritas and Telesis Engineers to provide plan-checking services, in an amount not to exceed \$280,000 for each contractor for the period of March 1, 2007, through June 30, 2009.

Financial Implications: Permit Service Center Fund - \$560,000

Contact: Dan Marks, Planning and Development, 981-7400

Action: Adopted Resolution No. 63,580–N.S.

16. Contract: TMD Data Automation Software and Support

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Decade Software Company, LLC to provide data automation services and support for Toxics Management Division (TMD) for the period March 1, 2007 through February 28, 2009 in an amount not to exceed \$70,000.

Financial Implications: See report.

Contact: Dan Marks, Planning and Development, 981-7400

Action: Adopted Resolution No. 63,581–N.S.

17. Off-Label Use of the Drug Cytotec

a. Information Report from City Manager

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

b. From Councilmembers Maio and Anderson

Recommendation: That the City Manager send the attached letter from the City's Health Officer on the off-label use of the drug, Cytotec, supporting the policy and implementation of informed-consent procedures to Alta Bates.

Financial Implications: None.

Contact: Linda Maio, Councilmember, District 1, 981-7110; Max Anderson, Councilmember, District 3, 981-7130

Action: Accepted information report (a) and approved recommendation (b).

18. Repairs to the Step Van for Needle Exchange Emergency Distribution

From: Councilmember Moore and Councilmember Worthington

Recommendation: That the Berkeley City Council refer the following to the budget process: A request for \$8,000 to be used to do basic repairs/maintenance to the Needle Exchange Emergency Distribution's (NEED) step van in order to keep it functional.

Financial Implications: General Fund - \$8,000

Contact: Darryl Moore, Councilmember, District 2, 981-7120; Kriss Worthington, Councilmember, District 7, 981-7170

Action: Approved recommendation and requested data to regarding the number of needles given out to determine abuses.

Consent Calendar

- 19. Restore Hetch Hetchy Valley in Yosemite National Park**
From: Councilmember Anderson
Recommendation: The Berkeley City Council support restoring the Hetch Hetchy Valley in Yosemite National Park.
Financial Implications: See report.
Contact: Max Anderson, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 63,582–N.S.
- 20. Funding To Continue CERT Program**
From: Councilmember Spring
Recommendation: That the Council request the City Manager to work with the Fire Chief to find departmental or other funding for the continuation of the Community Emergency Response Training and that the City Manager returned to Council within two months with recommendations.
Financial Implications: See report.
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Approved recommendation.
- 21. Designation of February 28, 2007 as "Ardella Carter Day"**
From: Councilmember Spring
Recommendation: The Council adopt a resolution proclaiming February 28, 2007 Ardella Carter Day in recognition of Ardella's 100th birthday.
Financial Implications: None.
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 63,583–N.S.
- 22. Proclamation for Cazadero Performing Arts Camp**
From: Councilmember Capitelli
Recommendation: Request that the City Council adopt the following resolution, and at their February 27, 2007 meeting, present it on behalf of the City Council as a formal proclamation to a representative from Cazadero Performing Arts Camp.
Financial Implications: None.
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 63,584–N.S.
- 23. Budget Surplus Allocation for Berkeley Path Wanderers Association**
From: Councilmember Olds
Recommendation: That the City Council pass a resolution to approve a grant of \$1,000 to be funded from Councilmember Olds' surplus non-personnel budget to the Berkeley Path Wanderers Association to help fund the reconstruction of paths in Berkeley.
Financial Implications: Councilmember Olds' FY2007 Office Budget - \$1,000
Contact: Betty Olds, Councilmember, District 6, 981-7160
Action: Adopted Resolution No.63,585–N.S.

Consent Calendar

24. Berkeley World Music Weekend

From: Councilmember Worthington

Recommendation: That the Berkeley City Council refer to the mid-year budget process, funding for the Berkeley World Music Weekend.

Financial Implications: General Fund - \$5,500

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action: Approved recommendation.

25. Filling A Vacancy Among the Elected Representatives of the Poor

From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution confirming the appointment of Ms. Rosie Kreidler (District 2) as elected representative of the poor on the Human Welfare Community Action Commission (HWCAC), having been selected by the remaining elected representatives of the poor at the HWCAC December 13, 2006 Special meeting.

Financial Implications: None.

Contact: Angellique De Coud, Commission Secretary, 981-5428

Action: Adopted Resolution No.63,586–N.S.

Public Comment – Items Not Listed on the Agenda – 15 speakers.

Action Calendar – Old Business

26. Opposition to President Bush’s Escalation of Troops for the War in Iraq

a. From: Councilmember Worthington (*held over from January 30, 2007*)

Recommendation: Adopt a resolution opposing the decision by President Bush to escalate the conflict in Iraq by sending additional American troops to Iraq and urging members of the US Senate and House of Representatives to declare their formal opposition to troop escalation.

Financial Implications: None

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

b. From: Peace and Justice Commission (*February 13, 2007*)

Recommendation: Adopt a Resolution reiterating the City Council’s previous opposition to the War in Iraq, and declaring Council’s opposition to President George Bush’s plans to escalate and possibly widen the War in Iraq by calling on all members of the California Bay Area Congressional Delegation to lend their co-sponsorship and support to H.R. 413, H.J. Res. 14, H.R. 508, and S. 448.

Financial Implications: None

Contact: Manuel Hector, Jr., Commission Secretary, 981-5110

Action: Moved to Consent Calendar and adopted Resolution No. 63,587–N.S. (item b).

Continued – Budget Work Session

27. FY 2007 Second Quarter Budget Update Workshop

From: City Manager

Contact: Phil Kamlarz, City Manager, 981-7000

Action: Accept and file. (Public Comment – 5).

Staff reported on the 2007 Budget recommending expenditures totaling \$2M in one time expenditures to address Fire Department overtime, Telegraph Avenue improvements, Measure G planning; CAD module for public safety and economic development, and \$1.3M set aside for infrastructure. It is projected that the City will realize \$3.3M in additional revenue over what was adopted in the budget, and that at this point the budget is on target. Key issues that will influence the upcoming 2008/2009 budget deliberations include volatility of revenues, increased labor costs, cuts in Federal funding, the status of the Housing Authority, and possible overruns in affordable housing projects.

Council expressed interest in traffic calming measures, plan for economic development, street repair and maintenance, commercial transfer tax, the Telegraph Program, establishing a youth center and youth activities/employment and analysis of tax revenue such as the Transient Occupancy Tax.

Olds absent – 9:20 p.m.

Action Calendar – New Business

28. Referendum Petition - Landmarks Preservation Ordinance 6,958-N.S.

From: City Manager

Recommendation: Acknowledge that the referendum petition against Landmarks Preservation Ordinance 6,958-N.S. contains the requisite number of valid signatures and provide direction to staff to either: (1) Repeal Landmarks Preservation Ordinance 6,958-N.S., or (2) Submit the ordinance to the voters of the City of Berkeley at a special election or at the next regularly scheduled municipal election in November 2008.

Financial Implications: See report

Contact: Pamyla Means, City Clerk, 981-6900

Action: Motion/seconded/carried (Maio/Anderson) approved recommendation 2. Election date to be determined. (Abstain – Moore; Noes – Capitelli, Worthington).

Public Comment – Items Not Listed on the Agenda – 3 speakers.

Information Reports

29. Unrepresented Temporary Employees

From: City Manager

Contact: David W. Hodgkins, Human Resources, 981-6800

Action: Received and filed.

Information Reports

30. Business License Tax Program Audit Report FY2006

From: Auditor

Contact: Ann-Marie Hogan, City Auditor, 981-6750

Action: Received and filed.

31. City Auditor's Annual Report for FY 2006

From: Auditor

Contact: Ann-Marie Hogan, City Auditor, 981-6750

Action: Received and filed.

32. Peer Review of City of Berkeley Auditor's Office

From: Auditor

Contact: Ann-Marie Hogan, City Auditor, 981-6750

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. All communications submitted to Council are public record.

Items 1 and 2: BAPAC Alcohol Regulations

1. Timothy M. James
2. Irene Hegarty, on behalf of John Cummins

2013 Shattuck Avenue

3. Leonard Pitt

Iceland Closure

4. Jim Duval and Patty Coluse
5. Jimmy Duval
6. Vicki Sommer

2721 Shattuck Avenue

7. Jim Hultman (2)
8. Andrew Williams
9. Mark Rhoades
10. Rolf Bell

Alameda Point for Berkeley Stadium

11. David Howard

DAPAC/Center Street

12. Juliet Lamont
13. John N. Roberts
14. Wendy Alfsen
15. Diana Divecha

Communications

Downtown Transportation Issues

16. Roy Nakadegawa

Downtown Berkeley Development

17. Fran Segal

Hate-Crime Case

18. Robin Wright

Miscellaneous

19. richpaco@***.com

Oak Trees/Stadium Project

20. David Lippe

21. Oren Gabriel

22. Bobby Mustache

Brower Center Project

23. Wendy Alfsen

Community Emergency Response Training (CERT) Classes

24. Disaster & Fire Safety Commission

Supplemental Communications 1

Items 1 and 2: BAPAC Alcohol Regulations

25. Wendy Alfsen

Item 24: Berkeley World Music Weekend

26. Irene Hegarty

27. Gianna Ranuzzi and Roland Peterson

Item 27: FY 2007 Second Quarter Budget Update Workshop

28. Genevieve Dreyfus, et al

29. Robert Vogel

Supplemental Communications and Reports 2

Items 1 and 2: BAPAC Alcohol Regulations

30. Johnnise Foster Downs

31. Nicole Mann, et al

Item 27: FY 2007 Second Quarter Budget Update Workshop

32. Revised Attachment, submitted by City Manager.

33. Presentation Materials, submitted by City Manager.

Appeal of 1885 University Avenue

34. Stephen Wollmer (on file in the City Clerk's office)

Supplemental Communications and Reports 2

Berkeley Iceland

- 35. Rebecca Erdiakoff
- 36. Photos submitted (on file in the City Clerk's office)
- 37. 125 petitions submitted (on file in the City Clerk's office)

Adjournment

Moved/seconded/carried (Anderson/Worthington) adjourned at 9:28 p.m. (Absent – Olds) in memory of Denise Brown.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of February 13, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

