

DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING

TUESDAY, DECEMBER 5, 2006

7:00 P.M.

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

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 location. Questions regarding this matter may be addressed to Pamyla Means, 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. Swearing In and Seating of newly elected members of the Council.

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. Confirming the Results of the November 7, 2006 General Municipal Election

From: City Manager

Recommendation: Adopt a Resolution confirming the results of the November 7, 2006 General Municipal Election and declaring the passage of : Measure E – Rent Board Vacancy Charter Amendment; Measure F – Resolution, General Plan Amendment (Gilman Playing Fields); Measure G – Advisory Resolution, Greenhouse Gas Emissions Reduction; and Measure H – Advisory Resolution, Impeachment of President Bush and Vice President Cheney.

Financial Implications: None

Contact: Sherry M. Kelly, City Clerk, 981-6900

2. Appointment to Alameda County Mosquito Abatement District

From: City Manager

Recommendation: Adopt a Resolution reappointing Dr. Jan Washburn to the Board of Trustees of the Alameda County Abatement District for a two-year term commencing on January 2, 2007 and ending on January 1, 2009.

Financial Implications: None

Contact: Sherry M. Kelly, City Clerk, 981-6900

3. Landmarks Preservation Ordinance

From: City Manager

Recommendation: 1) Adopt a Resolution rescinding the first reading of a proposed revised Landmarks Preservation Ordinance with an effective date of November 1, 2006; 2) Adopt a Resolution determining that the previously adopted Initial Study and Negative Declaration may be relied upon for adoption of revised Landmarks Preservation Ordinance; and 3) Adopt first reading of an Ordinance repealing and reenacting Berkeley Municipal Code (BMC) Chapter 3.24, Landmarks Preservation.

Financial Implications: None

Contact: Manuela Albuquerque, City Attorney, 981-6950

4. Amendment to FY 2007 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2007 Annual Appropriations Ordinance No. 6,935 for FY 2007 based upon recommended re-appropriation of committed FY 2006 funding and other adjustments authorized since July 1, 2006.

Financial Implications: See report

Contact: Tracy Vesely, Budget Manager, 981-7000

5. Classification: Manager of Aging Services

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 61,840-N.S., Classification and Salary Resolution for Public Employees Union Local One, to add the title of Manager of Aging Services and abolish the classification of Seniors Program Administrator effective January 1, 2007.

Financial Implications: General Fund (46%), Senior Nutrition Grant (50%), Family Caregiver Support Grant \$2,500 FY 2007

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

6. Soft Story Ordinance

From: City Manager

Recommendation: 1) Adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 19.39, Soft Story Ordinance, to adopt the American Society of Civil Engineers Standard 31 (ASCE-31) - "Seismic Evaluation of Existing Buildings", 2003 Edition, for the required seismic analysis of a non-wood frame ground story; and, 2) In compliance with state law on adopting such codes by reference, hold a Public Hearing on December 12, 2006 to comply with state law.

Financial Implications: See report

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

Consent Calendar

7. University of California's Southeast Campus Integrated Project

From: Councilmember Capitelli

Recommendation: Request the City Manager develop a Request for Proposal (RFP) for hiring a consulting firm to assist the City: 1) in articulating and refining its concerns regarding deficiencies in the University of California's SCIP Development Plan; and 2) in communicating those concerns with the larger UC community.

Financial Implications: To be determined by the City Manager's RFP.

Contact: Laurie Capitelli, Councilmember District 5, 981-7150

8. Art/Craft Studios - West Berkeley Plan

From: Civic Arts Commission

Recommendation: Adopt a Resolution accepting the Civic Arts Commission's updated recommendation for the definition of Art/Craft Studio and refer this definition to the Planning Commission for immediate consideration for use in the zoning process for West Berkeley and request that the Planning Commission consider amending the July 6, 1989 date referenced in the Zoning Ordinance so that Art/Craft Studio uses established after this date will be afforded protection under the Zoning Ordinance.

Financial Implications: None

Contact: Mary Ann Merker, Secretary, Civic Arts Commission, 981-7000

Action Calendar – Public Hearing

9. Downtown Berkeley Business Improvement District

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, 1) adopt a Resolution confirming the 2007 Annual Report of the Downtown Berkeley Business Improvement District (BID) and levying an annual assessment for calendar year 2007 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 \$250,000 of Downtown BID funds to support Downtown revitalization.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7400

10. Solano Avenue Business Improvement District

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, 1) adopt a Resolution confirming the 2006 Annual report of the Solano Avenue Business Improvement District (BID) and levying an annual assessment for calendar year 2007 and 2) adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with the Solano Avenue Association (SAA) for approximately \$35,000 of BID funds.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7400

Action Calendar – New Business

11. Oxford Plaza and Brower Center

From: City Manager

Recommendation:

Contact: Stephen Barton, Housing, 981-5400

12. Manufactured Nanoparticle Health and Safety Disclosure

From: Community Environmental Advisory Commission

Recommendation: 1) Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Sections 15.12.040 and 15.12.050 to add a health and safety disclosure for nanoparticles. 2) Send a letter to elected officials asking them to include a percentage of all federal funds to the National Nanoparticle Initiative be earmarked for health and safety research.

Financial Implications: None

Contact: Nabil A Al-Hadithy, Secretary, Community Environmental Advisory Commission, 981-7400

Information Reports

13. Unrepresented Temporary Employees

From: City Manager

Contact: David W. Hodgkins, Human Resources, 981-6500

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.

Communication (or Agenda Item) Title

1. Author

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*