

SUMMARY

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, OCTOBER 17, 2000

Preliminary Matters

Roll Call: 7:10 p.m. Councilmember Woolley absent.

Ceremonial: Proclamation - Domestic Violence Awareness Month

Action: Presented Proclamation.

Comments from the City Manager :

- Today marked the 11th anniversary of the Loma Prieta earthquake; a brochure regarding home safety preparations has been prepared by Project Impact.
- The Police Department is in the process of relocating to the new Public Safety Building. The new emergency phone number is 981-5911.
- The Adeline Corridor Bicycle/Pedestrian project will hold a groundbreaking on Monday, October 23 at 1:30.
- There is a Run for Peace sponsored by the United Nations Association on Saturday October 21 in the Marina.
- Congresswoman Barbara Lee has announced a grant in the amount of \$254,519 for projects involving juveniles.
- The City is in the process of investigating the causes of the disturbance on the night of October 14 and working with the University to develop procedures for the future.

Comments from the Public: Eleven speakers.

Consent Calendar

Action: Moved, seconded, carried (Shirek/Armstrong; Absent - Woolley) to approve the Consent Calendar in one motion except as indicated.

1. **Contract: Citizens Issues Tracking System**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments with JPH International for an amount not to exceed \$121,500 for the purchase and installation of a citizens issues tracking system and five years of annual maintenance support.

Contact: Weldon Rucker, Acting City Manager, 644-6580

Action: Adopted Resolution No. 60,799-N.S.

2. **Adeline Corridor Pedestrian and Bicycle Improvements**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for Adeline Corridor Pedestrian and Bicycle Improvements; accepting the bid of Bay Construction Co.; and authorizing the

City Manager to execute a contract and any amendments in an amount not to exceed \$1,200,000, for a period from October 23, 2000 through May 1, 2001.

Contact: Rene Cardinaux, Public Works, 665-3460

Action: Adopted Resolution No. 60,800-N.S.

3. **Increase City Manager Bid and Expenditure Authority**

From: City Manager

Recommendation: Adopt a Resolution increasing the expenditure authority for the City Manager by \$1,000,000 to a total amount not to exceed \$21,000,000 for the design and construction of the physical improvements and any incidental equipment and services related to the seismic upgrade and renovation of the Martin Luther King Jr. Civic Center Building.

Contact: Rene Cardinaux, Public Works, 665-3460

Action: Removed from the Consent Calendar by Councilmember Spring and held over to October 24, 2000.

4. **Contract: Sather Gate Garage Revenue and Access Control Systems**

From: City Manager

Recommendation: Adopt a Resolution approving the plans and specifications for the Sather Gate Garage revenue and access control systems at 2450 Durant Avenue; accepting the bid of William D. White Company, Inc.; authorizing the City Manager to execute a contract and any amendments for an amount not to exceed \$318,309; and appropriating \$76,000 in additional funding from available Off-Street Parking Fund retained earnings for this contract.

Contact: Rene Cardinaux, Public Works, 665-3460

Action: Adopted Resolution No. 60,801-N.S.

5. **New Building Codes**

From: City Manager

Recommendation: Adopt the following: 1) first reading of an Ordinance repealing the Berkeley Building, Electrical, Mechanical and Plumbing Codes and related procedural provisions in BMC Chapters 19.28, 19.30, 19.32 and 19.36 (Ordinance No. 6312-N.S.) and adopting new BMC Chapters 19.28, 19.30, 19.32 and 19.36 and procedural provisions; 2) first reading of two Ordinances enacting new BMC Chapter 19.76, Regulating the Moving of Buildings, and Chapter 19.80, Minimum Security in the City of Berkeley; and 3) a Resolution setting forth findings of local conditions that require more stringent regulations than those provided by the 1998 California Building Code.

Contact: Wendy Cosin, Planning and Development, 705-8108

Action: Removed from the Consent Calendar by Mayor Dean and held over to October 24, 2000.

6. **Donation to Berkeley Rose Garden in Memory of Philip M. Evans**

From: City Manager

Recommendation: Adopt a Resolution acknowledging the generosity of Philip W. Evans and accept his donations, through Berkeley Partners for Parks, of up to \$25,000 for improvements at the Berkeley Rose Garden made in the memory of his father, Philip M. Evans.

Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222

Action: Adopted Resolution No. 60,802-N.S.

7. **Berkeley Way Mini-Park Renovations**

From: City Manager

Recommendation: Adopt a Resolution 1) approving plans and specifications for the Berkeley Way Mini-Park Renovations; 2) accepting the bid of Playgrounds Unlimited; 3) authorizing the City Manager to execute a contract and any amendments for a period of 120 calendar days, in an amount not to exceed \$184,000.

Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222

Action: Adopted Resolution No. 60,803-N.S.

8. **Voluntary Elimination of ATM Fees**

From: Councilmember Armstrong

Recommendation: Request the City Manager send a letter to Washington Mutual on behalf of the City congratulating them on their voluntary elimination of ATM fees for non-Washington Mutual customers.

Contact: Polly Armstrong, Councilmember District 8, 644-6401

Action: Approved recommendation.

9. **Civic Center Parking**

From: Mayor Dean

Recommendation: Immediately take the following actions: 1) formally recognize that a daytime Civic Center parking problem exists; 2) direct the City Manager regard this as a priority matter and move expeditiously to solve this problem; 3) involve as partners in resolving the problem: City employees (Police, Fire, Locals 1, 535 and 790 and unrepresented), Berkeley Unified School District, Court, Downtown Business Association, and Vista College; 4) quantify the needs of all the partners, but recognize that parking for City employees is our priority, and survey all existing spaces that can be in place when the move back to 2180 is completed; 5) actively and immediately pursue whether the current opportunity represented by development proposals involving ground floor retail, parking and offices for the property adjacent to Center Street Garage is a viable option and recognize that any parking must take into account employees that work late night shifts; 6) evaluate the provision of City employee parking at Center Street Garage and what the impact would be on the Downtown from the reduction of available daytime parking spaces and recognize that any parking must take into account employees that work late night shifts; 7) determine whether a joint City/BUSD/Courts/Vista College satellite parking facility with frequent shuttle service is a viable option and recognize that any parking must take into account employees that work late night shifts; and 8) report back to the Council on a regular basis until a plan is developed.

Contact: Shirley Dean, Mayor, 644-6484

Action: Removed from the Consent Calendar by Councilmember Worthington and held over to October 24, 2000.

10. **Immediate Ban on Use of MTBE Additive**

From: Mayor Dean

Recommendation: Approve and request the City Clerk: 1) send a letter to Governor Davis asking that he implement an executive order completely banning the use of MTBE in gasoline, effective within 90 days, or in the shortest time necessary for the rapid retooling of the gasoline refineries; 2) send a letter to the federal Environmental Protection Agency (EPA) asking them to

approve California's current request for oxygenate-free gasoline that meets federal clean air standards; 3) send a letter to U.S. Senator Bob Smith supporting SB2962 which would eliminate the use of MTBE nationwide; and 4) send copies of the forgoing letters to Senator Diane Feinstein (who is actively interested in this problem), the Sierra Club, the State Energy Commission, the federal Environmental Protection Agency, U.S. Senator Bob Smith, and our representatives and lobbyists in Sacramento and Washington.

Contact: Shirley Dean, Mayor, 644-6484

Action: Approved recommendation.

11. **Pedestrian Crossing at Hearst and Martin Luther King Jr. Way**

From: Mayor Dean

Recommendation: The City Manager, in consultation with the Transportation Commission, evaluate and report back to the Council within 45 days regarding the pedestrian crossing situation adjacent to the North Berkeley Senior Center (Hearst and Martin Luther King Jr. Way), to determine if there is ample time allowed for the elderly residents who patronize this facility to safely cross this busy intersection; and to consider not only the timing of these traffic signals but also the installation of countdown pedestrian crossing signals at this intersection and at intersections adjacent to the West Berkeley and South Berkeley Senior Centers.

Contact: Shirley Dean, Mayor, 644-6484

Action: Removed from the Consent Calendar by Councilmember Spring and held over to October 24, 2000.

12. **Update on Request for Signs**

From: Councilmember Spring

Recommendation: Request the City Manager place the new signs previously ordered which say "vehicular traffic must stop for pedestrians in the crosswalk" at dangerous intersections for pedestrians; such as Martin Luther King Jr. Way and Addison, Shattuck and Russell, and Ashby and Piedmont.

Contact: Dona Spring, Councilmember District 4, 644-6266

Action: Approved recommendation.

13. **Webmail**

From: Councilmember Spring

Recommendation: Request the City Manager come back with a plan within three months to improve access to the City's email network over the internet.

Contact: Dona Spring, Councilmember District 4, 644-6266

Action: Approved recommendation.

14. **Needle Exchange Emergency Distribution**

From: Councilmembers Worthington and Maio

Recommendation: Refer the Needle Exchange Emergency Distribution (NEED) letter of request to the City Manager regarding budget adjustments and concerns.

Contact: Kriss Worthington, Councilmember District 7, 644-6398; Linda Maio, Councilmember District 1, 644-6359

Action: Approved recommendation.

15. **Waive Fees: Fundraiser for Elizabeth Glaser Pediatric Aids Foundation**

From: Councilmember Worthington

Recommendation: Adopt a Resolution supporting the fundraiser for the Elizabeth Glaser Pediatric AIDS Foundation sponsored by the Interfraternity Council (IFC), the College Panhellenic Association (Panhellenic), and the National Pan-Hellenic Council (NPHC) and provide a dumpster and two portable toilets, and waive all applicable permits and fees on November 11, 2000 from 11:00 a.m. to 4:00 p.m.

Contact: Kriss Worthington, Councilmember District 7, 644-6398

Action: Adopted Resolution No. 60,804-N.S.

16. **Final Scoping Report on LBNL's Radioactive Emissions and Environmental Data**

From: Councilmembers Worthington and Spring

Recommendation: Request the contractor, IFEU (Institute fur Energie - und Unweldforschung Heidelberg GmbH) to make a presentation of its Draft Final Scoping Report on LBNL's past and present radioactive emissions and environmental data at a community workshop sponsored by the City at the North Berkeley Senior Center, three to six weeks from submission of IFEU's Draft Final Scoping Report and adopt a Resolution amending the contract to include a new timeline.

Contact: Kriss Worthington, Councilmember District 7, 644-6398; Dona Spring, Councilmember District 4, 644-6266

Action: Removed from the Consent Calendar by Councilmember Armstrong and held over to October 24, 2000.

17. **Traffic Control on Lower Cedar Street**

From: Councilmember Maio

Recommendation: Forward to the Traffic Engineer and the Transportation Commission the need for traffic control measures that would reduce speeding and congestion on Cedar Street between San Pablo and 6th Streets.

Contact: Linda Maio, Councilmember District 1, 644-6359

Action: Approved recommendation.

18. **Moratorium on Fast Food Restaurants on San Pablo Avenue**

From: Councilmember Breland

Recommendation: Adopt a Resolution placing a six month moratorium on all fast food restaurants on San Pablo Avenue.

Contact: Margaret Breland, Councilmember District 2, 644-6400

Action: Approved recommendation as revised by Councilmembers Breland and Maio to refer to the Planning Commission a request to extend the controls on fast food restaurants to San Pablo Avenue for one year, to be extended if necessary, while the San Pablo planning process proceeds.

19. **California Healthy Families Program**

From: Councilmember Breland

Recommendation: Refer to the City Manager creation of a special publicity campaign to inform all Berkeley residents of California's Healthy Families Program which has now been expanded to include the uninsured parents of the young people who qualify for the plan.

Contact: Margaret Breland, Councilmember District 2, 644-6400

Action: Approved recommendation as revised by Councilmember Worthington to refer the matter also to the Community Health Commission.. For the record, the Mayor stated that 40,000 copies of a brochure on how to apply for health insurance were distributed in West and South Berkeley by a UC student volunteer group.

20. **Amend Public Utilities Code - Renewable Incentives for Public Agencies**

From: Energy Commission

Recommendation: Adopt a Resolution endorsing an amendment pertaining to Article 15 of Chapter 2.3 of Part I of Division 1 of the Public Utilities Code, Section 399.6(d) - Public Entity Eligibility, as amended by SB 1194, such that public agencies would be eligible for customer credits for the purchase of renewable energy.

Contact: Neal DeSnoo, Secretary, 665-3486

a. City Manager Report

Recommendation: Concurs with the content and recommendations of the Commission.

Contact: Stephen Barton, Housing, 665-3481

Action: Adopted Resolution No. 60,805-N.S.

Presentations

21. **Web Accessibility Issues**

From: Councilmember Spring

Contact: Dona Spring, Councilmember District 4, 644-6266

Action: Presentation made.

Public Hearings

22. **Continued Public Hearing - Appeal of Landmarks Preservation Commission Designation of the West Berkeley Shellmound as a Landmark, Three Blocks Bounded by University Avenue, Hearst Avenue, I-80 and 4th Street; Adoption of a Zoning Ordinance Amendment to Require an Administrative Use Permit for Projects that Could Adversely Affect the Shellmound** *(continued from July 18 and September 19)*

a. Appeals filed by Richard and Charlene deVecchi; and the 620 Hearst Group, LLC

b. City Manager Report

Recommendation: Close the public hearing and direct the City Clerk to notify the appellants and other parties to the appeal that the designation of the Berkeley Shellmound as a City Landmark has been affirmed by operation of law.

Contact: Wendy Cosin, Planning and Development, 705-8108

c. Peace and Justice Commission Report

Recommendation: Approve the decision of the Landmarks Preservation Commission designating the West Berkeley Shellmound Site as a Landmark; and that the process for review of and decision for designation as Landmark or Historic District remain with the Landmarks Preservation Commission.

Contact: Manuel Hector, Secretary, 665-6880

Action: Moved, seconded, carried (Worthington/Spring; Absent - Woolley) to close the public hearing and to adopt Resolution No. 60,806-N.S. affirming the designation of the Berkeley Shellmound as a City Landmark by operation of law.

23. **Tentative Map Condo Conversion - 1177-83 Delaware Street** *(continued from September 19)*

a. Appeal of Kenneth J. Schmier, Eric S. Schmier, David Darlington and Louise Lo of Planning Commission Decision of July 26, 2000.

b. From: City Manager

Recommendation: Continue the public hearing to November 21, 2000.

Contact: Wendy Cosin, Planning and Development, 705-8108

c. Communications:

1. David Darlington
2. Louise Lo
3. David Darlington
4. Lisa Lerner
5. Michael Lott

Contact: Sherry Kelly, City Clerk, 644-6480

Action: Moved, seconded, carried (Shirek/Maio; Absent - Woolley) to continue the public hearing to November 21, 2000.

24. **Residential Permit Parking**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution amending Sections 25M and 25N of Resolution No. 56,508-N.S., by adding subsections to extend residential permit parking on Emerson Street between Tremont Street and Shattuck Avenue, on all of Keoncrest Drive, and on all of Catherine Drive.

Contact: Rene Cardinaux, Public Works, 665-3460

Public Testimony: The Mayor opened the public hearing. One speaker heard. Moved, seconded, carried (Armstrong/Maio; Absent - Woolley) to close the public hearing.

Action: Decision to be made on October 24, 2000.

25. **Downtown Berkeley Business Improvement District**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution confirming the year 2001 Annual Report of the Downtown Business Improvement District (BID) as approved on September 26, 2000 and thereby levying an annual assessment for the Downtown Berkeley Business Improvement District for calendar year 2001.

Contact: Bill Lambert, Economic Development, 705-8180

Public Testimony: The Mayor opened the public hearing. One speaker heard. Moved, seconded, carried (Armstrong/Olds; Absent - Woolley) to close the public hearing.

Action: Moved, seconded, carried (Armstrong/Olds; Absent - Woolley) to adopt Resolution No. 60,807-N.S.

Old Business

26. **Proclamation Honoring Congressman Ronald V. Dellums** *(removed from Consent Calendar by Councilmember Worthington and held over from October 10.*

From: Mayor Dean and Vice Mayor Shirek

Recommendation: Approve a Proclamation honoring Congressman Ronald V. Dellums, to be presented by the Mayor at the October 25 dedication of the Ronald V. Dellums Federal Building in Oakland.

Contact: Shirley Dean, Mayor, 644-6484

Action: Mayor Dean withdrew her proclamation at the request of Vice Mayor Shirek.

Moved, seconded, carried (Shirek/Armstrong; Absent - Woolley) to approve a Proclamation prepared by Vice Mayor Shirek to be presented by the Vice Mayor at the October 25 dedication.

27. **Support Measure E – Peralta Community College District Bond Measure** (*removed from the Consent Calendar by Councilmember Shirek and held over from September 19, September 26 and October 10*)

From: Councilmembers Worthington and Spring

Recommendation: Support Measure E which is on the November ballot contingent upon Peralta Community College District enforceable written commitment to the City of Berkeley to insure completion of a permanent Vista Community College campus.

Contacts: Kriss Worthington, Councilmember District 7, 644-6398; Dona Spring, Councilmember District 4, 644-6266

Action: Held over to October 24, 2000.

Information Reports

28. **Landmarks Preservation Commission Notices of Decision Designating University of California at Berkeley Unit 1 and Unit 2 Residential Complex**

From: City Manager

Contact: Wendy Cosin, Planning and Development, 705-8108

Action: Received and filed.

Communications

Action: The following communications were read, noted and filed unless referred to the City Manager for a response:

Page No.

- 1) Re: Relocation of Congregation Beth El at 1301 Oxford St., Berkeley **Olds**
 - a) Ruth Spear
 - b) Nancy Turak, Marc Davis, Adam Davis-Turak
- 2) Constance & Kevin Sutton, Berkeley, re: Wireless transmitting antennas. **Olds**
- 3) Ove M. Wittstock, Executive Director, Berkeley Boosters Association, re: Funding for Berkeley Guides. **Olds, Maio**
- 4) Re: Health insurance for children

- a) Maylene Clegg **Maio**
- b) Maylene Clegg

- 5) Letter signed by 5 members of Neighbors for Responsible Development, re: Proposal for 2700 San Pablo Ave. **Maio**

- 6) Re: Parking permit for Keoncrest Dr., Berkeley
 - a) David Rice
 - b) Dwight King-Leatham

- 7) Anne Marselis, re: Clean-fill dumping

- 8) Panoramic Interests, re: Community planning

- 9) Janet Wood, re: Resident Parking Program

**SUPPLEMENTAL COMMUNICATIONS
AND AGENDA REPORTS**

Item 2 - Adeline Corridor Pedestrian and Bicycle Improvements

- 10. Sam Dyke, Chair, Adeline-Alcatraz Merchants Association

Item 9 - Civic Center Parking

- 11. Councilmembers Maio, Spring and Worthington, substitute recommendation.

Item 18 - Moratorium on Fast Food Restaurants on San Pablo Avenue

- 12. Councilmembers Breland and Maio, revised report.
- 13. Petition with 167 signatures supporting moratorium.
- 14. Michael Larrick

Item 21 - Web Accessibility Issues

- 15. Alexandra Andrews

**Item 22 - Continued Public Hearing - Appeal of Landmarks Preservation Commission
Designation of the West Berkeley Shellmound as a Landmark**

- 16. Mark McDonald

Item 24 - Residential Permit Parking

- 17. Miriam Ciochon

Item 26 - Proclamation Honoring Congressman Ronald V. Dellums

18. Mayor Shirley Dean, revised recommendation

Adjournment

The meeting adjourned at 9:30 p.m. in memory of Ernest Maylord, Johnny Johnson and the seventeen U.S. Navy personnel killed in Yemen.