

AGENDA

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, NOVEMBER 21, 2000

Preliminary Matters

Roll Call: 7:00 p.m.

Ceremonial Items: **Proclamation Honoring Jane Brown for her contribution to the culture of dance and to the lives of her students.**

Comments from the City Manager : *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 and/or action.*

Comments from the Public: *A total of thirty (30) minutes is scheduled. Each speaker is limited to a maximum of three (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 held over to the next meeting unless the City Manager requests action due to priority.

- Contract: 3% at Age 50 Retirement Formula for Fire Only** (*first reading vote - absent - Woolley 10/24*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending the City's contract with CalPERS to provide the 3% at Age 50 Retirement Formula for local fire employees only.
Contact: Ron Brown, Human Resources, 665-7614

Consent Calendar

- Subdivision Ordinance Amendments** (*first reading vote: unanimous 11/14*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code Chapter 21.16, Subdivisions, by adding Section 21.16.048 to codify existing practice with respect to review and approval of tentative subdivision maps which are required solely in

order to permit the establishment of condominiums in newly constructed buildings in which the units which are proposed to be condominiums have never been rented.

Contact: Manuela Albuquerque, City Attorney, 644-6380

3. **Subdivision Ordinance Amendments - Appeal of Planning Commission** (*first reading vote: unanimous 11/14*)

From: City Manager

Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 21.16.050 adopting special procedures for certain appeals from decisions concerning subdivision maps.

Contact: Manuela Albuquerque, City Attorney, 644-6380

4. **Amendment to Housing Code - Gas Heating Equipment (CR 99-165, 99-173)** (*first reading vote: unanimous 11/14*)

From: City Manager

Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 19.40.040, Berkeley Housing Code, to add subsection 701.4 - Certification of Gas Heating Equipment, to ensure the proper functioning of gas heating appliances in residential units.

Contact: Stephen Barton, Housing, 665-3481

5. **Regulation of Indoor Entertainment Events**

From: City Manager

Recommendation: Adopt first reading of Ordinance repealing Berkeley Municipal Code (BMC) Chapter 9.44 regulating indoor entertainment events (Ordinance No. 3289-N.S., as amended) and adopting a new Chapter 13.46 regulating large indoor entertainment events.

Contact: Manuela Albuquerque, City Attorney, 644-6380

Consent Calendar

6. **Grant: Black Infant Health**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant in the amount of \$100,000 from the Black Infant Health Program, Maternal Child Health Branch, California Department of Health Services, to implement a targeted program of intensive prenatal

care outreach, social support, and empowerment for the African American community in Berkeley for the period July 1, 2000 through June 30, 2001, with continuous allocations annually, and to execute the resultant agreement and any amendments.

Contact: Fred Medrano, Health and Human Services, 665-6879

7. **Grant: Low Birth Weight Prevention**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant in the amount of \$10,000 from Alta Bates Medical Center Foundation to continue the development and implementation of a plan to address the disparity between percentages of African American and White low birth weight infants for the period July 1, 2000 through June 30, 2001, and to execute the resultant agreement and any amendments.

Contact: Fred Medrano, Health and Human Services, 665-6879

8. **Contract: Sanitary Sewer Project**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located at Carleton Street, Derby Street, Ward Street, Shattuck Avenue, Ellsworth Street, Dana Street and Telegraph Avenue; accepting the bid of McNamara and Smallman Construction, Inc; and authorizing the City Manager to execute a contract and any amendments in an amount not to exceed \$807,514 for a period of 210 calendar days.

Contact: Rene Cardinaux, Public Works, 665-3460

9. **Contract: Refuse Truck Weight Scale Replacement**

From: City Manager

Recommendation: Adopt a Resolution approving the specifications for the Refuse Truck Weight Scale Replacement Project, rejecting the sole bid received; and authorizing the City Manager to negotiate and execute a contract and any amendments on the open market for an amount not to exceed \$40,000.

Contact: Rene Cardinaux, Public Works, 665-3460

Consent Calendar

10. **Amend Council Rules of Procedure**

From: City Manager

Recommendation: Adopt a Resolution amending Article II, Section D of Resolution No. 60,589-N.S., Council Rules of Procedure, to eliminate language inconsistent with recent

amendments by the Housing Authority and Redevelopment Agency to amend their Bylaws regarding meetings.

Contact: Sherry M. Kelly, City Clerk, 644-6480

11. **Waive Fees for Presentation “Community Controlled Agriculture**

From: Councilmember Kriss Worthington

Recommendation: Berkeley City Council waive fees for auditorium in Veterans Building for presentation “Community Controlled Agriculture: Reclaiming Power from Agribusiness in our Urban Neighborhoods and Local Communities” from the Bay Area Seed Interchange Library (BASIL), a project of the Ecology Center, on Saturday, December 9, 200 from 3:00 p.m. to 7:00 p.m.

Contact: Councilmember Kriss Worthington, 644-6398

12. **Presentation from Concerned Citizens Regarding City Attorney’s Opinion of Conflict of Interest for Members of BAHA and Other Non profit Organizations**

From: Councilmember Kriss Worthington

Recommendation: Give time for presentation from concerned citizens regarding City Attorney’s opinion of conflict of interest for members of BAHA and other non profit organizations.

Contact: Councilmember Kriss Worthington 644-6398

13. **Support for a Filipino National Strike**

From: Councilmember Linda Maio

Recommendation: Support the actions of the Filipino people who are fighting for democracy and improved working and living conditions.

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

14. **David Brower Memorial** *(to be delivered)*

From: Councilmember Linda Maio

Recommendation: Co-sponsor David Brower Memorial event at the Berkeley Community Theater on Saturday, December 2nd; and Councilmember Maio prepare a proclamation on behalf of the entire City Council, to be displayed at the event.

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

Consent Calendar

15. **Presentation by Neighbors for Fire Safety**

From: Councilmember Betty Olds

Recommendation: Allot five minutes at the beginning of the City Council meeting of December 5, 2000 to Neighbors for Fire Safety to present petitions regarding the new hills fire house.

Contact: Councilmember Betty Olds, 644-6399

16. **Berkeley Guides: Emergency Funding and Referral to Mid-Year Budget Process**

From: Mayor Shirley Dean

Recommendation: Undertake the following measures with respect to the Berkeley Guides program of the Berkeley Boosters Association: 1) refer the guides request for an additional \$42,117 annually to the midyear budget process (see attached funding request); 2) request the City Manager identify funds in the amount of \$3,510 per month to enable the Berkeley guides to maintain current service levels until the guides request for additional funds is considered through the mid-year budget process; 3) request the City Manager to assist the guides in identifying and applying for outside grants; and 4) request the City Manager assist the guides in maintaining rent-free space in downtown Berkeley.

Contact: Mayor Shirley Dean, 644-6484

17. **Pedestrian and Traffic Safety on Ashby Avenue**

From: Mayor Dean and Councilmember Armstrong

Recommendation: Authorize the City manager to seek and implement a Public Highway Safety Corridor Grant for the purpose of increasing pedestrian and traffic safety on Ashby Avenue, State Highway 13.

Contact: Shirley Dean, Mayor, 644-6484; Polly Armstrong, Councilmember District 8, 644-6401

18. **Berkeley Without Wires - A Citywide Plan for The Undergrounding of Utilities**

From: Undergrounding Utilities Task Force and Council Subcommittee on Undergrounding (To be delivered)

Recommendation: 1) Receive the report, Berkeley Without Wires, which is issued for Council information; 2) direct the Task Force to pursue a possible foundation grant to produce an outreach video on the subject.

Contact: Dick White, Chair, Utilities Undergrounding Task Force

a. City Manager Report

Recommendation: Concurs with content and recommendation of Task Force report.

Contact: Phil Kamlarz, Deputy City Manager, 644-6580

Consent Calendar

19. **Rule 20B: - Undergrounding Utilities Districts (To be delivered)**

From: Undergrounding Utilities Task Force

a. City Manager Report

Recommendation: Adopt a Resolution allocating \$50,000 for undergrounding utilities to be used for low-income individuals located within Rule 20B undergrounding utility districts.

Contact: Dick White, Chair, Utilities Undergrounding Task Force

a. City Manager Report

Recommendation: Concurs with content and recommendation of Task Force report.

Contact: Phil Kamlarz, Deputy City Manager, 644-6580

Public Hearings

20. **Tentative Map Condo Conversion - 1177-83 Delaware Street** *(continued from September 19, October 17)*
- a. Appeal of Kenneth J. Schmier, Eric S. Schmier, David Darlington and Louise Lo of Planning Commission Decision of July 26, 2000.**
Contact: Sherry Kelly, City Clerk, 644-6480
- b. From: City Manager**
Recommendation: Continue the public hearing to December 12, 2000.
Contact: Wendy Cosin, Planning and Development, 705-8108
- c. Communications:**
1. Kenneth J. Schmier, Eric S. Schmier
Contact: Sherry Kelly, City Clerk, 644-6480

Presentations

21. **Telecommunications Ordinance: Preliminary Report**
Contact: Philip Kamlarz, Deputy City Manager, 665-7530

Information Reports

22. **Public Health Clinic Outreach Program**
From: City Manager
Contact: Fred Medrano, Health and Human Services, 665-6879
23. **East Shore State Park Planning Process**
From: City Manager
Contact: Lisa Caronna, Parks and Waterfront, 644-6943 x222

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations.

- 1) Re: Relocation of Congregation Beth El at 1301 Oxford St., Berkeley.
- a) Vick Bullman
- b) Donn Logan

- c) Dennis J. White and Carol F. White
 - d) Marcia Emery, Ph.D., Intuitive Management Consulting Company
- 2) Deborah Badhia, Executive Director, Downtown Berkeley Association, re: Downtown Business Improvement District Work Plan 2001.
 - 3) Jonathan Romano, re: HIV treatment.
 - 4) InetJalopy, re: Signage war, (*additional pages available for review in the City Clerk's office*).
 - 5) Greg VanMechelen, ADPSR Board Member, re: Green Resource Center in the Veterans Building.
 - 6) Charles Pappas, re: #1 Whitaker Avenue.
 - 7) Jonah Markowitz, re: Left turn arrow at Sacramento & Dwight.
 - 8) Alan Gould, re: LPC commissioners advised by City Attorney not to serve on the commission on certain issues.
 - 9) Horace Mitchell, Vice Chancellor – Business and Administrative Services, University of California, Berkeley, re: Report on Telegraph Avenue Disturbance of October 14-15, 2000.
 - 10) Howie & Connie Muir, re: 2700 San Pablo Avenue

Adjournment
