DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING
TUESDAY, OCTOBER 24, 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 Sherry M. Kelly, 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.

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

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. Affordable Housing Mitigation Fee  (First reading October 10, 2006. Absent – Maio)
   From: City Manager
   Financial Implications: See report
   Contact: Stephen Barton, Housing, 981-5400
2. **Major Residential Additions** *(First reading October 10, 2006. Absent – Maio)*  
From: Councilmember Worthington  
**Recommendation:** Adopt second reading of an Ordinance amending Ordinance No. 6,949-N.S. to exempt certain residential additions.  
**Financial Implications:** None.  
Contact: Kriss Worthington, Councilmember District 7, 981-7170

3. **Minutes for Approval**  
From: City Manager  
**Recommendation:** Approve minutes of the following meetings: a) September 18, 2006 (closed); b) September 19, 2006 (regular); c) September 26, 2006 (closed); d) September 26, 2006 (regular).  
**Financial Implications:** None  
Contact: Sherry M. Kelly, City Clerk, 981-6905

4. **Contract: Meter and Pre-sort Services for Outgoing Mail**  
From: City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Quick Sort Mailing Services for metering and pre-sort service for outgoing mail from November 1, 2006 through June 30, 2009, for a total amount not to exceed $400,000.  
**Financial Implications:** See report  
Contact: Robert Hicks, Finance, 981.7300

5. **Contract: Uniform Rental and Laundry Services**  
From: City Manager  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Aramark Uniform Services to provide rental and laundering of uniforms, walk-off mats, towels, and miscellaneous items for various departments, as needed from July 1, 2006 through June 30, 2008, in an amount not to exceed $150,000 per year.  
**Financial Implications:** Various Funds - $150,000  
Contact: Robert Hicks, Finance, 981-7300

6. ** Formal Bid Solicitations and Request for Proposals**  
From: City Manager  
**Recommendation:** Approve the request for proposals (RFP) that will be issued upon final approval by the requesting department.  
**Financial Implications:** Various Funds - $245,000  
Contact: Robert Hicks, Finance, 981-7200

7. **National Incident Management System**  
From: City Manager  
**Recommendation:** Adopt a Resolution approving the National Incident Management System (NIMS) as the City’s official all-hazards incident response system to prevent, prepare for, respond to, and recover from disasters, regardless of cause, size or complexity.  
**Financial Implications:** None.  
Contact: Debra Pryor, Fire Chief, 981-5500
8. **Contract: Financial Advisory and Technical Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with The National Development Council (NDC) for financial advisory and technical services to increase the contract amount by $21,000 for an amount not to exceed $45,500.  
   **Financial Implications:** See report  
   **Contact:** Stephen Barton, Housing, 981-5400

9. **Contract: Financial Consulting Services**  
   **From:** City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Seifel Consulting, Inc. for financial consulting services to increase the contract amount by $50,000 for an amount not to exceed $140,000  
   **Financial Implications:** See report  
   **Contact:** Stephen Barton, Housing, 981-5400

10. **Contract: Peer Review Construction Cost Services**  
    **From:** City Manager  
    **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Dabri, Inc. for financial peer review services to increase the contract amount by $26,700 for an amount not to exceed $40,800.  
    **Financial Implications:** See Report  
    **Contact:** Stephen Barton, Housing, 981-5400

11. **Contract: Peer Review Waterproofing Services**  
    **From:** City Manager  
    **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with McGinnis Chen Associates, Inc. for peer review services to increase the contract amount by $18,000 for an amount not to exceed $36,000.  
    **Financial Implications:** See report  
    **Contact:** Stephen Barton, Housing, 981-5400

12. **Personnel Rules and Regulations Amendment**  
    **From:** City Manager  
    **Recommendation:** Adopt a Resolution amending Resolution No. 60,776-N.S, the Personnel Rules and Regulations, to add language in Section 9 (Method of Filling Vacancies) to establish an administrative procedure for internal promotion through a non-competitive personnel action for employees working in classification series that require professional licensure, certification or registration.  
    **Financial Implications:** None  
    **Contact:** David W. Hodgkins, Director of Human Resources, 981-6805
13. **Grant Application: Workforce Housing Reward Program**  
   From: City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to accept a $242,626 Workforce Housing Reward Program grant from the State of California, Department of Housing and Community Development; and to execute the resultant revenue agreement and any amendments.  
   **Financial Implications:** See report  
   Contact: Dan Marks, Planning and Development, 981-7400

14. **Contract: Marina Dock H-I Replacement Project**  
   From: City Manager  
   **Recommendation:** Adopt a Resolution approving plans and specifications for the Marina Dock H-I Replacement Project; accepting the bid of Associated Pacific Constructors, Inc.; and authorizing the City Manager to execute a contract and any amendments in an amount not to exceed $3,569,366 for a period of 240 calendar days.  
   **Financial Implications:** Various Funds - $3,569,366  
   Contact: Claudette Ford, Public Works, 981-6300

15. **Contract: On-Call Storm Drain Services**  
   From: City Manager  
   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with J. F. Pacific Liners, Inc., adding to the scope of services, increasing the amount from $24,500 to an amount not to exceed $50,000, and extending the term to December 31, 2007.  
   **Financial Implications:** Capital Improvement Fund - $25,100  
   Contact: Claudette Ford, Public Works, 981-6300

16. **Major Encroachment Permit for David Brower Center Solar Panels**  
   From: City Manager  
   **Recommendation:** Adopt a Resolution authorizing the issuance of a major encroachment permit to Equity Community Builders, L.L.C., to encroach upon the public right-of-way on the north side of Allston Way for the installation of solar panels for the David Brower Center, conditional to acceptance of design and approval by the City Engineer.  
   **Financial Implications:** None  
   Contact: Claudette Ford, Public Works, 981-6300

17. **New Cities Project Membership Fee**  
   From: Mayor Bates  
   **Recommendation:** Adopt a Resolution authorizing the payment of $1,000 from the Mayor’s discretionary budget to pay annual dues to the New Cities Project, a national organization of progressive mayors.  
   **Financial Implications:** Mayor's Budget - $1,000  
   Contact: Tom Bates, Mayor, 981-7100
18. City Auditor's Duties and Authority
   From: City Auditor
   Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 2.24 giving all auditor job classifications the authority to issue administrative citations for violations of City ordinances.
   Financial Implications: See report
   Contact: Ann-Marie Hogan, City Auditor, 981-6750

19. Specific Standards For Care of Dogs Kept Outdoors
   From: Citizens Humane Commission
   Financial Implications: None
   Contact: Kate O'Connor, Secretary, Citizens Humane Commission, 981-6601

20. Appointment to the Mental Health Commission
   From: Mental Health Commission
   Financial Implications: None
   Contact: Carol Patterson, Secretary, Mental Health Commission, 981-5217

21. Regional Composting Facility
   From: Zero Waste Commission
   Recommendation: Support and participate in a proactive countywide process to identify appropriate in-county locations for future composting facilities.
   Financial Implications: None
   Contact: Tania Levy, Secretary, Zero Waste Commission, 981-6368
22. **Zoning Adjustments Board Appeal: 2224 Roosevelt Avenue**

   **From:** City Manager

   **Recommendation:** Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve the conversion of an existing duplex at 2224 Roosevelt Avenue to a single family dwelling, and the relocation of one of the existing units within the duplex to a new 462 square foot detached building at the rear of the lot, and dismissing the appeal.

   **Financial Implications:** None

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

   **Appeal**
   1. Gale Garcia and Patti Dacey

   **Communications**
   1. Jason Bathrick

23. **Zoning Adjustments Board Appeal: 1017 Miller Avenue**

   **From:** City Manager

   **Recommendation:** Adopt a Resolution affirming the decision of the Zoning Adjustments Board to adopt a Mitigated Negative Declaration for the proposed project at 1017 Miller Avenue, and approving the Use Permit #06-10000010 for the proposed single family residential structure with an accessory dwelling unit and two parking spaces and dismissing the appeal.

   **Financial Implications:** None

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

   **Appeal**
   1. Leo and Ingrid Vallely

   **Communications**
   1. None

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24. **UC Memorial Stadium Landmark Designation California Memorial Stadium**

   **From:** City Manager

   **Recommendation:** Open the public hearing on the Appeal of the Landmarks Preservation Commission Notice of Decision (NOD) for the UC Memorial Stadium Landmark Designation, and upon conclusion, adopt a Resolution denying the Landmark Designation without prejudice, and send the landmark application back to the Landmarks Preservation Commission with specific direction to change the area of the site identified as within the "Boundary of Proposed Landmark Site", to make any text adjustments needed to reconcile the text with the new boundaries, and to consider changes to address the three text differences identified in Table 1.

   **Fiscal Implications:** None

   **Contact:** Dan Marks, Planning & Development, 981-7400
25. **2116 Allston Way, Gaia Building: Implementation of Cultural Use Requirements** *(held over from October 10, 2006 by Mayor Bates)*  
From: City Manager  
Recommendation: Accept the June 13, 2006 letter from Panoramic Interests as the implementation plan to prioritize cultural uses at the Gaia Arts Center, terminate the Zoning Adjustments Board’s revocation proceedings, and direct staff to report on the schedule of events in one year.  
Financial Implications: None  
Contact: Dan Marks, Director, Planning & Development, 981-7400

26. **Funding for Ecology Center’s Environmental Summit** *(held over from October 10, 2006 by Mayor Bates)*  
From: Mayor Bates  
Recommendation: Adopt a Resolution authorizing $500 from the Mayor’s discretionary budget to the Ecology Center to help fund their first annual Environmental Summit.  
Financial Implications: Mayor’s Office Budget - $500  
Contact: Tom Bates, Mayor, 981-7100

27. **Funding for Ecology Center** *(held over from October 10, 2006 by Mayor Bates)*  
From Councilmember Maio  
Recommendation: Adopt a Resolution authorizing $2,000 in FY 2006 carryover funds from Councilmember Maio’s office budget to the Ecology Center for general operating expenses of Berkeley EcoHouse.  
Financial Implications: Councilmember Maio’s Office Budget - $2000  
Contact: Linda Maio, Councilmember District 1, 981-7110

28. **Solar Panel Permit Fees** *(held over from October 10, 2006 by Councilmember Spring)*  
From: Councilmember Spring  
Recommendation: Adopt a policy waiving permit fees on solar panels as a local incentive to encourage solarization with funding for the waivers to come from utility users tax revenues.  
Financial Implications: See report  
Contact: Dona Spring, Councilmember District 4, 981-7140

29. **Funding For A Campus Neighborhood Watch Program** *(held over from September 19 2006, September 26, 2006 and October 10, 2006 by Councilmember Worthington)*  
From: Councilmember Worthington  
Recommendation: Adopt a Resolution committing matching funding of $7,500 to support the Cal Campus Neighborhood Watch Program.  
Financial Implications: $7,500  
Contact: Kriss Worthington, Councilmember District 7, 981-7170  
Oral Report from: City Manager  
Contact: Phil Kamlarz, City Manager, 981-7000
Action Calendar – Old Business

30. Funding to Non-Profit Organizations *(Held over from September 26, 2006 and October 10, 2006 by Councilmember Olds)*

From: Councilmember Olds

Recommendaion: Adopt a Resolution approving funding from Councilmember Olds’ office budget to several non-profit organizations as stated in the report.

Financial Implications: See report

Contact: Betty Olds, Councilmember District 6, 981-7160

Action Calendar – New Business

31. BAPAC Proposals Concerning Additional Alcohol Regulations

a. From: City Manager

Recommendation: 1) Refer to the Planning Commission amendments to Berkeley Municipal Code (BMC) Sections 23B.20.010, 23C.04.030, 23B.60 and 23B.64 and provide any additional policy directions; 2) adopt first reading of an Ordinance adding a new BMC Chapter 9.84, Mandatory Responsible Beverage Service Training; 3) adopt first reading of an Ordinance amending BMC Sections 13.48.030, 13.48.040 and 13.48.050, Second Response; and 4) Adopt first reading of an Ordinance adding BMC Chapter 13.49, Social Host.

Financial Implications: See report

Contact: Manuela Albuquerque, City Attorney, 981-6950

b. From: Community Health Commission

Recommendation: Review and update of existing ordinances that regulate businesses which sell alcohol, and effective and consistent enforcement of these ordinances.

Financial Implications: None

Contact: Kimi Sakashita, Secretary, (510) 981-5344

Information Reports


From: City Manager

Contact: Robert Hicks, Finance, 981-7300

33. Status Update of Oxford Plaza and David Brower Center

From: City Manager

Contact: Stephen Barton, Housing, 981-5400

34. Quarterly Report on Employee Safety and Workers' Compensation

From: City Manager

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

35. Unrepresented Temporary Employees

From: City Manager

Contact: David W. Hodgkins, Human Resources, 981-6800
36. Landmarks Preservation Committee Notice Of Decisions: 1) 1 Cyclotron (Landmark)  
2) 3027 Adeline (Landmark) 3) 2811 Benvenue (Landmark)  
From: City Manager  
Contact: Dan Marks, Director Planning & Development 7400

37. Marin Avenue Traffic Study Report  
From: City Manager  
Contact: Claudette Ford, Public Works, 981-6300

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.