

MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, OCTOBER 13, 2009
7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 7:05 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak, and Mayor Bates.

Absent: None

Ceremonial Matters

1. Meyer Sound
2. Disaster Preparedness Week – October 12-17th
3. Animal Shelter Awareness Month – October 2009
4. Michelle Maykin
5. Rafael Jesus Gonzalez

City Manager Comments:

- 1 Successful Berkeley Project Day
- 2 Storm Update

Public Comment on Non-Agenda Matters: 2 speakers.

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

Consent Calendar

Action: M/S/C (Maio/Worthington) to adopt Consent Calendar in one motion except as indicated:

1. New Revenue Related to Parking Programs

From: City Manager

Recommendation:

- 1 Adopt the second reading of Ordinance No. 7,109–N.S. to amend Berkeley Municipal Code (BMC) Chapter 14.52, Parking Meters to increase the parking rate by 25¢ to \$1.50 per hour effective November 15, 2009 by amending BMC Section 14.52.120

Consent Calendar

- 2 Adopt the second reading of Ordinance No. 7,110–N.S. to expand locations of Single-Space Parking Meters and Pay-and-Display (P&D) Stations to commercial parking areas in Districts 1, 2, and 3 that currently have time zones, by amending BMC Section 14.52.010.

Financial Implications: See report

Contact: Claudette Ford, Public Works, 981-6300

Action: Adopted second reading of Ordinance No. 7,109–N.S. and Ordinance No. 7,110–N.S.

2. **Appointment of City Attorney**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Zach Cowan as City Attorney to be effective October 18, 2009.

Financial Implications: See report

Contact: Phil Kamlarz, City Manager, 981-7000

Action: Adopted Resolution No. 64,645–N.S. Noes: Arreguin, Worthington.

3. **Appointment of Director of Housing and Community Services**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Jane Micallef as Director of Housing and community Services to be effective October 18, 2009.

Financial Implications: See report

Contact: Phil Kamlarz, City Manager, 981-7000

Action: Adopted Resolution No. 64,646–N.S.

4. **Referendum Petition - Downtown Area Plan: Resolution No. 64,581-N.S.**

From: City Manager

Recommendation: Acknowledge that the referendum petition against the Downtown Area Plan, Resolution No. 64,581-N.S. contains the requisite number of valid signatures.

Financial Implications: See report

Contact: Deanna Despain, City Clerk, 981-6900

Action: Approved recommendation.

5. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the Council meetings of September 22, 2009 (regular), September 29, 2009 (special closed and regular) and October 5, 2009 (special closed).

Financial Implications: None

Contact: Deanna Despain, City Clerk, 981-6900

Action: Approved minutes as submitted.

Consent Calendar

- 6. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$2,025,000
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
- 7. City-Wide Security Services for Various City Locations and Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a citywide contract and any amendments with Universal Protection Service (UPS), to provide security services at various City locations and facilities for the period November 1, 2009 to June 30, 2012 for an amount not to exceed \$410,000 annually. Also authorize an option to extend the contract for two additional 1 year periods for a total of 5 years, subject to the City's annual budget appropriation process for a total authorized amount not to exceed \$2,050,000.
Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted Resolution No. 64,647–N.S. Noes: Worthington
- 8. Sale of Proposition 1A Receivable From the State**
From: City Manager
Recommendation: Adopt a Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.
Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted Resolution No. 64,648–N.S.
- 9. Contract No. 6841 Amendment: Prescription Psychiatric Medications**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 6841 with United Pharmacy for the provision of prescription psychiatric medications to increase the amount by \$132,959 for a total contract amount not to exceed \$964,918.
Financial Implications: See report
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 64,649–N.S.

Consent Calendar

- 10. Contract No. 7212A Amendment: Kaiser Permanente Medical Group for Occupational Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7212A with The Kaiser Permanente Medical Group in the amount of \$250,000 through June 30, 2012 for occupational health medical examinations, including pre-employment and annual physicals.
Financial Implications: See report
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 64,650–N.S.
- 11. Salary Compaction Adjustment - Tractor Trailer Driver and Solid Waste Loader Operator Classification**
From: City Manager
Recommendation: Adopt a Resolution to amend Resolution No. 64,171-N.S., Classification and Salary Resolution for Service Employees International Union (SEIU) Local 1021 (Maintenance & Clerical Chapters), to increase the salaries of the Tractor Trailer Driver by 3.5% and the Solid Waste Loader Operator by 6.1% effective June 28, 2009.
Financial Implications: Refuse Fund - \$45,000
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 64,651–N.S.
- 12. Access to Summary Criminal History Information for Emergency Medical Technicians**
From: City Manager
Recommendation: Adopt a Resolution authorizing staff in several departments to access state and local summary criminal history information obtained through fingerprint identification for employment purposes for sworn Fire personnel who certified by the State of California as Emergency Medical Technicians.
Financial Implications: General Fund - \$10,000
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 64,652–N.S.
- 13. Increase Purchase Order No. 75357 for TEC of California Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase FY 2009 purchase order number 75357 to TEC of California, Inc. by \$5,653 to \$301,653 for safety features on solid waste trucks.
Financial Implications: Equipment Replacement Fund - \$5,653
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 64,653–N.S.

Consent Calendar

- 14. Reappointment to Mental Health Commission**
From: Mental Health Commission
Recommendation: Approve the reappointment of Geraldine Craig to the Mental Health Commission, as a representative of the Special Public Interest Category, to continue her three-year term ending May 5, 2012.
Financial Implications: None
Contact: Carol Patterson, Commission Secretary, 981-5200
Action: Approved recommendation.
- 15. Audit: Utilization of Public Works Sewer Staff Can Be Improved**
From: City Auditor
Recommendation: Request the City Manager report back by April 2010 (and every six months thereafter) regarding the implementation status of each recommendation in the attached audit report until all recommendations have been reported implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Approved recommendation.

Council Consent Items

- 16. Relinquishment Of Council Office Budget Funds To General Fund and Grant Of Such Funds To The Earth Island Institute's "Brower Youth Awards," Resources for Community Development (RCD), the Women's Daytime Drop-In Center (WDDC), and SEEDS Community Resolution Center**
From: Councilmember Maio
Recommendation: Adopt a Resolution to approve the expenditure of \$200 to the Earth Island Institute's "Brower Youth Awards," \$200 to RCD, \$500 to the WDDC, and \$250 to SEEDS with funds relinquished to the City's General Fund for this purpose from Councilmember Maio's discretionary Council Office Budget.
Financial Implications: No General Fund impact; \$1,150 is available from Councilmember Maio's Council Office Budget.
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Adopted Resolution No. 64,654–N.S.
- 17. Establishing an Efficiency Task Force**
From: Councilmembers Moore and Wozniak
Recommendation: Authorize the City Manager to develop an Efficiency Taskforce to respond to various economic challenges.
Financial Implications: Unknown
Contact: Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation as amended to request that the City Manager return to Council with a proposed plan for the task force. Abstain: Anderson.

Council Consent Items

- 18. Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds to Berkeley Boosters/Police Activities League Boys' Traveling Team**
From: Councilmember Moore
Recommendation: Adopt a Resolution to approve the expenditure of \$250 to the Berkeley Boosters/Police Activities League Boys' Traveling Team with funds relinquished to the City's General Fund for this purpose from Councilmember Moore's discretionary Council Office Budget.
Financial Implications: No General Fund Impact. Councilmember Moore's Discretionary Fund - \$250
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 64,655–N.S.
- 19. Declare Saturday, October 31 2009, "Berkeley Patients Group Day" in the City of Berkeley**
From: Councilmembers Moore, Anderson, Maio and Worthington
Recommendation: Adopt a Resolution declaring Saturday, October 31 2009 "Berkeley Patients Group Day," in honor of Berkeley Patients Group's tenth anniversary of providing medical cannabis to patients and caregivers.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Adopted Resolution No. 64,656–N.S.
- 20. Call for U.S. Support for Third Party Diplomatic Negotiations in the Niger Delta and Support for the Energy Security Through Transparency Act**
From: Councilmembers Arreguin, Anderson and Moore
Recommendation: Adopt a Resolution calling for U.S. support for third party diplomatic negotiations in the Niger Delta and support the Energy Security Through Transparency Act (ESTT) [S. 1700].
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
Action: Adopted Resolution No. 64,657–N.S. Abstain: Wozniak.
- 21. Support HR 3221 Student Aid and Fiscal Responsibility Act**
From: Councilmembers Worthington and Arreguin
Recommendation: Send a letter to President Barack Obama, Senator Barbara Boxer and Senator Diane Feinstein urging them to support the Student Aid and Fiscal Responsibility Act of 2009 (H.R. 3221).
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Action Calendar – Old Business

22. Wireless Telecommunication Facilities: Direction on Next Steps (Continued from June 23, 2009)

From: City Manager

Recommendation: Provide direction on the timing, process, and funding for preparation of a Wireless Telecommunications Master Plan.

Financial Implications:

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

Action: Creation of a task force to include Mayor Bates and Councilmembers Wozniak, Anderson and Arreguin to meet with Wireless Telecommunication experts to determine next steps for preparation of a Wireless Telecommunications Master Plan.

Action Calendar – New Business

23. Deferral and Eventual Waiver of Permit Fees to Encourage Weatherford BMW to Build Its New Dealership in Berkeley

From: Economic Development

Recommendation: Adopt a Resolution authorizing the City Manager to defer building permit fees for Weatherford BMW's proposed project to construct a new dealership at 735 Ashby/750 Potter Street in West Berkeley, waive these fees upon completion of the project, and replace lost Permit Services Center revenue from the General Fund Reserve.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Action: Moved to Consent Calendar. Adopted Resolution No. 64,658–N.S. authorizing the City Manager to defer building permit fees for Weatherford BMW's proposed project to construct a new dealership at 735 Ashby/750 Potter Street in West Berkeley, waive these fees upon completion of the project, and replace lost Permit Services Center revenue from the General Fund Reserve. Abstain: Worthington.

24. Proposed Revisions to Berkeley Sign Regulations

From: City Manager

Recommendation: Adopt first reading of two Ordinances

1. Amending Berkeley Municipal Code Title 20 (Regulating Signage)
2. Amending Berkeley Municipal Code Title 16 (Streets, Sidewalks, and Other Public Property).

Financial Implications: See report

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

Action: Continued to November 10, 2009.

Action Calendar – Council Items

25. Stop the Bus Cuts – Transfer BRT Capital \$ Into Operating Funds

From: Councilmember Worthington

Recommendation: Send a letter to the Metropolitan Transportation Commission (MTC) and AC Transit requesting that they do everything possible, legally and operationally, to transfer funds to prevent cuts.

Financial Implications: None

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

Action: M/S/C (Worthington/Arreguin) to approve Councilmember Worthington's amended recommendation to send a letter to the Metropolitan Transportation Commission (MTC) and AC Transit requesting that they do everything possible, legally and operationally, to transfer funds to prevent cuts, including converting \$35 million in Congestion Mitigation and Air Quality (CMAQ) funding from the Berkeley Rapid Transit (BRT) project to the operating budget to minimize service reductions.

Vote: All Ayes

Action: M/S/C (Capitelli/Maio) to support the establishment of an independent task force to examine funding sources and potential service consolidation.

Vote: Ayes: Maio, Moore Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates.
Abstain: Worthington.

Information Reports

26. Unrepresented Temporary Employees

From: City Manager

Contact: David Hodgkins, Human Resources, 981-6800

Action: Received and filed.

27. ****Removed from Agenda by City Manager**Credit Card Enabled Single-Space Meter Pilot in North Berkeley**

28. Status Report on the Aquatic Park Cleaning Project Phase 1

From: City Manager

Contact: Claudette Ford, Public Works, 981-6300

Action: Received and filed.

29. Sanitary Sewer System – Inspection and Administrative Order by the U.S. Environmental Protection Agency

From: City Manager

Contact: Claudette Ford, Public Works, 981-6300

Action: Received and filed.

Public Comment – Including Items Not Listed on the Agenda – 0 speakers.

Adjournment: 8:39 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 13, 2009 as approved by the Berkeley City Council.

Deanna Despain, CMC, City Clerk

Communications

Item 25: Stop the Bus Cuts – Transfer BRT Capital \$ Into Operating Funds

1. Kriss Worthington, District 7

Support for Parker Place

2. Marla Wilson, on behalf of Greenbelt Alliance

Supplemental Communications and Reports 1

Item 17: Establishing an Efficiency Task Force

3. Marie Bowman, on behalf of Berkeley Alliance of Neighborhood Associations
4. Marie Bowman, on behalf of Berkeleyans Against Soaring Taxes
5. Nancy Friedberg, on behalf of Berkeley Can Do Better

Item 25: Stop the Bus Cuts – Transfer BRT Capital \$ Into Operating Funds

6. Joel Ramos, on behalf of TransForm

Supplemental Communications and Reports 2

Item 4: Referendum Petition - Downtown Area Plan: Resolution No. 64,581-N.S.

7. Melissa Riley

Item 24: Proposed Revisions to Berkeley Sign Regulations

8. Michael Colbruno