

**BERKELEY CITY COUNCIL  
SPECIAL MEETING  
TUESDAY, JUNE 5, 2001, 5:15 P.M.  
COUNCIL CHAMBERS  
2134 MARTIN LUTHER KING JR. WAY**

**SUMMARY**

**ROLL CALL: 5:19 P.M.** All present.

**PUBLIC COMMENT:** Eight speakers.

The City Attorney announced that the City had received a letter from the developer of 2700 San Pablo Avenue project stating that he has withdrawn the application for the project and that the matter is now moot. The Council requested a memo from the City Attorney regarding the legal status of the project for clarification and direction on permitted discussion by Councilmembers.

**CLOSED SESSION:** The Council recessed into Closed Session immediately after Public Comment.

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):**

1. **Qwest Communications Corporation v. City of Berkeley**, United States District Court for the Northern District of California, No. C 01-0663 SI

**Action:** The City Clerk reported in Open Session that the Council took the following action during Closed Session: Moved, second, carried (Hawley/Olds; Noes - Worthington; Abstain - Armstrong, Maio) to direct the City Attorney to appeal the decision of the Court in the case of Qwest Communications Corporation v. City of Berkeley.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9**

2. The City has been threatened with suit both by the applicant, Patrick Kennedy, and by project opponents Connie and Howie Muir regarding the project at **2700 San Pablo Avenue**. The City Council will be meeting with its attorneys to discuss such anticipated litigation.

**OPEN SESSION:** The Council recessed into Open Session at 7:00 p.m., immediately after adjourning the Closed Session, to consider the following:)

3. **Appropriations Limit for FY 2002**

**From: City Manager Recommendation:** Adopt a Resolution providing notice: 1) that Council will adopt an appropriations limit for Fiscal Year 2002 on June 26, 2001; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 11, 2001.

Contact: Fran David, Finance, 981-7300

**Action:** Moved, seconded, carried (Worthington/Armstrong; Absent - Spring) to adopt Resolution No. 61,084-N.S.

4. **Energy Crisis**

**From: Mayor Dean**

**Recommendation:** 1) Adopt a policy of support for the Federal Energy Regulatory Commission (FERC) to take action justifying their own findings that wholesale energy prices to California have been unjust and unreasonable, to re-open the subject with FERC, to call for the establishment of a temporary cap on the wholesale price of energy (electricity and natural gas in at least California); to further authorize the City Attorney to intervene or participate with other cities in any legal action in pursuit of this policy. It is understood that adoption of this policy does not allocate additional City resources to carry it out at this time, and any allocation over the current authority of the City Manager and City Attorney would be brought to the City Council for approval; 2) request the City Manager inform the California Congressional Delegation by letter of Berkeley's concerns regarding President Bush's energy policies as contained in National Energy Policy; Report of the National Policy Development Group. This response to contain specific examples of the effects the policy and gaps in policy have on the City businesses and individual residents; Copies of the letter be provided to each Councilmember and the Press; and 3) request the City Manager immediately evaluate providing local incentives for the installation of alternative energy systems; the City Manager is specifically requested to evaluate fast tracking the permit process and the waiver of permit fees; that evaluation of fast tracking the permit process be evaluated first because of current customer complaints; and that a report be provided to the Council as soon as possible.

Contact: Shirley Dean, Mayor, 981-7100

**Action:** Moved, seconded, carried (Worthington/Armstrong; Absent - Spring) to approve the recommendation.

**ADJOURNMENT:**

The meeting adjourned at 7:01 p.m.