

**BERKELEY CITY COUNCIL
ADJOURNED REGULAR MEETING**
City Council Chambers: 2134 Martin Luther King, Jr. Way

**MONDAY, APRIL 29, 2002, 7:00 P.M.
AGENDA**

Preliminary Matters

Roll Call: 7:00 P.M.

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

- a) Proclamation Celebrating Young Americans and Dia de los Ninos
- b) Proclamation for Child Care Appreciation and the Bananas organization

Comments From The Public: *A total of 30 minutes is scheduled. Each speaker is limited to a maximum of 3 minutes. Comments during special meetings must address only items listed on the agenda. If there are not 30 minutes of public comment, the Council will proceed with the agenda.*

Presentations

1. **Telecommunications Task Force: Findings and Recommendations** *(Held over from 04/23/2002)*
From: City Manager
Contact: Roger Miller, Secretary of Telecommunications Task Force, 981-7000

2. **Transfer of AT&T Cable Franchise to AT&T Comcast Corporation** *(Held over by Armstrong from 03/19/02 and 04/23/2002)*
From: City Manager
Contact: Phil Kamlarz, Deputy City Manager, 981-7000

Action Calendar

3. **Willard Neighborhood Safe Routes to School Grant Implementation** *(Held over by Armstrong from 04/16/2002 and 04/23/2002)*
From: Councilmember Worthington
Recommendation: Refer to the City Manager to establish an inclusive community process to finalize plans for the Willard Neighborhood Safe Routes to School grant implementation and the effects on the neighborhood, traffic, bike route and safety.
Contact: Kriss Worthington, District 7, 981-7170

4. **Interim Controls On Office Development In The MU-LI (Mixed Use-Light Industrial) District** *(Held over from 04/23/2002)*

From: The Planning Commission

Recommendation: Adopt an Ordinance amending the Zoning Ordinance (BMC Title 23E.80.030) to prohibit for one year: (1) the conversions of existing building space from any other use to office; and (2) the development of new office uses (excluding ancillary office uses) in the mixed-use light industrial (MU-LI) zoning district. That the City Council revise its June 12, 2001 recommendation regarding interim controls on office development in the MU-LI to replace the terms “Green Economy” and “Green Business” with “Green Light Industry.”

Contact: Steve Solomon, Secretary, 705-8315

a. From: City Manager

Recommendation: That the City Council: 1) not adopt a moratorium on office conversion and development in the MU/LI district at this time; and 2) do not adopt an amendment altering the definition of office use for the MU-LI district; and 3) direct Staff to track applications and permitting activity in West Berkeley and report on a regular basis to the Council, Planning Commission and Zoning Adjustments Board; and 4) direct Staff to report to the Planning Commission on the mechanisms for tracking the use of space for artists and artisans within the context of existing Ordinance requirements.

Contact: Carol Barrett, Planning and Development, 705-8102

5. **Consider a Citywide 20 MPH Speed Limit in Residential Areas** *(Held over by Olds from 3/12/02, 03/19/02, and 04/23/02)*

From: Councilmember Worthington

Recommendation: Refer to the Transportation Commission consideration of a citywide 20 MPH speed limit in residential areas.

Contact: Kriss Worthington, District 7, 981-7170

a. From: Mayor Dean

Recommendation: Propose the following substitute for the motion currently contained in the item above: (New language underlined, language to omitted in shown in ~~strike-through~~.) Refer to the staff and Transportation Commission for evaluation the proposal to consider a citywide 20 MPH speed limit in residential areas. Their consideration specifically is to include the following: 1) limiting consideration to street that are designated residential; 2) developing criteria under which a street would be eligible for a 20 MPH designation; 3) developing a process which would be used when a specific street or streets are to be considered for a 20 MPH designation; and 4) determining the costs involved and recommendations for how such costs would be met in the budget. The staff and Transportation Commission are to return to the Council for approval of their recommendations.

Contact: Shirley Dean, Mayor, 981-7100

6. **Campaign Finance Reform Through Public Finance of 2002 Berkeley Elections** (*Held over by Armstrong from 03/19/2002 and 04/23/2002*)
From: Councilmember Worthington
Recommendation: That Council indicate our intention to implement campaign finance reform through partial matching fund public financing of the City of Berkeley elections this November, and request the City Manager to have attorneys review proposals for Berkeley campaign finance reform.
Contact: Kriss Worthington, District 7, 981-7170
a. From: Councilmember Worthington
Berkeley Campaign Public Financing Act of 2002
Contact: Kriss Worthington, District 7, 981-7170
7. **Relocation of Kenney Cottage to the Marina** (*Held over from 03/19/02 and 04/23/2002*)
From: Landmarks and Preservation Commission
Recommendation: Budget up to \$10,000 to allow the Kenney Cottage to be moved from a temporary storage location at the Marina or other suitable location to a site for future use of the building.
Contact: Greg Powell, Secretary, 705-8114
a. City Manager
Recommendation: Do not approve any funds for relocation of Kenney Cottage to City property since taking on this project will require a substantial financial commitment to rehabilitate the cottage. Funds are not available for the project.
Contact: Carol Barrett, Planning and Development, 705-8102; Lisa Caronna, Parks and Waterfront, 981-6700
8. **Charter Amendment Changing the Effective Date of Redistricting** (*Held over by Maio from 04/16/2002 and 04/23/2002*)
From: Mayor Dean
Recommendation: Request the City Manager develop a charter amendment which would provide for redistricting two years after the decennial Census, with elections from the new districts to be held at the next general election following this revised redistricting process. This amendment should be placed on the November 2002 ballot to be effective at the next round of redistricting. The change would not effect current redistricting.
Contact: Shirley Dean, Mayor, 981-7100

9. **Charter Amendment To Extend Time To Redistrict After Decennial Census And Consolidating Council, Mayoral And Auditor Elections To Coincide With The Redistricting Cycles** *(Held over by Maio from 04/23/2002)*
From: Councilmember Spring
Recommendation: Add an amendment to the April 16, 2002 recommendation from Mayor Dean to change the effective date of redistricting by the Council requesting that the City Manager develop a charter amendment which would allow redistricting to occur up to two years after the decennial census if necessary; and in order to prevent bifurcation of the residents in new and future redistricting plans, align all the council district elections as well as the mayoral election in the year 2004. This charter amendment should be placed on the Nov. 2002 ballot to be effective at the next round of redistricting. The change would not affect the current adopted redistricting plan.
Contact: Dona Spring, District 4, 981-7140
10. **Assisting Afghan Victims of the Devastating Earthquakes** *(Held over by Breland from 04/16/2002 and 04/23/2002)*
From: Councilmember Spring
Recommendation: Adopt a Resolution granting \$3000 to assist the Afghanistan victims of the devastating earthquakes; and request the City Manager to give City employees information on this opportunity to donate to the relief efforts.
Contact: Dona Spring, District 4, 981-7140
11. **Vandalized Berkeley Hillel and Other Incidents Aimed at the Jewish Community** *(Held over by Armstrong from 04/16/2002 and 04/23/2002)*
From: Councilmember Worthington
Recommendation: Follow up on our designation of Berkeley as a hate free zone by bringing together representatives of different groups and individuals that have been the target of hate actions in Berkeley, in a city sponsored public event embracing all the affected communities.
Contact: Kriss Worthington, District 7, 981-7170
12. **Policy on Zoning Project Notices** *(Held over by Armstrong from 04/16/2002 and 04/23/2002)*
From: Councilmember Spring
Recommendation: That the Council refer to the City Manager and ask that he return with a timely response to the request for adoption of a policy that the Zoning Officer include, as a matter of course in both the Notice and the summary that appear on Zoning Adjustments Board agendas; 1) the total lot-size of the project site, in square feet; 2) the number of affordable units, and the depth of their affordability, as well as a brief reference to how that number accords with the requirements of BZO Section 23C. 12.030; 3) the total number of dwelling units in the project, or square feet of gross floor area for non-residential projects; 4) the maximum residential density for the project-site; 5) the total square footage of any commercial or other non-residential area of the project; 6) the total number of floors of the project; and 7) the average and maximum height of the project.
Contact: Dona Spring, District 4, 981-7140

13. **Support for New Auto Related Uses on University Avenue Contingent on a Public Hearing** (*Held over by Hawley from 04/16/2002 and 04/23/2002*)
From: Councilmember Spring
Recommendation: Support allowing new auto related uses on University Avenue with the requirement that all new auto related uses are subject to a public hearing before approval or disapproval.
Contact: Dona Spring, District 4, 981-7140
14. **Save Our Starving Artists** (*Held over by Olds from 04/23/2002*)
From: Councilmember Worthington
Recommendation: Refer to the City Manager what steps the City can take to assist these artists to continue to live in Berkeley including but not limited to: 1) provide staff advice to the artists to evaluate the feasibility of forming a co-op to purchase the building, 2) consider creating a policy and procedure for waving requirements for seismic strengthening (if required), and 3) consider waiving requirements for timing of seismic retrofit if building purchased by resident tenants.
Contact: Kriss Worthington, District 7, 981-7170
15. **Strengthening The Creeks Preservation Ordinance** (*Held over by Hawley from 04/23/2002*)
From: Councilmember Dona Spring
Recommendation: Request that the City Attorney return by the first meeting in July with a finalized version of the revised Creek Preservation ordinance that will better protect our creeks to prevent any kind of development such as paving or creating driveways within 30 feet of a creek or underground creek or a culverted creek; and that the City strengthen its policy to open all underground creeks wherever possible.
Contact: Dona Spring, District 4, 981-7140
16. **Support For Ed Rosenthal** (*Held over from 04/23/2002*)
From: Police Review Commission
Recommendation: 1) Request the City Manager ask the City Attorney to file an amicus brief in support of Ed Rosenthal, who was arrested by the U.S. Drug Enforcement Agency (DEA), and offer assistance to his legal defense; 2) Request the City Manager prepare a letter in support of Mr. Rosenthal; and 3) Send letters detailing this action to Senators Barbara Boxer and Dianne Feinstein, Representative Barbara Lee, Attorney General John Ashcroft, and DEA Administrator Asa Hutchinson.
Contact: Barbara Attard, Secretary, 644-6716
- a. From: City Manager**
Recommendation: The City Manager recommends against adopting the Police Review Commission's request to have the City Attorney "file and amicus brief" in the federal criminal prosecution of Ed Rosenthal and to write letters in this regard.
Contact: Manuela Albuquerque, City Attorney, 981-6950, D.E. Butler, Police, 981-5700

Adjournment