

SUMMARY

BERKELEY CITY COUNCIL ADJOURNED REGULAR MEETING

MONDAY, APRIL 29, 2002

Preliminary Matters

Roll Call: 7:05 P.M. – All present

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

Action: Presented proclamations

Comments From The Public: 11 speakers

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
Action: Moved, seconded, carried (Hawley/Armstrong) to approve:
1) Receiving the Telecommunications Task Force report: findings and recommendation from the Task Force; 2) Deferring action until the City Manager evaluates the Task Force recommendations and develops an action plan including costs and a timetable for implementation of the recommendations; 3) Referring to the budget process any new costs associated with implementation; and 4) Directing the City Manager to develop a set of recommendations to negotiate from the AT&T cable television franchise using the findings of the Telecom Task Force and the opinion of the City's outside telecommunications attorney. The City Manager to report to the Council prior on June 25, 2002.
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: Moved to Information by Councilmember Hawley.

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

Actions: Moved, seconded, carried (Maio/Armstrong) a severed motion:

To refer to the City Manager to continue with the installation of lights at Stuart and Russell; to convene the wide and broad community process to determine their use; and to report back to Council no later than September on the recommendation for the process on how these two traffic lights should be used; and that there be particular focus on the safety of schoolchildren and other pedestrians at Willard Park and Totlot; Le Conte and Willard Schools and the Claremont Branch Library. (Unanimous)

To not turn on the traffic lights until staff has conducted its community process and reports back to Council no later than September (Noes – Worthington; Abstain – Spring).

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

Actions: Moved, seconded, failed (Hawley/Armstrong; Noes –Breland, Maio, Shirek, Spring, and Worthington) a substitute motion to approve the City Manager’s recommendation.

Moved, seconded, carried (Spring/Maio; Noes – Armstrong, Hawley, Olds and Dean) a main motion to approve the recommendation of the Planning Commission as revised by Councilmember Maio to limit the moratorium to six months and to adopt first reading of the Ordinance. Second reading scheduled for May 14, 2002.

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 be 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

Action: Held over to the meeting of May 14, 2002.

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

Actions: Moved, seconded (Worthington/Spring) a main motion to approve Councilmember Worthington's recommendation to indicate Council's intent to implement campaign finance reform through partial matching fund public financing for this November election and request the City Manager and City Attorney to review the three options included in the Council packet and further amended to also have the City Attorney and City Manager come back to Council with a report on the steps necessary to place a measure on the November ballot including either amending the Berkeley Election Reform Act to provide for partial public campaign financing or amending the Berkeley Election Reform Act to give the Council the authority to implement partial public campaign financing.

Moved, seconded, carried (Hawley/Armstrong; Noes - Breland; Abstain – Spring and Worthington; Absent - Maio) a substitute motion to refer this item to the budget process.

7. **Relocation of Kenney Cottage to the Marina** (*Held over from 03/19/02 and 4/23/2002*)

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

Action: Moved, seconded, carried (Spring/Armstrong) to approve the revised recommendation of the City Manager to adopt Resolution No. 61,536-N.S.: 1) authorizing the City Manager to locate the Elizabeth M. Kenney Cottage on a city-owned parcel located between 1275 and 1283 University Avenue or other suitable location for a period of one year; and 2) budget up to \$10,000 to move the structure to a permanent location after restoration by the Berkeley Architectural Heritage Association subject to approval in FY 2004 budget and further amended by Councilmember Maio to encourage staff to look for alternative sites.

It was noted for the record that the City will not go forward with the move without commitment from BAHA or other preservation organization to restore the structure and that there be appropriate fencing around the structure.

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
Action: Held over to the meeting of May 14, 2002.

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
Action: Held over to the meeting of May 14, 2002.

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
Action: Held over to the meeting of May 14, 2002.

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
Action: Held over to the meeting of May 14, 2002.

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
Action: Held over to the meeting of May 14, 2002.
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
Action: Held over to the meeting of May 14, 2002.
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 waiving 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
Action: Moved, seconded, carried (Worthington/Spring) to refer to the City Manager a recommendation as revised by Councilmembers Maio and Spring to: 1) provide staff advice to the artists to evaluate the feasibility of forming a co-op to purchase the building; 2) consider waiving any fees associated with the retrofit and directing the City Manager to assist the artists cooperative which formed to purchase this building to work out a strategy to finance the seismic strengthening of the building; 3) to encourage the owner to work cooperatively with the artists in achieving a sale; and 4) stating Council's desire to keep the artists co-op at this location because it has provided such a wonderful service and resource to the community.

15. **Strengthening The Creeks Preservation Ordinance** (*Held over by Hawley from 04/23/2002*)
From: Councilmember 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
Action: Held over to the meeting of May 14, 2002.
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
Action: Held over to the meeting of May 14, 2002.

Communications

SUPPLEMENTAL COMMUNICATIONS AND AGENDA REPORTS

Item 3 Willard Neighborhood Safe Routes to School Grant Implementation

1. Joshua and Rebecca Sladel Nowlis
2. Petition regarding Traffic Safety on the Russell Street Corridor
3. Robin Grossinger
4. Bill Walzer

Item 4 Interim Control on Office Development in the MU-LI (Mixed Use-Light Industrial) District

5. Additional Information submitted by the Planning Commission
6. Juliet Lamont and Phil Price
7. Christopher Kroll
8. Alan Gould
9. Diane A. Tokugawa
10. Carol Thornton

Adjournment

Action: Moved, seconded, carried (Spring/Worthington) to suspend Council Rules to extend the meeting to complete specific agenda items.

The meeting adjourned at 11:56 p.m.