

Peace and Justice Commission

CONSENT CALENDAR

September 9, 2003

To: Honorable Mayor and  
Members of the City Council

From: Peace and Justice Commission

Subject: License Agreement: University of California Cal Adventures Program

RECOMMENDATION

Adopt a Resolution finding that no reasonable alternative exists under Section 12.90.070 of the Berkeley Municipal Code, the Nuclear-Free Berkeley Act, for the license agreement with the Regents of the University of California for exclusive use of City property at the Berkeley Marina for the operation of the Cal Adventures Water Program; and approving a waiver of Section 12.90.070 of the Berkeley Municipal Code.

BACKGROUND

At the regular meeting of September 8, 2003, the Peace and Justice Commission discussed a waiver of Section 12.90.070 of the Berkeley Municipal Code for the license agreement with the University of California-Berkeley for the operation of the Cal Adventures Water Program at the Berkeley Marina, and approved the following action.

**M/S/C** (*Seaton, Yuen*) that the Peace and Justice Commission finds a waiver of the Nuclear Free Act is appropriate in that it satisfies the three criteria set forth in Section 12.90.070.A of the Act.

First, Cal Adventures provides approximately 3,000 children from Berkeley-Oakland Area schools with their first exposure to boating, thereby providing educational services and services for children, a purpose specifically recognized by Section 12.90.30 E of the Nuclear Free Act.

Second, the availability of alternative services, the second criterion of Section 12.90.070, is satisfied because it is extremely unlikely that another group could equal the services currently available.

Finally, we also find that the third criterion of the Nuclear Free Act is satisfied because the proposed license agreement will provide \$11,500 per year in revenue in the first year compared to \$5000 per year paid by adjacent tenants, the Cal Sailing Club. Rejecting this license agreement would therefore result in quantifiable additional cost to the City of Berkeley.

Therefore, the Peace and Justice Commission recommends that this license agreement be deemed to qualify for a waiver under Section 12.90.070 A of the Nuclear Free Act. **Ayes:** *Arasteh, Freedkin, Lavine, Maran, McDonald, Seaton, Sherman, sorgen, Wagley, Yuen;* **Noes:** *Brody;* **Abstain:** *Cohen;* **Absent:** *None.*

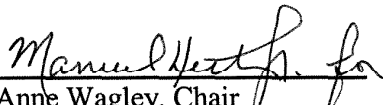
FINANCIAL IMPLICATIONS

None.

CONTACT PERSON

Anne Wagley, Chair, Peace and Justice Commission, 204-9505  
Manuel Hector, Secretary, Peace and Justice Commission, 981-5110

Approved by:

  
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Anne Wagley, Chair  
Peace and Justice Commission

RESOLUTION NO.            -N.S.

FINDING THAT NO REASONABLE ALTERNATIVE EXISTS UNDER SECTION 12.90.070 OF THE BERKELEY MUNICIPAL CODE, THE NUCLEAR-FREE BERKELEY ACT, FOR THE LICENSE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR EXCLUSIVE USE OF CITY PROPERTY AT THE BERKELEY MARINA FOR THE OPERATION OF THE CAL ADVENTURES WATER PROGRAM; AND APPROVING A WAIVER OF SECTION 12.90.070 OF THE BERKELEY MUNICIPAL CODE

WHEREAS, the Peace and Justice Commission finds a waiver of the Nuclear Free Act is appropriate in that it satisfies the three criteria set forth in Section 12.90.070.A of the Act; and

WHEREAS, the Cal Adventures Water Program provides approximately 3,000 children from Berkeley-Oakland Area schools with their first exposure to boating, thereby providing educational services and services for children, a purpose specifically recognized by Section 12.90.30 E of the Nuclear Free Act; and

WHEREAS, the availability of alternative services, the second criterion of Section 12.90.070, is satisfied because it is extremely unlikely that another group could equal the services currently available; and

WHEREAS, the Peace and Justice Commission also finds that the third criterion of the Nuclear Free Act is satisfied because the proposed license agreement will provide \$11,500 per year in revenue in the first year compared to \$5000 per year paid by adjacent tenants, the Cal Sailing Club; and

WHEREAS, rejecting this license agreement would result in quantifiable additional cost to the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley finds that no reasonable alternative exists for the license agreement with the Regents of University of California for exclusive use of City property at the Berkeley Marina for the operation of the Cal Adventures Water Program; and approving a waiver of Section 12.90.070 of the Berkeley Municipal Code.