

## SUMMARY

### BERKELEY CITY COUNCIL SPECIAL MEETING

MONDAY, JULY 25, 2005

7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way  
Teleconference Location – 1636 Channing Way, Berkeley, CA

#### Preliminary Matters

**Roll Call:** 7:00 p.m. All present.

**City Manager Comments:**

Next Tuesday, August 2, 2005 is National Night Out. This event provides an opportunity for neighborhoods to organize so that police and city staff can go out and meet with them.

**Public Comment:** 10 speakers.

#### Consent Calendar

**Action:** Moved, seconded, carried (Worthington/Maio) to adopt Consent Calendar in one motion except as indicated:

- 1. Regulation of Taxicabs and Automobiles for Hire** (*First Reading July 19, 2005 – Unanimous*)  
**From:** City Manager  
**Recommendation:** Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 9.52, Taxicabs and Automobiles for Hire.  
**Financial Implications:** None.  
Contact: Fran David, Finance, 981-7300  
**Action:** Adopted Ordinance No. 6,874–N.S. Effective August 24, 2005.
- 2. Expand City Manager Contract Authority** (*First Reading July 19, 2005; Noes – Spring, Worthington*)  
**From:** Councilmembers Moore, Capitelli and Wozniak  
**Recommendation:** Adopt second reading of an Ordinance 1) amending Berkeley Municipal Code (BMC) Section 7.18.010B to increase the City Manager’s expenditure authority for capital improvements, including playground improvements and equipment, to \$200,000; 2) amending BMC Section 7.18.010C to increase the City Manager’s general expenditure authority for materials, supplies, and equipment to \$100,000; and 3) amending BMC Section 7.18.020A to increase the City Manager’s emergency expenditure authority for materials, supplies and equipment to \$100,000, and for public construction projects and playground improvements and equipment to \$200,000.  
**Financial Implications:** Reduced staff time.  
Contact: Darryl Moore, Councilmember District 2, 981-7120; Laurie Capitelli, Councilmember District 5, 981-7150; Gordon Wozniak, Councilmember District 8, 981-7180  
**Action:** Adopted Ordinance No. 6,875–N.S. Effective August 24, 2005.

## Consent Calendar

### 3. Oppose Constitutional Amendment Requiring Parental Notification for Abortions

**From: Councilmember Moore**

**Recommendation:** Adopt a Resolution opposing the Initiative Constitutional Amendment that would require health care providers to notify the parents of women under the age of 18 before providing abortion services.

**Financial Implications:** None.

Contact: Darryl Moore, Councilmember District 2, 981-7120

**Action:** Adopted Resolution No. 63,027–N.S.

### 4. Support SB 840: California Health Insurance and Reliability Act (CHIRA)

**From: Councilmember Anderson**

**Recommendation:** Adopt a Resolution supporting Senator Sheila James Kuehl's legislation creating a state-run health insurance program that would insure every Californian. Coverage includes all care prescribed by a patient's health care provider that meets accepted standards of care and practice.

**Financial Implications:** None.

Contact: Max Anderson, Councilmember District 3, 981-7130

**Action:** Adopted Resolution No. 63,028–N.S.

## Action Calendar – Public Hearing

### 5. Establish FY 2006 Assessments for Street Lighting

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution confirming a diagram and assessments, and levying FY 2005-2006 assessments for the Berkeley Street Lighting Assessment District No. 1982-1.

**Financial Implications:** See report.

Contact: Rene Cardinaux, Public Works, 981-6300

**Public Testimony:** The Mayor opened the public hearing. No speakers. Moved, seconded, carried (Maio/Worthington) to close the public hearing.

**Action:** Moved, seconded, carried (Maio/Worthington) to adopt Resolution No. 63,029–N.S.

## Action Calendar – Public Hearing

### 6. David Brower Center/Oxford Plaza (2200 Oxford Street) – General Plan/Downtown Plan Amendment, Mitigated Negative Declaration and Clarification of Creeks Ordinance

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt two Resolutions: 1) adopting the mitigated negative declaration which was prepared for the proposed General Plan/Downtown Plan Amendment and proposed development project, including the DDA, and amending the General Plan and Downtown Plan to create a new height/floor area bonus for the portion of the Oxford Edge sub-area occupied by the project site; and 2) expressing the legislative intent that uncovered decks, porches, awnings, solar equipment and other similar features are not subject to the required setback from culverted creeks under the Creeks Ordinance.

**Financial Implications:** See report.

Contact: Dan Marks, Planning, 981-7400

**Public Testimony:** The Mayor opened the public hearing. 20 speakers. Moved, seconded, carried (Moore/Maio) to close the public hearing.

**Action:** Moved, seconded, carried (Worthington/Maio; Abstain – Olds) to adopt Resolution No. 63,030–N.S. adopting the mitigated negative declaration prepared for the proposed General Plan/Downtown Plan Amendment and development project, including the DDA, and amending the General Plan and Downtown Plan to create a new height/floor area bonus for the portion of the Oxford Edge sub-area occupied by the Brower project site.

Moved, seconded, carried (Worthington/Maio) to adopt Resolution No. 63,031–N.S. memorializing the legislative intent that uncovered decks, porches, awnings, solar equipment and other similar features are not subject to the required setback from creeks under the Creeks Ordinance and correcting the staff recommendation to remove the word “culverted”.)

## Action Calendar – Old Business

### 7. Support Equitable Class Pass Program (*Held over from July 19, 2005*)

**From: Councilmember Worthington**

**Recommendation:** Express concern over the proposed Class Pass referendum, support an equitable solution that addresses the needs of students and the University, and send a letter to the UC Berkeley Chancellor urging the administration to delay approval of final referendum language until the concerns of students are incorporated into the proposal.

**Financial Implications:** None.

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

**Action:** Moved to Consent by Councilmember Worthington and approved as revised in a report dated July 25, 2005 submitted by Councilmember Worthington.

## Action Calendar – New Business

### 8. Appointment of Joint Zoning Adjustments Board/Planning Commission Subcommittee for Density Bonus/Inclusionary Ordinance Procedures

**From: City Manager**

**Recommendation:** That Council rescind Resolution No. 63,009–N.S., and adopt a new Resolution appointing a joint subcommittee pursuant to the City of Berkeley Commissioner’s Manual comprised of members already appointed to separate subcommittees by the Planning Commission and the Zoning Adjustments Board for the purpose of reviewing and recommending procedures for the implementation of State Density Bonus Law and any requisite changes or recommendations for the Inclusionary Housing Ordinance.

**Financial Implications:** None.

Contact: Zach Cowan, City Attorney, 981-6950

**Action:** Moved, seconded, carried (Maio/Capitelli) to rescind Resolution No. 63,009–N.S. and hold over to September 13, 2005.

Moved, seconded, carried (Maio/Capitelli; Noes – Spring; Abstain – Olds, Worthington) a motion to reconsider the rescission of Resolution No. 63,009–N.S. and decision to hold over to September 13, 2005.

Moved, seconded, carried (Maio/Moore; Noes – Spring, Worthington; Abstain – Anderson) to rescind Resolution No. 63,009–N.S and adopt Resolution No. 63,032–N.S. appointing a joint subcommittee pursuant to the City of Berkeley Commissioner’s Manual comprised of members already appointed to separate subcommittees by the Planning Commission and the Zoning Adjustments Board for the purpose of reviewing and recommending procedures for the implementation of State Density Bonus Law and any requisite changes or recommendations for the Inclusionary Housing Ordinance.

Moved, seconded, carried (Maio/Moore) to schedule the addition of the Housing Advisory Commission to the State Density Bonus Law Subcommittee for the meeting of September 13, 2005 and refer it to the Agenda Committee to bring back to Council earlier if a special meeting is called during Council recess.

### 9. Willard After-School Program (*To be delivered*)

**From: City Manager**

**Recommendation:** Discussion and possible action regarding Willard After-School Program.

**Financial Implications:** See report.

Contact: Phil Kamlarz, City Manager, 981-7000

**Action:** Referred to the City Manager to work with staff to send out mailers informing parents of alternative after-school programs and transportation available and bring a mid-year budget report back to Council addressing all FY 06 budget cuts.

## Information Reports

### 10. Oxford Parking Lot Update

**From: City Manager**

Contact: Stephen Barton, Housing, 981-5400

**Action:** Moved to Action by Councilmember Maio. Presentation made and discussion held.

## Communications

### **David Brower Center/Oxford Plaza (2200 Oxford Street) – General Plan/Downtown Plan Amendment, Mitigated Negative Declaration and Clarification of Creeks Ordinance**

1. John L. Lineweaver
2. 14 letters of support, submitted by Martha Belcher, David Brower Center Project Manager
3. Susan Korbel
4. Seven letters of support, petition with 170 signatures, Fact Sheet and Chart of 2000-2005 Parking Supply Changes, submitted by Deborah Badhia, Executive Director, Downtown Berkeley Association
5. Marie Bowman, President, BANA
6. Deborah Moore
7. Three letters of support, submitted by Carolyn Bookhart, Project Manager, Resources for Community Development
8. Petition with 239 signatures, 59 e-mails, and eight phone messages, submitted by Derick Miller

### **UC Settlement and CSU Marina Lawsuit**

9. Barbara Gilbert

### **Congregation Beth El**

10. Orna Shaughnessy
11. Komang Kardana
12. Wendy Cosin (2)
13. Diane Tokugawa
14. Madan Kumar and Anna Giske

### **Vicious Dog Legislation**

15. Barbara Gilbert

### **Daily Planet Advertising**

16. Barbara Gilbert
17. Daniella Thompson
18. George Oram

### **Zoning Counter Procedures**

19. Barbara Gilbert

### **BUSD Letter of Dismissal**

20. Donovan L. Morsby

## Supplemental Reports and Communications #1

### **Item 3: Oppose Constitutional Amendment Requiring Parental Notification for Abortions**

21. Revised report and Resolution, submitted by Councilmembers Moore, Worthington and Maio

### **Item 7: Support Equitable Class Pass Program**

22. Revised report, submitted by Councilmember Worthington

## Supplemental Reports and Communications #1

### **Item 8: Appointment of Joint Zoning Adjustments Board/Planning Commission Subcommittee for Density Bonus/Inclusionary Ordinance Procedures**

- 23. Barbara Gilbert (2)
- 24. Sharon Hudson

### **Historical Resource Survey – Landmarks**

- 25. Barbara Gilbert
- 26. Daniella Thompson

### **Community Peace Labyrinth**

- 27. Patty Hertz

### **Alta Bates Sutter Ambulance Ramp**

- 28. Julie Shearer
- 29. John O'Shaughnessy
- 30. Deborah Leveen

### **Nude Protest March, June 23, 2005**

- 31. Ron Godshalk

## Supplemental Reports and Communications #2

### **Item 6: David Brower Center/Oxford Plaza (2200 Oxford Street) – General Plan/Downtown Plan Amendment, Mitigated Negative Declaration and Clarification of Creeks Ordinance**

- 32. Multifamily Green Building Guidelines , submitted by Karen Kho

### **Item 10: Oxford Parking Lot Update**

- 33. Presentation materials

## Adjournment

Adjourned at 11:13 p.m. in memory of Mark Weinberger.