

SUMMARY

BERKELEY CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 20, 2005

7:00 P.M.

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

Preliminary Matters

Roll Call: 7:07 p.m. All present.

City Manager Comments:

The City Manager introduced the new Acting Public Works Director, Claudette Ford.

The City is celebrating the U.N International Day of Peace from 4:00 to 6:00 p.m. on September 21 at Civic Center Park. There will be a flag-making ceremony for kids and a rally for adults from 6:00 to 7:00 p.m.

The City created a resource center for Hurricane Katrina victims and is coordinating with FEMA. Nineteen people have been served.

Ceremonial Matters:

1. Proclamation presented to the Hurricane Katrina Resource and Information Center encouraging community members to join in the special hurricane relief fundraising dinner and auction to be held at Hs. Lordships restaurant in the Marina on Sunday, September 25 from 5:00 p.m. to 9:00 p.m.
2. Proclamation presented to City Attorney Manuela Albuquerque applauding and congratulating her for being named California Public Lawyer of the Year 2005 in recognition of a lifetime devoted to social justice, ethics, fairness, knowledge, equality, and public service.

Public Comment: Eight speakers.

Consent Calendar

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

Consent Calendar

- 1. Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions** (*First Reading September 13, 2005; Abstain–Capitelli; Noes – Olds, Wozniak*)
From: Councilmember Worthington
Recommendation: Adopt second reading of an Ordinance adding Berkeley Municipal Code (BMC) Chapter 3.80, Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions.
Financial Implications: Administrative costs
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Adopted Ordinance No. 6,876–N.S. (Abstain – Capitelli; Noes – Olds and Wozniak). Effective October 20, 2005.
- 2. Contract: Annual Maintenance Support of CommITS**
From: City Manager
Recommendation: Adopt a Resolution amending the contract with ClearFrame Solutions (formerly JPH International (JPHI)) to provide annual maintenance support for the Community Issues Tracking System (CommITS), increasing the contract by \$11,995 for an amount not to exceed \$133,495, and extending the term to June 30, 2006.
Financial Implications: General Fund - \$11,995
Contact: Arrietta Chakos, City Manager, 981-7000
Action: Adopted Resolution No. 63,059–N.S.
- 3. Lease Agreement: 1769 Alcatraz Avenue**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Thomas Goetzl for real property located at 1769 Alcatraz Avenue, in an amount not to exceed \$24,000, for the purpose of leasing office space for the Black Infant Health Program for the period November 1, 2005 to October 31, 2007, with an option to extend for an additional two year period.
Financial Implications: Health Fund - \$24,000
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted first reading of Ordinance. Second reading scheduled for September 27, 2005.
- 4. Contract: Project Management Services**
From: City Manager
Recommendation: Adopt a Resolution: 1) authorizing the City Manager to execute an amendment to the contract with William Gargan to provide project management services for the Hills Fire Station; and 2) increasing the contract amount by \$120,050 for a total not to exceed \$145,000 for the period June 13, 2005 to April 30, 2006.
Financial Implications: Measure G Funds - \$120,050
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,060–N.S.

Consent Calendar

5. **Contract: Public Safety Building Janitorial Services** (*Held over from September 13, 2005; To be delivered*)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Universal Building Services to provide janitorial services at the Public Safety Building in an amount not to exceed \$108,720, for the period September 1, 2005 to June 30, 2006; and approving options to extend the contract for two additional one-year periods in an amount not to exceed \$129,464 for FY 2007, and \$129,464 for FY 2008.
Financial Implications: Building Maintenance Fund - \$108,720
Contact: Claudette Ford, Public Works, 981-6300
Action: Withdrawn by City Manager.
6. **Support Proposition 80 Ballot Measure in the Special Election**
From: Councilmember Worthington
Recommendation: Support Proposition 80 in the special election, which would place electric service providers in the State of California under control and regulation by the California Public Utilities Commission and will also require all electric sellers to increase their renewable energy resource procurement by 1% per year to a level of 20% by 2010.
Financial Implications: None.
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Held over to September 27 by Councilmember Spring.
7. **Environmental Review of Proposed Location for Ferry Service**
- a. **From: Transportation Commission**
Recommendation: Request that the Water Transit Authority (WTA) proceed with an environmental review of ferry service for Berkeley in conjunction with a long range plan to expand ferry service in the San Francisco Bay Area, including: a review of all potential terminal sites in Berkeley (University Avenue and Gilman Street) and Albany (Buchanan Street); the scope of environmental review should include analysis of the transit market, including reverse ridership; and the ferry service plan should be consistent with the Transportation Element of Berkeley's General Plan.
Financial Implications: None
Contact: Peter Hillier, Secretary, 981-7010
- b. **From: City Manager**
Recommendation: The City Manager concurs with the content and recommendations of the report.
Contact: Claudette Ford, Public Works, 981-6300
Action: Removed from Consent by Councilmember Olds. Moved, seconded carried (Worthington/Maio; Noes –Capitelli) to approve recommendation as amended by Councilmember Worthington to remove Gilman Street as a feasible site.

Action Calendar – Old Business

8. **Administrative Fees: Inclusionary Housing Program** *(Held over from September 13, 2005)*
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion: 1) adopt first reading of Ordinance adding Berkeley Municipal Code (BMC) Section 23C.12.100 authorizing the City Council to set fees by Resolution; and 2) adopt a Resolution to be effective upon the effective date of the Ordinance, approving the Inclusionary Housing Program administrative fees specified in the Resolution.
Financial Implications: See report.
Contact: Stephen Barton, Housing, 981-5400
Action: Withdrawn by City Manager.
9. **Sponsorship for BAHIA's 30th Anniversary Celebration** *(Held over from September 13, 2005)*
From: Councilmember Maio
Recommendation: Refer to the City Manager a request to determine a funding source to enable the City to become an Amigo Sponsor of BAHIA's 30th Anniversary Celebration on Friday, September 30, 2005.
Financial Implications: \$1,000.
Contact: Linda Maio, Councilmember District 1, 981-7110
Action: Withdrawn by Councilmember Maio.
10. **Revisions of the Elmwood Business District Quotas** *(Held over from September 13, 2005)*
From: Councilmember Wozniak
Recommendation: Request that the City Manager refer recommended revisions of the Elmwood Business Quota Committee to the Planning Department and the Planning Commission so that they can be incorporated into the zoning ordinance, including: 1) to simplify the current seven category quota system by replacing it with a two quota system (Barber/Beauty and Food Service establishments); and 2) to maintain business diversity by prohibiting businesses from expanding into adjacent business spaces.
Financial Implications: Administrative costs
Contact: Gordon Wozniak, Councilmember District 8, 981-7180
Action: Held over to September 27 by Councilmember Wozniak.

Action Calendar – New Business

11. **Amendment to the Condominium Conversion Ordinance**
From: City Manager
Recommendation: Adopt first reading of Ordinance amending Berkeley Municipal Code (BMC) Chapter 21.28, Condominiums, Community Apartments, Stock Cooperatives and Tenancy in Common Projects.
Financial Implications: Unknown
Contact: Stephen Barton, Housing, 981-5400
Action: Moved, seconded, carried (Moore/Capitelli; Noes - Worthington) to: 1) adopt first reading of Ordinance as amended to remove all strikeout, changes and additions and change BMC Section 21.28.060A to extend the October 26, 2005 expiration date on the cap on affordable housing mitigation fees to January 31, 2006; 2) direct staff to return with a report on

Action Calendar – New Business

October 18, 2005 regarding immediately required changes; and, 3) set a workshop to address remaining issues.

12. Housing Advisory Commission Representation on the Joint Density Bonus Subcommittee

a. From: Housing Advisory Commission

Recommendation: Adopt a Resolution appointing all members of the Housing Advisory Commission ad hoc subcommittee on Density Bonus and Inclusionary Housing to the Joint Density Bonus Subcommittee.

Contact: Oscar Sung, Secretary, 981-5410

b. From: City Manager

Recommendation: The City Manager takes no position concerning the recommendations of the Commission.

Contact: Stephen Barton, Housing, 981-5400

Action: Moved, seconded, carried (Worthington/Olds) to adopt Resolution No. 63,061–N.S. as amended by Councilmember Worthington to appoint Jesse Arreguin, Marie Bowman, and Andrew Murray of the Housing Advisory Commission ad hoc subcommittee on Density Bonus and Inclusionary Housing to the Joint Density Bonus Subcommittee,

13. Downtown Area Plan Process

a. From: Transportation Commission

Recommendation: Request that Council: 1) direct the Transportation Commission to appoint a transportation representative to serve on any Downtown Area Plan (DAP) Committee or Task Force that may be established; 2) appoint the Office of Transportation (OOT) and Transportation Commission (TC) to be the lead City agencies for the development of transportation policies related to any new Downtown Area Plan and that the OOT and the TC review any proposed transportation policies before consideration by the Planning Commission or by Council and before inclusion in any Plan; and 3) create the Downtown Area Plan Committee/Task Force based upon the Hotel/Convention Center Task Force/Downtown Berkeley Plan model and include representatives of appropriate stakeholder groups.

Financial Implications: None

Contact: Peter Hillier, Secretary, 981-6300

b. From: City Manager

Recommendation: Refer the recommendations of the Transportation Commission to the larger process to come back to Council at the September 27, 2005 meeting; take into consideration suggestions regarding the Commission's membership on a potential Downtown Area Plan Task Force; and conduct a review of transportation policies as a work plan is developed.

Financial Implications: None

Contact: Claudette Ford, Public Works, 981-6300

Action: Moved, seconded, carried (Spring/Worthington) to hold over to September 27, 2005.

Information Reports

14. Investment Report: Quarter Ended June 30, 2005

From: City Manager

Contact: Fran David, Finance, 981-7300

Action: Received and filed.

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations.

Downtown Area Plan Process

1. Juliet Lamont *(Anderson/Spring)*
2. Sierra Club, submitted by Andy Katz, Chair *(Anderson/Spring)*

Multifamily Housing (MHP) Student Housing Program Funding

3. University Students' Cooperative Association, submitted by Johnny George, USCA President, and George O. Proper, General Manager *(Worthington)*

Toxic Spill in Strawberry Creek

4. Juliet Lamont *(Moore/Worthington/Spring)*
5. Tom Kelly

Newsletter

6. Frank Thompson

E-mail Update from Mayor Bates

7. JuneinBerkeley@****.com
8. Cisco DeVries, Chief of Staff, Office of Mayor Tom Bates

Supplemental Reports and Communications #1

Item 10: Revisions of the Elmwood Business District Quotas

9. Kimberly Tinawi, The Elmwood Market
10. Tad Laird, Bolfings Elmwood Hardwood

Item 11: Amendment to the Condominium Conversion Ordinance

11. Revised report, submitted by Housing Department
12. Howard Chong, Berkeley Rent Stabilization Board
13. Quinton Daniels

Supplemental Reports and Communications #2

Item 1: Abrogating Common Law Doctrine of Incompatible Public Offices with Respect to Membership on Two or More City Boards or Commissions

14. Margaret Pillow
15. Bill Haskell
16. Elizabeth Stevick
17. Jerome Taylor

Item 11: Amendment to the Condominium Conversion Ordinance

18. Proposed amendment to Ordinance, submitted by Councilmembers Capitelli, Olds, and Wozniak
19. TIC/Conodminium Conversion Comparison, submitted by Councilmember Capitelli

Adjournment

Adjourned at 9:50 p.m.