

SUMMARY

BERKELEY CITY COUNCIL SPECIAL MEETING

TUESDAY, JULY 25, 2006

7:00 P.M.

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

Preliminary Matters

Roll Call: 7:16 p.m. All present.

Ceremonial Matters:

1. Proclamation presented to Bay Area Productions & Another Planet Entertainment for their commitment to providing the community with a forum for musical enjoyment and in recognition thereof, declaring July 29, 2006 Berkeley Jazz Festival Day, by Councilmember Anderson.

City Manager Comments: None.

Public Comment: 30 speakers.

Consent Calendar

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

1. **Worker Retention** (*First reading July 18, 2006. Unanimous*)
From: City Manager
Recommendation: Adopt second reading of an Ordinance adding a new chapter to the Berkeley Municipal Code (BMC) Chapter 13.25 entitled “Marina Zone Worker Retention Ordinance” to establish a requirement that upon a transfer of ownership, specified employers within the public trust tidelands, may only terminate employees for cause for 90 days.
Financial Implications: See report.
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted Ordinance No. 6,941–N.S. Effective August 24, 2006.
2. **Landmarks Preservation and Zoning Ordinances** (*First reading July 18, 2006 – Noes – Worthington; Abstain – Spring, Olds*)
From: City Manager
Recommendation: 1) Adopt second reading of an Ordinance revising the City’s Landmarks Preservation Ordinance (Berkeley Municipal Code (BMC) Chapter 3.24. with an effective date of November 1, 2006.

Consent Calendar

Financial Implications: See report

Contact: Dan Marks, Planning and Development, 981-7400

Action: Removed from the Consent Calendar by Mayor Bates. Moved, seconded, carried (Worthington/Maio) to withdraw this item from the agenda and to not move forward with a second reading at this time.

3. **Off-street Parking in Required Yards on Residential Lots** (*First reading July 18, 2006. Noes – Spring, Worthington; Abstain – Anderson; Absent – Olds*)

From: City Manager

Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23 to: 1) allow by-right one new parking space within a required interior side yard so long as the parking area is a permeable surface approved by the Public Works Department and Office of Transportation, vegetative screening is provided, and the impact on usable open space is minimized; 2) require an Administrative Use Permit (AUP) for new uncovered parking spaces in front, street-side side yards, and rear yards on residential lots, except when the space is for a by-right Accessory Dwelling Unit and not in the front yard; 3) revise the definition of “yard” to no longer prohibit parking in required yards; and 4) expand screening requirements for uncovered parking in rear yards, eliminate landscaping requirements along shared driveways, and clarify the intent and organization of the parking regulations.

Financial Implications: See report

Contact: Dan Marks, Planning and Development, 981-7400

Action: Adopted Ordinance No. 6,942–N.S. (*Noes – Olds, Spring, Worthington; Abstain – Anderson*) Effective August 24, 2006.

4. **Lease: 2434 Durant Avenue** (*First reading July 18, 2006. Unanimous*)

From: City Manager

Recommendation: Adopt second reading of an Ordinance authorizing the City Manager to execute a lease agreement with Liaqat M. Choudary for 2434 Durant Avenue in the Telegraph Channing Shops, formerly known as Sather Gate Garage Shops, for the purpose of operating a dollar-style variety store.

Financial Implications: Off Street Parking Fund - \$131,616 Revenue

Contact: Claudette R. Ford, Public Works, 981-6300

Action: Adopted Ordinance No. 6,943–N.S. Effective August 24, 2006.

5. **Lease: 2432 Durant Avenue** (*First reading July 18, 2006. Unanimous*)

From: City Manager

Recommendation: Adopt second reading of an Ordinance authorizing the City Manager to execute a lease agreement with Kwi Ja Chon at 2432 Durant Avenue, Telegraph Channing Shops, formerly known as Sather Gate Garage Shops, for the purpose of operating a shoe repair shop.

Financial Implications: Off Street Parking Fund - \$181,764 Revenue

Contact: Claudette R. Ford, Public Works, 981-6300

Action: Adopted Ordinance No. 6,944–N.S. Effective August 24, 2006.

Consent Calendar

- 6. Speed Limit Reductions on Claremont Ave and Eastshore Highway** *(First reading July 18, 2006. Unanimous)*
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Sections 14.24.150 and 14.24.220 to reduce the speed limit on Frontage Road between Hearst Avenue and Gilman Street from 40 mph to 35 mph and on Claremont Avenue between Ashby Avenue and Oakland city limit from 30mph to 25mph.
Financial Implications: Measure B Local Streets and Roads Fund - \$3,000
Contact: Claudette R. Ford, Public Works, 981-6300
Action: Adopted Ordinance No. 6,945–N.S. Effective August 24, 2006.
- 7. In-Lieu Fees for Inclusionary Condominium Units** *(First reading July 18, 2006. Unanimous)*
From: City Manager
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code Chapter 23C.12 by adding Section 23C.12.035 allowing an in-lieu fee in place of providing otherwise required inclusionary condominiums.
Financial Implications: See report
Contacts: Stephen Barton, Housing, 981-5400 and Dan Marks, Planning and Development, 981-7400
Action: Adopted Ordinance No. 6,946–N.S. Effective August 24, 2006.
- 8. Conversion of Rental Units to Condominiums** *(First reading July 18, 2006. Unanimous)*
From: Councilmembers Worthington and Anderson
Recommendation: Adopt second reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 21.28.050 prohibiting the conversion of rental units to condominiums for five years for specific terminations of tenancy and requiring notice to tenants regarding their rights before a request for allocation is filed with the City.
Financial Implications: None
Contact: Kriss Worthington, Councilmember District 7, 981-7170; Max Anderson, Councilmember District 3, 981-7130
Action: Adopted Ordinance No. 6,947 –N.S. Effective August 24, 2006.
- 9. Minutes for Approval**
Recommendation: Approve the minutes for the Council meetings of May 30, 2006 (special), June 7, 2006 (closed), June 12, 2006 (closed), June 13, 2006 (special and regular), June 20, 2006 (regular), June 27, 2006 (regular), June 30, 2006 (special), and July 11, 2006 (special and regular).
Financial Implications: None
Contact: Sherry M. Kelly, Acting City Clerk, 981-6900
Action: Approved minutes with revisions to minutes of June 27, 2006 and July 11, 2006.

Consent Calendar

- 10. Appointment of Director of Public Works**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Claudette R. Ford as Director of Public Works.
Financial Implications: See report
Contact: Phil, Kamlarz, City Manager, 981-7000
Action: Adopted Resolution No. 63,397–N.S.
- 11. Contract: Berkeley Alliance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Berkeley Alliance to provide administrative support and project services for a partnership endeavor with the Berkeley Unified School District (BUSD) and UC Berkeley in an amount not to exceed \$72,800 for the period July 1, 2006 through June 30, 2007.
Financial Implications: See report.
Contact: Arrietta Chakos, City Manager, 981-7000
Action: Adopted Resolution No. 63,398–N.S.
- 12. Contract: Artwork for Maudelle Shirek Mural**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a professional service artist contract with Mildred Howard & Daniel Galvez to create a mural of the life of Maudelle Shirek in Old City Hall in an amount not to exceed \$38,000 for the period of August 1, 2006 through June 30, 2006.
Financial Implications: Public Art Fund - \$38,000
Contact: Thomas Myers, Acting Manager of Economic Development, 981-6500
Action: Adopted Resolution No. 63,399–N.S.
- 13. Agreement: Community Relationship Management Software *(to be delivered)***
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1) Approve the selection of a vendor to be either Lagan Technologies Inc., or Tier 1 Innovations, based on Requests for Proposals (RFP) submitted; and 2) Execute a 3-year contract during the Council recess with the selected vendor to provide comprehensive Community Relationship Management software in an amount not to exceed \$500,000 plus annual maintenance not to exceed \$50,000 for the period of September 1, 2006 through August 31, 2009.
Financial Implications: General Fund - \$650,000
Contact: Frances David, Finance, 981-7300
Action: Item not received. Withdrawn by the City Manager.
- 14. Grant: Mental Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept a grant from the California Department of Mental Health and execute a revenue agreement in the amount of \$2,510,238 to plan and implement transformative mental health programs under the

Consent Calendar

Mental Health Services Act Community Services and Supports; to execute the resultant revenue agreement and any amendments; and authorizing the implementation of the projects and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: Revenue to Mental Health Fund – See report

Contact: Fred Medrano, Health and Human Services, 981-5100

Action: Adopted Resolution No. 63,400–N.S.

15. Contract: Mental Health Workforce Development

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Lippitt Consultant Services for services in support of activities related to increasing the diversity and skill base of the public mental health workforce and to increase the amount by \$2,618 for a total contract amount not to exceed \$38,618.

Financial Implications: See report

Contact: Fred Medrano, Health and Human Services, 981-5100

Action: Adopted Resolution No. 63,401–N.S.

16. Contract: Public Health Trainee

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Tanya Perez, California Epidemiological Investigation Service trainee, to develop communicable disease protocols, flu prevention campaign, avian flu preparedness, and other communicable disease prevention and control activities in an amount not to exceed \$43,000.

Financial Implications: Various Funds - \$43,000

Contact: Fred Medrano, Health and Human Services, 981-5300

Action: Adopted Resolution No. 63,402–N.S.

17. Amendment to Pre-Development Agreement - Oxford Plaza Housing Development (*to be delivered*)

From: City Manager

Recommendation: Adopt a Resolution 1) approving the use of \$610,000 from a fund reservation of \$2,200,000 previously approved for the Oxford Plaza from the Housing Trust Fund, and authorizing the City Manager to amend and execute loan agreements concerning the Predevelopment Agreement with Resources for Community Development; (RCD) and 2) Adopt a Resolution amending Resolution No. 62,797–N.S. for the Oxford Plaza project to amend the conditions for the funding reservation to exempt any funds which are reallocated to pre-development funding, to be exempt from specific funding reservation requirements.

Financial Implications: See report

Contact: Stephen Barton, Housing, 981-5400

Action: Removed from the Consent Calendar by Councilmember Capitelli. Moved, seconded, carried (Worthington/Maio – Noes: Olds; Abstain – Capitelli) to adopt Resolution No. 63,403–N.S. approving the use of \$800,000 and other approvals and conditions as stated in the staff report and resolution.

Consent Calendar

- 18. Contract: Sustainable Berkeley**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract and any amendments with Community Energy Services Corporation (CESC) for Sustainable Berkeley in an amount not to exceed \$133,700.
Financial Implications: See report
Contact: Stephen Barton, Housing, 981-5400
Action: Adopted Resolution No. 63,404–N.S.
- 19. Contract: Occupational Health Medical Examinations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with U. S. HealthWorks for occupational health medical examinations including pre-employment and annual physicals, and drug and alcohol sample collection.
Financial Implications: Various Funds including General Fund, \$150,000
Contact: David W. Hodgkins, Human Resources, 981-6805
Action: Adopted Resolution No. 63,405–N.S.
- 20. Contract: Public Safety Computer System**
From: City Manager
Recommendation: 1) Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with New World Systems, Inc. for a Computer Aided Dispatch System, Records Management System, and supporting systems and associated services, for a total amount not to exceed \$2,000,000 for the period September 1, 2006 through June 30, 2008 and 2) Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alpine Software Inc. for Fire Inspection, Inventory, Fire Prevention and other supporting systems and associated services, for a total amount not to exceed \$200,000 for the period September 1, 2006 through June 30, 2008.
Financial Implications: See report
Contacts: Douglas Hambleton, Police, 981-5700; Debra Pryor, Fire and Emergency Services, 981-5500; and Chris Mead, Information Technology, 981-6500
Action: Adopted Resolution Nos. 63,406–N.S. and 63,407–N.S.
- 21. Contract: Public Safety Computer System Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Innovative Technologies Inc. increasing the amount by \$75,000 to cover additional work on the City of Berkeley’s new public safety computer system, for a total amount not to exceed \$100,000.
Financial Implications: See report
Contact: Chris Mead, Information Technology, 981-6500
Action: Adopted Resolution No. 63,408–N.S.

Consent Calendar

- 22. Contract: Assessment Engineering Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Harris & Associates for assessment engineering services on the Utility Underground Assessment District No. 2006-47 (Miller/Stevenson), increasing the contract amount by \$12,000 for a total not to exceed \$37,000 and extending the term through June 30, 2007.
Financial Implications: See report.
Contact: Claudette R. Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,409–N.S.
- 23. Pavement Markings and Motorcycle Parking on Telegraph Avenue**
From: City Manager
Recommendation: Direct the City Manager to remove the 17 small channelization islands on Telegraph Avenue in order to straighten the alignment of the lane lines on Telegraph Avenue, between Ashby Avenue and Dwight Way, and to reinstate the car parking spaces where they were removed to accommodate the lane configuration.
Financial Implications: Building Purchases and Management Fund - \$50,000
Contact: Claudette R. Ford, Public Works, 981-6300
Action: Approved recommendation.
- 24. Oppose Senate Bill 1056: Regulation of Seeds and Nursery Plants**
From: Councilmember Maio
Recommendation: Adopt a Resolution opposing SB 1056 which would pre-empt local governments in their ability to regulate at the local level, seeds and nursery plants.
Financial Implications: None.
Contact: Linda Maio, Councilmember District 1, 981-7110
Action: Adopted Resolution No. 63,410–N.S.
- 25. Proclamation: Celebration of Americans with Disability Act's 16th Anniversary**
From: Councilmembers Worthington and Spring and Mayor Bates
Recommendation: Approve a proclamation in Celebration of American's with Disability Act (ADA) 16 Year Anniversary.
Financial Implications: None
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Approved proclamation.
- 26. Support AB 2068: Workers Right to Continue Physician Predesignation**
From: Councilmembers Worthington and Moore
Recommendation: Support AB 2068, which would allow an employee to be treated by a physician of his or her choice and at a facility of his or her choice, within a reasonable geographic area, beginning 30 days after a job-related injury, unless the employer's insurer has established a medical provider network.
Financial Implications: None
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Approved recommendation.

Consent Calendar

27. **Pilot Residential Parking Program for Southside**
From: Councilmembers Worthington and Wozniak
Recommendation: Refer to the City Manager the development of a pilot program under which one side of certain streets will be designated for residential parking only, while the other areas will remain under the current two-hour parking limit for non-residential permit holders. This pilot program to be implemented between Dwight Way on the north, Parker Street on the south, College Avenue on the east, and Telegraph Avenue on the west, with final boundaries, hours and days of enforcement, and other specifics to be determined with neighborhood input. If successful in the pilot, the program may be implemented as needed in any neighborhood impacted by new and expanding institutions, facilities, and developments.
Financial Implications: None
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Approved recommendation.
28. **Oppose Proposition 85: California Constitutional Amendment requiring Parental Notification for Abortion**
From: Councilmembers Worthington and Moore
Recommendation: Oppose a 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: Kriss Worthington, Councilmember District 7, 981-7170
Action: Approved recommendation.
29. **Budget Allocation for Kitchen Democracy**
From: Councilmember Wozniak
Recommendation: Approve the expenditure of \$3,000 in FY 2006 funds from Councilmember Wozniak's office budget to fund Kitchen Democracy's efforts to increase participatory democracy in Berkeley.
Financial Implications: \$3,000 from Councilmember Wozniak's Office Budget
Contact: Gordon Wozniak, Councilmember District 8, 981-7180
Action Removed from Consent Calendar by Councilmember Worthington. Moved, seconded, carried (Worthington/Wozniak) to adopt Resolution No. 63,411-N.S.

Action Calendar – Appeals

30. **2104 Sixth Street (to be delivered)**
- a. **From: City Manager**
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to adopt a Mitigated Negative Declaration (MND) and approve 1) the legalization of the demolition of 2104 Sixth Street; and 2) the reconstruction of the demolished portion of 2104 Sixth Street (UP#06-10000027), and dismiss the appeal.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400

Action Calendar – Appeals

b. Appeal

1. Jeff Hoffman on behalf of Friends of Oceanview-Sisterna Historic District

c. Communications

1. None

Action: Moved, seconded, failed (Wozniak/Capitelli; Noes – Moore; Worthington, Bates; Abstain – Anderson, Spring) a substitute motion affirming the decision of the Zoning Adjustments Board.

Moved, seconded, carried (Moore/Worthington; Noes – Olds; Abstain – Capitelli, Wozniak) a main motion to schedule the matter for a public hearing.

31. 2104 Sixth Street

a. From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Landmarks Preservation Commission (LPC) to approve the demolition of 2104 Sixth Street (Permit #06-40000003) and dismiss the appeal.

Financial Implications: None

Contact: Dan Marks, Planning and Development, 981-7400

b. Appeal

1. Jano Bogg on behalf of Friends of Oceanview-Sisterna Historic District

c. Communications

1. None

Action: Moved, seconded, failed (Wozniak/Capitelli; Noes – Moore; Worthington, Bates; Abstain – Anderson, Spring) a substitute motion affirming the decision of the Landmarks Preservation Commission.

Moved, seconded, carried (Moore/Worthington – Noes – Olds; Abstain – Capitelli, Wozniak) a main motion to schedule the matter for a public hearing.

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Action Calendar – Public Hearing

32. Transportation Services Fee (CF 69-01)

a. From: City Manager (continued from July 11, 2006 and July 18, 2006)

Recommendation: Conduct a public hearing and upon conclusion: 1) adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 22.20, Mitigation and Fees-Conditions For Approval of Development Projects, to enact a Transportation Services Fee; 2) adopt a Resolution establishing the fee level, applicability, and procedures for assessing the

Action Calendar – Public Hearing

Transportation Services Fee; and 3) direct the Planning Commission to remove all references to the previous Transportation Services Fee in the City's Zoning Ordinance and make any other necessary changes to the Zoning Ordinance.

Financial Implications: See report

Contact: Claudette R. Ford, Public Works, 981-6300

b. From: City Manager

Supplemental Materials (*July 11, 2006*)

1. Revised Resolution
2. Fact Sheet
3. Nelson/Nygaard Consulting Associates

Contact: Claudette R. Ford, Public Works, 981-6300

c. From: Transportation Commission (*Held over from April 25, 2006*)

Recommendation: Adopt the Transportation Services Fee with the following conditions included in the ordinance: 1) tie the threshold for fee application to a discretionary permit and 1,000 square feet of new floor area; 2) use a five-year definition of vacancy; and 3) assess the full fee six months after adoption of the enabling ordinance.

Financial Implications: Unknown

Contact: Peter Hillier, Commission Secretary, 981-6300

d. From: Planning Commission

Recommendation: Council not adopt the Transportation Service Fee at this time and that the Council direct staff and the appropriate commissions to develop alternative, broadly-based funding mechanisms that would fund the proposed projects.

Contact: Carli Paine, Commission Secretary, 981-7403

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

Action: Moved, seconded, carried (Capitelli/Maio) to schedule a work session on this matter.

Action Calendar – Old Business

33. Implementation of Council Expense Reimbursement Policy Under AB 1234 (*held over from July 11 and 18, 2006*)

a. From: City Manager

Recommendation: Adopt two revised Resolutions to: 1) Establish a policy on expenditures and reimbursement for Mayor and Council expenses to conform to the City Charter and a new state law (AB 1234); and 2) Establish a policy governing reimbursement of expenses by City boards and commissions as is also required by AB 1234.

Fiscal Implications: See report

Contact: Manuela Albuquerque, City Attorney, 981-6950

b. From: City Manager (*to be delivered*)

Supplemental Report – Response to Council Questions

Contact: Manuela Albuquerque, City Attorney, 981-6950

Action: Moved to the Consent Calendar by Councilmember Worthington and adopted revised Resolution Nos. 63,412-N.S. and 63,413-N.S.

Action Calendar – Old Business

34. **Employee Representation at the West Berkeley Bowl** (*Held over from July 11, 2006*)
From: Councilmembers Capitelli, Anderson, Moore and Worthington
Recommendation: Adopt a Resolution supporting an expeditious and open process for employee representation at the West Berkeley Bowl.
Financial Implications: None
Contacts: Laurie Capitelli, Councilmember District 5, 981-7150; Max Anderson, Councilmember District 3, 981-7130; Darryl Moore, Councilmember District 2, 981-7120; and Kriss Worthington, Councilmember District 7, 981-7170
Action: Moved to the Consent Calendar by Councilmember Moore and adopted Resolution No. 63,414–N.S. as revised by Councilmember Moore.
35. **Support of Fair Labor Practices** (*Held over from July 11, 2006*)
From: Councilmember Spring
Recommendation: Adopt a Resolution requesting that the Berkeley Bowl and other Berkeley businesses support fair labor practices and refer to the City Manager a request that staff work with community members and union members to create an ordinance that will encourage the hiring of community members for jobs with fair labor standards.
Financial Implications: See Report
Contact: Dona Spring, Councilmember District 4, 981-7140
Action: Moved, seconded, carried (Capitelli/Spring; Absent – Maio) to refer to the City Manager and the Commission on Labor for a report and recommendations, including the possibility of an ordinance, to encourage Berkeley businesses to support fair labor practices and hiring of community members for jobs.

Action Calendar – New Business

36. **Response to Grand Jury Final Report - Parking Meter Enforcement** (*to be delivered*)
From: City Manager
Recommendation: Authorize the City Manager to send the following response to the Alameda County Civil Grand Jury in response to their final report on parking meter enforcement in Berkeley.
Financial Implications: See report
Contact: Claudette R. Ford, Public Works, 981-6300
Action: Moved to the Consent Calendar by Councilmember Moore and approved recommendation.
37. **Ashby BART Development**
From: Councilmembers Anderson and Wozniak and Mayor Bates
Recommendation: Re-affirm Council's commitment to develop a community process regarding the west parking lot of the Ashby BART station site under the direction and leadership of the Ashby BART Task Force appointed by the South Berkeley Neighborhood Development Corporation (SBNDC). The Council requests that by October 1, 2006 the Task Force 1) prepare a budget and work plan for implementing a wide outreach effort in the community to develop a vision, goals, objectives and criteria consistent with previously adopted Council policy to be used for a planning grant application; 2) that the criteria include objectives and criteria for relocation of the flea market in furtherance of Council policies

Action Calendar – New Business

should a feasible development plan ultimately be prepared for the parking lot; 3) that this outreach effort include BART as a full partner; and 4) that the outreach and visioning occur by August 2007 to allow time for the City to apply for grants by October 2007 that would support a more extensive development plan and implementation effort.

Financial Implications: \$6,000 to \$40,000 for work on this project.

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

Action: Moved, seconded, carried (Anderson/Moore; Noes - Worthington) to adopt Resolution No. 63,415-N.S. as amended by Councilmember Capitelli to change the language “relocation of the flea market” to “location of the flea market”.

Election Matters

38. Initiative Petition: Ordinance amending Berkeley Municipal Code Chapter 21.28 to Encourage and Regulate Conversion of a Limited Number of Rental Units to Condominiums and to Assist Tenants in Purchasing Their Own Units *(to be delivered)*

From: City Manager

Recommendation: Take one of the following actions as provided by Section 92(3 and 4) of the Charter of the City of Berkeley: 1) pass the Ordinance without alteration within 20 days after the attachment of the City Clerk’s certificate of sufficiency to the petition; or 2) adopt a Resolution submitting the Ordinance without alteration, to a vote of the people at the November 7, 2006 General Municipal Election after review and comments on the ballot title and analysis as prepared by the City Attorney.

Financial Implications: See report

Contact: Sherry M. Kelly, Acting City Clerk, 981-6900

Action: Moved, seconded, carried (Wozniak/Olds) to adopt Resolution No. 63,416-N.S., as revised, and placing the initiative measure on the ballot.

39. Initiative Petition: Ordinance amending Landmarks Preservation and Demolition Permit Application for Non-Residential Buildings Ordinances

From: City Manager

Recommendation: Take one of the following actions as provided by Section 92(3 and 4) of the Charter of the City of Berkeley: 1) pass the Ordinance without alteration within 20 days after the attachment of the City Clerk’s certificate of sufficiency to the petition; or 2) adopt a Resolution submitting the Ordinance without alteration, to a vote of the people at the November 7, 2006 General Municipal Election after review and comments on the ballot title and analysis as prepared by the City Attorney.

Financial Implications: See report

Contact: Sherry M. Kelly, Acting City Clerk, 981-6900

Action: Item held over to a Special Meeting on August 1, 2006 at 5:00 p.m.

40. Impact Report: Initiative amending Berkeley Municipal Code Chapter 21.28 to Encourage and Regulate Conversion of a Limited Number of Rental Units to Condominiums *(Held over from July 18, 2006)*

From: City Manager

Contact: Stephen Barton, Housing, 981-5400

Action: Report received and filed.

Election Matters

41. **Impact Report: Initiative amending Landmarks Preservation and Demolition Permit Application for Non-Residential Building Ordinances** *(to be delivered)*
From: City Manager
Contact: Dan Marks, Planning and Development, 981-740
Action: Item held over to a Special Meeting on August 1, 2006 at 5:00 p.m.

Action Calendar – Time Critical

42. **Election of Student Action Executive Officers**
From: Councilmember Wozniak
Recommendation: Adopt a Resolution recognizing the election of four Student Action Executive Officers in a free and fair ASUC election and supporting their appeal against the attempts of the ASUC Judicial Council to deny victory by judicial machinations.
Financial Implications: None
Contact: Gordon Wozniak, Councilmember District 8, 981-7180
Action: Moved, seconded, failed (Wozniak/Olds; Noes – Maio, Anderson, Spring, Worthington, Bates; Abstain – Moore, Capitelli, Olds) to approve recommendation.

Information Reports

43. **Wireless Internet**
From: City Manager
Contact: Chris Mead, Information Technology, 981-6500
Action: Moved to Action by Councilmember Wozniak. Direction to City Manager to report back with additional information in response to Council's discussion.

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Clean Money Ballot Measure for Public Finance of Future Elections

1. Tom and Jane Kelly

Free Use of the Marina

2. WolverB@*****.com

LA Times Article on Crime

3. Barbara Gilbert

Kitchen Democracy

4. Robert Vogel

Illegal Activities on Oregon Street

5. David M. White *(Referred to City Manager by Maio, Moore, Spring, Worthington)*

Communications

Ballot Measure: Impeachment of President Bush and Vice President Cheney

6. Jill Martinucci, on behalf of Councilmember Capitelli

Transportation Services Fee (CF 69-01)

7. R. Clark Morrison

Supplemental Communications and Reports 1

Item 29. Budget Allocation for Kitchen Democracy

8. Karl Reeh

Item 32: Transportation Services Fee (CF 69-01)

9. David Ghosh

10. Bob Muzzy

11. Claire Risley

12. Phil Morton

13. John H. DeClercq, Library Gardens

Item 33: Implementation of Council Expense Reimbursement Policy Under AB 1234

- Supplemental Report, submitted by City Attorney

Item 34: Employee Representation at the West Berkeley Bowl

- Revised Resolution, submitted by Councilmembers Capitelli, Anderson, Moore and Worthington

Item 37: Ashby BART Development

14. Sam Herbert

15. Osha Neumann

16. Elaine Green, N.A.A.C.P.

Item 38: Initiative Petition: Ordinance amending Berkeley Municipal Code Chapter 21.28 to Encourage and Regulate Conversion of a Limited Number of Rental Units to Condominiums and to Assist Tenants in Purchasing Their Own Units

17. David M. Wilson

18. David M. Wilson

Item 42. Election of Student Action Executive Officers

19. Eleanor Walden

Item 43: Wireless Internet

20. Two Articles submitted by Councilmember Wozniak

Ballot Measure: Warm Water Pool

21. Jude Sharp

22. Barbara Gilbert

Supplemental Communications and Reports 2

Item 29. Budget Allocation for Kitchen Democracy

23. Marie Bowman

24. Robert Vogel and Simona Carini

Item 32: Transportation Services Fee (CF 69-01)

25. 18 Postcards in support of Transportation Services Fee

- Revised Resolution, submitted by Public Works.

Item 40: Impact Report: Initiative amending Berkeley Municipal Code Chapter 21.28 to Encourage and Regulate Conversion of a Limited Number of Rental Units to Condominiums

26. Theodore R Edlin

- Supplemental attachment, submitted by Housing

Adjournment

Adjourned at 12:03 a.m. in memory of “Thunder”.