

SUMMARY

BERKELEY CITY COUNCIL MEETING

TUESDAY, OCTOBER 10, 2006

7:00 P.M.

Council Chambers, 2134 Martin Luther King Jr. Way

Teleconference Location – Maui Banyan, 2575 S. Kihei Rd., Kihei, HI (Maui)

Preliminary Matters

Roll Call: 7:02 p.m. Councilmember Maio teleconferenced on Item 15, absent for the remainder of the meeting.

Ceremonial Matters: Proclamations or awards presented.

1. Proclamation recognizing 35th Anniversary of Bay Area Women Against Rape (BAWAR).

City Manager Comments:

1. Individuals aged 60 years and over or who have specific high risk chronic diseases can obtain flu shots from the City of Berkeley on the following dates: 10/23 North Berkeley Senior Center; 10/26 West Berkeley Senior Center; 10/31 St. Johns Church; and 11/1 South Berkeley Senior Center.
2. In celebration of Health Month the City will be holding a Health Fair on Saturday, October 15, 2006 from 12-5 at St. Joseph the Worker Church, 2125 Jefferson St.
3. Early Voting will be available in the City Clerk's Office from 8-5, October 16 through Election Day. Voting will be available on election day from 7 am to 8 pm.

Public Comment: 13 speakers.

Consent Calendar

Action: Moved, seconded, carried (Moore/Wothington; Absent –Maio) to adopt Consent Calendar in one motion except as indicated:

1. FY 2008 and FY 2009 Biennial Budget Schedule

From: City Manager

Recommendation: Approve the schedule for adoption of the FY 2008-2009 Biennial Budget.

Financial Implications: None

Contact: Tracy Vesely, Budget Manager, 981-7000

Action: Approved schedule.

- 2. Borrowing of Funds and the Sale and Issuance of Fiscal Year 2006-07 Tax and Revenue Anticipation Notes**
From: City Manager
Recommendation: Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of FY 2006-07 Tax and Revenue Anticipation Notes.
Financial Implications: General Fund - \$25 Million
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted Resolution No. 63,445–N.S.
- 3. Winter Homeless Shelter Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing: 1) the City Manager to enter into a Memorandum of Understanding (MOU) with the City of Oakland, Department of Human Services, in an amount not to exceed \$64,000 for the Winter Shelter Program at the Oakland Army Base; 2) an increase of \$8,000 to the FY 2007 allocation to the City of Oakland to assist in financing repair work at the new winter shelter facility; 3) payment not to exceed \$45,000 for transportation for residents to and from the Winter Shelter facility; and 4) payment not to exceed \$34,888 to provide vouchers to homeless households for emergency housing at local motels and the Berkeley YMCA.
Financial Implications: See report
Contact: Stephen Barton, Housing, 981-5400
Action: Adopted Resolution No. 63,446–N.S.
- 4. Parking Enforcement Mission and Policy Statement**
From: City Manager
Recommendation: Adopt a Resolution endorsing the mission and policy statement which provides a clear message and direction to the residents of Berkeley, the Police Department and the Department of Public Works relative to parking enforcement goals.
Financial Implications: None
Contact: Douglas Hambleton, Chief of Police, 981-5700
Action: Withdrawn by the City Manager.
- 5. License Agreement: Berkeley Folk Dancers, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with the Berkeley Folk Dancers, Inc. (Folk Dancers) to conduct dance classes at the Live Oak Recreation Center for period July 1, 2006 through June 30, 2008.
Financial Implications: See report
Contact: Marc Seleznow, Parks Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,447–N.S.
- 6. Funding for Ecology Center’s Environmental Summit**
From: Mayor Bates
Recommendation: Adopt a Resolution authorizing \$500 from the Mayor’s discretionary budget to the Ecology Center to help fund their first annual Environmental Summit.
Financial Implications: Mayor’s Office Budget - \$500
Contact: Tom Bates, Mayor, 981-7100
Action: Held over to October 24, 2006 by Mayor Bates.

- 7. Funding for Ecology Center**
From Councilmember Maio
Recommendation: Adopt a Resolution authorizing \$2,000 in FY 2006 carryover funds from Councilmember Maio's office budget to the Ecology Center for general operating expenses of Berkeley EcoHouse.
Financial Implications: Councilmember Maio's Office Budget - \$2000
Contact: Linda Maio, Councilmember District 1, 981-7110
Action: Held over to October 24, 2006 by Mayor Bates.
- 8. Traffic Circle - Mathews Street and Oregon Street**
From: Councilmember Moore
Recommendation: Reaffirming that a traffic circle at the intersection of Mathews Street & Oregon Street will be included in next phase of traffic calming measures.
Financial Implications: See report
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
- 9. Traffic Mitigation Measures**
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving the entire plan of nine traffic calming circles, initially installing five of the nine. Construction of standard traffic circles would occur at the intersections of California & Fairview, California & Harmon, California & Prince, Ellis & Fairview, Ellis & Harmon, Ellis & Woolsey, King & Woolsey, King & Harmon and King & Fairview.
Financial Implications: See report
Contact: Max Anderson, Councilmember District 3, 981-7130
Action: Adopted Resolution No. 63,448–N.S.
- 10. Solar Panel Permit Fees**
From: Councilmember Spring
Recommendation: Adopt a policy waiving permit fees on solar panels as a local incentive to encourage solarization with funding for the waivers to come from utility users tax revenues.
Financial Implications: See report
Contact: Dona Spring, Councilmember District 4, 981-7140
Action: Held over to October 24, 2006 by Councilmember Spring.
- 11. Catalytic Converter Theft Prevention**
From: Councilmember Worthington
Recommendation: Refer to the City Manager to prepare an informational piece to notify neighbors and automobile owners about recent catalytic converter thefts and to publicize local businesses who can weld the converter to the vehicle.
Financial Implications: None
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Approved recommendation.

Consent Calendar

12. **Violation of 1994 International Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment**
From: Councilmember Worthington
Recommendation: Adopt a Resolution urging California Senators and Congressmembers to not violate the U.S. Constitution by ignoring the U.S. signed 1994 International Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.
Financial Implications: None
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Adopted Resolution No. 63,449–N.S.
13. **City Manager Evaluation**
From: Councilmember Worthington
Recommendation: Schedule a date in January for a City Manager evaluation review process.
Financial Implications: None
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Approved recommendation.
14. **Confirming the Appointment of an Elected Representative of the Poor**
From: Human Welfare and Community Action Commission
Recommendation: Adopt a Resolution confirming the appointment of Jill Messing (District 3) as an elected representative of the poor on the Human Welfare Community Action Commission (HWCAC), for a term ending November 15, 2006.
Financial Implications: None
Contact: Kristen Lee, Secretary, 981-5427
Action: Adopted Resolution No. 63,450–N.S.

Action Calendar – Old Business

15. **1201 San Pablo Avenue / 1100 Harrison Street** (*Public hearing closed on September 19, 2006. Council expected to take action at this meeting.*)
- a. **Supplemental Report** (*July 18, 2006*)
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
- b. **From: City Manager** (*July 18, 2006*)
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 05-10000029 to construct a 30-unit, mixed-use project, and dismissing the appeal.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
- c. **Appeal** (*July 18, 2006*)
1. Susan Pinto and Kain/Stannage Neighbors who also join in the appeal.
- d. **Communications** (*July 18, 2006*)
1. James E. Hart
 2. 1201 San Pablo Appellants

Action Calendar – Old Business

- e. **Communications** (*September 19, 2006*)
 - 1. Stephen Wollmer
- f. **Supplemental Communications** (*September 19, 2006*)
 - 1. Jim Hart – Revised Proposal
 - 2. 1201 San Pablo/1100 Harrison Appellants (2)
 - 3. Stephen Wollmer
 - 4. Scott, Kelli and Nathan Bodensteiner
 - 5. Jim Hart – Drawing
 - 6. Mary Wyand
- g. **Supplemental Communications** (*September 26, 2006*)
 - 1. Jim Hart – Revised Application
 - 2. Prakash Pinto
 - 3. Daniel W. Corvello
 - 4. Mary Wyand
 - 5. Beth Bernstein
 - 6. Jean Molesky
 - 7. Yvette Bozzini
 - 8. Uile Cuileannain
 - 9. Mary Wyand for Erika Lamm
 - 10. Jim Hart
 - 11. Rena Rickles
 - 12. Don Mill
 - 13. Rempel Architects
- h. **Communications** (*October 10, 2006*)
 - 1. Jim Hart

Action: Moved, seconded, carried (Maio/Moore) to reopen the public hearing for limited purposes of discussing procedures and allowing the appellant and applicant to speak to the process. Moved, seconded, carried (Maio/Wozniak; Abstain – Anderson, Spring) to continue this matter to a special meeting on October 16, 2006 at 7:00 p.m.

16. Funding For A Campus Neighborhood Watch Program (*held over from September 19 and September 26, 2006 by Councilmember Worthington*)

a. From: Councilmember Worthington

Recommendation: Adopt a Resolution committing matching funding of \$7,500 to support the Cal Campus Neighborhood Watch Program.

Financial Implications: \$7,500

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

b. Oral Report from: City Manager

Contact: Phil Kamlarz, City Manager, 981-7000

Action: Held over to October 24, 2006 by Councilmember Worthington.

Action Calendar – Old Business

17. **Funding to Non-Profit Organizations** (*Held over from 9/26/06 by Councilmember Olds*)
From: Councilmember Olds
Recommendation: Adopt a Resolution approving funding from Councilmember Olds' office budget to several non-profit organizations as stated in the report.
Financial Implications: See report
Contact: Betty Olds, Councilmember District 6, 981-7160
Action: Held over to October 24, 2006 by Councilmember Olds.

Action Calendar – New Business

18. **Affordable Housing Mitigation Fee**
From: City Manager
Recommendation: Adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 21.28.065.B. to establish a sliding scale reduction in the maximum affordable housing mitigation fee for conversion of rental property to condominiums by owner-occupants.
Financial Implications: See report
Contact: Stephen Barton, Housing, 981-5400
Action: Moved to the Consent Calendar by Councilmember Moore and adopted first reading of Ordinance. Second reading scheduled for October 24, 2006.
19. **2116 Allston Way, Gaia Building: Implementation of Cultural Use Requirements**
From: City Manager
Recommendation: Accept the June 13, 2006 letter from Panoramic Interests as the implementation plan to prioritize cultural uses at the Gaia Arts Center, terminate the Zoning Adjustments Board's revocation proceedings, and direct staff to report on the schedule of events in one year.
Financial Implications: None
Contact: Dan Marks, Director, Planning & Development, 981-7400
Action: Held over to October 24, 2006 by Mayor Bates.
20. **Major Residential Additions**
From: Councilmember Worthington
Recommendation: Adopt first reading of an Ordinance amending Ordinance No. 6,949-N.S. to exempt certain residential additions.
Financial Implications: None.
Contact: Kriss Worthington, Councilmember District 7, 981-7170
Action: Moved to the Consent Calendar by Councilmember Moore and adopted first reading of Ordinance to include revised language. Second reading scheduled for October 24, 2006.

Action Calendar – New Business

21. Discussion of Draft Sunshine Ordinance

From: Mayor Bates and Councilmember Worthington

Recommendation: Discuss the attached draft Sunshine Ordinance and provide guidance to staff on possible changes and improvements.

Financial Implications: None

Contact: Tom Bates, Mayor, 981-7100; Kriss Worthington, Councilmember District 7, 981-7170

Action: Heard from members of the public and held Council discussion. Referred to the Agenda Committee to set a date for a public hearing and workshop.

Information Reports

22. FY 2006 and FY 2007 Budget Update

From: City Manager

Contact: Tracy Vesely, Budget Manager, 981-7000

Action: Received and filed.

23. Quarterly Report: Crime In Berkeley

From: City Manager

Contact: Douglas N. Hambleton, Chief of Police, 981-5700

Action: Received and filed.

Time Critical

24. Application for CSBG Discretionary Funding

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to apply for \$75,000 in Community Services Block Grant (CSBG) Discretionary Funding to the State of California Department of Community Services and Development to facilitate a community process to agree upon meaningful and measurable outcomes for community agencies receiving City funding.

Financial Implications: Revenues - \$75,000

Contact: Stephen Barton, Housing, 981-5400

Action: Moved to the Consent Calendar by Councilmember Moore and adopted Resolution No. 63,451–N.S.

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.

Item 4: Parking Enforcement Mission and Policy Statement

1. Barbara Gilbert

Communications

Item 21: Discussion of Draft Sunshine Ordinance

2. Julie Craig
3. Joan Levinson
4. Mary A. Clegg

UC Memorial Stadium Renovation

5. Seth Walter

Save the Oaks – UC Memorial Stadium

(Numerous email communications submitted in a substantially similar format are on file in the City Clerk Department.)

Transportation Services Fee

6. Dennis Cohen *(referred by Councilmember Moore)*

Lorin District – Adeline Police Office

7. James
8. Dan and Anona Bristol
9. Andrew Beretvas
10. Linda Epley

Two-Way Streets on Southside

11. Hank Resnik

Free Steering Wheel Locks

12. Alan Travis

Local Restrictions on Dorm-Type Living Arrangements

13. Barbara Gilbert

Milo Foundation

14. Barbara Gilbert

Supplemental Communications 1

Item 4: Parking Enforcement Mission and Policy Statement

15. Barbara Gilbert

Item 9: Traffic Mitigation Measures

16. Hock W. Yeo
17. Robin Wright
18. Linda Epley
19. Jennifer Millar
20. Dan and Anona Bristol
21. Barbara Gilbert
22. Allen Myers
23. Stansamsuz@aol.com

Item 15: 1201 San Pablo Avenue / 1100 Harrison Street

24. 1201 San Pablo / 1100 Harrison Appellants
25. Mary Wyand
26. Jim Hart

Supplemental Communications 1

- 27. Steven Donaldson
- 28. Mary Wyand

Item 16: Funding For A Campus Neighborhood Watch Program

- 29. Barbara Gilbert

Item 19: 2116 Allston Way, Gaia Building: Implementation of Cultural Use Requirements

- 30. Anna de Leon
- 31. Gloria Atherstone

Item 21: Discussion of Draft Sunshine Ordinance

- 32. Mathew Hirsch – Freedom of Information Committee
- 33. Phoebe Anne Sorgen

Supplemental Communications 2

Item 15: 1201 San Pablo Avenue / 1100 Harrison Street

- 34. Rena Rickles

Item 20: Major Residential Additions

- 35. Jason Kaldis

Adjournment

Adjourned at 9:42 p.m.

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.*