





Office of the City Manager

CONSENT CALENDAR
October 9, 2007

To:  Honorable Mayor and Members of the City Council
 From:  Phil Kamlarz, City Manager
 Submitted by: Pamyla C. Means, City Clerk
 Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of July 10, 2007 (closed and regular), July 16, 2007 (joint closed and special), July 17, 2007 (regular adjourned, regular adjourned, and regular), July 31, 2007 (special), September 4, 2007 (closed), September 10, 2007 (closed), September 11, 2007 (special and regular), and September 18, 2007 (special and regular).

CONTACT PERSON

Pamyla C. Means, City Clerk, 981-6900

Attachments:

1. July 10, 2007 – Special Closed City Council Meeting
2. July 10, 2007 – Regular City Council Meeting
3. July 16, 2007 – Joint Special Closed City Council Meeting
4. July 16, 2007 – Special City Council Meeting
5. July 17, 2007 – Regular Adjourned City Council Meeting (6:00 p.m.)
6. July 17, 2007 – Regular Adjourned City Council Meeting (6:30 p.m.)
7. July 17, 2007 – Regular City Council Meeting
8. July 31, 2007 – Special City Council Meeting
9. September 4, 2007 – Special Closed City Council Meeting
10. September 10, 2007 – Special Closed City Council Meeting
11. September 11, 2007 – Special City Council Meeting
12. September 11, 2007 – Regular City Council Meeting
13. September 18, 2007 – Special City Council Meeting
14. September 18, 2007 – Regular City Council Meeting

**MINUTES
BERKELEY CITY COUNCIL SPECIAL
MEETING
TUESDAY, JULY 10, 2007**

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

Preliminary Matters

Roll Call: 6:12 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: Councilmember Olds.

Public Comment – Items on this agenda only – None

Closed Session

- 1. PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:** Title of position to be filled: Finance Director
Action: Discussion and direction.
- 2. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:**
Unions: Berkeley Police Association
City Negotiators: Philip Kamlarz, City Manager; Lisa Caronna, Deputy City Manager; Tracy Vesely, Budget Manager; Doug Hambleton, Police Chief; David Hodgkins, Director of Human Resources; Margarita Zamora, Senior Human Resources Analyst
Action: Removed from agenda.
- 3. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:**
Unions: Berkeley Fire Fighters Association Local 1227 I.A.F.F.
City Negotiators: Philip Kamlarz, City Manager; Lisa Caronna, Deputy City Manager; Tracy Vesely, Budget Manager; Debra Pryor, Fire Chief; David Orth, Deputy Fire Chief; David Hodgkins, Director of Human Resources; Margarita Zamora, Senior Human Resources Analyst; Robert Kraus, Senior Human Resources Analyst
Action: Discussion and direction.

Adjournment – 6:42 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of July 10, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

**MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, JULY 10, 2007**

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

Preliminary Matters

Roll Call: 7:00 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: None.

Public Comment on Consent Calendar Items Only – None

Consent Calendar

Action: M/S/C (Maio/Anderson) to adopt Consent Calendar in one motion except as indicated (1) moved Item 26 Sewer Service Fees from Action Calendar to Consent Calendar (no public hearing required) (2) moved Item 33 League of California Cities Annual conference voting delegates from Action Calendar to Consent Calendar:

1. FY 2008 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of an Ordinance 6,987–N.S. setting the FY 2008 Annual Appropriations.

Financial Implications: See report

Contact: Tracy Vesely, Budget Manager, 981-7000

Action: Adopted second reading of Ordinance No. 6,987–N.S. Effective date August 9, 2007.

2. FY 2008 Tax Rate: Emergency Services for the Severely Disabled

From: City Manager

Recommendation: Adopt second reading of an Ordinance 6,988–N.S setting the FY 2008 tax rate for the provision of emergency services for the disabled at \$0.01086 (1.086 cents) per square foot of taxable improvements.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 6,988–N.S. Effective date August 9, 2007.

Consent Calendar

- 3. FY 2008 Tax Rate: Fire Seismic General Obligation Bonds-Election of 1992 (Measure G, 2002 and 2007 General Obligation Refunding Bonds)**
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,989-N.S setting the FY 2008 tax rate for Fire Seismic General Obligation Bonds (Measure G, 2002 and 2007 General Obligation Refunding Bonds) at 0.0160%.
Financial Implications: Fire Seismic Debt Service Fund - \$1,867,429 revenue
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted second reading of Ordinance No. 6,989–N.S. Effective date August 9, 2007.
- 4. Levying a Special Tax for Fiscal Year 2008 to Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,990-N.S setting the FY 2008 tax rate for the Library Services Tax at \$0.1504 (15.04 cents) per square foot for dwelling units and \$0.2276 (22.76 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: Library Tax - \$13,209,469 revenue
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted second reading of Ordinance No. 6,990–N.S. Effective date August 9, 2007.
- 5. FY 2008 Tax Rate: Disaster Fire Protection (Measure Q)**
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,991-N.S setting the FY 2008 tax rate for the procurement of disaster fire equipment at \$0.0125 (1.25 cents) per square foot of taxable improvements.
Financial Implications: Disaster Fire Protection-Measure Q - \$998,742 revenue
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted second reading of Ordinance No. 6,991–N.S. Effective date August 9, 2007.
- 6. FY 2008 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,992-N.S setting the FY 2008 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1078 (10.78 cents) per square foot.
Financial Implications: Park Tax Fund - \$8,240,205 revenue
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted second reading of Ordinance No. 6,992–N.S. Effective date August 9, 2007.

Consent Calendar

7. **FY 2008 Tax Rate: Measure S General Obligation Bonds-Election of 1996 (2007 Refunding Bonds)**
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,993-N.S setting the FY 2008 tax rate for the Measure S General Obligation Bonds (Election of 1996, 2007 Refunding Bonds) at 0.029%.
Financial Implications: Measure S Debt Service Fund - \$3,405,532 revenue
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted second reading of Ordinance No. 6,993–N.S. Effective date August 9, 2007.
8. **FY 2008 Tax Rate to Fund the Provision of Emergency Medical Services**
From: City Manager
Recommendation: Adopt second reading of an Ordinance 6,994-N.S setting a special tax rate of \$0.02872 per square foot of taxable improvements to fund the provision of emergency medical services to Berkeley residents.
Financial Implications: See report
Contact: Robert Hicks, Finance, 981-7300
Action: Adopted second reading of Ordinance No. 6,994–N.S. Effective date August 9, 2007.
9. **Contract: Downtown Berkeley YMCA**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$254,448 for fitness center memberships for City employees for the period July 1, 2007 through June 30, 2008.
Financial Implications: Payroll Deduction Trust Fund - \$254,448
Contact: Tracy Vesely, Budget Manager, 981-7000
Action: Adopted Resolution No. 63,762–N.S.
10. **Assessment: Elmwood Theater Business Improvement Area**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution:
1) Approving the Annual Assessment Report for the Elmwood Theater Business Improvement Area for Fiscal Year 2007;
2) Declaring an intention to levy annual assessments in the Improvement Area for Fiscal Year 2008; and
3) Setting a public hearing on the levy of assessments for July 31, 2007.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 63,763–N.S.

Consent Calendar

- 11. Claim Settlement: Mitsui Sumitomo Insurance Company**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of a public liability Claim No. GHB 011902 filed by claimant Mitsui Sumitomo Insurance Company in the amount of \$59,477.
Financial Implications: Public Liability Fund - \$59,477
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted Resolution No. 63,764 –N.S.
- 12. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days**
From: City Manager
Recommendation: Approve the attached new invitation for bid/request for proposal that will be, or is planned to be, issued in the next 30 days upon final approval by the requesting department or division.
Financial Implications: Various funds - \$4,074,000
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
- 13. Contract Amendment: Innovative Technologies**
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 \$13,625 to cover additional work on the contract negotiations for the City of Berkeley's new public safety computer system, for a total amount not to exceed \$113,625.
Financial Implications: See report
Contact: Chris Mead, Information Technology, 981-6500
Action: Adopted Resolution No.63,765–N.S.
- 14. Amendment Of BMC – Condominium Conversion**
a. From: City Manager
Recommendation: That the Berkeley City Council adopt a first reading of an ordinance amending Berkeley Municipal Code (BMC) Section 21.28.065.B.1 to clarify that the affordable housing mitigation fee cap of 12.5% of unit sales prices applies to both vacant and tenant occupied units within a building, if the owner agrees to the specified long-term limit on rent increases for all current tenants within that building at the time of conversion.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance No. 6,995–N.S. Second reading scheduled for July 17, 2007.

- 15. Grant Applications to the California Integrated Waste Management Board**
From: City Manager
Recommendation: Adopt a Resolution authorizing staff to apply for all grants available from the California Integrated Waste Management Board for used oil recycling and household hazardous waste programs.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,766–N.S.
- 16. License Agreement and Revenue Contract: Food Waste Collection and Hauling**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement and revenue contract with Norcal Waste Services of Alameda County ("Norcal") for food waste collection and hauling with a contract term from July 10, 2007 through December 31, 2008.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,767–N.S.
- 17. Use of Permeable Surfaces on City Projects**
From: City Manager
Recommendation: Adopt a Resolution:
1) Revising City of Berkeley parking and driveway standards to provide for use of permeable surfaces according to Bay Area Stormwater Management Agencies Association and Alameda County Clean Water Program C3 technical guidelines; and
2) Encouraging the use of these standards for commercial and residential driveways and private parking spaces that require City permits.
Financial Implications: Unknown
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,768–N.S.
- 18. Contract Amendment: Recycling Services**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 2146D with the Berkeley Ecology Center increasing the contract by \$2,076,222 in FY 2008 and extending the contract term to June 30, 2008, for a total contract amount not to exceed \$5,186,166 for Fiscal Years 2006 through 2008.
Financial Implications: Refuse Fund - \$1,728,000
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,769–N.S.

Consent Calendar

19. **Purchase Order: Telephone Directory Advertising for Refuse and Recycling Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with AT&T Smart Yellow Pages in an amount not to exceed \$31,494 for FY 2008, to advertise the City's refuse collection and recycling services.
Financial Implications: Various Funds - \$31,494
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,770–N.S.
20. **Contract Amendment: Buyback and Drop-Off Operations at the Solid Waste Management Center**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 6856 with Community Conservation Center to operate the buyback and drop-off program at the Solid Waste Management Center and extending the contract term one year to June 30, 2008 for a total amount not to exceed \$450,000 for FY 2008.
Financial Implications: Refuse Fund - \$450,000
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,771–N.S.
21. **Purchase Order: Fuel for City Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to purchase fuel from Golden Gate Petroleum for City vehicles in an amount not to exceed \$1,400,000 for FY 2007, and in an amount not to exceed \$750,000 for the first six months of FY 2008.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,772–N.S.

Council Consent Items

22. **Amend B.M.C. Section 21.28.050 To Prohibit Condominium Conversion For No-Fault Evictions**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council adopt a first reading of an ordinance amending Berkeley Municipal Code (B.M.C.) Section 21.28.050 to prohibit condominium conversion for ten years for no-fault evictions and make clarifying amendments to existing language.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted first reading of Ordinance No. 6,996–N.S. Second reading scheduled for July 17, 2007.

Action Calendar – Public Hearings

23. LPC Appeal: 2727 Milvia Street – Berkeley Iceland

a. From: City Manager

Recommendation: Conduct a Public Hearing and upon conclusion, adopt a Resolution modifying the decision of the Landmarks Preservation Commission (LPC) to designate 2727 Milvia Street, Berkeley Iceland, a City of Berkeley Landmark with respect to the “features to be preserved” as stated in the Notice of Decision dated April 5, 2007: deleting “the packed earth berms on the north and south sides” as “features to be preserved”

Financial Implications: None

b. Appeal

1. Richard Zamboni

c. Communications

2. Tom Killilea, Save Berkeley Iceland

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

Public Testimony: The Mayor opened the public hearing. 41 speakers. M/S/C (Anderson/Moore) to close the public hearing.

Action: M/S/C (Anderson/Maio) to continue deliberation and action to 6:00 p.m., Tuesday, July 17, 2007.

RECESS 8:51 – 9:05 p.m. Worthington absent.

PUBLIC HEARING ITEMS 24 THROUGH 30 COMBINED. Mayor Bates opened the hearings. There were no speakers. M/S/C (Moore/Maio) to close the public hearings. M/S/C (Maio/Wozniak) to approve recommendations. Absent – Worthington.

24. Rental Housing Safety Program: Administrative Lien Fee

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution to increase the administrative lien fee charged to residential rental property owners who are delinquent in paying Rental Housing Safety Program fees from \$75 to \$125 for each delinquent account.

Financial Implications: See report

Contact: Lisa Caronna, Housing, 981-5400

Action: Resolution No. 63,773–N.S.

Action Calendar – Public Hearings

- 25. Fees: Increases and Additions - Planning and Development Master Fee Schedule**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution:
1). Establishing the fee schedule for the Permit Service Center for development related services provided by the Planning and Development Department, and
2). Rescinding Resolution No. 63,323–N.S.
3). Establishing new fees for subsurface tiebacks in the public right-of-way.
4). Revising creek fees to conform to the new permit categories under the Creeks Ordinance, Ordinance 6,956–N.S.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Resolution No. 63,774–N.S.
- 26. Sewer Service Fees**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution 63,356–N.S. to clarify that the sewer service fee rate established thereby does not terminate by its own terms as of June 30, 2007.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-63003
Action: Moved to Consent Calendar and adopted Resolution No. 63,775–N.S.
- 27. Small Animal Adoption Fee Increases**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution increasing adoption fees for rabbits, poultry, small rodents, birds and exotic animals, and rescinding Resolution No. 62,538-N.S
Financial Implications: See report
Contact: Jim Hynes, Office of the City Manager, 981-7000
Action: Resolution No. 63,776–N.S.
- 28. Marina Fee Increases for Fiscal Year 2008**
From: City Manager
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution:
1) Increasing berth fees by 5%;
2) Increasing selected service fees by up to 10%;
3) Increasing the Chain fee by 100%;
4) Establish one new fee (Event parking fee); and
5) Increasing Nature Center/Adventure Playground fees by 5%, for Fiscal Year 2008, and rescinding Resolution No. 63,354–N.S. and all amendatory Resolutions.
Financial Implications: See report
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Resolution No. 63,777–N.S.

Action Calendar – Public Hearings

- 29. Fees: Parks and Recreation Programs and Facilities for FY 2008/2009**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:
1) Approving new fees for parks and recreation programs and facilities in FY08/09 by: a) increasing fees over \$33 by 1.5%; b) increasing selected user fees by .50¢; c) increasing fees between \$23 and \$33 by \$1; d) establishing fees for the new skate park program);
2) Authorizing the Director of the Parks Recreation & Waterfront Department to establish fees for new programs initiated throughout the year, not to exceed \$250 per person per program; and 3) rescinding Resolution No. 62,950-N.S. and 63,216-N.S. and all amendatory Resolutions.
Financial Implications: Revenue of \$81,000 in FY2008 and \$92,950 in FY2009
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Resolution No. 63,778–N.S.
- 30. Refuse Fees: Transfer Station Rate Increases FY 2008**
From: City Manager
Recommendation: Conduct a Public Hearing, and upon conclusion, adopt a Resolution amending Resolution No. 62,952-N.S. and all amending resolutions, effective July 1, 2007, to adjust rates for Transfer Station and special services fees, set forth in Sections 21 and 22 of the Resolution.
Financial Implications: Refuse Fund - Approximately \$750,000 revenue
Contact: Claudette Ford, Public Works, 981-6300
Action: Resolution No. 63,779–N.S.

WORTHINGTON PRESENT

RECESS 10:10 – 10:18 P.M. Councilmembers Wozniak and Capitelli recused on Item No. 31

Action Calendar – Old Business

- 31. ZAB Appeal: 2629-2635 Ashby Ave - Wright's Garage** *(Carried over from June 12, 2007. Motion to set date for hearing failed. No action taken. If council fails to act within 30 days (by July 10, 2007 meeting), the decision of the Zoning Adjustments Board will be approved by operation of law. BMC 23B.32.060)*
a. From: City Manager
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustment Board to approve Use Permit No. 06-10000098 to convert an existing three-unit commercial building (The Wright's Garage Building) into a 4 to 7 unit commercial building; and to change uses to one restaurant, one exercise/dance study, and up to 5 retail spaces, and dismissing the appeal.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400

Action Calendar- Old Business

b. Appeal

1. Elmwood Merchants Association
2. Elmwood Neighborhood Association

c. Communications *(after June 26,2007)*

1. Noelle Duncan and Kevin Kelleher
2. Henry Siegel
3. Lee Jester
4. Judith Epstein
5. Harry Pollack
6. Teddy Milder
7. Janice and Lanny Weingrod
8. Manuela Albuquerque, City Attorney

d. From: Councilmember Worthington *(June 26, 2007)*

Recommendation: To set the matter for a public hearing or remand the project to the Zoning Adjustments Board.

Financial Implications: None

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

Public Comment: 31

M/S/C (Worthington/Maio) extend meeting to 11:15 p.m. Abstain – Olds; Absent – Capitelli, Wozniak.

M/S/ (Worthington/Spring) substitute motion to remand back to ZAB. Ayes – Anderson, Spring, Worthington; Noes – Maio, Moore, Bates; Abstain – Olds; Absent – Capitelli, Wozniak.

Action: M/S (Maio/Anderson) main motion to set a public hearing. Ayes – Maio, Anderson, Spring, Worthington; Noes – Olds, Bates; Abstain – Moore; Absent – Capitelli, Wozniak. The decision of the Zoning Adjustments Board is deemed approved by operation of the law.

32. Draft Ordinance Establishing Operating Standards for Alcohol Outlets and Fee Options

From: City Manager

Recommendation: Consider the draft ordinance and fee structure options and give staff guidance as to the preferred fee structure

Financial Implications: See report

Contact: Manuela Albuquerque, City Attorney, 981-6950

Public Comment: 1

Action: M/S/C (Maio/Moore) straw vote to include restaurants in the fee structure. Ayes – Maio, Moore, Spring, Capitelli, Wozniak; Noes – Anderson, Olds, Worthington, Bates. Council concurred with staff recommendations and directed staff to proceed to meet with stakeholders.

Action Calendar- New Business

33. Voting Delegates - League of California Cities

From: City Manager

Recommendation: That Council designate a voting delegate and alternate for the business meeting of the Annual League of California Cities meeting to be held on Saturday, September 8, 2007, at the Sacramento Convention Center.

Financial Implications: See report

Contact: Pamyla Means, City Clerk, 981-6900

Action: Designated Councilmember Wozniak as voting delegate and Councilmember Worthington as alternate.

Public Comment – Items Not Listed on the Agenda – None

Information Reports

34. Unrepresented Temporary Employees

From: City Manager

Contact: David Hodgkins, Human Resources, 981-6800

Action: Received and filed.

35. Staff Response to AC Transit's Bus Rapid Transit Draft EIR/EIS

From: City Manager

Contact: Claudette Ford, Public Works, 981-6300

Action: Received and filed.

Adjournment – To 6:00 p.m., Tuesday, July 17, 2007

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of July 10, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications

Communications

State Housing Law and Comments

1. Peter J. Mutnick

Chief of Police and Beat Coverage (*REFERRED TO CITY MANAGER*)

2. Laura Menard
3. "Residents of 1018 and 1020 Bancroft"
4. Susan Dembitz
5. Rabbi Diane Elliot

Public Commons for Everyone Initiative (*REFERRED TO CITY MANAGER*)

6. Barbara Sullivan

Berkeley Y Contract Renewal

7. H. Scott Prosterman

2110 Haste Street/Herbivore Restaurant

8. Anonymous

Fiscal Year 2008-2009 Budget

9. \$BudgetWatch\$

Shooting on Russell Street (*REFERRED TO CITY MANAGER*)

10. Sam Herbert
11. Arthur Eaton
12. Melissa and Michael Gomes McEwen
13. Paul Rauber
14. Dan B. Bristol

Vector Control Matter (*REFERRED TO CITY MANAGER*)

15. James Legler (2)

Meeting with Housing Authority

16. go2thesun@****.com

San Francisco Housing Plan In Court

17. Sharon Hudson

Bus Services

18. Margot Smith

Tourist Revenues

19. Barbara Gilbert

Free Legal Advice Clinics

20. East Bay Community Law Center

Supplemental Communications 1

Item 23: LPC Appeal: 2727 Milvia Street – Berkeley Iceland

21. Karl Reeh

Supplemental Communications 1

- 22. Rena Rickles
- 23. Michael Corbett

Item 31: ZAB Appeal: 2629-2635 Ashby Ave - Wright's Garage

- 24. Louise Beattie
- 25. Lori Rosenthal
- 26. Alta Gerrey
- 27. Thomas Spivey
- 28. Susan M. Edwards
- 29. Eric Leenson
- 30. Heather Wood
- 31. Carol L. Nyhoff
- 32. Jacob Picheny
- 33. David Axel
- 34. Laurel J. Leichter
- 35. Richard B. Spohn
- 36. Shirley Dean
- 37. Norman R. Manzione
- 38. Judith Epstein, of Elmwood Neighborhood Association and Claudia Moudry, of Elmwood Merchants Association, submitted by Raymond Barglow
- 39. Debra R. Sanderson, Planning Department
- 40. Janet Dunlap
- 41. Lisa and David Kruse
- 42. Jeannie Zazzi (2)
- 43. Rob Teigen
- 44. Jonathan Jaffe
- 45. Barbara Gilbert
- 46. Harry Pollack
- 47. Manuela Albuquerque, City Attorney

Item 35: Staff Response to AC Transit's Bus Rapid Transit Draft EIR/EIS

- 48. Barbara Gilbert
- 49. Kent Lewandowski, Sierra club Northern Alameda County
- 50. Sheila Andres

Supplemental Communications 2

Item 9: Contract: Downtown Berkeley YMCA

- 51. H. Scott Prosterman

Item 23: LPC Appeal: 2727 Milvia Street – Berkeley Iceland

- 52. Unknown
- 53. Jill R. Johnson
- 54. Harrison S. Fraker, Jr.
- 55. Michael F. Crowe
- 56. Mark Hulbert
- 57. Unknown
- 58. Patrick Keilch
- 59. Unknown
- 60. Save Berkeley Iceland

Supplemental Communications 1

Item 31: ZAB Appeal: 2629-2635 Ashby Ave - Wright's Garage

61. Tim Hansen

62. Unknown

Item 32: Draft Ordinance Establishing Operating Standards for Alcohol Outlets and Fee Options

- Presentation materials, submitted by City Attorney

ZAB Appeal: 1885 University Avenue

63. Kristin Leimkuhler

64. Raffi Zarouljav, et al.

65. Kris Eggen

Miscellaneous

66. Unknown

**MINUTES
BERKELEY CITY COUNCIL AND POLICE REVIEW COMMISSION
JOINT SPECIAL MEETING
AND
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, JULY 16, 2007**

6th Floor Conference Room, 2180 Milvia Street
Teleconference Locations: 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call: 5:10 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: Councilmembers Capitelli and Olds.

Public Comment – Limited to matters on this agenda

Closed Session

The City Council and Police Review Commission will recess into closed session to meet with its attorneys concerning the following matter:

**BERKELEY CITY COUNCIL AND POLICE REVIEW COMMISSION
JOINT SPECIAL MEETING**

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT
TO GOVERNMENT CODE SECTION 54956.9(a):**

Berkeley Police Association v. City of Berkeley, et al., Alameda County Superior Court
Case No. 2002 057569.

Action: M/S/C (Maio/Anderson) to authorize the City Attorney to file an appeal if the Trail Court issues an enforcement order requiring that the complainant be excluded from the complaint investigation process. Ayes – Maio, Moore, Anderson, Spring, Worthington, Bates; Abstain – Wozniak; Absent – Capitelli, Olds.

The Police Review Commission meeting adjourned at 6:06 p.m. The City Council continued in closed session to discuss each of the following matters, not necessarily in the order listed below:

BERKELEY CITY COUNCIL SPECIAL MEETING

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):

Meggs, Jason, et al. v. City of Berkeley, et al.
USDC No. C 91 4033 CW; USCA, 9th Cir. No. 05-15436

Prentice, Kristin, et al. v. City of Berkeley, et al.
ACSC No. RG03 133031

Barton, Mary, et al. v. City of Berkeley
ACSC No. RG 04 172953

DeCaprio, Steven H. v. City of Berkeley
USDC No. C 04 3625 CW [USCA No. 05-17115]

Nesby, Stancy v. City of Berkeley
ACSC No. RG 04 177538 [Court of Appeal, 1st Appellate Dist., A116370]

Meyer Crest Ltd., et al. v. City of Berkeley, et al.
ACSC No. RG 04 177080

Jacqueline Bradley v. City of Berkeley, et al.
ACSC No. BG 05208327

Kevin Quillinan v. City of Berkeley
ACSC No. RG 05230436

Henry James Savage v. City Of Berkeley, et al.
USDC No. C05-02378 MHP

Kathleen Bingham v. Himalayan Fair LLC, City of Berkeley
ACSC No. RG 06 251870

Nam Im Kim v. City of Berkeley, William Mourley, dba Dream Fluff Donuts
ACSC No. RG 06 251145

Jeanne Kaiser v. City of Berkeley
ACSC No. RG 05 247410

Jane Rudell Jackson v. City of Berkeley
ACSC No. RG 06 253799

Juanita Butler v. City of Berkeley, AJW Construction
ACSC No. RG 06 257770

George Salo v. City of Berkeley, Avenue Tow, et al.
Solano County FCS 027483

Michael Salisbury v. Det. Michael Ward, Ofc. S. Speelman
ACSC No. RG 06 252201

Ruby Lott v. County Of Alameda, City Of Berkeley, Oscar Wimberly, Mattie Wimberly
ACSC No. RG 06 260746

Frank Cisneros; Beatrice Cisneros; Kasi Cisneros v. City Of Berkeley (Cisneros I)
ACSC No. RG 06 281529

Darrell D. Foley v. City Of Berkeley, BOSS, et al. (Foley I)
ACSC No. RG 06 281831

Edward Kyle Wright v. City Of Berkeley
ACSC No. RG 06 269626

Darrell D. Foley v. City Of Berkeley, BOSS, et al. (Foley II)
ACSC No. RG 06 285539

Arlene Moore v. Drew Properties, Jest Jewels, City of Berkeley
ACSC No. RG06 282157

Laurie Jacobs v. Berkeley Unified School Dist., City Of Berkeley, et al.
ACSC No. RG06 278663

Closed Session

Darrell D. Foley v. Tom Bates, Boona Cheema, et al. (Foley III)
USDC C07 0402 PJH

Darrell D. Foley v. Tom Bates, Boona Cheema, et al. (Foley IV)
USDC C07 07294 PJH

Lois Karp v. PG&E, City of Berkeley, et al.
ACSC No. RG07 308530

Jamila Dotson v. Taline Goorjian, City of Berkeley, State of CA, et al.
ACSC No. WG06 271247

Tess Famacion and Tito Famacion v. City of Berkeley and East Bay Center for the Blind
ACSC No. RG07 312112

Vijay Lakireddy v. County of Alameda, City of Oakland, City of Berkeley, et al.
ACSC No. WG07 316600

Charles J. Aitken v. City of Berkeley, et al.
ACSC No. RG07 316022

Grace Gill, as Decedent's Successor in Interest, etc. v. City of Berkeley and Willie Ed Bean
ACSC No. RG07 313173

Valeriano Saucedo v. City of Berkeley, et al.
ACSC No. RG07 322642

Frank Cisneros; Beatrice Cisneros; Kasi Cisneros v. Sergeant T. Curtin,
Detective G. Pon, Officer J. Luna, Officer K. Deblasi, Officer J. Louis,
Officer R. Onciano (Cisneros II)
USDC C07-02788 JCS

Jerome Johnson v. City Of Berkeley, California Dept. Of Justice
SF Superior Ct. No. CGC 05 446697

Teresa J. Paris v. City Of Berkeley, Zelte Crawford, Does 1 to 20
ACSC No. RG07 323657

Daniel Quel v. City Of Berkeley, Phoenix Electric Co.
ACSC No. RG07 310557

Valerie Heatlie v. City Of Berkeley, County Of Alameda, Darryl J Gruen,
Lee Gale Gruen, Thanh Pham, Ly T. Vo, Does 1-100
ACSC RG07 325529

Interinsurance Exchange v. Ofc. Ross Kassebaum, City of Berkeley Police Dept., Does 1-10
ACSC BG07 332037

Kortney Blythe v. City of Berkeley
USDC No. C07 03173 MMC

Hamid Kondazi v. City of Berkeley
USDC No. C06 07856 CRB

Ruth Ellen Pearce, Trustee of the Ruth Ellen Pearce Revocable Trust, et al. v. All Persons Claiming Any
Interest In, or Lien Upon, the Real Property Herein Described; City of Berkeley, et al.
ACSC No. RG 04 181677 / RG03 081308

Friends Protecting Berkeley's Resources v. Berkeley Unified School District and Board of Education of
BUSD; City of Berkeley, Real Party In Interest
ACSC No. HG07312667

Neighborhood Preservation Organization v. City of Berkeley and Berkeley City Council
ACSC No. RG 07306479

City of Berkeley v. University of California, Berkeley, Regents of the University of California
ACSC RG06 302934

Action: No reportable action

Closed Session

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (b)(1):

Threatened litigation:

The City Council will discuss with its attorneys the threat of litigation by Verizon Wireless, as set forth in the February 20, 2007, letter from its attorney, Paul Albritton, to the City Council, concerning the denial by the Zoning Adjustments Board of its application to install a wireless telecommunications facility at 2721 Shattuck Avenue, the application of the City's wireless telecommunications ordinance (BMC Chapter 23C.17) to its application, and the validity of that ordinance.

Action: No reportable action.

4. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

Unions: Berkeley Police Association

City Negotiators: Philip Kamlarz, City Manager; Lisa Caronna, Deputy City Manager; Tracy Vesely, Budget Manager; Doug Hambleton, Police Chief; David Hodgkins, Director of Human Resources; Margarita Zamora, Senior Human Resources Analyst

Councilmember Worthington absent at 6:43 p.m.

Action: Removed from agenda

Adjournment – 6:50 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the closed meeting of July 16, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, JULY 16, 2007

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

Preliminary Matters

Roll Call: 7:04 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: None.

Action Calendar – Public Hearings

1. ZAB Appeal: 1885 University Avenue

a. From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving the project as approved by the Zoning Adjustments Board, with modified findings and conditions of approval that will be provided by staff.

b. Appeal

1. Stephen Wollmer

c. Communications *(received after June 26, 2007)*

1. Kris Eggen (2)
2. Regan Richardson
3. Arlene Merryman
4. Stephen Wollmer (2)
5. Catherine Willis
6. Martha Nicoloff
7. Dean Metzger
8. Erika Shore
9. Barry Wofsy
10. David Levy, Baird Holm LLP
11. Stuart M. Flashman
12. Victoria Eisen
13. Walter H. Wood
14. Deborah Green
15. Art Goldberg
16. Wendy Alfson, McKinley Addison Allston Grant Neighborhood Association
17. Merle Weiner
18. Rob Browning
19. Jeanine Richardson
20. John Cassady

Financial Implications: See report

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

Action Calendar – Public Hearings

Public Testimony: The Mayor opened the public hearing. 42 speakers. M/S/C (Olds/Wozniak) to close the public hearing.

Councilmember Maio recused herself.

Action: M/S/C (Wozniak/Olds) to adopt Resolution No. 63,780–N.S. (Noes – Anderson, Spring, Worthington) as amended to include language to incorporate a pullout on Martin Luther King, Jr. Drive.

RECESS – 8:28 p.m. – 8:46 p.m.

RECESS – 10:02 p.m. – 10:12 p.m.

2. **ZAB Appeal: 2701 Shattuck Avenue** (*No new report. Refer to March 20, 2007 for report materials*)

a. From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustment Board to approve Use Permit No. 04-10000014 to construct a 24-unit, mixed-use project, and dismissing the appeal.

Financial Implications: None

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

b. Appeal

1. Rolf Bell

c. Communications- (*None after May 08, 2007*)

Public Testimony: The Mayor opened the public hearing. 8 speakers. M/S/C (Moore/Wozniak) to close the public hearing.

Action: M/S/C (Worthington/Maio) to continue deliberation and action to 6:30 p.m., Tuesday, July 17, 2007. (Abstain – Wozniak)

Action Calendar – Appeals

3. **ZAB Appeal: 2721 Shattuck Avenue (Nextel)**

a. From: City Manager

Recommendation: Certify for review the June 28, 2007 decision of the Zoning Adjustments Board and set a hearing on Use Permit No. 05-10000033 for a new wireless telecommunications facility (including five antennas and related equipment) for Nextel Wireless at 2721 Shattuck Avenue. If Council determines that a hearing shall be held, the date of October 23, 2007 has been set aside and is recommended.

Financial Implications: None

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

b. Appeal

1. Corey Alvin (representative for Nextel Communications, applicant/appellant)

c. Communications – (*None after May 22, 2007*)

Action: M/S/C (Maio/Wozniak) to set the matter for public hearing on October 23, 2007. (Abstain – Spring)

4. **ZAB Appeal: 2721 Shattuck Avenue (Verizon)**

Action Calendar – Appeals

a. From: City Manager

Recommendation: Certify for review the June 28, 2007 decision of the Zoning Adjustments Board and set a hearing on Use Permit No. 05-10000033 for a new wireless telecommunications facility (including five antennas and related equipment) for Verizon Wireless at 2721 Shattuck Avenue. If Council determines that a hearing shall be held, the date of October 23, 2007 has been set aside and is recommended.

Financial Implications: None

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

b. Appeal

1. James Singleton (representative for Verizon Wireless, applicant/appellant)

c. Communications – *(None after May 22, 2007)*

Action: M/S/C (Anderson/Wozniak) to set the matter for public hearing on October 23, 2007. (Noes – Spring)

Adjournment 10:57 p.m. – to 6:30 p.m Tuesday, July 17, 2007

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of July 16, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications

None.

Supplemental Communications 1

Item 1: ZAB Appeal: 1885 University Avenue

1. David Levy, Baird Holm LLP
2. Peter Eakland
3. Eric Dynamic
4. Pamela Morgan
5. Cynthia Papermaster
6. Tim Southwick
7. Doug Buckwald
8. Wendy Alfsen
9. Meaveen O'Connor
10. Bob Piper
11. Stuart Flashman

Item 3 & 4: ZAB Appeal: 2721 Shattuck Avenue

12. Sally Williams

Supplemental Communications and Reports 2

Item 1: ZAB Appeal: 1885 University Avenue

13. Stephen Wollmer
14. Ted Garrett, Berkeley Chamber of Commerce
15. Tom Hunt
16. Miranda Ewell
17. Unknown
18. Mark Wolfe

Item 4: ZAB Appeal: 2721 Shattuck Avenue (Verizon)

- Supplemental information, submitted by City Clerk
19. Paul Albritton, Mackenzie & Albritton LLP

**MINUTES
BERKELEY CITY COUNCIL ADJOURNED REGULAR
MEETING
TUESDAY, JULY 17, 2007**

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

Preliminary Matters

Roll Call: 6:00 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: None.

Action Calendar – Old Business

1. LPC Appeal: 2727 Milvia Street – Berkeley Iceland

a. From: City Manager

Recommendation: Adopt a Resolution modifying the decision of the Landmarks Preservation Commission (LPC) to designate 2727 Milvia Street, Berkeley Iceland, a City of Berkeley Landmark with respect to the “features to be preserved” as stated in the Notice of Decision dated April 5, 2007: deleting “the packed earth berms on the north and south sides” as “features to be preserved”

Financial Implications: None

b. Appeal

1. Richard Zamboni

c. Communications

1. Tom Killilea, Save Berkeley Iceland

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

The public hearing was opened and closed on July 10, 2007. Action recommended is to adopt a resolution as described in “Recommendation”.

Public Comments – 5

M/S (Anderson/Moore) to designate 2727 Milvia Street, Berkeley Iceland, a City of Berkeley Landmark amending the area designated to the front structure and the western façade of the building (berms on the north and south side would not be included, the central area of a portion of the structure with the tall windows and the gables would not be included, the monitor, middle sash and multi-light windows and modern cornices would not be included, and the structures to the north and south of the taller central area, except for the western façade, with their metal sash and multi-light windows, rounded corners and wide style cornices and the surviving original concrete

Action Calendar – Old Business

would not be included). A friendly was accepted to install a plaque detailing the history of Iceland, subject to review of staff and the Landmarks Preservation Commission.

Action: M/S/C (Wozniak/Olds) to adopt Resolution No. 63,781–N.S. designating 2727 Milvia Street, Berkeley Iceland, a City of Berkeley Landmark, as designated by the Landmarks Preservation Commission (LPO). Vote: Ayes – Maio, Spring, Olds, Worthington, Wozniak; Noes – Moore, Anderson, Capitelli, Bates.

Adjournment – 6:51 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular adjourned meeting of July 17, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Action Calendar – Old Business

Supplemental Communications 1

Item 1: LPC Appeal: 2727 Milvia Street – Berkeley Iceland

2. Sady Hayashida
3. Joe DeCredico
4. Dan Marks, Planning Department
5. Hans Lapping, Miller Starr Regalia
6. Michele Bernal
7. Ali Kashani
8. Save Berkeley Iceland, submitted by Elizabeth Grassetto & Tom Killilea
9. David Stoloff
10. Janice Fabini
11. John Gordon
12. Betsy Thargard
13. Berkeley Iceland, submitted by Rena Rickles
14. Merrilie Mitchell

Supplemental Communications 2

Item 1: LPC Appeal: 2727 Milvia Street – Berkeley Iceland

15. Marilee Allan
16. Marianne Hurley
17. Michael Veiluva, Alborg, Veiluva & Epstein LLP
18. Fran Gallati, Berkeley-Albany YMCA
19. Jean Fahmie, St. Moritz Ice Skating Club, Inc.
20. 99 pages of petitions with signatures, submitted by Berkeley Iceland

**MINUTES
BERKELEY CITY COUNCIL ADJOURNED REGULAR
MEETING
TUESDAY, JULY 17, 2007**

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

The City Council adjourned its special meeting of Monday July 16 to this date and time to complete the matter listed below

Preliminary Matters

Roll Call: 6:52 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: None.

Action Calendar – Old Business

1. ZAB Appeal: 2701 Shattuck Avenue (*Revised report submitted at July 17, 2007 meeting*)

a. From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustment Board to approve Use Permit No. 04-1000014 to construct a 24-unit, mixed-use project, and dismissing the appeal.

Financial Implications: None

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

b. Appeal

1. Rolf Bell

c. Communications- (None after May 08, 2007)

The public hearing was opened and closed on July 16, 2007 and the matter was continued to July 17 at 6:30 p.m.

Action: M/S/C (Moore/Wozniak) to adopt Resolution No. 63,782–N.S. to affirm the decision of the Zoning Adjustments Board to approve use permit No. 04-1000014 to construct a 24- unit, mixed-use project (alternate plan submitted and accepted by the developer) along with modifications to the Findings and Conditions made by the Zoning Adjustments Board to reflect the modified project description; and dismissing the appeal. Vote: Ayes – Maio, Moore, Capitelli, Olds, Wozniak, Bates; Abstain – Anderson, Spring, Worthington.

Adjournment – 7:17 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular adjourned meeting of July 17, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Supplemental Communications and Reports

Item 1: ZAB Appeal: 2701 Shattuck Avenue

- Revised report, submitted by Planning and Development Department
1. Todd Jersey Architecture

**MINUTES
BERKELEY CITY COUNCIL REGULAR MEETING
TUESDAY, JULY 17, 2007**

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

Preliminary Matters

Roll Call: 7:28 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: None.

Ceremonial Matters:

1. 20th Anniversary of Farmers Market.
2. Presentation by East Bay Municipal Utilities District regarding the current water shortage and water conservation efforts.

City Manager Comments: City Clerk Pamyla Means reported action from the July 16, 2007 Council Closed Session: Conference with Legal Counsel – Existing Litigation – Berkeley Police Association v. City of Berkeley, et al, Alameda County Superior Court Case No. 2002 057569.

Public Comment on Consent Calendar Items Only – 10

Consent Calendar

Action: M/S/C (Worthington/Maio) to adopt Consent Calendar in one motion except as indicated: Removed No. 21 for discussion; continued No. 17 and No. 20 to September 11, 2007; amended No. 27 and No. 28.

1. Amendment Of BMC – Condominium Conversion

From: City Manager

Recommendation: That the Berkeley City Council adopt a second reading of Ordinance No. 6,995–N.S. amending Berkeley Municipal Code (BMC) Section 21.28.065.B.1 to clarify that the affordable housing mitigation fee cap of 12.5% of unit sales prices applies to both vacant and tenant occupied units within a building, if the owner agrees to the specified long-term limit on rent increases for all current tenants within that building at the time of conversion.

Financial Implications: See report

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

Action: Adopted Ordinance No. 6,995–N.S. Effective date August 16, 2007.

Consent Calendar

- 2. Amend B.M.C. Section 21.28.050 To Prohibit Condominium Conversion For No-Fault Evictions**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council adopt a second reading of Ordinance No. 6,996–N.S. amending Berkeley Municipal Code (B.M.C.) Section 21.28.050 to prohibit condominium conversion for ten years for no-fault evictions and make clarifying amendments to existing language.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Ordinance No. 6,996–N.S. Effective date August 16, 2007.
- 3. Settlements:**

 - a. Meyer Crest, et al. v. City of Albany, City of Berkeley, et al.**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 04 177080 entitled Meyer Crest, Ltd., et al. v. City of Albany, et al. in the amount of \$45,000.
Financial Implications: Public Liability Fund - \$45,000
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted Resolution No. 63,783–N.S.
 - b. Settlement: Ruby Lott v. City of Berkeley, et al**
From: City Manager
Recommendation: Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG 06 260746 entitled Lott v. City of Berkeley, et al., in the amount of \$50,000.
Financial Implications: Public Liability Fund - \$50,000
Contact: Manuela Albuquerque, City Attorney, 981-6950
Action: Adopted Resolution No. 63,784–N.S.
- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 16, 2007 (joint special closed), April 24, 2007 (regular), April 30, 2007 (closed), May 8, 2007 (special and regular), May 14, 2007 (joint special closed), May 22, 2007 (joint special closed, special, and regular), June 12, 2007 (joint special and regular), June 18, 2007 (closed), June 19, 2007 (special and regular), and June 26, 2007 (regular).
Financial Implications: None
Contact: Pamyla Means, City Clerk, 981-6900
Action: Approved minutes as submitted.

Consent Calendar

- 5. Loan: Aurora Theatre Company**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing loan agreement with the Aurora Theatre Company to increase the loan amount by up to \$45,000 to pay for City permit fees for the Theater's expansion and to modify the loan terms to allow deferral of payments for four years followed by amortization of the outstanding loan balance over the next five years.
Financial Implications: Citywide Revolving Loan Fund - \$45,000
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 63,785–N.S.
- 6. Loan: Berkeley Symphony Orchestra**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to lend the Berkeley Symphony Orchestra \$100,000 to assist in its hiring a full-time Development Director.
Financial Implications: Citywide Revolving Loan Fund - \$100,000
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 63,786–N.S.
- 7. Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance in the Next 30 Days**
From: City Manager
Recommendation: Approve the attached new invitation for bid/request for proposal that will be, or is planned to be, issued in the next 30 days upon final approval by the requesting department or division.
Financial Implications: Various funds - \$265,405
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
- 8. Revenue Agreement: Mental Health Services for Transition-Aged Youth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept funds in the amount of \$1,391,749 from Alameda County Behavioral Health Care Services for the provision of clinical outpatient mental health services to transition-aged youth, and execute the resultant revenue agreements and any amendments; and authorizing the implementation of the project and appropriation of funding for related expenses.
Financial Implications: See report
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 63,787–N.S.

Consent Calendar

9. Agreement: Low Income Energy Program Revenues

From: City Manager

Recommendation: Adopt a Resolution:

- 1) Authorizing the City Manager or his designee to execute a contract with the State Department of Community Services and Development to receive a U.S. Department of Energy Weatherization Assistance Program grant, in the amount of \$23,197 for the period July 1, 2007 through April 30, 2008, to provide weatherization assistance for eligible residents of Berkeley, Albany, and Emeryville;
- 2) Approving the Priority Plan; and
- 3) Authorizing the City Manager to designate a representative to sign required fiscal and programmatic reports.

Financial Implications: See report

Contact: Lisa Caronna, Housing, 981-5400

Action: Adopted Resolution No. 63,788–N.S.

10. Appointment of Finance Director

From: City Manager

Recommendation: Confirm the appointment of Robert L. Hicks as Director of Finance.

Financial Implications: See report

Contact: David Hodgkins, Human Resources, 981-6800

Action: Approved recommendation.

11. Classification: Recreation Program Supervisor

From: City Manager

Recommendation: Adopt a Resolution to amend Resolution No. 61,840–N.S., Classification and Salary Resolution for Public Employees Union Local One, to establish the Classification of Recreation Program Supervisor with a monthly salary range of \$5,355 - 6,510 per month effective July 22, 2007.

Financial Implications: See report

Contact: David Hodgkins, Human Resources, 981-6800

Action: Adopted Resolution No. 63,789–N.S.

12. Contract Amendment: ESI Inc.

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract 6096 with ESI Inc., increasing the amount by \$528,000 for the purchase of a new IBM iSeries server and associated services, for a total contract amount not to exceed \$1,128,000, and extending the term to June 30, 2011.

Financial Implications: See report

Contact: Chris Mead, Information Technology, 981-6500

Action: Adopted Resolution No. 63,790–N.S.

Consent Calendar

- 13. Contract Amendment: Wireless Data Services for Police Vehicles**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manger to extend Contract No. 6832A with Sprint to provide wireless data services for City of Berkeley Police Department vehicles in an amount not to exceed \$80,000 for the two-year period July 1, 2007 to June 30,2009 for a total contract amount not to exceed \$105,000.
Financial Implications: See report
Contact: Chris Mead, Information Technology, 981-6500
Action: Adopted Resolution No. 63,791–N.S.
- 14. Add Erroneously Omitted Language to BMC Code – Nuisance Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance to add erroneously omitted language to amend Berkeley Municipal Code Chapters 23B.60, Compliance and Revocation, and 23B.64, Abatement of Nuisances.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted first reading of Ordinance No. 6,997–N.S. Second reading scheduled for September 11, 2007.
- 15. Contract No. 5459E Amendment: Heating, Ventilation, and Air Conditioning Maintenance for the PSB**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 5459E and any amendments with Pacific Coast Trane Service to maintain the heating, ventilation, and air conditioning service at the Public Safety Building, increasing the total not to exceed an amount of \$543,197 and extending the period to October 1, 2001 to June 30, 2017.
Financial Implications: Building Maintenance Fund - \$543,197
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,792–N.S.
- 16. Contract No. 7123 Amendment: As-Needed Storm Repairs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7123 with McNamara & Smallman Construction, Inc. for as-needed storm work, increasing the contract total to an amount not to exceed \$299,500, and extending the contract period through November 1, 2007.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,793–N.S.

Consent Calendar

- 17. Update: Five-Year Street Plan for FY 2007-2012**
From: City Manager
Recommendation: Adopt a Resolution adopting the update of the Five-Year Street Plan for FY 2007-2012.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Removed for discussion and continued to September 11, 2007.
- 18. Contract No. 7230 Amendment: ADA Curb Ramp Installation Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment Contract No. 7230 with AJW Construction for the ADA Curb Ramp Installation Project, increasing the amount by \$88,000 for a total not to exceed amount of \$372,900 and extending the contract period by 60 days for a 180 calendar days period from May 21, 2007 to November 17, 2007.
Financial Implications: CDBG Funds - \$372,900
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,794–N.S.
- 19. Final Payment: Purchase and Installation of Modular Buildings -Corporation Yard**
From: City Manager
Recommendation: Adopt a Resolution authorizing payments up to \$32,897 above the original contract (No. 6557) amount of \$640,000 to Resun Leasing, Inc., for the purchase and completion of installation of two modular buildings at the Corporation Yard.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,795–N.S.
- 20. Audit: Controls and Accountability For Police Asset Forfeiture Deposit Accounts Need Improvement**
From: Auditor
Recommendation: Request the City Manager to report back on or before November 20, 2007, and every three months thereafter, regarding the implementation status of the audit recommendations.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Removed for discussion and continued to September 11, 2007.

Council Consent Items

- 21. Allow Testing of Speed Cushions as an Alternative Traffic Calming Devices**
From: Mayor Bates, Councilmembers Maio and Capitelli
Recommendation: That the City Council determine that a six month pilot project to test speed cushions is not subject to the moratorium on speed hump installation and request the City Manager work with the Fire Department and the Office of Transportation to jointly determine the location for the pilot project to test speed cushions and report back to the Council within six months on the test results.
Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation as amended to include consult with the Commission on Disabilities regarding the test.
- 22. National Register Designation for the Park Congregational Church (South Berkeley Community Church)**
From: Councilmembers Maio, Anderson and Capitelli
Recommendation: Express and convey the Council's support to the State for a National Register designation for the Park Congregational Church (South Berkeley Community Church), which can be done with minimal documentation by staff.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 23. Railroad Corridor Quiet Zones, Implementation Bids**
From: Councilmember Maio
Recommendation: That the City Manager request bids, along with neighboring cities which have expressed interest, to determine the cost of establishing railroad corridor quiet zones at railroad crossings
Financial Implications: Unknown
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
- 24. Funding for Ohlone Dog Park**
From: Councilmembers Spring and Maio
Recommendation: Refer to the City Manager to make repairs to the Ohlone Dog Park by putting up to \$100,000 of unspent funds remaining in the Parks and Recreation fiscal year 2006-2007 budget.
Financial Implications: \$100,000
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Approved recommendation.

Council Consent Items

- 25. City Sponsorship Of The "Be Fit Berkeley" Campaign**
From: Councilmembers Capitelli and Moore
Recommendation: That the City of Berkeley cosponsor the "Be Fit Berkeley" campaign, to take place from September, 2007, until June, 2008; that the City Council
- 1) Give permission for the use of the name of the City of Berkeley and the City's logo in all forms of publicity, including t-shirts; and
 - 2) Provide staff support from the Department of Health and Human Services as itemized in Financial Implications.
- Financial Implications:** See report
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 26. 12th Annual Watershed Environmental Poetry Festival**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council extend the sound permit from 11-5 p.m. for the 12th Annual Watershed Environmental Poetry event in Martin Luther King, Jr. Civic Center Park, Saturday, August 18, 2007. Further, that the Council allows a Watershed Environmental Poetry stage banner above the Peace Wall and waive fees for staff and necessary equipment associated with hanging the banners.
Financial Implications: \$250
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 27. Sweat-Free Consortium**
From: Councilmembers Worthington and Spring
Recommendation: That the Berkeley City Council adopt a resolution supporting the development of the state and local sweatshop-free consortium and allocating \$25,000 of previously set aside funds to SweatFree Communities Inc. to support formation of the state and local government sweatshop-free consortium, contingent upon commitment of equal funds from one or more other government entities.
Financial Implications: General Fund - \$25,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 63,796–N.S. amended to contingent upon commitment of adequate funds to reach the planned \$60,000 budget.
- 28. Endorsing the "LIVE EARTH Pledge" Sponsored by the Alliance for Climate Protection**
From: Councilmember Worthington and added Councilmember Spring
Recommendation: That the Berkeley City Council endorse the "LIVE EARTH Pledge" proposed by the Alliance for Climate Protection.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Council Consent Items

29. **Recent Lockout Of Waste Management Inc. Employees**
From: Councilmembers Worthington, Anderson, Maio and Mayor Bates
Recommendation: That the City send a letter to Waste Management Inc. executives expressing the following concerns over the recent lockout of waste management employees:
- 1) That the City is concerned that workers were locked out of the Waste Management Inc. facility.
 - 2) That the action was unnecessary. It is common practice during contract negotiations that the previous contracts are extended.
 - 3) The company's failure to extend the previous contracts has led to delays in service resulting in customers not receiving trash and/or recycling pick-ups.
 - 4) This precipitous and drastic action was uncalled for, unnecessary and unreasonable.
 - 5) The City strongly opposes actions that the company has taken against workers and urges Waste Management Inc. to renegotiate in good faith.
 - 6) We urge the company to increase wages and benefits in the new contract and not reduce them beyond their current levels.
 - 7) Even if an agreement is reached before the City Council vote the City should still send a letter expressing its concern over this unnecessary and irresponsible lockout.
- Financial Implications:** None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
30. **Budget Allocation: San Pablo Neighborhood Park Council**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council adopt a resolution approving the expenditure of \$400 to the San Pablo Neighborhood Park Council funds from Councilmember Worthington's discretionary budget (D-13) to support the San Pablo Park Centennial Celebration.
Financial Implications: \$400
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 63,797–N.S.

Action Calendar – Public Hearings

31. **BTown – 2973 Sacramento Street**
From: City Manager
Recommendation: That the Council conduct a public hearing and declare that B-Town Dollars and More Disc, a retail store at 2973 Sacramento Street, is a public nuisance pursuant to Berkeley Municipal Code section 23B.64.020 and enjoin its further operation.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
Public Testimony: The Mayor opened the public hearing. 5speakers. M/S/C (Anderson/Olds to close the public hearing).
Action: M/S/C (Anderson/Moore) to approve recommendation and direct the City Attorney to prepare findings to be submitted at the July 31, 2007 special meeting.

Action Calendar – Public Hearings

32. North Shattuck Business Improvement District

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution:

- 1) Confirming the Annual Report of the North Shattuck Business Improvement District (NSBID) for Fiscal Year 2007 and
- 2) Levying assessments in the District for Fiscal Year 2008.

Financial Implications: North Shattuck Business Improvement District Fund - \$164,000 revenue

Contact: Michael Caplan, Economic Development, 981-7530

Public Testimony: The Mayor opened the public hearing. 0 speakers. M/S/C (Maio/Worthington) to close the public hearing.

Action: M/S/C (Maio/Worthington) to adopt Resolution No. 63,798–N.S.

33. Telegraph Property and Business Improvement District

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution confirming the Annual Report on the Telegraph Property and Business Improvement District for FY 2007 and levying assessments in the District for FY 2008.

Financial Implications: Telegraph Property and Business Improvement District Fund - \$237,930 revenue

Contact: Michael Caplan, Economic Development, 981-7530

Public Testimony: The Mayor opened the public hearing. 0 speakers. M/S/C (Maio/Anderson) to close the public hearing noting no protests received.

Action: M/S/C (Maio/Worthington) to adopt Resolution No. 63,799–N.S.

34. ZAB Appeal: 161 Panoramic Way

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Zoning Adjustment Board's decision to approve Use Permit No. 04-10000145 to construct a new single family dwelling at 161 Panoramic Way, and denying the appeals.

Financial Implications: None

Appeals

1. Bruce and Colette Kelley
2. Regula Muller
3. Panoramic Hill Association

Communications (*received after June 26, 2007*)

1. Kathleen Sullivan
2. Bill and Jane Robbins
3. Blanche L. Sack
4. Jerry Wachtel, Panoramic Hill Association
5. Ann Slaby
6. Regula Muller
7. Bruce and Colette Kelley
8. Catherine Orozco
9. Alice Taylor

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

Action Calendar – Public Hearings

Public Testimony: The Mayor opened the public hearing. 18 speakers. M/S/C (Moore/Anderson) to close the public hearing. M/S/C (Worthington/Maio) to reopen the public hearing.

Action: M/S/C (Maio/Wozniak) to continue the public hearing to the first available meeting. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Wozniak, Bates. Noes – Worthington.

Council Action Calendar

35. Proposed Pilot Program: Double Parking Fines In Selected RPP Areas On Football Game Days

From: Councilmember Wozniak

Recommendation: Adopt a resolution recommending that the City Manager institute a pilot program to double parking fines in Residential Parking Permit (RPP) areas in the South campus area on football game days. This would include RPP areas A, B, and D which are currently enforced on Saturdays.

Financial Implications: See report

Contact: Gordon Wozniak, Councilmember, District 8, 981-7180

Action: Adopted Resolution No. 63,800–N.S.

OLDS ABSENT AT 11:00 P.M.

Motion by Councilmember Worthington to extend the meeting beyond 11:00 p.m. No second.

M/S/C (BATES/SPRING) TO EXTEND THE MEETING FOR THE PURPOSE OF PUBLIC COMMENT ONLY. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Wozniak, Bates; Abstain – Worthington; Absent – Olds.

36. Amendments to the Berkeley City Council Rules of Procedure

a. From: Mayor Bates

Recommendation: Request that the City Council amend the Berkeley City Council Rules of Procedure and Order (last amended May 8, 2007) Chapter IV - Conduct of Meeting, Sections A and E. Specifically, replace Section A - Comments from the Public with:

- 1) Public Comment on Consent Calendar and Information Items,
- 2) Public Comment on Action items,
- 3) Zoning Adjustment Board Appeals, and
- 4) Public Comment on Non-Agenda Items; and amend Section E. Public Hearings adding a process for public comment for public hearings on land use and zoning matters.

Financial Implications: None

Contact: Tom Bates, Mayor, 981-7100

b. From: Councilmember Worthington (*Carried over from June 26, 2007*)

Recommendation: Amend Resolution 53,575—N.S. to incorporate the new procedures for Public Comment established by the Mayor and to incorporate other minor changes for clarity, consistency and performance with The Brown Act. Disseminate the amended resolution to the City Council, all Boards, Commissions, Committees and Task Forces for immediate implementation.

Financial Implications: See report.

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

Council Action Calendar

c. From: Councilmember Spring

Recommendation: That the Council conduct a workshop/special meeting in September, 2007 to consider and discuss proposals regarding establishing the rules of public comment and land use public testimony.

Financial Implications: Unknown

Contact: Dona Spring, Councilmember, District 4, 981-7140

Action: Due to the hour, continued to September 11, 2007

MOORE ABSENT – 11:12 P.M.

Public Comment – Items Not Listed on the Agenda – 8

Communications

Information Reports

37. **LPC NODs: 2340-2350 Shattuck Ave., 2300 Shattuck Ave., and 1525 La Loma Avenue**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.
38. **LPC NOD for Landmark Designations: 2747 San Pablo Ave. (Landmark), 1365 Summit Road (Landmark), 1375 Summit Road (Landmark), and 1363, 1365, & 1375 Summit Road (Historic District)**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.
39. **Fee Deferral Extension and Subdivision Fee Deferral: Ursula Sherman Village, 711 Harrison Street**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.

Adjournment – 11:16 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of July 17, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Action Calendar- New Business

Item 31: BTown – 2973 Sacramento Street

1. Terence Keane
2. Chris Smith

Item 36: Amendments to the Berkeley City Council Rules of Procedure

3. Dona Spring

Smokefree Solano Avenue and Solano Stroll

4. Ira Sharenow

Reusable Bag Ordinance Status Report

5. Zero Waste Commission, submitted by Tania Levy

Call for Nominations – San Francisco Bay Area Conservation Priorities

6. Association of Bay Area Governments

Supplemental Communications 1

Item 20: Audit: Controls and Accountability For Police Asset Forfeiture Deposit Accounts Need Improvement

- Revised report, submitted by City Auditor

Item 30: Budget Allocation: San Pablo Neighborhood Park Council

- Supplemental report, submitted by Councilmember Worthington

Item 31: BTown – 2973 Sacramento Street

7. Zach Franklin

Item 32: North Shattuck Business Improvement District

- Revised report, submitted by Office of Economic Development

Item 34: ZAB Appeal: 161 Panoramic Way

8. Janice Thomas
9. Mr. & Mrs. David Bryson
10. David Gilley and family

Item 36: Amendments to the Berkeley City Council Rules of Procedure

11. Jane Welford, Jim Fisher and Leona Wilson, SuperBOLD
12. PhoeBe (sorgen)
13. Kathy Dopp
14. Pat LaForce
15. Arlene Merryman

Supplemental Communications and Reports 2

Item 21: Allow Testing of Speed Cushions as an Alternative Traffic Calming Devices

- Revised report, submitted by Mayor Bates, and Councilmembers Maio and Capitelli

Item 31: BTown – 2973 Sacramento Street

16. Officer Pierantoni, Berkeley Police Department
17. 43 pages of petitions with signatures, submitted by BTown owner

Item 34: ZAB Appeal: 161 Panoramic Way

Supplemental Communications and Reports 2

- 18. Peter Eakland, Office of Transportation
- 19. Steve Baum
- 20. Janice Thomas
- 21. Katherine Bond
- 22. Unknown
- 23. Panoramic Hill Association
- 24. Bruce Kelley
- 25. Joanna Dwyer

Update on National Tritium Labeling Facility Stack Removal (*Referred to City Manager*)

- 26. Pam Sihvola

Condo Conversion at 2507 and 2509 McGee Avenue

- 27. Bill Ryan (2)

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, JULY 31, 2007**

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

Preliminary Matters

Roll Call: 6:33 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, and Wozniak.

Absent: Mayor Bates. Vice-Mayor Olds presiding.

Public Comment – Limited to items on this agenda only – 0

Closed Session – Conference Room

The City Council recessed to closed session at 6:35 p.m. to discuss the following matter:

**1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT
CODE SECTION 54957.6: Unions: Berkeley Police Association**

City Negotiators: Philip Kamlarz, City Manager; Lisa Caronna, Deputy City Manager; Tracy Vesely, Budget Manager; Doug Hambleton, Police Chief; David Hodgkins, Director of Human Resources; Margarita Zamora, Senior Human Resources Analyst

The City Council reconvened to special session in the Council Chambers at 7:00 p.m. noting that there was no reportable action taken as a result of the Closed Session.

Action Calendar – Public Hearings

2. Elmwood Theater Business Improvement Area

From: Elmwood Advisory Board

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution:

- 1) Confirming the Annual Assessment Report for the Elmwood Theater Business Improvement Area for FY 2007; and
- 2) Levying assessments in the Area for FY 2008.

Financial Implications: See report

Contact: Michael Caplan, Office of Economic Development, 981-7000

Councilmember Capitelli recused himself and left the Council Dais.

Public Testimony: The Vice-Mayor opened the public hearing. 0 speakers. M/S/C (Maio/Moore) to close the public hearing (Absent – Bates).

Action Calendar – Public Hearings

Action: M/S/C (Maio/Worthington) to adopt Resolution No. 63,801–N.S (Absent – Capitelli and Bates).

Councilmember Capitelli returned to the Council Dais.

Action Calendar- Old Business

3. Adoption of Findings-Town Dollars and More Discs ("B-Town") - 2973

Sacramento Street

From: City Attorney

Recommendation: Adopt a Resolution including findings and order that B-Town, a retail store located at 2973 Sacramento, is a public nuisance and must cease operations forthwith, as previously determined by the City Council on July 17, 2007, after a public hearing.

Financial Implications: None

Contact: Manuela Albuquerque, City Attorney, 981-6900

Action: M/S/C (Anderson/Moore) to adopt Resolution No. 63,802–N.S. (Absent - Bates).

Adjournment – 7:31 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of July 31, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications

Item 3: Adoption of Findings-Town Dollars and More Discs ("B-Town") - 2973 Sacramento Street

1. L. M. Lynch

Supplemental Communications 1

Item 3: Adoption of Findings-Town Dollars and More Discs ("B-Town") - 2973 Sacramento Street

2. Nayef. Ayesch

MCD (Medical Cannabis Dispensaries) Raids

3. Unknown

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, SEPTEMBER 4, 2007**

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

Roll Call: 5:04 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: Councilmember Anderson. Anderson present at 5:10 p.m.

Public Comment – Limited to items on this agenda only – 71 speakers

Closed Session: 6:58 p.m.

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):**

City of Berkeley v. University of California et.al.
Alameda County Superior Court No. RG. 06302934

Reported Action: Proceed with lawsuit. Proposal from University of California unacceptable. (Vote: Ayes – Anderson, Capitelli, Maio, Moore, Olds, Spring, Bates; Abstain – Worthington; No – Wozniak)

Adjournment – 7:46 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of September 4, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES
JOINT BERKELEY CITY COUNCIL & BOARD OF LIBRARY TRUSTEES
SPECIAL MEETING MINUTES
MONDAY, SEPTEMBER 10, 2007

6th Floor Conference Room, 2180 Milvia Street
Teleconference Locations: 1636 Channing Way, Berkeley, CA

Roll Call: 5:03 p.m.

Present: Councilmembers Capitelli, Maio, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: Councilmembers Moore and Anderson.

Public Comment – Limited to items on this agenda only – 0

Closed Session

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION -
GOVERNMENT CODE SECTION 54956.9(a):**

Rollie French v. Arntz Builders, City of Berkeley, et al.

(Alameda County Superior Court No.2002-043461, consolidated with:

Helix Electric v. Arntz Builders, et al. (Alameda County Superior Court No. 2002-061480);

Thyssenkrupp Elevator Corp. v. Arntz Builders, et al. (Alameda County Superior Court No.2002-071479);

F.W. Spencer & Son, Inc. v. Arntz Builders, et al. (Alameda County Superior Court No. RG03082302);

Bay Systems Integrators, Inc. v. Helix Electric, Inc., et al. (Alameda County Superior Court No. RG03089440); and

Arntz Builders, Inc. v. City of Berkeley, et al. (Alameda County Superior Court No. RG 03095394).)

No reportable action taken.

Adjournment – 5:47 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the joint closed meeting of September 10, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, SEPTEMBER 11, 2007**

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

Roll Call: 5:32 p.m.

Present: Councilmembers Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: Councilmember Anderson.

Public Comment – Items on this agenda only – 7

Worksession:

1. Discussion & Direction Regarding Proposed amendments to Council Rules of Procedure

Action: Mayor Bates to revise proposed amendments based upon public input and Council discussion. Evening session discussion cancelled.

Adjournment – 6:35 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of September 11, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

**MINUTES
BERKELEY CITY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 11, 2007**

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

Preliminary Matters

Roll Call: 7:01 p.m.

Present: Councilmembers Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Absent: Councilmember Anderson.

Ceremonial Matters:

1. Pledge of Allegiance to the Flag
2. Moment of silence in memory of victims of 9/11 attack
3. Proclamation September 15 – October 15 National Hispanic Heritage Month
4. Proclamation September 15 Shoreline Cleanup Day
5. Certificate of Appreciation, Stephen Barton, former Housing Director.

Public Comment on Consent Calendar Items Only – 8

Consent Calendar

Action: M/S/C (Moore/Capitelli) to adopt Consent Calendar in one motion except as indicated:

Recess Consent Items

- 1. Contract Amendment: House-to-House Delivery of Food Scrap Pails**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to Contract No. 7260 with Environmental Delivery Services, Inc., for house-to-house delivery of food scrap pails in the amount of \$9,800 for a total amount not to exceed \$50,225 for the period March 1, 2007 through June 30, 2009.
Financial Implications: Various funds - \$9,800
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,803–N.S. (Absent – Anderson)
- 2. Request for Additional Meeting of the Mental Health Commission**
From: Mental Health Commission
Recommendation: Ratifying the action of the City Manager taken during recess to approve an additional meeting of the Mental Health Commission scheduled for August 30, 2007.
Financial Implications: See report
Contact: Carol Patterson, Secretary, Mental Health Commission, 981-5100
Action: Approved recommendation.

Consent Calendar

- 3. Add Erroneously Omitted Language to BMC Code – Nuisance Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 6,997–N.S. to add erroneously omitted language to amend Berkeley Municipal Code Chapters 23B.60, Compliance and Revocation, and 23B.64, Abatement of Nuisances.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Ordinance No. 6,997–N.S. (Absent – Anderson) Effective date October 11, 2007.
- 4. Contract: Relocation of Citywide Records Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Access Information Management to relocate the Citywide Records Center.
Financial Implications: See report
Contact: Pamyla Means, City Clerk, 981-6900
Action: Adopted Resolution No. 63,804–N.S. (Absent – Anderson)
- 5. Establish 2008 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution establishing the Council regular meeting schedule for 2008.
Financial Implications: None
Contact: Pamyla Means, City Clerk, 981-6900
Action: Adopted Resolution No. 63,805–N.S. (Absent – Anderson) as amended for September: 9/16 & 9/23.
- 6. Contract: Lynn M. Suter & Associates**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Lynn M. Suter & Associates to provide the City with legislative representation services in Sacramento from July 1, 2007 to June 30, 2008, in an amount not to exceed \$49,970.
Financial Implications: General Fund - \$49,970
Contact: Phil Kamlarz, City Manager, 981-7100
Action: Adopted Resolution No. 63,806–N.S. (Absent – Anderson)
- 7. Contract: 2-1-1 Phone Service (Social Services Hotline) - Eden I&R Incorporated**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Eden I&R Incorporated in the amount of \$35,000 for the establishment of the 2-1-1 Phone Service from the period July 1, 2007 to June 30, 2008.
Financial Implications: General Fund - \$35,000
Contact: Tracy Vesely, Budget Manager, 981-7000
Action: Adopted Resolution No. 63,807–N.S. (Absent – Anderson)

Consent Calendar

- 8. Date Correction for FY 2008 Voluntary Time Off Program**
From: City Manager
Recommendation: Adopt a Resolution designating Monday, December 24, 2007 as a Voluntary Time Off day in FY 2008 and authorizing the City Manager to temporarily close certain City Offices and non-essential services for that day.
Financial Implications: See report
Contact: Tracy Vesely, Budget Manager, 981-7000
Action: Adopted Resolution No. 63,808–N.S. (Absent – Anderson)
- 9. Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days**
From: City Manager
Recommendation: Approve the new invitation for bid/request for proposal that will be, or is planned to be, issued in the next 30 days upon final approval by the requesting department or division.
Financial Implications: Various Funds - \$6,149,898
Contact: Robert Hicks, Finance, 981-7300
Action: Approved recommendation.
- 10. Revenue Agreement: Ride Smart Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept funds in the amount of \$773,813 from the California Office of Traffic Safety to address the impact of alcohol and other drugs on driving and promote the use of safety equipment while riding a bicycle, skate board, scooter, or roller skates among youth, and execute any resultant revenue agreements and amendments; and authorize the implementation of the project and appropriation of the funding for related expenses.
Financial Implications: See report
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 63,809–N.S. (Absent – Anderson)
- 11. Contract: Retiree Health Premium Assistance Plan Third-Party Administrator**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with The Lipman Company, Inc. for administration of the Retiree Health Premium Assistance Plan and other retiree medical programs for sworn Fire and Police for the period covering January 1, 2007 through December 31, 2007, for a total not to exceed \$55,000.
Financial Implications: Various funds - \$55,000
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,810–N.S. (Absent – Anderson)

Consent Calendar

- 12. Contract Amendment: Retiree Medical Plan Actuarial Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing contract (No. 7114) with Milliman, Inc., (hereinafter "Milliman") by increasing expenditure authority in an amount not to exceed \$20,000 for actuarial services of the Berkeley Fire Fighters Association and the Berkeley Police Association retiree medical benefit programs for the period of July 1, 2007 through December 31, 2007.
Financial Implications: Payroll Deduction Trust Fund - \$20,000
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,811–N.S. (Absent – Anderson)
- 13. Classification: Health Administrative/Financial Specialist**
From: City Manager
Recommendation: Adopt a Resolution to amend Resolution No. 61,840–N.S., Classification and Salary Resolution for Public Employees Union Local One, to establish the classification of Health Administrative/Financial Specialist with a salary range of \$6,897 - \$8,335 per month effective September 17, 2007.
Financial Implications: See report
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,812–N.S. (Absent – Anderson)
- 14. Board of Library Trustees Appointment: Carolyn Henry Golphin**
From: Board of Library Trustees
Recommendation: Appoint Carolyn Henry Golphin to the Board of Library Trustees for a term of four years beginning October 1, 2007.
Financial Implications: None
Contact: Donna Corbeil, Library, 981-6100
Action: Approved recommendation. (No – Worthington; Abstain – Spring).
- 15. License Agreement: Marina Bay Trail Extension**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with the East Bay Regional Park District and the California Department of Parks and Recreation to construct and maintain the portion of the Marina Bay Trail Extension that lies within Eastshore State Park property for five (5) years with automatic renewals for three (3) additional five year terms.
Financial Implications: None
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,813–N.S. (Absent – Anderson)

Consent Calendar

- 16. Contract: Tree Removal Services**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for tree removal services; accepting the proposal of West Coast Arborist, Inc.; and authorizing the City Manager or his designee to execute a contract and any amendments in an amount not to exceed \$320,000 for a period of three years, beginning August 1, 2007 and ending June 30, 2010.
Financial Implications: Parks Tax Fund - \$320,000
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,814–N.S. (Absent – Anderson)
- 17. License Agreement: Cal Sailing Club**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with the Cal Sailing Club to use City property at the Berkeley Marina through June 30, 2009 with an annual license fee of \$5,544.
Financial Implications: Marina Fund - \$5,544 revenue
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,815–N.S. (Absent – Anderson)
- 18. Contract Amendment: Design and Engineering Services - Gilman Street Sports Fields Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with SFE Landscape Architects to provide additional design and engineering services for the Gilman Street Sports Fields project in an amount not to exceed \$66,000 for a new contract total not to exceed \$510,416, which includes a 10% contingency; and extending the term through December 31, 2008.
Financial Implications: Various funds - \$66,000
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,816–N.S. (Absent – Anderson)
- 19. Council Direction To Negotiate With College Prep High School *(To be delivered)***
From: City Manager
Recommendation: Adopt a Resolution directing the City Manager to negotiate and execute a long-term agreement with College Preparatory High School for limited use of the Gilman Street Sports Fields in exchange for a capital contribution to the construction budget, subject to the approval of the East Bay Regional Park District and California Department of Parks and Recreation.
Financial Implications:
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Continued to September 18, 2007.

Consent Calendar

- 20. Contract: Environmental and Planning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to approve a contract and any amendments with RRM Design Group for planning and environmental review services in an amount not to exceed \$250,000 for a total contract period of three years, providing authorization to negotiate more contracts on the open market, and authorizing limited use of environmental services contracts for City projects.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,817–N.S. (Absent – Anderson)
- 21. ZAB Appeal: 161 Panoramic Way (Continued from July 17, 2007)**
From: City Manager
Recommendation: Continue public hearing to November 6, 2007, for the appeal of the Zoning Adjustments Board's approval of Use Permit No. 04-1000145, to construct a single-family residential structure with two off-street parking spaces on a 3,295 square foot lot. (ES-R) Environmental Safety-Residential.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
Action: Approved recommendation.
- 22. Grant: 2007-08 Department of Alcoholic Beverage Control (To be delivered)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant amendment and any subsequent amendments with the State of California to accept Department of Alcoholic Beverage Control Grant funding and appropriate the funds to enforce laws to prohibit furnishing alcohol to minors and possession of alcohol by persons under the age of 21, as well as other alcohol-related crimes.
Financial Implications: See report
Contact: Douglas N. Hambleton, Police, 981-5900
Action: Adopted Resolution No. 63,818–N.S. (Absent – Anderson)
- 23. Contract No. 7154 Amendment: Vehicle Equipment Installation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7154 with West Coast Police and Fire to install equipment on Police Department vehicles, increasing the contract by \$9,600 for a total amount not to exceed of \$33,600 for the contract period March 1, 2007 to June 30, 2008.
Financial Implications: Equipment Maintenance Fund - \$9,600
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,819–N.S. (Absent – Anderson)

Consent Calendar

- 24. Contract: Sanitary Sewer Project - McNamara Smallman, Inc.**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located at Addison Street, Byron Street, Cowper Street, Allston Way, and Martin Luther King Jr. Way; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with McNamara Smallman, Inc., until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$673,083 for a term of 220 calendar days from the date of the execution of the contract.
Financial Implications: Sanitary Sewer Fund - \$673,083
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,820–N.S. (Absent – Anderson)
- 25. Update: Five-Year Street Plan for FY 2007-2012**
From: City Manager
Recommendation: Adopt a Resolution adopting the update of the Five-Year Street Plan for FY 2007-2012.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Continued to September 18, 2007
- 26. Contract: Direct Line Tele Response for After Hours Answering Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Direct Line Tele Response for after hours answering services for the Corporation Yard in an amount not to exceed \$15,000 for the period October 1, 2007 through June 30, 2008, with an option to extend the contract for four years to June 30, 2012 for a total amount not to exceed \$95,000.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,821–N.S. (Absent – Anderson)
- 27. Tieback Encroachment Ordinance**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) sections 16.18.010, 16.18.025 and 16.18.080 to clarify the definitions of major and minor encroachments, to define tiebacks as minor encroachments, and establish tieback encroachment permit fees.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 6,998–N.S. (Absent – Anderson)
Second reading scheduled for September 18, 2007.

Consent Calendar

- 28. Contract: Sanitary Sewer Project - Pacific Trenchless, Inc.**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located at Eight Street, Ninth Street, and Folger Avenue; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders with Pacific Trenchless, Inc., until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$500,328 for a term of 190 calendar days from the date of the execution of the contract.
Financial Implications: Sanitary Sewer Fund - \$500,328
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,822–N.S. (Absent – Anderson)
- 29. Contract: Transportation Land Use Coalition**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source contract with the Transportation Land Use Coalition (TALC) for the Travel Choice-Berkeley Program to promote the City of Berkeley Transit First policy for an amount not to exceed \$396,000 for the period September 15, 2007 to June 30, 2009.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
- Public Comments: 9
- Action:** Removed from Consent Calendar for discussion. M/S/C (Worthington/Maio) adopted Resolution No. 63,823–N.S. (Absent – Anderson). No advocacy for Bus Rapid Transit (BRT) permitted.
- Worthington then absent from meeting.**
- 30. Audit: Controls and Accountability For Police Asset Forfeiture Deposit Accounts Need Improvement**
From: Auditor
Recommendation: Request the City Manager to report back on or before November 20, 2007, and every three months thereafter, regarding the implementation status of the audit recommendations in the attached audit report until each recommendation is fully implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Approved recommendation.

Council Consent Items

31. **Zoning Standards for Projects Exceeding State Mandated Density Bonuses**
From: Councilmember Maio
Recommendation: Refer to the Planning Commission the development of criteria and zoning standards for those features in a project that go beyond the State Density Bonus requirements.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Public Comment – 2
Action: Removed from Council Consent for discussion. M/S/C (Maio/Spring) approved recommendation and added request for comments from ZAB and Density Bonus Sub-Committee regarding a special category when maximum density bonus requirements are exceeded.
32. **Santa Rosa Lights, Priority Intersections, University Avenue**
From: Councilmembers Maio and Moore
Recommendation: Refer to staff the identification of priority intersections on University Avenue for the installation of Santa Rosa Lights and the retiming and synchronization of the traffic lights, these would be folded into the traffic-calming program, brought before the Transportation Commission, and referred to the mid-year budget cycle for Council consideration.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.
33. **2007 Berkeley International Food Festival**
From: Councilmembers Moore and Maio
Recommendation: Waive the fees associated with organizing the 2007 Berkeley International Food Festival.
Financial Implications: See report
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
34. **Proclamation for Indigenous Peoples Day 2007**
From: Councilmember Spring
Recommendation: That the Council approve the attached proclamation in honor of Indigenous Peoples Day Saturday, October 6, 2007.
Financial Implications: None
Contact: Dona Spring, Councilmember, District 4, 981-7140
Action: Approved recommendation.

Council Consent Items

- 35. Opposition to California State Initiative Proposal No. 07-0032 - Presidential Election Reform Act**
From: Councilmembers Capitelli, Anderson, Maio and Moore
Recommendation: Adopt a resolution opposing California State Initiative Proposal No. 07-0032, "The Presidential Election Reform Act," and send correspondence to our neighboring cities -- Albany, El Cerrito, Emeryville, Oakland, and Richmond -- informing them of the proposed initiative and potential impacts if enacted.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Adopted Resolution No. 63,824–N.S. (Absent – Anderson)
- 36. Enhanced 911 Information**
From: Councilmember Capitelli
Recommendation: Refer to the Disaster and Fire Safety Commission the advisability of making available to public safety personnel auxiliary volunteered information about Berkeley residents. Request the Commission hear a presentation from Alan North of SMART 911 and report back to the City Council on their findings and recommendations.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
Action: Approved recommendation.
- 37. Letter Regarding Kenneth Foster**
From: Councilmember Worthington
Recommendation: Send a letter to the Governor of Texas thanking him for his decision to commute the sentence of Kenneth Foster and ask him to consider modifying the unjust Law of Parties.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation. (Abstain – Olds and Wozniak).
- 38. Opposing Initiative 1249 - Sexual Abuse Reporting Act**
From: Councilmembers Worthington, Spring and Olds
Recommendation: Oppose Initiative 1249, the Sexual Abuse Reporting Act.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Council Consent Items

- 39. Proclamation Honoring Single Payer Health Care Advocates**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council adopt a proclamation honoring the many volunteers who worked hard to promote SB 840, the California Universal Healthcare Act.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 40. Supporting Boycott Of Woodfin Suite Hotels**
From: Councilmember Worthington
Recommendation: Adopt a Resolution endorsing the boycott of Woodfin Suite Hotels.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted Resolution No. 63,825–N.S. (Absent – Anderson; Abstain – Olds)
- 41. Boycott Valley Power Systems, Inc.**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council expresses its support for striking workers at Valley Power in San Leandro and establish a policy for the City of Berkeley to boycott Valley Power Systems Inc.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
- 42. Support of AB 558 Toxics Use Reduction Act**
From: Councilmember Maio
Recommendation: That the City of Berkeley support AB 558 – Toxics Use Reduction Act – and send a letter of support.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
Action: Approved recommendation.

Council Action Calendar – Old Business

- 43. Amendments to the Berkeley City Council Rules of Procedure** (*Carried over from July 17, 2007*)
a. From: Mayor Bates
Recommendation: Request that the City Council amend the Berkeley City Council Rules of Procedure and Order (last amended May 8, 2007) Chapter IV - Conduct of Meeting, Sections A and E. Specifically, replace Section A - Comments from the Public with: 1) Public Comment on Consent Calendar and Information Items, 2) Public Comment on Action items, 3) Zoning Adjustment Board Appeals, and 4) Public Comment on Non-Agenda Items; and amend Section E. Public Hearings adding a process for public comment for public hearings on land use and zoning matters.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100

Council Action Calendar – Old Business

b. From: Councilmember Worthington

Recommendation: Amend Resolution 53,575—N.S. to incorporate the new procedures for Public Comment established by the Mayor and to incorporate other minor changes for clarity, consistency and performance with The Brown Act. Disseminate the amended resolution to the City Council, all Boards, Commissions, Committees and Task Forces for immediate implementation

Financial Implications: None

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

c. From: Councilmember Spring

Recommendation: That the Council conduct a workshop/special meeting in September, 2007 to consider and discuss proposals regarding establishing the rules of public comment and land use public testimony.

Financial Implications: None

Contact: Dona Spring, Councilmember, District 4, 981-7140

Action (a)(b)(c): Removed from discussion and continued to 10/9/07. Mayor Bates to revise based on public comments and Council discussion.

Action Calendar – New Business

44. Establishment of Community Benefit Districts

From: City Manager

Recommendation: Adopt first reading of an Ordinance Amending Chapter 7.94 of the Berkeley Municipal Code Relating to Improvement District Assessments.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Action: Removed from agenda.

Information Reports

45. February and June 2008 Statewide Election Timelines

From: City Manager

Contact: Pamyla Means, City Clerk, 981-6900

Action: Received and filed.

46. Records Online

From: City Manager

Contact: Pamyla Means, City Clerk, 981-6900

Action: Received and filed.

47. FY-08 Civic Arts Grant Requests

From: City Manager

Contact: Michael Caplan, Economic Development, 981-7530

Action: Received and filed.

Information Reports

48. **Investment Report: Quarter Ended June 30, 2007**
From: City Manager
Contact: Robert Hicks, Finance, 981-7300
Action: Received and filed.
49. **Quarterly Report on Employee Safety and Workers' Compensation**
From: City Manager
Contact: David Hodgkins, Human Resources, 981-6800
Action: Received and filed.
50. **Audit: Association For Sports Field Users**
From: City Manager
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Received and filed.
51. **Audit Update: Limited Tuolumne Camp Staff Review**
From: City Manager
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Received and filed.
52. **Draft Comments on Regional Housing Needs Allocation**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 3

Adjournment – 8:50 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of September 11, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications

Communications

Item 22: Grant: 2007-08 Department of Alcoholic Beverage Control

1. John Cummins, UC Berkeley

Item 43: Amendments to the Berkeley City Council Rules of Procedure

2. Sharon Hudson
3. Jane Welford, SuperBOLD
4. Pamyla Means, City Clerk Department

BRT

5. Vincent Casalaina, Willard Neighborhood Association (2)
6. Hank Resnik
7. David Tam

ZAB Appeal: 1885 University Avenue

8. Charles Higley
9. Miranda Ewell
10. Cindy Wright
11. Stuart Flasan

ZAB Appeal: 2629-2635 Ashby Ave - Wright's Garage

12. Roger Fields, Mary Canales & Mattea Soreng
13. Patricia Reedy
14. Harry Pollack

2555 College Avenue – Don's Auto Clinic

15. Anne Whyte (5)

Crime Surveillance Cameras

16. Barbara Gilbert

Bicycles, Rats and Leaf Blowers

17. Barbara Sargent

BPOA's Recommendations

18. Dan & Anona

Left Turn Arrow at Ashby/Claremont

19. Jessica Lindsey (3)

Hoof and Mouth Disease

20. Hank Chapot

Traffic Circle – Spruce/Vine

21. Michael Minasian

Pilot Parking Program

22. Sharon Hudson

Emergency Food and Housing Project

23. Arin Weitzman

Communications

Electric Vehicles

24. PhoeBe (sorgen)

Critical Mass

25. Jaimie Levin & Jane Wise

Sweatshop-Free Ordinance

26. Igor Tregub

Normalcy is Dead in Berkeley

27. Sam Herbert

Quiet Zone – Train Crossing

28. Steve Ruzin

Berkeley Iceland

29. Gale Garcia

Economic Impact of the Arts

30. Lisa Bullwinkel

Ohlone Dog Park

31. Dianne Sequoia

BART Youth Tours

32. Kerry Hamill

Bicycle and Pedestrian Programs

33. Hank Resnik

West Berkeley Zoning Concerns

34. Sharon Hudson

Solano Avenue Berkeley BID Financial Review

35. Memorandum submitted by City Manager

Semi-Annual Report of Marijuana Enforcement Activity

36. Memorandum submitted by City Manager

Letter to BUSD

37. Barbara Gilbert

Medical Marijuana Dispensaries

38. Steve White

Planning Staff

39. Sharon Hudson

Deliveries on Panoramic Way

40. Ann Reid Slaby

Comments on the Annual Report

41. Michael Walensky

Wheel of Eviction

42. Mike Masley

Communications

BUSD Field Use Fees

43. Barbara Gilbert

UC Berkeley Student Athlete High Performance Center

- 220 correspondence emails (available for review in the City Clerk's office)

Item 29: Contract: Transportation Land Use Coalition

44. Michael Katz

45. Barbara Gilbert

46. Tom Bates, Mayor's Office

47. Bruce Kaplan

48. Tom Bates, Mayor's Office

Item 31: Zoning Standards for Projects Exceeding State Mandated Density Bonuses

49. Barbara Gilbert

Item 32: Santa Rosa Lights, Priority Intersections, University Avenue

50. Wendy Alfsen (2)

Item 42: Support of AB 558 Toxics Use Reduction Act

51. Michael Wilson

Item 43(b): Amendments to the Berkeley City Council Rules of Procedure

52. Helen Rippier Wheeler

Item 44: Establishment of Community Benefit Districts

53. Barbara Gilbert

Item 45: February and June 2008 Statewide Election Timelines

54. Barbara Gilbert

Item 52: Draft Comments on Regional Housing Needs Allocation

55. Barbara Gilbert

56. Sharon Hudson

57. Robert Lauriston

Supplemental Communications and Reports 2

Item 9: Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days

- Revised report, submitted by City Manager

Item 21: ZAB Appeal: 161 Panoramic Way

58. Michael Tolleson

Item 32: Santa Rosa Lights, Priority Intersections, University Avenue

59. Douglas Hambleton, Berkeley Police Department

Supplemental Communications 1

Item 43: Amendments to the Berkeley City Council Rules of Procedure

- Supplemental information, submitted by Mayor's Office

Item 44: Establishment of Community Benefit Districts

- Memorandum, submitted by City Manager

**MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, SEPTEMBER 18, 2007**

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

Roll Call: 5:05 p.m.

Present: Councilmembers Anderson, Capitelli, Moore, Olds, Spring, Wozniak, and Mayor Bates.

Absent: Councilmembers Maio and Worthington. Both present at 5:07 p.m.

Public Comment – Items on this agenda only – 2

Worksession:

1. Quarterly Crime Report and Community Involved Policing (CIP) Update

From: City Manager

Contact: Douglas Hambleton, Police, 981-5700

Action: No action taken.

2. Instant Runoff Voting

From: City Manager

Contact: Pamyla Means, City Clerk, 981-6900

Mayor Bates and Councilmember Olds absent at 6:52 p.m. Vice President Worthington assumed the Chair.

Public Comments – 1

Action: No action taken. Next status report 2/12/08.

Adjournment – 7:04 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of September 18, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications

None.

Supplemental Communications and Reports

Item 1: Quarterly Crime Report and Community Involved Policing

- Presentation, submitted by Douglas Hambleton, Police Department

Item 2: Instant Runoff Voting

- Presentation, submitted by Dave McDonald, Registrar of Voters
1. Nancy Bickel

**MINUTES
BERKELEY CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 18, 2007**

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

Preliminary Matters

Roll Call: 7:23 p.m.

Present: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, and Wozniak.

Absent: Mayor Bates absent. Vice President Worthington assumed the Chair.

Ceremonial Matters:

1. Proclamations:
 - Halcyon Park Celebration, September 30
 - Commemorating Laura Anderson as Board of Library Trustee
 - Berkwood Hedge School Day, October 13
 - United Nations Day/62nd Anniversary, October 24
 - Indigenous Peoples Day, October 6
 - National Lead Safety Day Tour, September 22
2. Certificate of Completion for participants of the Mayor's Summer Internship Program
3. Presentation of check in the amount of \$600,000 – Cal Home Grant Award

Mayor Bates present at 7:42 p.m.

Public Comment on Consent Calendar Items Only – 8

Consent Calendar

Action: M/S/C (Moore/Wozniak) to adopt Consent Calendar in one motion except as indicated:

1. Tieback Encroachment Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance 6,998–N.S amending Berkeley Municipal Code (BMC) sections 16.18.010, 16.18.025 and 16.18.080 to clarify the definitions of major and minor encroachments, to define tiebacks as minor encroachments, and establish tieback encroachment permit fees.

Financial Implications: See report

Contact: Claudette Ford, Public Works, 981-6300

Action: Adopted Ordinance No.6,998–N.S. Effective date October 18, 2007.

Consent Calendar

- 2. Grant: Maddie's Fund, Pet Rescue Foundation to the Animal Care Shelter**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant agreement and any amendments with Maddie's Fund, Pet Rescue Foundation to accept \$20,000 to support the collection of Berkeley Animal Care Service's shelter statistics and other activities on behalf of lost, stray, or homeless dogs and cats.
Financial Implications: \$20,000 revenue
Contact: Phil Kamlarz, City Manager, 981-7000
Action: Adopted Resolution No. 63,826–N.S.
- 3. Contract Amendment: Mental Health Vocational Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Rubicon Programs, Inc. (No. 6642), for the continued provision of vocational services to mental health clients and to increase the contract amount by \$31,057, for a total contract amount not to exceed \$79,057.
Financial Implications: See report
Contact: Fred Medrano, Health and Human Services, 981-5100
Action: Adopted Resolution No. 63,827–N.S.
- 4. Agreements: Solar America Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a cooperative agreement and any amendments with the U.S. Department of Energy for the period September 15, 2007 through September 14, 2009 in the amount of \$200,000 in revenues for solar power market development.
Financial Implications: See report
Contact: Renelda Mary, Housing, 981-5400
Action: Adopted Resolution No. 63,828–N.S.
- 5. Contract: Mills Act - 2201 Blake Street**
From: City Manager
Recommendation: Adopt a Resolution to direct the City Manager to enter into a Mills Act contract for 2201 Blake Street.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,829–N.S.
- 6. Contract: Mills Act - 2501-2527 Rose Walk**
From: City Manager
Recommendation: Adopt a Resolution to direct the City Manager to enter into a Mills Act contract for 2501-2527 Rose Walk.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,830–N.S.

Consent Calendar

- 7. Contract: Mills Act - 2205 Blake Street**
From: City Manager
Recommendation: Adopt a Resolution to direct the City Manager to enter into a Mills Act contract for 2205 Blake Street.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,831–N.S.
- 8. Contract Amendment: MACTEC Engineering & Consulting, Inc.**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 6510 with MACTEC Engineering and Consulting, Inc., to provide geotechnical and engineering testing services for the Gilman Street Sports Fields Project for an additional amount not to exceed \$35,000 for a new contract total not to exceed \$900,719 for the period September 1, 2004 to September 30, 2008.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,832–N.S.
- 9. Contract: Management Recruiters/Berkeley for Temporary Parking Services Manager**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Management Recruiters/Berkeley for a temporary Parking Services Manager for a total amount not to exceed \$58,500 for the period July 1, 2007 to June 30, 2008.
Financial Implications: Off-Street Parking Fund - \$58,500
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,833–N.S.
- 10. Contract Amendment: Corporation Yard Gates Public Art Project**
From: Economic Development
Recommendation: Adopt a Resolution amending Contract No. 7131 with Eric Powell to increase payment by \$25,000 to cover the unexpected increased costs for two, functional set of individually designed Gates for the City of Berkeley Corporation Yard.
Financial Implications: Public Art Fund - \$25,000
Contact: Michael Caplan, Economic Development, 981-7530
Action: Adopted Resolution No. 63,834–N.S.
- 11. Council Direction To Negotiate With College Prep High School** (*Held over from September 11, 2007*)
From: City Manager
Recommendation: Direct the City Manager to negotiate and execute a long-term agreement with College Preparatory High School for limited use of the Gilman Street Sports Fields in exchange for a capital contribution to the construction budget, subject to the approval of the East Bay Regional Park District and California Department of Parks and Recreation.
Financial Implications:
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Approved recommendation.

Consent Calendar

- 12. License Amendment: Bait Shop Operation**
From: City Manager
Recommendation: Approve an amendment to the current license agreement with the Berkeley Marina Charter Boat Association, Inc (BMCBA) to reduce the minimum yearly payment from \$45,000 to \$28,000 and terminate the agreement on December 31, 2007.
Financial Implications: Marina Fund - \$43,000 revenue
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 83,835-N.S.
- 13. Nature Center/Adventure Playground Rate Schedule**
From: City Manager
Recommendation: Adopt a Resolution amending Resolution 63,777–N.S., establishing the rate schedule for the FY2008 Nature Center/Adventure Playground at the Berkeley Marina adopted on July 10, 2007 (to correct clerical oversight).
Financial Implications: See report
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,836–N.S.
- 14. Update: Five-Year Street Plan for FY 2007-2012***(Held over from September 11, 2007)*
From: City Manager
Recommendation: Adopt a Resolution adopting the update of the Five-Year Street Plan for FY 2007-2012.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,837–N.S.

Council Consent Items

- 15. Funding for Downtown Berkeley Jazz Festival**
From: Mayor Bates
Recommendation: Adopt a Resolution authorizing the expenditure of \$2,500 from the unallocated city-sponsored events budget to fund the Downtown Berkeley Jazz Festival.
Financial Implications: \$2,500 from the unallocated events and festivals budget.
Contact: Tom Bates, Mayor, 981-7100
Action: Removed from Consent Calendar for discussion. M/S/C (Spring/Anderson) adopted Resolution No. 63,838–N.S.
- 16. Fee Deferral for Freight and Salvage Coffee House**
From: Mayor Bates
Recommendation: That the City Council request the City Manager negotiate a deferral of the remaining permit fees of approximately \$350,000 with the Freight and Salvage Coffee House to be paid upon completion of the project or a mutually agreed upon schedule.
Financial Implications: See report.
Contact: Tom Bates, Mayor, 981-7100
Action: Approved recommendation.

Council Consent Items

17. **Berkeley Holiday Fund**
From: Mayor Bates
Recommendation: Adopt a resolution allowing the Mayor's office to participate in the Berkeley Holiday Fund's annual campaign.
Financial Implications: See report.
Contact: Tom Bates, Mayor, 981-7100
Action: Adopted Resolution No. 63,839–N.S.
18. **Developing a City Preferred Alternative Route for Telegraph Avenue Bus Rapid Transit**
From: Mayor Bates
Recommendation: That the City Council request the Transportation Commission, Planning Commission, and staff develop a City preferred alternative route for the Telegraph Avenue Bus Rapid Transit (BRT) system under consideration by AC Transit.
Financial Implications: Unknown
Contact: Tom Bates, Mayor, 981-7100

Public Comments – 8

Action: Removed from Consent Calendar for discussion. M/S/C (Capitelli/Anderson) referred to Councilmembers Capitelli (on behalf of Mayor Bates proposal) and Worthington (on behalf of amendments submitted) to submit a joint proposal at a future date.

19. **Proclamation Honoring 15th Anniversary of Halcyon Neighborhood Association**
From: Councilmember Worthington
Recommendation: That the Berkeley City Council adopts a proclamation honoring the 15th Anniversary of the Halcyon Neighborhood Association.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.

Recess 9:19 – 9:31 p.m.

Action Calendar – Appeals

20. **LPC Appeal: 2747 San Pablo Avenue**
- a. **From: City Manager**
Recommendation: Adopt a Resolution to affirm the decision of the Landmarks Preservation Commission to deny the application for landmark status for 2747 San Pablo Avenue, the Joe Donham Automobile Showroom, and to dismiss the appeal.
Financial Implications: None
- b. **Appeal**
1. Laurie Bright

Action Calendar - Appeals

c. Communications

1. Julie Dickinson and Daniella Thompson
2. Julie Dickinson and Alan Hess
3. Robert E. Johnson

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

Action: Moved to Consent Calendar and adopted Resolution No. 63,840–N.S dismissing appeal and upholding LPC decision. (Noes – Worthington).

21. ZAB Appeal: 1625 Berkeley Way

a. From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Use Permit No.06-10000117 to construct an addition to an existing dwelling located at 1625 Berkeley Way and dismissing the appeal.

Financial Implications: See report

b. Appeal

4. Morrison Chun

c. Communications

5. Dea Lee Harrison
6. Jeff Stein

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

Public Comments – 6

Action: M/S/C (Capitelli/Wozniak) to adopt Resolution No. 63,841–N.S. dismissing the appeal and affirming the ZAB decision. (Ayes – Moore, Anderson, Capitelli, Wozniak and Bates; Noes – Olds and Worthington; Abstain – Maio and Spring)

Action Calendar – Public Hearing

22. U-Haul Company: 2100 San Pablo Avenue

From: Zoning Adjustments Board

Recommendation: Conduct a public hearing and declare that the U-Haul Company, a truck and trailer rental store at 2100 San Pablo Avenue, is in violation of Use Permit No. 7575 under Berkeley Municipal Code Section 23B.60.020, and revoke Use Permit No. 7575.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 6 speakers. M/S/C (Moore/Maio) to close the public hearing.

Action: M/S/C (Moore/Capitelli) to revoke Use Permit No. 7575, findings to be adopted 10/9/07.

Information Reports

- 23. Audit: Fire - Overtime and Lost Time**
From: City Manager
Contact: Debra Pryor, Fire, 981-5500
Action: Received and filed.
- 24. CalHome Program**
From: City Manager
Contact: Renelda Mary, Housing, 981-5400
Action: Received and filed.
- 25. Schedule for Condominium Conversion Ordinance Revision**
From: City Manager
Contact: Renelda Mary, Housing, 981-5400
Action: Removed for discussion. Received and filed.
- 26. LPC NOD: 1920 Allston Way**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Removed for discussion. Received and filed.
- 27. LPC NODs: 1505 Shattuck Ave., 2200 Shattuck Ave., 2947-53 College Ave. and 2130 Center St.**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Received and filed.
- 28. Interim Report: Pacific Steel Casting, 1333 Second Street**
From: City Manager
Contact: Dan Marks, Planning and Development, 981-7400
Action: Removed for discussion. M/S/C (Maio/Moore) directed staff to obtain responses from the Bay Area Air Quality District to Councilmember Maio's written questions submitted this date.

Public Comment – Items Not Listed on the Agenda – 6

Adjournment – 10:34 p.m. in memory of Charity Moore (101 years of age)

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of September 18, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

UC Berkeley Student Athlete High Performance Center

1. Julie Anderson
2. Marcia Tanner
3. Richard Wallace
4. Jerry Wachtel
5. James Keith
6. Jillian Hagan
7. Joseph Stubbs
8. Linda & John Gage
9. Scott Wachenheim
10. Frank Lynch
11. Merrilie Mitchell

Lawrence Berkeley National Laboratory

12. Merrilie Mitchell

Lawrence Livermore Laboratory

13. Merrilie Mitchell

UC Planning Process

14. Anonymous

Think Trees

15. Anonymous

Leadership East Bay 2007-08

16. Lisa Bullwinkel

Concerns Regarding City of Berkeley

17. Robert Gaebler

Protesting Traitors and Bush

18. John Jenkel

Hybrid Swimming Pool Heating Act

19. Jody Gorran

Community Chose Aggregation Workshop

20. Tom Kelly, KyotoUSA

Cal Quarterback – Nate Longshore

21. Robert Gaebler

Item 22: U-Haul Company: 2100 San Pablo Avenue

22. Fred Cosentino

Supplemental Communications 1

Item 14: Update: Five-Year Street Plan for FY 2007-2012

- Supplemental information, submitted by City Manager

Item 18: Developing a City Preferred Alternative Route for Telegraph Avenue Bus Rapid

- 23. Gregory Murphy
- 24. Charles Siegel
- 25. Len Conly & Hank Resnik
- 26. Steve Geller
- 27. Michael Katz

Item 20: LPC Appeal: 2747 San Pablo Avenue

- 28. David Mayeri & Laura Billings

Item 21: ZAB Appeal: 1625 Berkeley Way

- 29. Christopher Wolf, Planning & Development Department

Item 22: U-Haul Company: 2100 San Pablo Avenue

- 30. Margaret Fauchier (3)
- 31. Barbara Gregory

Item 28: Interim Report: Pacific Steel Casting, 1333 Second Street

- 32. Elisabeth Jewel

Supplemental Communications and Reports 2

Item 9: Contract: Management Recruiters/Berkeley for Temporary Parking Services Manager

- Supplemental material, submitted by Public Works

Item 18: Developing a City Preferred Alternative Route for Telegraph Avenue Bus Rapid Transit

- 33. Kriss Worthington
- 34. Unknown
- 35. Michael Katz

Item 20: LPC Appeal: 2747 San Pablo Avenue

- 36. Gary Parsons

Item 22: U-Haul Company: 2100 San Pablo Avenue

- 37. Gregory Daniel, Code Enforcement
- 38. Jeremy Frank, U-Haul

Item 28: Interim Report: Pacific Steel Casting, 1333 Second Street

- 39. Linda Maio

Indigenous Peoples Day

- 40. Unknown