



Office of the City Manager

CONSENT CALENDAR
December 18, 2007

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

RECOMMENDATION

Approve the minutes for the Council meetings of October 25, 2007 (adjourned), November 6, 2007 (adjourned, special and regular), November 19, 2007 (special) and November 27, 2007 (special and regular).

CONTACT PERSON

Pamyla C. Means, MMC, City Clerk, 981-6900

Attachments:

1. October 25, 2007 – Adjourned Regular Closed Meeting
2. November 6, 2007 – Adjourned Regular Closed Meeting
3. November 6, 2007 – Special City Council Meeting
4. November 6, 2007 – Regular City Council Meeting
5. November 19, 2007 – Special City Council Meeting
6. November 27, 2007 – Special City Council Meeting
7. November 27, 2007 – Regular City Council Meeting

MINUTES

BERKELEY CITY COUNCIL ADJOURNED REGULAR MEETING

THURSDAY, OCTOBER 25, 2007

6th Floor Conference Room, 2180 Milvia Street

**Teleconference Locations – #1: 1636 Channing Way, Berkeley, CA;
and #2: 7664 NW 18th St. #407, Margate, FL**

The City Council adjourned its special Closed Session meeting of Tuesday, October 23, 2007 to this date and time to complete the matter listed below.

Roll Call – 5:05 p.m.

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

Absent: Worthington (Councilmember Worthington present at 5:15 p.m.)

Public Comment – 0

CLOSED SESSION

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

GTE Mobilnet of California, L.P., dba Verizon Wireless v. City of Berkeley
(U.S. District Court Case No. C 07 4034)

Action: Continued to October 6, 2007 at 5:00 p.m.

Adjournment – 6:20 p.m. (Councilmember Maio absent at 6:05 p.m.)

This is to certify that the foregoing is a true and correct copy of the minutes of the adjourned regular meeting of October 25, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES

BERKELEY CITY COUNCIL ADJOURNED REGULAR MEETING

TUESDAY, NOVEMBER 6, 2007

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

Preliminary Matters

Roll Call: 5:00 p.m.

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

Absent: None.

Public Comment – 4

Closed Session:

The City Council convened in closed session in the board meeting room to meet with its attorneys concerning the following:

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

GTE Mobilnet of California, L.P., dba Verizon Wireless v. City of Berkeley
(U.S. District Court Case No. C 07 4034)

Action: Continued following Action Item 23 on the November 6, 2007 7:00 p.m.
Regular Meeting Agenda.

Adjournment – 10:24 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the adjourned regular meeting of November 6, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, NOVEMBER 6, 2007
Council Chambers – 2134 Martin Luther King Jr. Way
Teleconference Location – 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call: 6:05 p.m.

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

Absent: None.

Public Comment – Items on this agenda only – 15

Work session:

1. **City Council Work Session: Revision of the Condominium Conversion Ordinance (BMC Chapter 21.28)**
From: City Manager
Contact: Renelda Mary, Housing, 981-5400
Action: Received and filed.

Adjournment – 7:09 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of November 6, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications

None.

Supplemental Communications and Reports

Item 1: City Council Work Session: Revision of the Condominium Conversion Ordinance (BMC Chapter 21.28)

- Presentation, submitted by Dan Marks, Planning & Development
 1. Jesse Arreguin, Rent Stabilization Board

MINUTES

BERKELEY CITY COUNCIL REGULAR MEETING

TUESDAY, NOVEMBER 6, 2007

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

Preliminary Matters

Roll Call: 7:22 p.m.

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

Absent: None.

Ceremonial Matters:

1. Proclamations
 - Retirement of Berkeley City Attorney Manuela Albuquerque
 - Recognition of George Barbero

Public Comment – Consent Calendar Items Only – 4

Public Comment – Items Not Listed on the Agenda – 1

Consent Calendar

Action: M/S/C (Capitelli/Moore) to adopt Consent Calendar in one motion except as indicated. Removed Item 4 for discussion; Item 16 removed from Agenda by City Manager with a new date to be determined.

1. Amendment to FY 2008 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance 7,000–N.S amending the FY 2008 Annual Appropriations Ordinance No. 6,935–N.S. for fiscal year 2008 based upon recommended re-appropriation of committed FY 2007 funding and other adjustments authorized since July 1, 2007, in the amount of \$61,848,111 (gross) and \$52,178,359 (net).

First Reading: Ayes: Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates. Noes: None. Absent: None.

Financial Implications: See report

Contact: Tracy Vesely, Budget Manager, 981-7000

Action: Adopted second reading of Ordinance No. 7,000–N.S. Effective date December 6, 2007.

Consent Calendar

2. Lease: 1013 Pardee Street No. 105

From: City Manager

Recommendation: Adopt second reading of Ordinance 7,001–N.S authorizing a new one year lease from October 1, 2007 to September 30, 2008 for an existing warehouse at 1013 Pardee Street, No.105 (alternate address of 2700 10th Street) for the storage of fire and police equipment, emergency supplies and equipment.

First Reading: Ayes: Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates. Noes: None. Absent: None.

Financial Implications: Measure Q, Budget Code - \$138,293

Contact: Debra Pryor, Fire, 981-3473

Action: Adopted second reading of Ordinance No. 7,001–N.S. Effective date December 6, 2007.

3. Deferred Compensation Plan: Amend Plan to Allow Employees to Purchase Additional Retirement Service

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,002–N.S to amend Ordinance No. 6,749–N.S., the City of Berkeley Deferred Compensation Plan to add a new Article XIII, Purchase of Additional Retirement Service Credit from the California Public Employees' Retirement System (CalPERS).

First Reading: Ayes: Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates. Noes: None. Absent: None.

Financial Implications: None

Contact: David Hodgkins, Human Resources, 981-6800

Action: Adopted second reading of Ordinance No. 7,002–N.S. Effective date December 6, 2007.

4. Amend Council Rules of Procedure, Article IV Conduct of Meetings, Regarding Comments from the Public

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 62,857–N.S., Council Rules of Procedure, Chapter IV Conduct of Meetings, regarding Comments from the Public, Public Hearings and Work Sessions.

Financial Implications: None

Contact: Pamyla Means, City Clerk, 981-6900

Action: Removed from Consent for discussion . Adopted Resolution No. 63,875–N.S. as amended to modify Section 1-A to call opposition first for public comment on Consent Calendar Items. Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates; Noes – None.

5. Commission Chair and Vice Chair Training

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 60,531–N.S. relating to commission chair and vice chair training to allow commission officers to complete the required training via online video.

Financial Implications: See report.

Contact: Pamyla Means, City Clerk, 981-6900

Action: Adopted Resolution No. 63,876–N.S.

Consent Calendar

- 6. Contract Amendment: Access Information Management, Commercial Records Center Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7421 with Access Information Management for commercial records center services to increase the contract amount by not to exceed \$6,000 to bar code City inventory.
Financial Implications: General Fund - \$6,000
Contact: Pamyla Means, City Clerk, 981-6900
Action: Adopted Resolution No. 63,877–N.S.
- 7. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 9, 2007 (closed and regular).
Financial Implications: None
Contact: Pamyla Means, City Clerk, 981-6900
Action: Approved minutes as submitted.
- 8. Adoption of the 2007 California Fire Code with Local Amendments**
From: City Manager
Recommendation:
1) Adopt the first reading of an Ordinance repealing and re-enacting the Berkeley Fire Code Chapter 19.48 and related procedural and stricter provisions;
2) Schedule a public hearing along with the adoption of the Ordinance for November 27, 2007.
Financial Implications: See report
Contact: Debra Pryor, Fire, 981-3473
Action:
1) Adopted first reading of Ordinance No. 7,003–N.S. Second reading scheduled for November 27, 2007.
2) Scheduled public hearing for November 27, 2007.
- 9. Adoption of Revisions to Berkeley Municipal Code 13.46 (Indoor Entertainment Events)**
From: City Manager
Recommendation: Adopt the first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.46 Indoor Entertainment Events.
Financial Implications: None
Contact: Debra Pryor, Fire, 981-3473
Action: Adopted first reading of Ordinance No. 7,004–N.S. as amended. Second reading scheduled for November 27, 2007.

Consent Calendar

- 10. Classification: Library Administrative Manager**
From: City Manager
Recommendation: Adopt a Resolution to amend Resolution No. 61,812–N.S., Classification and Salary Resolution for Unrepresented Employees, to change the title of Library Financial Manager to Library Administrative Manager and to revise the classification specification effective November 1, 2007.
Financial Implications: None
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,878–N.S.
- 11. Contract Amendment: Gilman Project Permit Process - LSA Associates**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7344 with LSA Associates, Inc. for consulting services for the Gilman Project permit process by \$18,056 for a total not to exceed \$36,336, which includes a 20% contingency, through June 30, 2008.
Financial Implications: General Fund - \$36,336
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,879–N.S.
- 12. Contract No. 7349 Amendment: Gilman Project Environmental Monitoring - Fugro West**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7349 with Fugro West, Inc., for environmental monitoring services by \$23,150, plus a 20% contingency, for an amount not to exceed \$62,035 through June 30, 2008.
Financial Implications: General Fund - \$62,035
Contact: William Rogers, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 63,880–N.S.
- 13. Adoption of Berkeley Building Codes**
From: City Manager
Recommendation:
1) Adopt first reading of an Ordinance repealing and re-enacting the Berkeley Building, Electrical, Mechanical and Plumbing Codes and related procedural and stricter provisions in BMC Chapters 19.28, 19.30, 19.32 and 19.36;
2) Schedule a public hearing, along with the adoption of the Ordinance for November 27, 2007.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action:
1) Adopted first reading of Ordinance No. 7,005–N.S. Second reading scheduled for November 27, 2007.
2) Scheduled public hearing for November 27, 2007.

Consent Calendar

- 14. Contract: Mills Act - 2611 Ashby Avenue**
From: City Manager
Recommendation: Adopt a Resolution to direct the City Manager to enter into a Mills Act contract for 2611 Ashby Avenue.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,881–N.S.
- 15. Fee Deferral and Modification of Loan Agreement for Freight and Salvage (Berkeley Society for the Preservation of Traditional Music)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the existing loan agreement with Freight and Salvage (Berkeley Society for the Preservation of Traditional Music) to increase the loan amount by up to \$350,000 to pay for City building permit fees for the Society's new venue at 2020-2026 Addison Street and to modify the loan terms to allow forgiveness of \$77,000 of the original loan principal when Freight and Salvage receives a Certificate of Occupancy for its new building at 2020-26 Addition.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,882–N.S.
- 16. Contract: East Stockton Transfer Recycle for Construction & Demolition Waste Processing**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with East Stockton Transfer Recycle to sort construction and demolition waste for an annual amount not to exceed \$1,382,500 in FY 2008 and a total contract amount not to exceed \$5,727,500 for FY 2008, FY 2009 and FY 2010, for the period November 12, 2007 to June 30, 2010.
Financial Implications: Refuse Fund - \$1,382,500
Contact: Claudette Ford, Public Works, 981-6300
Action: Removed and referred to Agenda Committee.
- 17. Permit Service Center Surprise Cash Count: Address Long Standing Security and Accountability Concerns**
From: Auditor
Recommendation: Request the City Manager to report back on or before May 15, 2008, 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.

Consent Calendar

18. **Audit: Nature Center Surprise Cash Count - Controls Over Cash Receipts Need Improvement**
From: Auditor
Recommendation: Request the City Manager to report back during February 2008 regarding the implementation status of each of the City Auditor's recommendations in the attached report, and to report back no later than every six months thereafter, until all recommendations have been implemented.
Financial Implications: See report
Contact: Ann-Marie Hogan, Auditor, 981-6750
Action: Approved recommendation.
19. **Supporting the Jubilee Act of 2007 (H.R. 2634)**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution urging the United States government to pass the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007 (H.R. 2634), and to commence efforts to obtain agreements from the international financial institutions to cancel all debts owed to them by impoverished countries.
Financial Implications: None
Contact: Manuel Hector Jr., Commission Secretary 981-5100
Action: Adopted Resolution No. 63,883–N.S.
20. **Free the San Francisco Eight**
From: Peace and Justice Commission
Recommendation: Endorse the cry of people demanding justice by stating publicly that in the interest of justice, Jerry Brown, Attorney General of the State of California, should dismiss all of the charges against all of the San Francisco 8, and send a letter to Jerry Brown, Attorney General of the State of California, calling on him, in the interest of justice, to dismiss all of the charges against the San Francisco 8.
Financial Implications: None
Contact: Manuel Hector Jr., Commission Secretary 981-5100
Action: Removed from Consent Calendar for discussion. Approved recommendation as amended by Councilmember Maio. Vote: Ayes –Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Bates; Noes – None; Abstain – Wozniak.

Council Consent Items

21. **Schedule Presentation: United in Action on the Subject of the Academic Achievement Gap**
From: Councilmember Moore
Recommendation: Re-schedule a short presentation from United In Action from the November 6, 2007 City Council meeting to the November 27, 2007 City Council meeting.
Financial Implications: None
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Removed and referred to Agenda committee.

Action Calendar – Old Business

- 22. ZAB Appeal: 2721 Shattuck Avenue - Nextel** *(Carried over from October 23, 2007. where the public hearing was closed. No further public comment will be entertained. No council action taken. If council fails to act within 30 days, the decision of the Zoning Adjustments Board will be approved by operation of law. BMC 23B.32.060)*

a. From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution overturning Zoning Adjustments Board denial and adopting findings for approval of Use Permit No. 04-10000068 for a new wireless telecommunications facility (including six antennas and related equipment) for Nextel Communications at 2721 Shattuck Avenue.

Financial Implications: None

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

b. Appeal

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

c. Communications *(Received after October 23, 2007)*

Action: M/S/C (Wozniak/Capitelli) to adopt Resolution No. 63,884–N.S. Vote: Ayes – Maio, Capitelli, Olds, Wozniak, Bates; Noes – Anderson; Abstain – Moore, Spring, Worthington.

- 23. ZAB Appeal: 2721 Shattuck Avenue – Verizon** *(Carried over from October 23, 2007. where the public hearing was closed. No further public comment will be entertained. No council action taken. If council fails to act within 30 days, the decision of the Zoning Adjustments Board will be approved by operation of law. BMC 23B.32.060)*

a. From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution overturning Zoning Adjustments Board denial and adopting findings for approval of Use Permit No. 05-10000033 for a new wireless telecommunications facility (including five antennas and related equipment) for Verizon Wireless at 2721 Shattuck Avenue.

Financial Implications: None

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

b. Appeal

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

c. Communications *(Received after October 23, 2007)*

1. Manuela Albuquerque – City Attorney

Action: M/S/C (Wozniak/Capitelli) to adopt Resolution No. 63,885–N.S. Vote: Ayes – Maio, Capitelli, Olds, Wozniak, Bates; Noes – Anderson; Abstain – Moore, Spring, Worthington.

RECESS: 8:41p.m. – 8:55 p.m.

Action Calendar - Appeals

24. **ZAB Appeal: 1365 Summit Road** (*Carried over from October 23, 2007*)
- a. From: City Manager**
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Use Permit No. 06-10000105 for the demolition of the existing home at 1365 Summit Road and to permit its replacement with a new single family residence.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
- b. Appeal**
1. Robin Gal
- c. Communications**
None
- Action:** Moved to Consent Calendar and set for public hearing on November 27, 2007.
25. **ZAB Appeal: 634 Woodmont Avenue**
- a. From: City Manager**
Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 07-10000068 for the construction of a new single family residence at 634 Woodmont Avenue.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
- b. Appeal**
1. Nancy Schneider
2. Barbara E. Lena
- c. Communications**
1. Nancy Schneider and George Putris
2. Barbara E. Lena (2)
3. Steven and Judy Lipson
4. William Berland – Law Offices of Ferguson and Berland
5. Elaine Halnan
- Action:** Moved to Consent Calendar and adopted Resolution No. 63,886–N.S.

Action Calendar - Public Hearings

26. **ZAB Appeal: 161 Panoramic Way**
- a. From: City Manager**
Recommendation: Deny the appeals and approve Use Permit No. 04-10000145 to construct a new single family dwelling at 161 Panoramic Way, with modified conditions of approval to address the issues discussed herein.
Financial Implications: None
Contact: Dan Marks, Planning and Development, 981-7400
- b. Appeal**
1. Regula Muller
2. Panoramic Hill Association
- c. Communications** (*Received after September 11, 2007*)
None
- Action:** Continued to January 29, 2008.

Action Calendar - New Business

- 27. Voting Delegates - 2007 National League Of Cities' Congress Of Cities**
From: City Manager
Recommendation: Designate a voting delegate and alternate to act on behalf of the City at the Annual Business Meeting at the National League of Cities' Congress of Cities.
Financial Implications: See report
Contact: Pamyla Means, City Clerk, 981-6900
Action: Moved to Consent Calendar and designated Manuela Albuquerque to act on behalf of the City at the Annual Business Meeting at the National League of Cities' Congress of Cities.
- 28. Discussion Regarding Possible Ballot Measures for the November 4, 2008 General Municipal Election** *(Carried over from October 23, 2007- Revised Item To Be Delivered)*
From: City Manager
Recommendation:
 1. Begin discussion and provide general direction regarding the preparation of City initiated ballot measures, including possible revenue measures, to be submitted to the voters at the November 4, 2008 General Municipal Election.
 2. Direct the City Clerk to place the qualified Landmarks Preservation Referendum Petition on the November 4, 2008 ballot as required by law.
 3. Allow a brief presentation on the conceptual design of the Warm Water Pool at the meeting tonight.**Financial Implications:** See report
Contact: Phil Kamlarz, City Manager, 981-7000
Public Comments – 7
Action: Presentation made and discussion held. Future Worksession dates to be determined.
- 29. Revision of the Condominium Conversion Ordinance (BMC Chapter 21.28)**
From: City Manager
Recommendation: Provide direction to staff regarding revision of condominium conversion ordinance, BMC Chapter 21.28.
Financial Implications: None
Contact: Renelda Mary, Housing, 981-5400
Action: Moved to Consent Calendar and referred to Agenda Committee to schedule work session.

Action Calendar – New Council Items

30. Creation of Sustainable Energy Financing District

From: Mayor Bates

Recommendation: Approve the concept of the “Sustainable Energy Financing District” to allow property owners to finance solar installations and energy efficiency improvements as a voluntary assessment on their individual property tax bills and direct staff to continue work developing the program.

Financial Implications: None

Contact: Tom Bates, Mayor, 981-7100

Public Comment –2

Action: M/S/C (Maio/Capitelli) to approve the concept of the “Sustainable Energy Financing District”.

Information Reports

31. Status Report: Warm Water Pool - Berkeley High School

From: City Manager

Contact: Phil Kamlarz, City Manager, 981-7000

Action: Received and filed.

32. Miscoding of City of Berkeley Business Licenses

From: City Manager

Contact: Robert Hicks, Finance, 981-7300

Action: Received and filed.

33. Unrepresented Temporary Employees

From: City Manager

Contact: David Hodgkins, Human Resources, 981-6800

Action: Received and filed.

34. Berkeley Public Library Annual Report

From: Board of Library Trustees

Contact: Donna Corbeil, Library, 981-6100

Action: Received and filed.

35. Audit: Follow-Up of Public Works Construction Contracts

From: City Manager

Contact: Claudette Ford, Public Works, 981-6300

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda – 4

Adjournment – 10:42 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of November 6, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications – 11/06/07

Item 30: Creation of Sustainable Energy Financing District

1. Helen Green

Reinstating Funding to Berkeley Food and Housing Project

2. Daniel Marlin

Sale of Center Street Garage Setback Easement to SNK

3. Merrilie Mitchell

Fire Prevention

4. David Wall

Proposed Zoning Changes for Automobile Dealerships

5. Ann Chandler, Community Conservation Centers

Earthquakes and Insurance

6. Barbara Gilbert

Commentary on Becky O'Malley

7. Peter Mutnick

Supplemental Communications 1

Item 4: Amend Council Rules of Procedure, Article IV Conduct of Meetings, Regarding Comments from the Public

8. Sharon Hudson
9. Gene Bernardi, Jane Welford and Jim Fisher, on behalf of SuperBOLD

Item 22/23: ZAB Appeal: 2721 Shattuck Avenue – Nextel/Verizon

10. Joan Levinson

Item 25: ZAB Appeal: 634 Woodmont Avenue

11. Steven Ross, Planning & Development (2)

Item 26: ZAB Appeal: 161 Panoramic Way

12. Tom Miller
13. Tom Schrag
14. Ann Reid Slaby (4)
15. Fredrica Drotos
16. Jane Robbins
17. Blanche Sack
18. Catherine Orozco
19. Zuzana Dvorakova and Jan Dvorak
20. Regula Muller
21. William Robbins

Supplemental Communications and Reports 2

Item 20: Free the San Francisco Eight

22. Linda Maio

Item 23: ZAB Appeal: 2721 Shattuck Avenue – Verizon

23. Unknown (2)
24. Michael Barglow
25. Andrew Paige

Item 24: ZAB Appeal: 1365 Summit Road

26. Robin Gal

Item 26: ZAB Appeal: 161 Panoramic Way

- Supplemental material, submitted by Dan Marks, Planning & Development
27. Kathleen Sullivan

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, NOVEMBER 19, 2007
Council Chambers – 2134 Martin Luther King Jr. Way
Teleconference Location – 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call: 3:07 p.m.

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

Absent: Capitelli, Olds, and Moore.

Public Comment – Items on this agenda only – 1

1. Emergency Actions Related to San Francisco Bay Oil Spill

From: City Manager

Recommendation:

- 1 Ratify the City Manager's proclamation of emergency related to San Francisco Bay oil spill.
2. Confirm the City Manager's emergency proclamations regulating:
 - a. Public access to the shoreline
 - b. Boat washing
 - c. Dogs off-leash at the Berkeley Marina

Financial Implications: None

Contact: Phil Kamlarz, City Manager, 981-7000

Action: M/S/C (Maio/Wozniak) adopted Resolution No. 63,887–N.S. Reviewing and Ratifying the Proclamation of Emergency by the Director of Emergency Services and Resolution No. 63,888–N.S. Reviewing and Confirming Emergency Rules and Regulations Issued by the Director of Emergency Services (Absent: Capitelli, Olds, Moore).

Adjournment – 3:32 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of November 19, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, NOVEMBER 27 2007
Council Chambers – 2134 Martin Luther King Jr. Way
Teleconference Locations: 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.

Public Comment – 0

Closed Session:

The City Council convened in closed session in the board meeting room to meet with its attorneys concerning the following:

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

Action: Direction to staff.

Adjournment – 6:34 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special meeting of November 27, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

MINUTES
BERKELEY CITY COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 27, 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.

Ceremonial Matters:

1. Proclamation Celebrating Community Partnership to revitalize the West Branch Berkeley Library

Public Comment – Non-Agenda Items – 2

Public Comment – Consent Calendar Items Only – 1

M/S/C (Maio/Moore) to reorder the agenda to take Item No. 29 (Ed Roberts Campus) after Consent Calendar and Item No. 28 (Public Commons for Everyone Initiative) after Item No. 29.

Consent Calendar

Action: M/S/C (Maio/Anderson) to adopt Consent Calendar in one motion except: Item No. 19 - withdrawn; Item No. 27 (Emergency Actions San Francisco Oil Spill) moved to Consent; Item No. 32 (Dredging in Aquatic Park) moved to Action; Item No. 33 (Underground Policy for Rule 20A Monies) moved to Action; Item No. 20 (Support for Increased Access and Protections for Workers and Consumers) moved to Action; Item No. 11 (East Stockton Transfer Recycle Contract) continued to 12/18/07; and Item No. 16 (General Assistance Budget Reductions) continued to 12/11/07.

1. Adoption of Revisions to Berkeley Municipal Code 13.46 (Indoor Entertainment Events)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,004–N.S amending Berkeley Municipal Code Chapter 13.46 Indoor Entertainment Events.

First Reading Ayes – Maio, Moore, Anderson, Spring, Capitelli, Olds, Worthington, Wozniak, Bates; Noes – None.

Financial Implications: None

Contact: Debra Pryor, Fire, 981-3473

Action: Adopted second reading of Ordinance No. 7,004–N.S. Effective date December 27, 2007.

Consent Calendar

2. Downtown Berkeley Business Improvement District

From: City Manager

Recommendation: Adopt a Resolution approving the 2008 Annual Report of the Downtown Berkeley Business Improvement District (BID); declaring Council's intention to levy an annual assessment for the Downtown Berkeley Business Improvement District for calendar year 2008; and directing the City Clerk to schedule a public hearing for December 18, 2007, to consider levying a renewed assessment for the year 2008.

Financial Implications: Downtown BID Fund - \$250,000

Contact: Michael Caplan, Economic Development, 981-7530

Action: Adopted Resolution No. 63,889–N.S.

3. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of October 23, 2007 (closed and regular).

Financial Implications: None

Contact: Pamyla Means, City Clerk, 981-6900

Action: Approved minutes as submitted.

4. Revised December 2007 City Council Meeting Schedule

From: City Manager

Recommendation: Adopt a Resolution amending Resolution 63,559-N.S. to revise the City Council regular meeting schedule for December 2007.

Financial Implications: None

Contact: Pamyla Means, City Clerk, 981-6900

Action: Adopted Resolution No. 63,890–N.S.

5. Formal Bid Solicitations and Request for Proposals

From: City Manager

Recommendation: Approve the new invitation for bid/request for proposal (RFP) 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: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

6. Safety Members' Pension Fund Annual Reports for FY 2007

From: City Manager

Recommendation: Accept the Safety Members Pension Fund (SMPF) annual reports for fiscal year ended June 30, 2007.

Financial Implications: None

Contact: Robert Hicks, Finance, 981-7300

Action: Approved recommendation.

Consent Calendar

- 7. Contract 7282 Amendment: Housing Retention Program Fiscal Agent** *(To be delivered)*
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the contract amount (Contract No. 7282) for Berkeley Food and Housing Project (BFHP) by \$166,123 to provide fiscal agent services to the City's Housing Retention Program, formerly the Homeless Prevention Grants Program.
Financial Implications: See report
Contact: Renelda Mary, Housing, 981-5400
Action: Adopted Resolution No. 63,891–N.S.
- 8. Lease Agreement: Property at 711 Harrison Street** *(To be delivered)*
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and any amendments with Building Opportunities for Self-Sufficiency to lease a City-owned parcel of property to be created at 711 Harrison Street for the continued operation of emergency shelter and transitional housing at the site, and to allow BOSS to apply for State of California financing to rehabilitate the existing facility.
Financial Implications: See report
Contact: Renelda Mary, Housing, 981-5400
Action: Adopted first reading of Ordinance No. 7,006–N.S. Second reading scheduled for December 11, 2007.
- 9. Recognition of Service Employees International Union Local 1021**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union (SEIU) to recognize SEIU Local 1021 as the sole and exclusive representative for employees assigned to Representation Units currently represented by SEIU Local 790, Local 535, and the Part-Time Recreation Leaders Association/SEIU Local 535.
Financial Implications: None
Contact: David Hodgkins, Human Resources, 981-6800
Action: Adopted Resolution No. 63,892–N.S.
- 10. Agreement: Build It Green**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a sole source agreement with Build It Green for the period September 15, 2007 through September 14, 2009 in the amount of \$50,040 for development of a solar energy program.
Financial Implications: See report
Contact: Dan Marks, Planning and Development, 981-7400
Action: Adopted Resolution No. 63,893–N.S.

Consent Calendar

- 11. Contract: East Stockton Transfer Recycle for Construction & Demolition Waste Processing** (*Held over from November 6, 2007*)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with East Stockton Transfer Recycle to sort construction and demolition waste for an annual amount not to exceed \$1,382,500 in FY 2008 and a total contract amount not to exceed \$5,727,500 for FY 2008, FY 2009 and FY 2010, for the period November 12, 2007 to June 30, 2010.
Financial Implications: Refuse Fund - \$1,382,500
Contact: Claudette Ford, Public Works, 981-6300
Action: Continued to December 18, 2007.
- 12. Contract: Kappe + Du Architects for On-Call Architectural Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Kappe + Du Architects in an amount not to exceed \$100,000 to provide on-call architectural services for various City facility projects for a period of 42 months from December 1, 2007 through June 30, 2011.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,894–N.S.
- 13. Easement Agreement: 1310 University Avenue - Berkeley Montessori School Providing Public Access**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to accept the Easement Agreement granting public access on a 10-foot wide path through the property at 1310 University Avenue between the owner of the property, Berkeley Montessori School, and the City of Berkeley for a continuation of a pedestrian and bicycle path along West Street and south of University Avenue to Strawberry Park at Addison Street.
Financial Implications: None
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted first reading of Ordinance No. 7,007–N.S. Second reading scheduled for December 11, 2007.
- 14. Designation of New FEMA Pre-Disaster Mitigation Grant Authorized Agents**
From: City Manager
Recommendation: Adopt a Resolution designating the Public Works Director, Deputy City Manager, and Budget Manager as authorized agents for the FEMA Pre-Disaster Mitigation Grant for the Ratcliff Building Seismic Retrofit project.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,895–N.S.

Consent Calendar

15. **Contract: Noll & Tam Architects for On-Call Architectural Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Noll & Tam Architects in an amount not to exceed \$100,000 to provide on-call architectural services for various City facility projects for a period of 42 months from December 1, 2007 through June 30, 2011.
Financial Implications: See report
Contact: Claudette Ford, Public Works, 981-6300
Action: Adopted Resolution No. 63,896–N.S.
16. **Proposed General Assistance Budget Reductions in FY08**
From: Homeless Commission
Recommendation: Adopt a Resolution opposing the County of Alameda's Social Service Agency's plan to limit General Assistance to six months of the year in this fiscal year for people the Agency determines are "employable".
Financial Implications: None
Contact: Jennifer Vasquez, Commission Secretary, 981-5400
Action: Continued to December 11, 2007.

Council Consent Items

17. **Priority Permit Process for Green Buildings Initiative**
From: Councilmember Olds
Recommendation: Request that the City Council refer to the Planning Commission the concept of giving priority in the permit process to buildings that will use environmentally sound practices and return to the City Council with recommendations for standards of eligibility and a process that can be adopted by the Planning Department.
Financial Implications: Unknown
Contact: Betty Olds, Councilmember, District 6, 981-7160
Action: Approved recommendation.
18. **Urging The State Department Of Pesticide Regulation To Refuse Approval Of Methyl Iodine For Use In California**
From: Councilmember Worthington
Recommendation: Send a letter to the state Department of Pesticide Regulation urging them to refuse approval of methyl iodine use in California.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Approved recommendation.
19. **Opposing the Lockout of Workers at Metro Lighting**
From: Councilmember Worthington
Recommendation: Express opposition to the lockout of workers at Metro Lighting in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Withdrawn.

Council Consent Items

20. Support Of Increased Internet Access And Protections For Workers And Consumers

From: Councilmember Worthington

Recommendation: Adopt Resolutions establishing City policy that all employees who enter homes for utility work must be employees of a utility franchise holder; establishing a city policy establishing standards for users of the public right of way and requiring that they must be employees of a franchise holder; and endorsing the Speed Matters initiative.

Resolution A: Establishing a City of Berkeley policy to require that all employees who enter homes for utility work should be employees of a utility franchise holder.

Resolution B: Establishing standards for users of the public right of way and requiring that all users should be employees of a franchise holder

Resolution C: Endorsing speed matters initiative.

Financial Implications: None

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

Removed from Consent Calendar to Action.

Public Comments – 1

M/S/C (Worthington/Maio) to continue the meeting to 11:59 p.m. Vote: Ayes – Maio, Anderson, Capitelli, Worthington and Bates; Noes – Moore; Abstain – Spring, Wozniak; Absent – Olds.

Action: M/S (Worthington/Wozniak) to adopt resolutions and add direct staff to report in the spring regarding the status of options for citywide wireless. Sever (Spring) staff report on citywide wireless. Vote on sever (staff report) failed. Vote: Ayes – Moore, Capitelli, Wozniak, Bates; Noes – Maio, Anderson, Spring; Abstain – Worthington; Absent – Olds. Vote on main motion (excluding staff report) adopted Resolution No. 63,897–N.S. (employees of a utility franchise holder) (with correction as noted); Resolution No. 63,898–N.S. (public right of way); and Resolution No. 63,899–N.S. (speed matters initiative). Vote: Ayes – Maio, Moore, Anderson, Spring, Capitelli, Worthington, Bates; Abstain – Wozniak; Absent – Olds.

21. Opposing Land Lease Near The Teshekpuk Lake In The National Petroleum Reserve In Alaska

From: Councilmember Worthington

Recommendation: Send a letter to the U.S. Department of the Interior opposing the leasing of any land north and east of the Teshekpuk Lake in the National Petroleum Reserve in Alaska.

Financial Implications: None

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

Action: Approved recommendation. Abstain – Capitelli.

Items Removed From Consent Calendar

Capitelli absent – 11:08 p.m.

Action Calendar – Public Hearings

22. Ambulance User Fee Increase

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution increasing the Ambulance User Fee to match the Alameda County's ambulance user fee schedule set and approved by the Alameda County Board of Supervisors effective October 1, 2007, included as an updated addendum to the Ambulance Provider Agreement.

Financial Implications: See report

Contact: Debra Pryor, Fire, 981-3473

Public Testimony: The Mayor opened the public hearing, there were no speakers. M/S/C (Maio/Wozniak) to close the public hearing.

Action: M/S/C (Maio/Wozniak) to adopt Resolution No. 63,900–N.S. Absent – Capitelli.

23. Adoption of the 2007 California Fire Code with Local Amendments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion,

- 1) Adopt second reading of Ordinance No. 7,003–N.S. repealing and re-enacting the Berkeley Fire Code Chapter 19.48 and related procedural and stricter provisions.
- 2) Adopt a Resolution reenacting BMC Chapter 19.48 and related procedural and stricter provisions to take effect on January 1, 2008.

Financial Implications: See report

Contact: Debra Pryor, Fire, 981-3473

Public Testimony: The Mayor opened the public hearing, there were no speakers. M/S/C (Maio/Anderson) to close the public hearing.

Action: M/S/C (Maio/Moore) to adopt:

- 1) Second reading of Ordinance No. 7,003–N.S. (Effective date December 27, 2007); and
- 2) Resolution No. 63,901–N.S.

Absent – Capitelli.

24. Adoption of Berkeley Building Codes

From: City Manager

Recommendation: Conduct a public hearing, and, upon conclusion,

- 1) Adopt second reading of Ordinance No. 7,005–N.S. repealing and re-enacting the Berkeley Building, Electrical, Mechanical and Plumbing Codes and related procedural and stricter provisions in BMC Chapters 19.28, 19.30, 19.32 and 19.36;
- 2) Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent regulations than those provided by the 2007 California Building Code and rescinding Resolution No. 60,862-N.S. to take effect on January 1, 2008.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing, there were no speakers. M/S/C (Moore/Maio) to close the public hearing

Action: M/S/C (Wozniak/Maio) to adopt:

- 1) Second reading of Ordinance No. 7,005–N.S.(Effective date December 27, 2007); and

Action Calendar – Public Hearings

2) Resolution No. 63,902–N.S.
Absent – Capitelli.

Capitelli present 11:12 p.m.

25. ZAB Appeal: 1365 Summit Road

a. From: City Manager

Recommendation: Conduct a Public Hearing and upon conclusion, adopt a Resolution to modify the Zoning Adjustments Board's approval of Use Permit No. 06-10000105 for the demolition of the existing home at 1365 Summit Road and to permit its replacement with a new single family residence, incorporating changes agreed to by both the applicant and the appellant.

Financial Implications: None

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

b. Appeal

1. Robin Gal

c. Communications

None

Public Testimony: The Mayor opened the public hearing, there were no speakers. M/S/C (Olds/Wozniak) to close the public hearing.

Action: M/S/C (Olds/Moore) to adopt Resolution No. 63,903–N.S. with amended conditions and drawings as agreed to by staff and the applicant/appellant.

26. Tract Map Appeal: 1423 Walnut Street

From: City Manager

Recommendation: Conduct a public hearing and adopt a Resolution affirming the Notice of Decision (NOD) for converting five (5) units at 1423 Walnut to condominiums. The 50-day action period expired on July 6, 2007 without action by the Planning Commission as required by State law and the applicant declined the Planning Department's request for an extension of the time period. Therefore, this five-unit residential condominium conversion project was approved, with conditions, by operation of law on July 6, 2007.

Financial Implications: See report

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

b. Appeal

1. 1423 Walnut, LLC

c. Communications

None

M/S/C (Anderson/Maio) extend meeting to 11:45 p.m. Vote: Ayes – Maio, Anderson, Capitelli, Worthington, Bates; Noes – Olds; Abstain – Moore, Spring, Wozniak.

Olds absent at 11:27 p.m.

Public Testimony: The Mayor opened the public hearing. 4 speakers. M/S/C (Anderson/Wozniak) to close the public hearing.

Action Calendar – Public Hearings

Action: M/S/C (Anderson/Wozniak) to adopt Resolution No. 63,904–N.S. approving the alternate plan submitted and approved by staff and the applicant, directing staff to work with tenants regarding tenant rights. Vote: Ayes – Anderson, Capitelli, Worthington, Wozniak, Bates; Abstain – Moore, Spring; Absent – Olds; Pass – Maio.

27. Emergency Actions Related to San Francisco Bay Oil Spill

From: City Manager

Recommendation:

- 1) Ratify the City Manager’s proclamation of emergency related to San Francisco Bay oil spill.
- 2) Confirm the City Manager’s emergency proclamations regulating:
 - a. Public access to the shoreline
 - b. Boat washing
 - c. Dogs off-leash at the Berkeley Marina

Financial Implications: None

Contact: Phil Kamlarz, City Manager, 981-7000

Action: Moved to Consent Calendar and:

- 1) Ratified the City Manager’s proclamation of emergency related to San Francisco Bay oil spill;
- 2) Confirmed the City Manager’s emergency proclamations regulating public access to the shoreline, boat washing and dogs off-leash at the Berkeley Marina.

28. Public Commons for Everyone Initiative

a. From: City Manager

Recommendation: Council to approve the following plan to improve Berkeley’s public areas to make them safer and healthier environments for everyone:

- 1) Direct City Manager to raise parking meter fees \$.25/hour to support services and capital improvements. (Approved)
- 2) Contingent upon funding approval, direct City Manager to implement services and capital improvements that include: increasing accessibility to public toilets; providing for additional permanent supportive housing, transitional age youth programs, SSI benefits advocacy, an additional outreach worker, and centralized homeless intake system; developing a Berkeley Host Program; providing additional public seating and trash receptacles; and investigating future development of a community court. (Approved)
- 3) Discussion and possible adoption which would include first reading of ordinances and amendment to a resolution as follows:
 - a. Amend BMC 13.36.015 to extend restriction on lying on certain commercial sidewalks during daytime hours to all commercial zones (Approved);
 - b. Amend BMC 12.70 to ban smoking in various locations in the City, including sections of commercial zones, recreation areas, and near health facilities (Approved as amended);
 - c. Amend Resolution 61,042 to require one warning and no complaint to enforce public lodging provision of Penal Code 647j, with enforcement to remain a low priority between 10:00 p.m. and 6:00 a.m.

Financial Implications: See report

Contact: Phil Kamlarz, City Manager, 981-7000

Action Calendar – New Business

b. From: Homeless Commission

Recommendation: The Homeless Commission recommends that the Mayor and City Council support the City Manager's proposal to further research and develop the social services component of PCEI's implementation strategy and to formally require that the Homeless Commission be involved in the ongoing PCEI discussion and review potential funding that may be recommended to expand homeless services programs.

Financial Implications: See report

Contact: Jennifer Vasquez, Commission Secretary, 981-5400

c. From: Peace and Justice Commission (Information Report)

Contact: Manuel Hector, Commission Secretary, 981-5100

d. From: Human Welfare and Community Action Commission (To be delivered)

Recommendation: The Human Welfare and Community Action Commission recommends that the Mayor and City Council support the City Manager's proposal to increase essential social services as well as changes in the enforcement of clearly defined rules that prohibit behavior that make members of the public feel unsafe or threatened.

Financial Implications: See report

Contact: Angellique De Coud, Secretary, Human Welfare and Community Action Commission, 981-5400

e. From: Community Health Commission (To be delivered)

Recommendation: That the Public Commons for Everyone Initiative address the over concentration of alcohol outlets and incorporates input from the Berkeley Alcohol Policy Advocacy Coalition.

Financial Implications: See report

Contact: Kimi Sakashita, Commission Secretary, 981-5300

Public Comments – 47

Recess – 9:43 p.m. – 9:52 p.m.

Action: M/S (Wozniak/Capitelli) Approved the City Manager's recommendations to adopt:

1. Direct City Manager to raise parking meter fees \$.25/hour to support services and capital improvements.
2. Contingent upon funding approval, direct City Manager to implement services and capital improvements that include: increasing accessibility to public toilets; providing for additional permanent supportive housing, transitional age youth programs, SSI benefits advocacy, an additional outreach worker, and centralized homeless intake system; developing a Berkeley Host Program; providing additional public seating and trash receptacles; and investigating future development of a community court.
- 3.a First reading of Ordinance No. 7,008–N.S. amending BMC 13.36.015 to extend restriction on lying on certain commercial sidewalks during daytime hours to all commercial zones. Second reading scheduled for December 11, 2007.

Action Calendar – New Business

3. b First reading of Ordinance No. 7,009–N.S. amending BMC 12.70 to ban smoking in various locations in the City, including sections of commercial zones, recreation areas, and near health facilities. Amended on the floor to extend the no smoking boundaries to Martin Luther King (from Addison, Center and Alston). Second reading scheduled for December 11, 2007.
3. c Resolution No. 63,906–N.S. amending Resolution No. 61,042–N.S. to require one warning and no complaint to enforce public lodging provision of Penal Code 647j, with enforcement to remain a low priority between 10:00 p.m. and 6:00 a.m.

Sever (Worthington) vote on Item 3.c. Ayes – Moore, Capitelli, Olds, Wozniak, Bates; Noes – Anderson, Spring, Worthington; Abstain – Maio.

Sever (Worthington) vote on Item 3.a. Ayes – Maio, Moore, Capitelli, Olds, Wozniak, Bates; Noes – Spring, Worthington; Abstain – Anderson.

Vote on main motion to approve Item 1, 2 and 3.b. Ayes – Maio, Moore, Spring, Capitelli, Olds, Worthington, Wozniak, Bates; Abstain – Anderson.

M/S/C (Maio/Capitelli) to extend the meeting to 11:30 p.m. Vote: Ayes – Maio, Moore, Anderson, Capitelli, Worthington, Bates; Noes – Spring; Abstain – Olds, Wozniak.

Action Calendar – New Council Items

29. Ed Roberts Campus

From: Mayor

Recommendation: Adopt a Resolution authorizing the City Manager to allocate \$2 million to the Ed Roberts Campus (ERC) to partially match \$4.5 million in new funds from the Metropolitan Transportation Commission (MTC) for the construction of the Ed Roberts Campus (ERC). The funding would come from a transfer of \$1.5 million from the Aquatic Park Sound Wall project and \$500,000 of General Fund Capital Projects. Request the City Manager return to Council with a report on the impacts to the Deferred Capital Projects

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Public Comments – 8

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 63,905–N.S. and directed staff to provide a status report and referred the matter to the Parks & Recreation Advisory Commission.

Recess – 8:01 p.m. – 8:13 p.m.

Information Reports

30. Solano Avenue Business Improvement District

From: City Manager

Contact: Michael Caplan, Economic Development, 981-7530

Information Reports

Action: Received and filed.

31. Parcel-Based Special Taxes, Fees and Assessments Audit -- Status Report

From: City Manager

Contact: Robert Hicks, Finance, 981-7300

Action: Received and filed.

32. Dredging in Aquatic Park (To be delivered)

From: City Manager

Contact: Claudette Ford, Public Works, 981-5400

Action: Moved to Action Calendar and continued to December 18, 2007.

33. Underground Policy for Rule 20A Monies

From: Public Works Commission

Contact: Jeff Egeberg, Secretary, Public Works Commission, 981-5400

Action: Moved to Action Calendar and continued to December 11, 2007.

M/S/C (Maio/Capitelli) to extend the meeting to 12:15 a.m., Wednesday, November 28, 2007. Vote: Ayes – Maio, Anderson, Spring, Capitelli, Worthington, Wozniak, Bates; Noes – Moore; Absent – Olds.

Public Comment – Including Items Not Listed on the Agenda – 4

Adjournment – 12:04 a.m., Wednesday, November 28, 2007

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of November 27, 2007 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk

Communications – 11/27/07

Action: Communication from M. Clegg referred to the City Manager

Item 2: Downtown Berkeley Business Improvement District

1. John Roberts

Support for Cedar Street No. 19 Bus Line

2. Kent Lewandowski

Departing City Attorney

3. Peter Mutnick

Cell Phone Towers

4. Peter Mutnick

Code Enforcement Review Commission

5. Carrie Olson, Berkeley Architectural Heritage Association

Neighborhood Harassment*

6. Charles Jackson

* *Photos on file at City Clerk's Office*

Supplemental Communications and Reports 1

Item 10: Agreement: Build It Green

- Revised attachment, submitted by City Clerk Department

Item 19: Opposing the Lockout of Workers at Metro Lighting

7. Tim Hansen

8. Terry Geiser

Item 24: Adoption of Berkeley Building Codes

9. M. Clegg (referred to the City Manager)

Item 25: ZAB Appeal: 1365 Summit Road

10. Craig Baum

11. Robin Gal

Item 26: Tract Map Appeal: 1423 Walnut Street

12. William Flynn

13. Serena Orloff

14. Brad Andrews

Item 28: Public Commons for Everyone Initiative

- Supplemental materials, submitted by Lauren Lempert

15. Lauren Lempert (9)

16. Deborah Pitts, on behalf of Michelle Donnell, Alta Bates Summit Medical Center

17. Barbara Gilbert

18. Renate Crocker

Item 29: Ed Roberts Campus

19. Vic Bull

20. Mark Liolios

21. Kate Obenour

22. Nancy Carleton

Item 30: Solano Avenue Business Improvement District

23. Patricia Benson (attachments on file at City Clerk Department)

Item 31: Parcel-Based Special Taxes, Fees and Assessments Audit -- Status Report

24. Barbara Gilbert

Supplemental Communications and Reports 2

Item 7: Contract 7282 Amendment: Housing Retention Program Fiscal Agent

- To Be Delivered, submitted by Housing Department

Item 8: Lease Agreement: Property at 711 Harrison Street

- To Be Delivered, submitted by Housing Department

Item 25: ZAB Appeal: 1365 Summit Road

Supplemental Communications and Reports 2

- Revised report, submitted by Planning and Development Department

Item 26: Tract Map Appeal: 1423 Walnut Street

- Revised attachment, submitted by City Attorney

Item 27: Emergency Actions Related to San Francisco Bay Oil Spill

- To Be Delivered, submitted by City Manager

Item 28: Public Commons for Everyone Initiative

- To Be Delivered, submitted by Human Welfare and Community Action Commission

25. Dona Spring

26. Carol Denney

27. Heather Hensley

28. Peter Mutnick

29. Maryam Bloori

Item 29: Ed Roberts Campus

30. Norman La Force

31. Susan Schwartz

Item 30: Solano Avenue Business Improvement District

32. Susan Boat

33. Greymuirra Miller

34. Concerned Members of the Solano Avenue BID

Item 32: Dredging in Aquatic Park

- To Be Delivered, submitted by Public Works