

MINUTES
AGENDA COMMITTEE
MONDAY, MAY 2, 2005

1. **Roll Call:** 2:32 p.m.
Present: Councilmembers Maio, Wozniak and Anderson.
Absent: Mayor Bates.
2. **Public Comment:** Pamela Sihvola, Nancy Holland and Dennis Walton.
3. **Approval of Minutes of Meeting of April 18, 2005.**
Action: Moved, seconded, carried (Wozniak/Anderson) to approve the minutes.
4. **Review and Action on Draft Civic Improvement Corporation Agenda for May 9, 2005.**
Action: Rescheduled meeting to 3:45 p.m. on Monday, May 9, 2005. All items approved for placement on the agenda.
5. **Review and Action on Draft City Council Closed Agenda for May 9, 2005.**
Action: All items approved for placement on the agenda.
6. **Review and Action on Draft Work Session Agenda for May 10, 2005.**
Action: All items approved for placement on the agenda with the following additions, deletions or changes:

Added to Work Session Calendar:

Public Comment from Senior Citizens and Members of the Disabled Community
(15 minutes)

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

7. **Review and Action on Draft City Council Agenda for May 10, 2005.**
Action: All items approved for placement on the agenda with the following additions, deletions or changes:

Zoning Ordinance Revisions for Teaching-related Home Occupation Permits *(First Reading March 22, 2005 – Unanimous)*

a. From: City Manager

Recommendation: Adopt second reading of an Ordinance incorporating comprehensive amendments to Title 23 of the Berkeley Municipal Code (BMC) to allow teaching-related home occupations by issuance of an Administrative Use Permit.

Financial Implications: Increased revenue (AUP application fee - \$1,365).

Contact: Dan Marks, Planning, 981-7400

b. From: Councilmember Capitelli

Recommendation: Amend the Council-approved Ordinance of March 22, 2005, amending specified sections of Berkeley Municipal Code Title 23 to: 1) allow teaching-related home occupations by issuance of a zoning certificate instead of an administrative use permit; and 2) include a third clause in Section 23C.16.030 that reads, "Applicants must sign a statement acknowledging paragraphs 1 and 2 above and accepting the conditions as specified." Amend other related sections similarly. Send the revised Ordinance back to the City Council for approval.

Financial Implications: Unknown (see report).

Contact: Laurie Capitelli, Councilmember District 5, 981-7150

Action: Report from Councilmember Capitelli approved as amended.

Amendments to Subdivision Ordinance Regarding Tenancies in Common (*Held over from April 26, 2005 by Councilmember Maio. First Reading April 12, 2005; Noes–Worthington; Abstain–Anderson, Spring*)

a. From: City Manager

Recommendation: Adopt second reading of an Ordinance amending and repealing various sections of BMC Chapter 21.28 to eliminate regulation of tenancies in common and limit fees for conversion of rental units to condominiums to ten percent of the sales price of each unit. This cap on the affordable housing mitigation fee to expire October 26, 2005.

Financial Implications: None.

Contact: Manuela Albuquerque, City Attorney, 981-6950 and Stephen Barton, Housing, 981-5400

b. From: Councilmembers Capitelli and Olds (*May 10, 2005 Report*)

Recommendation: Refer to the City Attorney an amendment to Berkeley Municipal Code Chapter 21.28 that would allow residents of apartments or partners in Tenants in Common property ownership an exemption from Condominium Conversion Fees and quotas if the building is five units or less, and they have resided in the unit they wish to convert for ten years or more.

Financial Implications: Unknown (see report).

Contact: Laurie Capitelli, Councilmember District 5, 981-7150; Betty Olds, Councilmember District 6, 981-7160

Action: Report from Councilmember Capitelli approved as amended.

Contract Amendment: Community Conservation Center (*Held over from April 26, 2005 by Mayor Bates*)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend the Community Conservation Center (CCC) contract for one year, from July 1, 2005 through June 30, 2006 in an amount not to exceed \$238,000.

Financial Implications: Refuse Fund – \$238,000.

Contact: Rene Cardinaux, Public Works, 981-6300

Action: Approved as amended.

Contract Amendment: Ecology Center *(Held over from April 26, 2005 by Mayor Bates)*

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with Ecology Center (EC) for recycling services for one year, from July 1, 2005 through June 30, 2006 in an amount not to exceed \$1,728,722.

Financial Implications: Refuse Fund – \$1,728,722.

Contact: Rene Cardinaux, Public Works, 981-6300

Action: Approved as amended.

Contract Amendment: Urban Ore *(Held over from April 26, 2005 by Mayor Bates)*

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend the Urban Ore contract for one year, from July 1, 2005 through June 30, 2006 in an amount not to exceed \$28,750.

Financial Implications: Refuse Fund – \$28,750.

Contact: Rene Cardinaux, Public Works, 981-6300

Action: Approved as amended.

FY 06 and 07 Biennial Budget Recommendation of the Solid Waste Management Commission

From: City Manager

Recommendation: Refer Solid Waste Management Commission recommendations to the budget process.

Financial Implications: See report.

Contact: Rene Cardinaux, Public Works, 981-6300

Action: Approved as amended.

Recommendations of the Solid Waste Management Commission Concerning the Refuse Collection and Disposal Fund

From: City Manager

Recommendation: Direct staff to study Commission recommendations concerning the Refuse Collection and Disposal Fund (Refuse Fund), and report back to Council. Refer recommendations concerning the budget to the budget process.

Financial Implications: None.

Contact: Rene Cardinaux, Public Works, 981-6300

Action: Approved as amended.

Added to Action Calendar:

Assisting a Homeless Woman and Request Creation of a Homeless Assistance Program for Vehicle Impoundments

From: Councilmember Spring

Recommendation: Allocate funding from the homeless prevention fund to assist in the recovery of a homeless woman's ticketed and impounded truck and dogs and refer to the City Manager a request to create a program to assist other homeless people with vehicle impoundments.

Financial Implications: Homeless Prevention Fund – \$6,000.

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

8. Review and Action on Scheduling of Calendar, Public Hearings, Presentations and Work Session topics.

a. Master Calendar

Action: None.

b. Land Use Matters

Action: None.

9. Adjournment: 3:06 p.m.

10. Supplemental Communication

Lawrence Berkeley National Laboratory's Notice of Preparation for the Draft Environmental Impact Report for the Demolition of Building 51 and the Bevatron Particle Accelerator

1. Pamela Sihvola, Committee to Minimize Toxic Waste