This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.

1. Proclamation recognizing Gerry Traucht
2. Proclamation recognizing Gene Poschman
3. Proclamation recognizing Break Up With Your Bank Day

City Manager Comments: The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.

Public Comment on Non-Agenda Matters: Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder
of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Public Comment on Consent Calendar and Information Items Only: The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

1. Referral Response: Modifications to R-1A District Development Standards for Developing a Second Dwelling Unit in a Detached Main Building in the Rear Yard of a Parcel; BMC Chapters 23D.20 and 23F.04

From: City Manager


First Reading Vote (Ordinance Sections 1, 2, and 3 - Modify Development Standards): Ayes - Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes - Worthington.

First Reading Vote (Ordinance Section 4 - Applicability): Ayes - Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Arreguin; Noes - Worthington, Droste.

Financial Implications: None

Contact: Timothy Burroughs, Planning and Development, 981-7400
2. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of March 12, 2018 (special closed), March 13, 2018 (special closed and regular), March 20, 2018 (special), March 26, 2018 (special closed), and March 27, 2018 (special closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, 981-6900

From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9541 with Code Publishing Company for code publishing services for the Berkeley Municipal Code, increasing the contract by $49,500 for a total not to exceed amount of $99,000, and extending the contract to December 21, 2022.
Financial Implications: General Fund - $49,500
Contact: Mark Numainville, City Clerk, 981-6900

4. Modifications to BMC Chapters 9.49 and 13.44 for Activation of Downtown Berkeley BART Plaza
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 9.49 (Food Vending on Sidewalks and Rights-of-Way) and Chapter 13.44 (Permits for Street Events and Block Parties) to facilitate the activation of Downtown Berkeley BART Plaza.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, 981-7530

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 24, 2018
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $750,000
Contact: Henry Oyekanmi, Finance, 981-7300
6. Purchase Order: L.N. Curtis for Wildland Fire Personal Protective Equipment (Clothing)
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with L.N. Curtis & Sons in an amount not to exceed $70,000 for the purchase of wildland fire personal protective equipment (PPE) and accessories. L.N. Curtis & Sons is an authorized distributor of wildland PPE.
   Financial Implications: General Fund - $70,000
   Contact: David Brannigan, Fire, 981-3473

7. Purchase Order: AllStar Fire Equipment Inc. for Self-Contained Breathing Apparatus Bottles
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with AllStar Fire Equipment Inc. in an amount not to exceed $100,000 for the purchase of 95 self-contained breathing apparatus (SCBA) 45 minute bottles. AllStar Fire Equipment Inc. is an authorized distributor and authorized service center for testing and repair of the SCBA products for the State of California.
   Financial Implications: General Fund - $100,000
   Contact: David Brannigan, Fire, 981-3473

8. Lease Agreement: Retroactively Execute Lease Agreement with Dorothy Day House for the Operation of the Emergency Storm Shelter at 1925 Ninth Street
   From: City Manager
   Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to retroactively execute a Lease agreement and any amendments thereto with Dorothy Day House to allow it to operate the Berkeley Emergency Storm Shelter (BESS) at 1925 Ninth Street.
   Financial Implications: See report
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

9. Contract 7645E Amendment: NEOGOV Job Applicant Tracking System
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 7645E with NEOGOV, Inc. for a job applicant tracking system and service, for the period covering May 17, 2018 through May 16, 2021, increasing the amount of the contract by $48,500 for a revised total contract amount not to exceed $205,000.
   Financial Implications: General Fund - $48,500
   Contact: LaTanya Bellow, Human Resources, 981-6800
10. **Contract: Syntech Systems, Inc. for Fueling System and Software**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Syntech Systems, Inc. to provide the infrastructure and software for the City’s Fleet Fueling Program in an amount not to exceed $186,472 for the period of time May 1, 2018 through June 30, 2021.  
**Financial Implications:** Various Funds - $186,472  
Contact: Phillip Harrington, Public Works, 981-6300

11. **Contract: Sposeto Engineering, Inc. for Fiscal Year 2017-2018 Sidewalk Project**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Fiscal Year 2017-2018 Sidewalk Project, 18-11158-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Sposeto Engineering, Inc.; and 3. Authorizing the execution of a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $1,717,312.  
**Financial Implications:** Various Funds - $1,717,312  
Contact: Phillip Harrington, Public Works, 981-6300

12. **Contracts: On-Call Geotechnical and Engineering Testing Services**  
*From: City Manager*  
**Recommendation:** Adopt four Resolutions authorizing the City Manager to execute the following contracts and any amendments, extensions, or other change orders for on-call geotechnical and engineering testing services for capital improvement projects, each for a period of June 1, 2018 through June 30, 2021:  
1. Construction Testing Services, Inc., for an amount not to exceed $500,000;  
2. Inspection Services, Inc., for an amount not to exceed $500,000;  
3. BSK Associates, for an amount not to exceed $400,000; and  
4. ENGEO, Inc., for an amount not to exceed $400,000.  
**Financial Implications:** Various Funds - $550,000  
Contact: Phillip Harrington, Public Works, 981-6300

13. **Declaration of Intent - FY 2019 Street Lighting Assessment**  
*From: City Manager*  
**Recommendation:** Adopt a Resolution granting the City Manager the authority to approve the Engineer’s March 2018 report, Street Lighting Assessment District 1982-1; set a public hearing to be held before the Council of the City of Berkeley at its May 15, 2018 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2019 Levy of Assessments of Street Lighting Assessment District No. 1982-1.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
14. Approving Proposed Projects Anticipated to be Paid for by the State’s Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2019
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California’s Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission. In order to receive this funding, the City must annually submit to the State a list of projects anticipated to be completed.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, 981-6300

15. Referral Response: Prior Salary Referral
From: Commission on the Status of Women and Commission on Labor
Recommendation: Void the referral to the Commission on the Status of Women and the Commission on Labor for a prior salary ordinance due to identical statewide legislation signed by Governor Brown on October 12, 2017.
Financial Implications: None
Contact: Shallon Allen, Commission Secretary, 981-7071; Delfina Geiken, Commission Secretary, 981-5400

From: Energy Commission
Recommendation: The Berkeley Energy Commission recommends that the City Council refer to staff a request to conduct an analysis to identify and develop a dedicated revenue stream to incentivize residential energy efficiency and electrification investments, based on a cost benefit analysis to determine highest value energy-saving measures. This recommendation supports the Deep Green Building Initiative referral from the Council to the Energy Commission.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, 981-7400

17. Refer the Housing Advisory Commissions Questions on the Smoke-Free Residential Housing Ordinance to Staff and Berkeley Considers
From: Housing Advisory Commission
Recommendation: The Housing Advisory Commission respectfully requests that the Council direct the City Manager to assist the HAC in its review of the Smoke-Free Residential Housing Ordinance, a regulation of tobacco use, as follows: 1. By responding to the HAC’s questions enumerated in the report with any readily available responsive information. 2. By facilitating the conduct of a “Berkeley Considers” questionnaire about the Smoke-Free Residential Housing Ordinance, questions for which are proposed in the report.
Financial Implications: Staff time
Contact: Amy Davidson, Commission Secretary, 981-5400
Consent Calendar

18. Re-appointment of Shelby Heda to the Mental Health Commission
From: Mental Health Commission
Recommendation: Adopt a Resolution for the re-appointment of Shelby Heda to the Mental Health Commission, as a representative of the Special Public Interest category, to complete her third term ending April 30, 2021.
Financial Implications: None
Contact: Karen Klatt, Commission Secretary, 981-5400

Council Consent Items

19. California Schools and Local Communities Funding Act of 2018
From: Mayor Arreguin, and Councilmembers Maio, Hahn, and Wengraf
Recommendation: Adopt a Resolution in support of the California Schools and Local Communities Funding Act of 2018, which will modify Proposition 13 by requiring large commercial properties to be reassessed every three years.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, 981-7100

20. Leave of Absence for Councilmember Cheryl Davila from the Mental Health Commission
From: Mayor Arreguin
Recommendation: Approve a Leave of Absence for Councilmember Cheryl Davila from the April 26, 2018 meeting of the Mental Health Commission.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

21. Support SB 1441 – Ban on Declawing
From: Mayor Arreguin, and Councilmembers Wengraf, Worthington, and Harrison
Recommendation: Adopt a Resolution Supporting SB 1441 (Stern), which will ban declawing and similar surgical procedures in California. Send a copy of the Resolution to State Senators Nancy Skinner and Henry Stern, Assemblymember Tony Thurmond, and Governor Jerry Brown.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, 981-7100

22. Enable Eric Leenson to be Berkeley’s Emissary at the Upcoming Gathering CANAL
From: Councilmember Maio
Recommendation: Request Eric Leenson to be Berkeley’s emissary at the upcoming gathering of CANAL (Caribbean North American Laboratory for Social and Solidarity Economies) in Barcelona, Spain, May 22-24, which will include a report back to Berkeley on innovative approaches and policies on how Berkeley might foster socially-responsible entities.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
23. **Referral to the Commission on Aging: Draft a Letter to the Commission on Judicial Performance in Support of the Probate Court Reform Movement**
   **From:** Councilmembers Davila, Bartlett, and Hahn
   **Recommendation:** Referral to the Commission on Aging to draft a letter to the Commission on Judicial Performance in support of the Probate Court Reform Movement’s demand that the Commission on Judicial Performance 1) Investigate the predatory climate of the Probate Court, 2) Conduct an audit to assess the impact of Probate Court decisions on African-American and minority families compared to Caucasian families, and 3) If malfeasance is discovered, demand restitution to families that have been harmed.
   **Financial Implications:** None
   **Contact:** Cheryl Davila, Councilmember, District 2, 981-7120

24. **Women’s Daytime Drop-In Center: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
   **From:** Councilmembers Davila, Maio, Mayor Arreguin, and Councilmember Wengraf
   **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember including $100 from Councilmember Cheryl Davila, to the Women’s Daytime Drop-In Center, for their 30th Annual Chance for Change on June 2, 2017, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.
   **Financial Implications:** Councilmember's Discretionary Funds - $100
   **Contact:** Cheryl Davila, Councilmember, District 2, 981-7120

25. **Seventh Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
   **From:** Councilmembers Bartlett, Hahn, and Davila
   **Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Councilmember Ben Bartlett, to the Berkeley Chamber of Commerce Foundation, the fiscal sponsor of the 7th Annual Martin Luther King Jr. celebration, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Bartlett and any other Councilmembers who would like to contribute.
   **Financial Implications:** Councilmember’s Discretionary Funds - $500
   **Contact:** Ben Bartlett, Councilmember, District 3, 981-7130
Council Consent Items

26. Removing Plastic Microfibers From The Water Supply: A Referral to the Community Environmental Advisory Commission
From: Councilmember Harrison
Recommendation: Refer to the Community Environmental Advisory Commission to assess the City’s capacity to participate in an outreach program informing residents of the harmful nature of microfibers.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, 981-7140

27. Opposing SB 827 (Wiener, Skinner, Ting): Transit-Rich Housing Bonus
From: Councilmembers Hahn, Harrison, Maio, and Mayor Arreguin
Recommendation: Adopt a Resolution Opposing Senate Bill (SB) 827, and send a letter to Senators Wiener, Skinner and Tang, and to Assemblymember Thurmond, providing them with the Resolution.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

28. Support of AB2370 (Holden), Relating to Lead Exposure in Drinking Water of Child Day Care Facilities
From: Councilmembers Wengraf, Hahn, Droste, and Davila
Recommendation: Submit a letter of support to Assembly Member Holden for his proposed legislation: AB 2370.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

29. Support of SB 1041 (Leyva), Childhood Lead Poisoning Prevention
From: Councilmembers Wengraf, Hahn, Droste, and Davila
Recommendation: Submit a letter of support to Senator Leyva for her proposed legislation, SB 1041.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160

30. Oppose the Tax Fairness, Transparency and Accountability Act of 2018
From: Councilmembers Wengraf, Hahn, Droste, and Mayor Arreguin
Recommendation: Adopt a Resolution opposing the “Tax Fairness, Transparency and Accountability Act of 2018” and send a copy to the League of California Cities. In addition, send a letter of opposition to members of the California Business Roundtable (CRBT) so they realize the negative effect this potential legislation will have on municipalities. This initiative has already surpassed 25% of the required signatures to qualify for the November 2018 ballot. If passed by voters this could have grave consequences for cities throughout California.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

31. Submission of the PY 2018 Annual Action Plan Including Allocations of Federal Funds
   From: City Manager
   Recommendation: Conduct a public hearing on the federal Program Year (PY) 2018 Annual Action Plan (AAP) for federal funds, including the allocation of federal funding for community agencies for FY2019, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the FY2019 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 85% of the FY2019 HOME funds to the Housing Trust Fund, 5% for Community Housing Development Organization (CHDO) operating funds 10% for program administration; and 4. Authorizing the City Manager to submit the PY 2018 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).
   Financial Implications: See report
   Contact: Paul Buddenhagen, Housing and Community Services, 981-5400
32. Submission of a Second Substantial Amendment to the PY2017 Annual Action Plan to Allocate $893,333 in Community Development Block Grant (CDBG) Funding for Public Facility Improvements to the Mental Health Adult Services Clinic
From: City Manager
Recommendation: Conduct a public hearing on a substantial amendment to the federal Program Year (PY) 2017 Annual Action Plan (AAP) which proposed an allocation of Community Development Block Grant (CDBG) funding for one public facility renovation project at the City’s Mental Health Clinic, and upon conclusion, adopt a Resolution: 1. Approving revised CDBG funding recommendation in the amount of $893,333 for one public facility improvement project; and; and 2. Authorizing the City Manager to submit the Substantial Amendment to the PY 2017 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

33. Select East Bay Community Energy’s Brilliant 100 Electricity Service for Municipal Accounts
From: City Manager
Recommendation:
1. Receive an update from East Bay Community Energy regarding its program design, products, timeline and next steps; and
2. Adopt a Resolution authorizing the City Manager to select East Bay Community Energy’s Brilliant 100 (100% carbon-free) electricity service for municipal accounts.
Financial Implications: None
Contact: Timothy Burroughs, Planning and Development, 981-7400

34. Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance
From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Maio and Wengraf
Recommendation:
1. Refer the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance to the Zero Waste Commission to invite input from key stakeholders, including restaurants and other food retailers and zero waste, plastics, oceans and other environmental experts, and hold public meetings to obtain input on the proposed Ordinance.
2. Refer to the Zero Waste Commission to report back to the City Council results of the Commission’s community outreach and analysis, and provide recommendations for improvements to the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
35. **Contract: HdL Companies for Audit Services-Cannabis Dispensaries** *(Continued from April 3, 2018)*

   **From:** City Manager

   **Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with HdL Companies (“HdL”) to provide auditing and consulting services for cannabis regulation and taxation support for a three-year period, with the option to extend for two (2) additional 12-month periods, in an amount not to exceed $94,000 per year for a total award not to exceed five (5) years and $470,000.

   **Financial Implications:** See report

   Contact: Henry Oyekanmi, Finance, 981-7300

36. **City Manager Referral: Expansion of the GoBerkeley Transportation Program to Increase Parking Efficiency** *(Continued from April 3, 2018)*

   **From:** Councilmember Worthington

   **Recommendation:** City Manager Referral; Expansion of the GoBerkeley Transportation Program to allow private parking vendors to charge adjustable rates for parking spaces.

   **Financial Implications:** Minimal

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

37. **Budget Referral and Referral to the City Manager: Support for Youth Spirit Artwork’s Tiny House Village Project**

   **From:** Councilmembers Bartlett and Harrison

   **Recommendation:** The City Council should approve the following actions supporting Youth Spirit Artwork’s 25 Youth Tiny House Village project. 1. Waive parking requirements. 2. Allow outdoor activities to 8 pm. 3. Referral to the City Manager to expedite the processing and approval of any Administrative Use Permit applications associated with this project. 4. Refer to the budget $75,000 to fund a fulltime social worker. 5. Refer to the budget $22,581 to fund the permit fees of each tiny house. 6. Refer to the budget $1,500 annually to fund solid waste management for the project.

   **Financial Implications:** See report

   Contact: Ben Bartlett, Councilmember, District 3, 981-7130

38a. **“To Achieve Fairness and Impartiality” – Report and Recommendations from the Berkeley Police Review Commission** *(Continued from March 13, 2018)*

   **From:** Police Review Commission

   Contact: Katherine Lee, Commission Secretary, 981-4950
38b. Accept and Acknowledge Report from the Berkeley Police Review Commission, “To Achieve Fairness and Impartiality,” and Refer Key Recommendations to the City Manager for Policy Development and Consideration in September 2018 Report to City Council

From: Councilmember Harrison

Recommendation:
1. Accept and acknowledge the Berkeley Police Review Commission’s (“PRC”) Report and Recommendations: “To Achieve Fairness and Impartiality.”
2. Refer key PRC report recommendations, detailed in the Background below, to the City Manager for: a. consideration in the September 2018 City Manager Report to City Council on the Berkeley Police Department’s efforts to track yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found; and implement policy and practice reforms; and b. development, where appropriate, of new BPD policies, or further enhancement to existing BPD policies.

Financial Implications: Staff time

Contact: Kate Harrison, Councilmember, District 4, 981-7140

Information Reports


From: City Manager

Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

40. LPC NOD: 2151 Shattuck Avenue #LMSAP2017, The Wright Block Building

From: City Manager

Contact: Timothy Burroughs, Planning and Development, 981-7400

41. FY 2017-18 Peace and Justice Commission Work Plan

From: Peace and Justice Commission

Contact: Shallon Allen, Commission Secretary, 981-7071

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx and KPFB Radio 89.3.
Archived indexed video streams are available at http://www.cityofberkeley.info/citycouncil. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City’s website at http://www.cityofberkeley.info.

Agendas and agenda reports may be accessed via the Internet at http://www.cityofberkeley.info/citycouncil and may be read at reference desks at the following locations:

<table>
<thead>
<tr>
<th>City Clerk Department</th>
<th>Libraries</th>
</tr>
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<tbody>
<tr>
<td>2180 Milvia Street</td>
<td>Main - 2090 Kittredge Street</td>
</tr>
<tr>
<td>Tel: 510-981-6900</td>
<td>Claremont Branch – 2940 Benvenue</td>
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<tr>
<td>TDD: 510-981-6903</td>
<td>West Branch – 1125 University</td>
</tr>
<tr>
<td>Fax: 510-981-6901</td>
<td>North Branch – 1170 The Alameda</td>
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<tr>
<td>Email: <a href="mailto:clerk@cityofberkeley.info">clerk@cityofberkeley.info</a></td>
<td>South Branch – 1901 Russell</td>
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**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

![Accessibility Icon]

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on April 12, 2018.

Mark Numainville, City Clerk
Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Item 39: Select East Bay Community Energy’s Brilliant 100 Electricity Service for Municipal Accounts
1. Linnie Drolet (2)

Berkeley Police Department
2. James Nielsen
3. David Lerman (2)
4. Carol Denney

Corporate Personhood / HJR 48
5. Phoebe Sorgen

Pedestrian Safety
6. Nancy Bartell
7. Unknown

Robotic Parking Garage Technology
8. Roger Courtney

Homeless Concerns
9. Jonah Strauss

Taxes
10. Katz Freund
11. Eric Friedman

1900 Fourth/Shellmound
12. Richard Schwartz (4)
13. Christopher D. Dore
14. Indian People Organizing for Change
15. Maxina Ventura

Council Vote
16. Moni Law

Incident Report
17. W.B.C.

Police Accountability Board
18. Russ Tilleman

AirBnB Restrictions
19. Bill Kristy

2777 Shattuck Honda Concerns
20. Jane Kitchel
Urban Shield Program
21. Zipporah Collins

Airplane Flyovers
22. Bob Minor

University Ave Road Condition
23. Mark Caplin

Copy of Cashier's Checks
24. W.B.C.

Accumulation of Items in Parks
25. Erik Dreher

Refuse and Recycling Process Concerns
26. Sheila Press

Vehicle Campers
27. Carol Denney

Commission Draft Minutes
28. Kelly Hammargren

LimeBike Program
29. Paul Regier
30. Joshua Sleutel

Display Motto
31. Jacquie Sullivan

Supplemental Communications and Reports
Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- Supplemental Communications and Reports 1
  Available by 5:00 p.m. five days prior to the meeting.

- Supplemental Communications and Reports 2
  Available by 5:00 p.m. the day before the meeting.

- Supplemental Communications and Reports 3
  Available by 5:00 p.m. two days following the meeting.