

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

Tuesday, April 24, 2018

6:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:09 p.m.

Present: Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 6:11 p.m.

Ceremonial Matters:

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

City Manager Comments: None

City Auditor Comments: None

Public Comment on Non-Agenda Matters: 5 speakers.

Public Comment on Consent Calendar and Information Items Only: 17 speakers.

Consent Calendar

Action: M/S/C (Hahn/Davila) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent 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
Recommendation: Adopt second reading of Ordinance No. 7,593-N.S. amending the Zoning Ordinance, Berkeley Municipal Code Chapters 23D.20 and 23F.04, by modifying the existing requirements for Main Buildings in rear yards in the Limited Two-Family Residential District (R-1A, BMC Chapter 23D.20).
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
Action: Adopted second reading of Ordinance No. 7,593-N.S.
- 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
Action: Approved minutes as submitted.
- 3. Contract No. 9541 Amendment: Code Publishing Company for Berkeley Municipal Code Publishing Services**
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
Action: Adopted Resolution No. 68,384–N.S.

Consent Calendar

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

Action: Moved to Action Calendar. 1 speaker. M/S/C (Arreguin/Harrison) to adopt first reading of Ordinance No. 7,594–N.S. amended to remove the exception for the BART Plaza in Section 13.44.110.B. Second reading scheduled for May 15, 2018.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Councilmember Worthington absent 8:33 p.m. – 10:25 p.m.

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

Action: Approved recommendation.

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

Action: Adopted Resolution No. 68,385–N.S.

Consent Calendar

- 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
Action: Adopted Resolution No. 68,386–N.S.
- 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
Action: Adopted first reading of Ordinance No. 7,595–N.S. Second reading scheduled for May 15, 2018.
- 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
Action: Adopted Resolution No. 68,387–N.S.
- 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
Action: Adopted Resolution No. 68,388–N.S.

Consent Calendar

- 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
Action: Adopted Resolution No. 68,389–N.S.
- 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
Action: Adopted Resolution No. 68,390–N.S. (Construction Testing Services); Resolution No. 68,391–N.S. (Inspection Services); Resolution No. 68,392–N.S. (BSK Associates); Resolution No. 68,393–N.S. (ENGEO).
- 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
Action: Adopted Resolution No. 68,394–N.S.

Consent Calendar

- 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
Action: Adopted Resolution No. 68,395–N.S.
Vote: Ayes – Maio, Davila, Bartlett, Harrison, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – Hahn.
- 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
Action: Approved recommendation.
- 16. Partial Response to Council Referral on Deep Green Building Initiative - Recommendation for Dedicated Revenue Stream to Incentivize Residential Energy Efficiency and Electrification (Continued from March 27, 2018)**
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
Action: Approved recommendation as revised below.

City Council refers to staff a request to conduct an analysis to identify and develop a set of programs and policies consistent with the Climate Action Plan 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.

Council further refers \$50,000 to the budget process for the staff work and analysis.

Consent Calendar

- 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
Action: Approved recommendation.
- 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
Action: Adopted Resolution No. 68,396–N.S.

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
Action: Adopted Resolution No. 68,397–N.S. amended to change “2018” to “2020” in the name of the Act.
- 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
Action: Approved recommendation.

Council Consent Items

- 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
Action: Adopted Resolution No. 68,398–N.S.
- 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
Action: Councilmember Bartlett added as a co-sponsor. Approved recommendation.
- 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
Action: Councilmember Harrison added as a co-sponsor. Approved recommendation revised in Supplemental Reports Packet #2 and as written below.

Send a letter to the Judicial Council of California (the policymaking body of the court system), and to Alameda County District Attorney Nancy O’Malley to support the Probate Court Reform Movement’s request for an investigation of predatory climate; conduct an audit and assess impacts of Probate Court decisions on African Americans and minorities families compared to Caucasians and to demand restitution if malfeasance are discovered.

Council Consent Items

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

Action: Adopted Resolution No. 68,399–N.S. revised to include contributions from the following Councilmembers up the amounts listed: Councilmember Hahn - \$100; Councilmember Harrison - \$200; Councilmember Maio - \$250; Councilmember Bartlett - \$100; Councilmember Wengraf - \$100; Mayor Arreguin - \$100.

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

Action: Item removed from the agenda by Councilmember Bartlett.

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

Action: Councilmembers Hahn and Davila added as a co-sponsor. Approved recommendation revised to add that the Council will send a letter to EBMUD requesting a report on EBMUD's water sourcing measures in drought years; and that the letter will be submitted to Council as an information item.

Council Consent Items

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
Action: Councilmember Maio removed as a co-sponsor. Councilmember Davila added as a co-sponsor. Adopted Resolution No. 68,400–N.S. as revised in Supplemental Reports Packet #2.
Vote: Ayes – Davila, Bartlett, Hahn, Harrison, Arreguin; Noes – Worthington; Abstain – Maio, Wengraf, Droste.
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
Action: Approved recommendation.
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
Action: Approved recommendation.
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: Adopted Resolution No. 68,401–N.S.

Action Calendar – Public Hearings

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

Public Testimony: The Mayor opened the public hearing. 3 speakers.

M/S/C (Wengraf/Maio) to close the public hearing.

Vote: Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Councilmember Bartlett absent 7:59 p.m. – 8:11 p.m.

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 68,402–N.S.

Vote: Ayes – Maio, Davila, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Action Calendar – Public Hearings

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

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

Vote: All Ayes.

Action: M/S/C (Worthington/Maio) to adopt Resolution No. 68,403–N.S.

Vote: All Ayes.

Action Calendar

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

Action: Moved to Consent Calendar. Adopted Resolution No. 68,404–N.S.

Action Calendar

- 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
Action: Moved to Consent Calendar. Approved recommendation with direction to the commission to combine consideration of the plastic straw ban with this referral.
- 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
Action: 1 speaker. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,405–N.S.
Vote: Ayes – Maio, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Bartlett; Abstain – None; Absent – Worthington.
- 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
Action: Item held over to May 29, 2018.

Action Calendar

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

Action: 33 speakers. M/S/C (Hahn/Wengraf) to approve the recommendation below based on the revised recommendation in Supplemental Reports Packet #2

Refer to the City Manager to advance the following actions regarding Youth Spirit Artworks' Tiny House Village Project:

- Identify the most appropriate and expeditious path for this unique and important project to be reviewed and analyzed through the City's development review and permitting process, including public input.
- Based on the project's application for development review and permitting, provide a best estimate for the permitting fees that would be assessed to the project so that the City Council may consider referring permit costs to the City's budget process.
- Provide a best estimate for the cost to the City of providing solid waste management services to the Tiny House Village so that the City Council may consider referring these costs to the City budget process.
- Consider options for waiving parking requirements.
- The YSA application will be processed under the normal development review process. Any additional staff work needed on the YSA project beyond the normal development review process, such as ordinance amendments, is referred to the Council prioritization process.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

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

Action Calendar

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

Action: Moved to Consent Calendar. Adopted recommendation as revised in Supplemental Packet #1 and further revised as below:

- The process to develop the department action plan will not start until the final CPE report is issued.
- The work group will have one year to report back on the action plan.
- Process to be run by a professional mediator/facilitator.
- Other referred items will be reported back earlier if possible (some may be reported in September 2018).

Some provisions of the referred items may be subject to the meet and confer process with the Berkeley Police Association.

Information Reports

39. Rapid Rehousing: What it Can (and Cannot) Do for People Experiencing Homelessness in Berkeley

From: City Manager

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

Action: Received and filed.

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

From: City Manager

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

Action: Received and filed.

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

From: Peace and Justice Commission

Contact: Shallon Allen, Commission Secretary, 981-7071

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speaker.

Adjournment

Action: M/S/C (Maio/Wengraf) to adjourn the meeting in memory of:

1. Miriam “Mim” Hawley, Former Councilmember
2. Bob Piper, Local Transportation and Environmental Advocate

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Worthington, Droste.

Councilmember Droste absent at 10:24 p.m.

Councilmember Davila absent at 10:24 p.m.

Adjourned at 10:25 p.m.

Communications

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 1

Item 8: Lease Agreement: Retroactively Execute Lease Agreement with Dorothy Day House for the Operation of the Emergency Storm Shelter at 1925 Ninth Street

- 32. Susan Black
- 33. Liz Wiener
- 34. Elizabeth Strain

Item 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

35. Revised materials, submitted by Councilmember Harrison

Supplemental Communications and Reports 2

Item 23: Referral to the Commission on Aging: Draft a Letter to the Commission on Judicial Performance in Support of the Probate Court Reform Movement

36. Revised materials, submitted by Councilmember Davila

Item 26: Removing Plastic Microfibers from the Water Supply: A Referral to the Community Environmental Advisory Commission

37. Revised materials, submitted by Councilmember Harrison

38. Shang Mei Lee

Item 27: Opposing SB 827 (Wiener, Skinner, Ting): Transit-Rich Housing Bonus

39. Revised materials, submitted by Councilmember Hahn

Item 33: Select East Bay Community Energy’s Brilliant 100 Electricity Service for Municipal Accounts

40. Tom Kelly

Item 34: Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance

41. Leia Ambra

42. Iris Greenberg-Smith

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

43. Revised materials, submitted by Councilmember Bartlett

44. Mike Lee

Item 34: Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance

45. 237 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

Item 27: Opposing SB 827 (Wiener, Skinner, Ting): Transit-Rich Housing Bonus

46. Ann Fryman

Item 31: Submission of the PY 2018 Annual Action Plan Including Allocations of Federal Funds

47. Presentation, submitted by Health, Housing & Community Services

Item 34: Referral to the Zero Waste Commission: Berkeley Single Use Foodware and Litter Reduction Ordinance

48. Lynn Dyer, on behalf of the Foodservice Packaging Institute

49. Timothy James, on behalf of the California Grocers Association

50. John Paluska and Andrew Hoffman

- 51. Aladdin Sammakieh
- 52. Luis Amezcua, on behalf of the Sierra Club
- 53. Christine Schwartz
- 54. Galen Dutch
- 55. Multiple Berkeley Businesses

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

- 56. Carol Denney (2)
- 57. Tom Luce
- 58. Unknown

Misc. Communications

Break Up With Your Bank Day

- 59. Unknown