



## AGENDA

### BERKELEY CITY COUNCIL MEETING

**Tuesday, September 15, 2026**

**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE

DISTRICT 6 – BRENT BLACKABY

DISTRICT 7 – CECILIA LUNAPARRA

DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 165 877 2214**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via [internet video stream](#). All Council meetings are recorded.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.*

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

**Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

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

1. Pledge of Allegiance

**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:** *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

*In-person attendees 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 the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.*

*The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

**Public Comment by Employee Unions (first regular meeting of the month):** *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

## 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.” Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move 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.*

**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. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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. 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

- Grant Application: California Strategic Growth Council, Community Resilience Center (CRC) Planning Grant for Civic Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to: 1. Submit a grant application under the California Strategic Growth Council’s Community Resilience Centers (CRC) Program for a Planning Grant for an amount up to \$500,000 for planning activities to prepare the two historic buildings in Berkeley’s Civic Center, the Maudelle Shirek Building (“MSB” or “Old City Hall”) and the Veterans Memorial Building (“VMB”) for future structural upgrades including capital improvements and seismic retrofits; 2. Subject to award, accept the grant, execute any resultant revenue agreements and amendments, accept any additional funding allocations from the CRC Program and designate the City Manager or their designee as the applicant’s authorized agent.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

## Consent Calendar

**2. Contract: Downtown Berkeley Association for Addison Street Catenary Lighting**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to: 1. Enter into a sole source contract and any amendments with the Downtown Berkeley Association (DBA) for the City to provide \$150,000 to the DBA for actual incurred costs associated with the Addison Street Catenary Lighting project to support Downtown revitalization and placemaking in the Downtown Addison Street Arts District, and 2. Advance the city's approval to utilize city property as part of this effort (namely the connection/anchor points for the support guide wires for the lighting on the Addison Street side of the Center Street Garage building located at 2025 Center St).

**Financial Implications:** See report.

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

**3. Loan Administration Board Dissolution; Repealing BMC Chapter 3.72**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution authorizing the City Manager or their designee to assume direct administrative and operational oversight of the Revolving Loan Fund (RLF) program and the RLF Administrative Plan, upon dissolution of the Loan Administration Board (LAB); and

2. Adopt first reading of an ordinance repealing Berkeley Municipal Code Chapter 3.72. Loan Administration Board enabling legislation, thereby dissolving the Loan Administration Board.

**Financial Implications:** See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

**4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 2026**

**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:** \$25,822,884 - Various Funds

Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 5. Contract No. 32200227 Amendment: Fire Aside for Wildfire Resilience Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32200227 with Fire Aside, LLC for defensible space inspection and community chipper management software increasing the amount by \$150,000 for an amended total amount not to exceed \$410,000 and maintaining the same term which ends on May 17, 2028.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 6. Purchase Orders for Bauer Compressors Inc. for Firefighting Supplies, Equipment, Service and Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or their designee to execute annual purchase orders using a piggyback contract and any amendments with Bauer Compressors Inc. using the National Purchasing Partners (NPP) contract No. PS26090 in an amount not to exceed \$1,579,472 for Firefighting supplies, equipment and related service and maintenance from October 1, 2026 through March 4, 2030, with an option to extend one (1) year to March 4, 2031.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 7. Purchase Orders: Stryker Sales for Gurneys, Stair Chairs, and Mechanical CPR Units**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to utilize Sourcewell Contract No. 041823 to issue piggyback purchase orders and any amendments to Stryker Sales LLC for the lease of ten gurneys, ten powered gurney fastener systems (power load system), and ten evacuation chairs (stair chair), and twelve cardiopulmonary resuscitation (CPR) units for Fire Department response vehicles from October 1, 2026 through January 1, 2033 in an amount not to exceed \$1,591,355.  
**Financial Implications:** \$1,591,355 - Various Funds  
Contact: David Sprague, Fire, (510) 981-3473
- 8. Contract No.32300207 Amendment: Easy Does It for Accessible Wheelchair Van Services for Seniors & the Disabled**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution rescinding Resolution No. 72,259-N.S and authorizing the City Manager, or designee, to amend Contract No. 32300207 with Easy Does It increasing the amount by \$57,000 for the period of July 1, 2026, through June 30, 2027, for a total contract amount not to exceed \$307,000. These services support accessible wheelchair van services to customers of the Aging Services Division's Berkeley Rides for Seniors & the Disabled program.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

## Consent Calendar

**9. Revenue Contract: MARU for Aging Services - Information and Assistance Fiscal Years 2027 - 2030**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to accept grant funding and execute any resultant revenue agreements and amendments with MARU (formally known as Korean Community Center of the East Bay), an East Bay non-profit organization. This funding will support Information and Assistance Services for Berkeley seniors from Fiscal Year 2027 through Fiscal Year 2030 (FY 2027 - FY 2030) in the projected annual amount of \$169,347.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

**10. Revenue Contracts: Aging Services - Nutrition Programs Fiscal Years 2027 - 2030**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager or designee to receive grant funding and execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals for seniors for Fiscal Year 2027 through Fiscal Year 2030 (FY2027-FY2030):

a. Congregate Meals in a projected annual amount of \$696,800; and

b. Home Delivered Meals in a projected annual amount of \$860,515.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

**11. Shattuck Senior Homes Loan Modification Request**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the following actions to modify two existing Housing Trust Fund (HTF) loans for Shattuck Senior Homes, located at 2425 Shattuck Avenue, by: 1. Combining the outstanding principal balances of the two existing loans into one new City loan in the amount of \$970,603 plus accrued interest. 2. Reducing the interest rate from 6% to 3% simple interest. 3. Extending the loan maturity date by 55 years to September 1, 2082. 4. Waiving the HTF Guidelines requirement to restrict 20% of units at 30% Area Median Income (AMI) and maintaining affordability requirements at 50% and 60% AMI. 5. Extending the Regulatory Agreement so that it is coterminous with the new loan maturity date of September 1, 2082. 6. Authorizing the City Manager or designee to execute all original or amended documents or agreements to effectuate these actions, including amendments to the existing loan agreements.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

## Consent Calendar

**12. Grant Application: Safe Routes to Transit and Bay Trail Program (SR2TBT)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or his designee to submit a grant application to the Metropolitan Transportation Commission's Regional Measure 3 Safe Routes to Transit and Bay Trail Program (SR2TBT) for up to \$25,000,000 for construction of portions of the landside elements of the Berkeley Water Transportation Pier-Ferry Project.

**Financial Implications:** \$25,000,000 (Revenue)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**13. Supporting a Neighborhood Decarbonization Pilot Project in Berkeley**

**From: Environment and Climate Commission**

**Recommendation:** The Berkeley Environment and Climate Commission recommends that the City Council adopt the attached resolution Supporting a Neighborhood Decarbonization Pilot Project in the City of Berkeley, which would: - Express the City's formal support for a neighborhood decarbonization pilot in Berkeley under Senate Bill 1221 (2024), with the goal of modeling equitable whole-home electrification for a neighborhood zone; and -Commit the City to being an active partner in pilot implementation, asking the City Manager to designate at least one staff member to participate in regular coordination meetings and support collaboration across relevant City departments; and -Affirm the City's intent to work collaboratively with PG&E, community organizations, Community Choice Aggregators, public health advocates, workforce development partners, and regional agencies to advance a pilot and help secure resources for its success.

**Financial Implications:** See report

Contact: Sarah Moore, Commission Secretary, (510) 981-7400

**14. Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies**

**From: Auditor**

**Recommendation:** We recommend that City Council receive this report and direct the City Manager to implement Recommendations 1 and 2 consistent with Management's Response. We further recommend that City Council refer Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, (510) 981-6750

## Council Consent Items

**15. District 1 Support for the Gilman District Merchants Association to Promote Longterm Sustainability and Area Improvements: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Kesarwani (Author)**

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$65,000 from the FY 2026-27 office budget of District 1 Councilmember Rashi Kesarwani to provide a one-time capacity building grant to support the Gilman District Merchants Association (GDMA) to promote economic development, district-wide improvements and long-term sustainability of the Gilman District Street Fair (GDSF).

Distribution of funds should be approved by the Gilman District Coordinating Committee, the representative advisory board established to comply with the fiscal agent, the Berkeley Chamber of Commerce. Use of funds should prioritize: - Salary/stipend for part-time director of the GDMA; Stipends for key volunteers for the Gilman District Street Fair; -Business Administration for the GDMA outside of salaries including: -Publicity, promotion, membership building and website maintenance for the GDMA; -Event planning and execution of GDMA networking and social gatherings; -Public Safety Enhancement Grants to local businesses.

**Financial Implications:** \$65,000

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

**16. Referral for an Information Report Assessing all Housing Related Impact, Development and Local Parcel Tax Fees to Provide Guidance and Better Understand the True and Total Costs of Developing Housing of All Types in the City of Berkeley**

**From: Councilmember Kesarwani (Author)**

**Recommendation:** Referral to the City Manager to direct Planning staff to prepare a comprehensive housing fee study to be presented to Council as an information report that would:

1. Collect Fee and Parcel Tax Data from Berkeley and other cities to create a housing production comparison matrix. Information should include a summary of categories, amounts, and bases for calculating impact fees, other development fees, and parcel taxes in all cities in the matrix; and

2. Calculate local fee and parcel tax costs for housing development prototypes. Information should include the total fee burden applicable to several multifamily housing prototypes (examples could include fourplex/town homes; 10 unit small multifamily; 8-story midrise; 18-story high-rise) and estimate each selected jurisdiction's approximate applicable amount of impact fee, other development fee, and parcel taxes for the respective prototypes.

**Financial Implications:** Staff time

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

## Council Consent Items

**17. Zoning Ordinance Modification for Manufacturing Research and Development (M-RD) District**

**From: Councilmember Kesarwani (Author)**

**Recommendation:** Referral to the City Manager and Planning Commission to amend Berkeley Municipal Code (BMC) Chapter 23.206.020 to allow for a reduced level of discretion for Vehicle Repair and Service in the Manufacturing Research and Development (M-RD) District.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

**18. Resolution in Support of AB 1761 (Rogers) — Electricity: Calculation**

**Methodology: Data Disclosure**

**From: Councilmember Tregub (Author)**

**Recommendation:** Adopt a resolution in strong support of Assembly Bill (AB) 1761 (Rogers), which would improve transparency in the calculation of the Power Charge Indifference Adjustment (PCIA) and other nonbypassable charges, and distribute copies to Governor Gavin Newsom; Senate President pro Tempore Monique Limón, Senate Utilities, Energy, and Communications Committee Chair Benjamin Allen and Senator Jesse Arreguín; Assembly Speaker Robert Rivas, Assembly Utilities and Energy Committee Chair Cottie Petrie-Norris and Assemblymembers Chris Rogers and Buffy Wicks; and Senator Steven Bradford, Chair of the Senate Energy, Utilities and Communications Committee to support its passage.

**Financial Implications:** Staff time

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

**19. Resolution in opposition to the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40**

**From: Councilmember Tregub (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Ishii (Co-Sponsor)**

**Recommendation:** Adopt a resolution opposing the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40.

**Financial Implications:** Staff time

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

## Council Consent Items

20. **Referral to the City Manager: RENAISSANCE (Revitalizing Enterprise and Neighborhoods through Activation, Investment, Safety, Streamlining, Accessibility, Networking, Collaboration, and Equity) – Part 2: Commercial Vacancy Blight Prevention and Mitigation**  
**From: Councilmember Tregub (Author), Councilmember O’Keefe (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)**  
**Recommendation:** Commercial Vacancy Blight Prevention and Mitigation  
Refer to the City Manager and City Attorney the development of an integrated strategy to prevent and reduce unmitigated ground-floor retail vacancies and blight, increase activation, and support the vitality and resilience of local businesses and other community-serving uses in Berkeley’s Commercial Districts.  
Recommendations include but are not limited to developing regulations around the following solutions:
1. Subdivision of Larger Storefronts.  
Develop policies that encourage the conversion or subdivision of larger storefront commercial spaces to allow for more diverse business and community uses.
  2. Flexible Mixed-Use Occupancy.
    - a. Review Berkeley’s existing zoning regulations for live/work, maker, creative, and related uses to identify regulatory barriers to the flexible use of underutilized commercial storefronts and modify the Zoning Ordinance and establish or update performance standards where necessary to address such barriers.
    - b. Explore performance standards to ensure that live/work, maker, and other creative uses help activate and enhance the vibrancy of the adjacent neighborhood.
  3. Financial Assurances Tied to Property Maintenance and Site Conditions.  
To the extent permissible under state law, develop regulations requiring, as a condition of applicable development permits, performance bonds or other financial assurances sufficient to ensure appropriate property maintenance and site conditions if an approved development project is substantially delayed, suspended, or abandoned.
  4. Cold Shell Prevention.
    - a. Explore a regulatory framework to prevent premature deactivation of tenant-ready commercial spaces (commonly referred to as “cold shelling”) in buildings planned for demolition by considering indicators of project readiness, which could include demonstrated financial capacity, evidence that a portion of project funding is secured, and other relevant factors are considered.
    - b. Require a permit for the removal or decommissioning of utility hook-ups as part of building safety and habitability standards, to prevent practices that create and perpetuate prolonged vacancy and disinvestment.
  5. Warm Shell Development.  
Establish requirements and/or incentives to ensure that ground floor retail spaces in new developments are delivered with basic utility connections (commonly referred to as “warm shells”), including utility and electricity hookups, when those services are available and have been connected to the rest of the building.
  6. Shared Commercial Facilities.  
Explore and, where feasible, facilitate the creation of customer-accessible shared restroom facilities serving multiple ground-floor commercial spaces or buildings,

## Council Consent Items

including through zoning allowances, coordinated development standards, and incentives. These should emphasize cost-neutral or revenue-supporting implementation approaches, such as integration into private development projects, public-private partnerships, or maintenance models funded by participating property owners, while ensuring compliance with applicable building, accessibility, and public health requirements.

### 7. Demonstration of Utility-Related Delays.

Where delays in utility approvals or service connections are cited, require developers to provide reasonable documentation from utility providers demonstrating that such delays are outside of the developer's direct control. Explore opportunities for improved coordination with utility providers and City processes to help mitigate such delays and support the timely delivery of usable ground floor commercial space.

### 8. Utility Equipment Undergrounding.

Develop regulations requiring large new residential and commercial mixed-use developments to locate transformers and other large utility equipment below grade, to the extent feasible and consistent with applicable utility requirements.

**Financial Implications:** See report

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

## Action Calendar

*The public may comment on each item listed on the agenda for action. 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 during the Action Calendar public comment period on the item*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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.*

*The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.*

## Action Calendar – Old Business

- 21a. Resolution Reinstating the Berkeley Police Department’s Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray** *(Continued from July 14, 2026) (Item Contains Supplemental Material) (Reviewed by the Public Safety Policy Committee)*

**From: Councilmember Kesarwani (Author)**

**Recommendation:** Adopt a Resolution amending the Berkeley City Council's June 9, 2020 direction regarding smoke, OC spray, and tear gas to allow the Berkeley Police Department (BPD) Special Response Team (SRT) to use tear gas under circumstances in which there is a significant risk of injury or death, maintain the prohibition on the use of tear gas solely for crowd control, and lift the temporary moratorium on the use of smoke and OC spray.

**Policy Committee Recommendation:** To send the item with a Qualified Positive recommendation to Council that includes:

1. Making the resolution text explicit regarding permissible uses and policy limitations (particularly defining “critical incident” and excluding crowd control use),
2. Clarifying and attaching relevant use policies for public transparency, and
3. Developing an appropriate after-action reporting framework aligned with existing reporting and Transparency Hub practices.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

- 21b. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools** *(Continued from July 14, 2026)*

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:

1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.

**Financial Implications:** None

Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000

## 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.*

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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 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, and through the City's online records portal: <https://records.cityofberkeley.info/>.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: [berkeleyca.gov/council-agendas](http://berkeleyca.gov/council-agendas) and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

#### 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 [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 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.

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.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov), or in-person during the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov).

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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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 3, 2026.***



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](#).*

### **Earthquake Prevention**

1. John J. Parman

### **Mural**

2. Gael Alcock

### **Red Curb Installation**

3. Lindsay Schachinger
4. Sarah Siefke-Cottle

### **Green Waste Bin**

5. Genevieve Nonet
6. Brent Blackaby

### **Housing/Housing Concerns**

7. Riti Dhesi
8. Vicki Sommer
9. David Lerman
10. Maxwell Davis on behalf of the Sierra Club
11. Patrick Kennedy (2)
12. Russbumber

### **UA Theater**

13. Laura Linden
14. Melanie Lawrence and John Smail

### **Parking**

15. Heather Siglin on behalf of the North Shattuck Association
16. Alvin Ludwig
17. Lisa M. Asta

**Noise Concerns**

- 18. Hani Haris
- 19. Lucia Hammond

**Speed Limit Concerns**

- 20. Anne Whyte
- 21. Scott Sacherer

**Sidewalk Concern**

- 22. Laura

**Flags at Half Mast Concern**

- 23. Deirdre Duhan

**Proclamation Enquiry**

- 24. Dhruv Pandrangi

**Flock Concerns**

- 25. Jose Vilar
- 26. Summer Brenner (2)
- 27. James Northrup
- 28. Camille Snyder
- 29. Margot Smith (2)
- 30. Janice Schroeder
- 31. Jack Kurzweil
- 32. Nancy Bartell
- 33. Jeanie Dooha
- 34. Glenn Turner
- 35. Sam Holtzman
- 36. Karen Dabrusin
- 37. Russbumper (2)

**ADA Concerns**

- 38. Steven Schuyler (4)

**Harrison Street**

- 39. Jennifer Kamenetz
- 40. Eric Friedman
- 41. Cecelia Mautner
- 42. Russbumper
- 43. Alan Mond (2)

**Tenant Concern**

- 44. Alex Merenkov

**Taxi Scrip**

45. Leonard Talmy

**Middle East Conflict**

46. Aaron Balbo

**Music History Plaque**

47. Eddie Jones

**Safety Concerns**

48. Charles Van Tassel

49. Patricia Bruning

50. Lauren Parsons

51. David Lerman

**Animal Shelter Concern**

52. Francesca Agrusa

**1820 University Ave**

53. Avi Nevo

**Zone 0 Regulations**

54. Zohra Kalinkowitz

**1130 Oxford Street**

55. Claire Kahane

56. Marc Bernstein

57. Gloria Frym

58. Dennis Fantin

59. Derek Abbassi

60. Jessica Samuels

**AAHRC**

61. Eric Friedman

**Traffic Safety Concern**

62. Joe Clucas

63. Kenny Yu (2)

**Municipal Submission**

64. Nadelyn Zoe King (2)

**Citation Concern**

65. Chase Lenzley

**Request for Policy Review**

66. Concerned Resident

**UC Berkeley Concerns**

67. Steven Schuyler

**EBMUD**

68. Eduardo Teixeira

**Raise a Glass to Berkeley**

69. Jeffrey Church

**Supporting Elderly Citizens**

70. Dawn Howard

**Encampments**

71. David Lerman (2)

**Natural Grass Soccer Field Concerns**

72. Ted Steen

**Lighting Nuisance**

73. YMCA Concerned Resident

**Senior Housing**

74. Doanld Anderson

**PG&E Transformers**

75. Patrick Kennedy

**2025 ARDA**

76. Jennifer Cogley

**Public Safety**

77. Jason Martens

**Parade Invitation**

78. Allen Cain

**Berkeley Adult School**

79. Jessica Hahn

**Proclamation Request**

80. Katharine Bierce

**Francisco Street**

81. David Lerman

**Invitation**

82. Mohamad Rawoas

**Parking at Berkeley Marina**

83. Solange Gould

**Coal Facilities**

84. Jack Kurzweil

**Crosswalk Concerns**

85. Bruce Brody

**Police Dogs**

86. Direct Action Everywhere

**Dumping Concerns**

87. Eli Kehler (5)

**BAMM**

88. Sheila Kolenc

**FY 2027-2031 Paving Plan**

89. Tony Benado

**Summer Achievers Camp Concerns**

90. Nicoletta Karam

**Rental Units**

91. Kim Ambrocio

**Officer Commendations**

92. Office of the Director of Police Accountability

**2700 Shattuck Ave Appeal**

93. Alisha Pember

**City Concerns**

94. Michai Freeman

**Public Comment**

95. Stephen Alpert (3)

**Sanitation and Safety Concerns**

96. Brett Cooper

**Community Input Concern**

97. Jane White

**Willard Park Restroom**

98. Kyle Miller

**North Berkeley Library**

99. Phoebe Thomas

**Pause PAB Appointment**

100. Eric Friedman

**PAVEN**

101. Chris Ward Kline

**Transportation Program**

102. Eric Liddle

**Mobile Crisis Team**

103. Gabriella Raymond (2)

**Sign Repair and Replace**

104. Lily Liang

**Resorcery Org**

105. Jenne King

**Youth Mental Health Resource**

106. Isabella

**Mental Health Response Concern**

107. Boona Cheema

**Street Rehabilitation**

108. Mary Lee Noonan

**Underdevelopment Concern**

109. Ben Buettner

**Nighttime Corridor**

110. Tony Smith

**Proposed Lien and Hearing Rights**

111. Willie Phillips (3)

**BMR Rent Clarifications**

112. Alex Merenkov (2)

**Demolition and Construction Notice**

113. Erik Knaresboro and Guide Vito

**BORP Anniversary**

114. DP Neyhart

**S.A.F.E. Initiative**

115. La Monte T. Bannister III

**2012 Channing Way**

116. Grace Smith

117. Tim Donnelly

118. Travis Bell

**Berkeley Bank Concern**

119. Geoffrey Lomax

**Streetlights**

120. Chrissy Hoffman

**Invitation**

121. Tatiana Hughes

**ICE Concerns**

122. Margot Smith

**HTT Office Coverage**

123. Mandy Clafin

**John Craner's Retirement Party**

124. The Downtown Berkeley Association

**Newsletters**

125. Glomax

126. Margot Smith

**Zoning/Upzoning**

127. Barbara Anscher

128. Linda Gallaher-Brown

129. 22 Similarly worded form letters

**Hopkins**

130. Howard Goldberg

131. Willard Bohn

132. Margot Murtaugh

- 133. Lisa Brenneis
- 134. Dorothy Gordon
- 135. Sally Carson
- 136. Nancie Kester
- 137. Rob Kirby
- 138. Phyllis Oyama (3)
- 139. Barbara Llewellyn
- 140. Gary Croner
- 141. Tamara Birdsall (2)
- 142. Chris Edmunds
- 143. Keri Ferencz and James Levine
- 144. Susan Bogas
- 145. Tony Kaes
- 146. Mary Ajideh
- 147. Wendy Hoben
- 148. Marguerite Lee
- 149. Virginia Kamp (2)
- 150. Alan Schoenfeld (2)
- 151. Hilary Near
- 152. Eric Taylor
- 153. Colin Elbasani
- 154. Jeremiah Maller
- 155. Ann Rawley (2)
- 156. Melanie Lawrence and John Smail
- 157. Mike Olson
- 158. Abe Hardin
- 159. Mark Witriol
- 160. David White
- 161. Cady Masterman
- 162. Shaun O'Sullivan
- 163. Gail Greenwood
- 164. John and Diane Rice
- 165. Emilie Strauss
- 166. John Waters

### **199 Seawall Letter and Summary**

- 167. Terry Ayyad (2)

### **E-Scooters**

- 168. Laurie McWhorter
- 169. Oren (2)
- 170. Antonio Vargas (3)
- 171. Joey T
- 172. Aaron Dickinson (2)
- 173. Anosh Dumasia (3)
- 174. Carson Lepre (10)

175. Robert Borghese (22)

### **Forwards/URLs**

176. Russbumber (24)

177. Eid Abdallah (28)

### **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.