04

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of September 1, 2026 (closed), September 14, 2026 (closed), September 15, 2026 (regular), and September 29, 2026 (special and regular) October 5, 2026 (closed), October 13 2026 (regular), October 19, 2026 (closed), and October 27, 2026 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:
1. September 1, 2026 – Special Closed City Council Meeting
2. September 14, 2026 – Special Closed City Council Meeting
3. September 15, 2026 – Regular City Council Meeting
4. September 29, 2026 – Special City Council Meeting
5. September 29, 2026 – Regular City Council Meeting
6. October 5, 2026 – Special Closed City Council Meeting
7. October 13, 2026 – Regular City Council Meeting
8. October 19, 2026 – Special Closed City Council Meeting
9. October 27, 2026 – Regular City Council Meeting

Attachment 1

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, SEPTEMBER 1, 2026
4:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

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

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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: 4:00 p.m.

Present: Blackaby, Humbert, Lunaparra, O'Keefe, Taplin, Ishii

Absent: Bartlett, Kesarwani, Tregub

Councilmember Tregub present at 4:04 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)**

    a. *Berkeley Homeless Union et al. v. City of Berkeley et al.*, Case No. 3:25-cv-01414-EMC (N.D. Cal.)

    Action: M/S/C (Humbert/Blackaby) to authorize the City Attorney to file an appeal in the matter of Berkeley Homeless Union, et al. v. City of Berkeley, et al., 4:25-cv-01414-EMC (N.D. Cal.), and engage in any necessary motion practice to preserve the City's rights.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

2. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9**

    a. Potential litigation challenging federal funding conditions.

    Action: M/S/C (Tregub/Humbert) to authorize the City Attorney to initiate litigation to protect the City's federal funding.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Item 1: The City Council met in closed session on September 1, 2026, and voted to authorize the City Attorney to file an appeal in the matter of Berkeley Homeless Union, et al. v. City of Berkeley, et al., 4:25-cv-01414-EMC (N.D. Cal.), and engage in any necessary motion practice to preserve the City's rights.

Item 2: The City Council met in closed session on September 1, 2026, and took action to authorize the City Attorney to initiate litigation to protect the City's federal funding. This action involves one case. Consistent with Government Code section 54957.1, the name of the case will be disclosed once the action is filed.

Adjournment

Action: M/S/C (Humbert/Tregub) to adjourn the meeting.
Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 4:49 p.m.

I hereby certify that the foregoing is a true and correct record of the special closed meeting of September 1, 2026 as approved by the Berkeley City Council.

_____
Rose Thomsen, Deputy City Clerk

Attachment 2

BERKELEY CITY COUNCIL
CLOSED SESSION MINUTES

MONDAY, SEPTEMBER 14, 2026

4:30 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

TELECONFERENCE LOCATION – 925 L STREET, SUITE 1404, SACRAMENTO, CA 95814

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
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Preliminary Matters

Roll Call: 4:33 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Public Comment - Limited to items on this agenda only - 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Center for American Liberty v. City of Berkeley*, Alameda County Superior Court Case No. 26CV188025

      Action: No reportable action taken.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Eslami v. City of Berkeley*, Alameda County Superior Court Case No. RG12628979

      Action: No reportable action taken.

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Pritchard v. City of Berkeley*, Alameda County Superior Court Case No. 25CV106910

      Action: No reportable action taken.

4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Valladares v. City of Berkeley*, Alameda County Superior Court Case No. 25CV126980

      Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.
Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 5:19 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 14, 2026.

_____
Mark Numainville, City Clerk

Attachment 3

MINUTES

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

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

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Preliminary Matters

Roll Call: 6:02 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 6:03 p.m.

Councilmember Bartlett present at 6:11 p.m.

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:

1. Pledge of Allegiance
2. Celebrating Berkeley's Entrepreneurial Spirit
3. Recognition of September 2026 as Hunger Action Month

City Manager Comments:

The City Manager provided an update of the status of the Harrison Street Encampment resolution.

City Auditor Comments:

The City Auditor provided an update on Item 14 regarding Workplace Relationship Policies.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions: 0 speakers.

Action: M/S/C (Blackaby/Tregub) to add an item to the agenda pursuant to Government Code Section 54954.2(b)(2) regarding Wildfire Resiliency Bills pending in the state legislature.
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 34 speakers.

Action: M/S/C (Tregub/Blackaby) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Urgency Item: Wildfire Resiliency Bills – Request for Governor's Signature
From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor)
Recommendation: On behalf of the City Council, the Mayor will send letters to the Governor requesting his signature on eight (8) high-impact wildfire resiliency bills that passed the California Legislature and are awaiting his signature.
Financial Implications: See report
Contact: Brent Blackaby, Councilmember, District 6, 510-981-7160
Action: Councilmembers O'Keefe and Humbert added as co-sponsors. Approved recommendation.

1. **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
   Action: Adopted Resolution No. 72,419–N.S.

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
Action: Adopted Resolution No. 72,420–N.S.

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
Action: Adopted Resolution No. 72,421–N.S. Adopted first reading of Ordinance No. 8,032-N.S. Second reading scheduled for September 29, 2026.

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
Action: Adopted Resolution No. 72,422–N.S.

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
Action: Adopted Resolution No. 72,423–N.S.

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
Action: Adopted Resolution No. 72,424–N.S.

Consent Calendar

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
Action: Adopted Resolution No. 72,425–N.S.

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
Action: Adopted Resolution No. 72,426–N.S.

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
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,427–N.S. (Congregate Meals), and Resolution No. 72,428–N.S. (Home Delivered Meals).

Consent Calendar

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
Action: Adopted Resolution No. 72,429–N.S.

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
Action: Adopted Resolution No. 72,430–N.S.

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
Action: Adopted Resolution No. 72,431–N.S.

Consent Calendar

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
Action: Approved recommendation.

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
Action: Councilmember Taplin added as a co-sponsor. Adopted Resolution No. 72,432–N.S.

Council Consent Items

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
Action: Councilmembers Humbert and Lunaparra added as co-sponsors. Approved recommendation.

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
Action: Approved recommendation.

Council Consent Items

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
Action: Adopted Resolution No. 72,433–N.S.

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
Action: Adopted Resolution No. 72,434–N.S. as revised in Supplemental Communications Packet #1 by Councilmember Tregub.

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: Approved recommendation.

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

Action: 63 speakers. M/S/Failed (Humbert/Taplin) to extend the meeting to 12:00 a.m.

Vote: Ayes – Kesarwani, Taplin, O'Keefe, Blackaby, Humbert; Noes – Bartlett, Tregub, Lunaparra, Ishii.

Action: M/S/Carried (Kesarwani/Humbert) to call a special meeting on September 29, 2026 at 4:00 p.m. to hear Items 21a and 21b.

Vote: Ayes – Kesarwani, Taplin, Bartlett, O'Keefe, Blackaby, Humbert, Ishii; Noes – Tregub, Lunaparra.

Action Calendar – Old Business

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
Action: See action on Item 21a.

Public Comment – Items Not Listed on the Agenda – 0 speakers.

Adjournment

Action: M/S/C (Lunaparra/Taplin) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 10:56 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of September 15, 2026 as approved by the Berkeley City Council.

_____
Mark Numainville, City Clerk

Communications

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. Russbumper

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. Russbumper (24)
177. Eid Abdallah (28)

Supplemental Communications and Reports 1

Item #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
178. Revised agenda material submitted by Councilmember Igor Tregub

Item #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)***
179. Supplemental agenda material submitted by the Office of the Director of Police Accountability
180. Revised agenda material submitted by Councilmember Brent Blackaby
181. Police Accountability Board

Supplemental Communications and Reports 2

Item #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
182. Diana Bohn

Item #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)***

183. Elana Auerbach
184. Elizabeth Ferguson
185. Jamie Greenwood
186. Sally Nelson

Supplemental Communications and Reports 3

Urgency Item: Wildfire Resiliency Bills – Request for Governor's Signature

187. Submitted by Councilmember Brent Blackaby

Item #12: Grant Application: Safe Routes to Transit and Bay Trail Program (SR2TBT)

188. Allison Granzella

Item #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

189. Jules Kobelin
190. Bobbi Fabian
191. Julie McCray (2)

Item #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

192. Phil Catalfo and Michelle Lerager

Item #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

193. Beth Roessner

Item #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)***

194. Maxwell DeFanti
195. Kelly Hammargren
196. Janice Schroeder

Item #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

Item #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)***

Item #21b: Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools ***(Continued from July 14, 2026)***
197. Janice Schroeder

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, September 29, 2026
4:00 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: 165 269 0912**. 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.*

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: 4:09 p.m.

Present: Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Taplin, Bartlett

Councilmember Taplin present at 4:20 p.m.

Councilmember Bartlett present at 4:33 p.m.

Councilmember Humbert participated in the meeting remotely under the "just cause" exception in the Brown Act due to illness.

Action Calendar – Old Business

1a. 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 September 15, 2026) (Item Contains Revised and 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

Action: 39 speakers. M/S/Failed (Kesarwani/Blackaby) to adopt a Resolution as revised in the September 15, 2026 material submitted by Councilmember Blackaby and included in the agenda item, and further revised to add a resolved clause to read as follows:

> *BE IT FURTHER RESOLVED that upon the posting of any public summary required under Policy 428 Section 428.14(c) or California Penal Code Section 13652.1, the Berkeley Police Department shall notify the City Manager who shall provide that information to the City Council and to the Police Accountability Board within 10 days of such a notice.*

Vote: Ayes – Kesarwani, O'Keefe, Blackaby, Humbert; Noes – Taplin, Bartlett, Tregub, Lunaparra, Ishii; Abstain – None; Absent – None.

Action Calendar – Old Business

1b. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools *(Continued from September 15, 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
Action: M/S/C (Lunaparra/Taplin) to take no action on Item 1b.
Vote: All Ayes.

Adjournment

Action: M/S/C (Taplin/Tregub) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 5:26 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of September 29, 2026 as approved by the Berkeley City Council.

_____
Rose Thomsen, Deputy City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1a: 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 September 15, 2026) (Item Contains Revised and Supplemental Material) (Reviewed by the Public Safety Policy Committee)***

1. Kelly Hammargren

Supplemental Communications and Reports 3

Item #1a: 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 September 15, 2026) (Item Contains Revised and Supplemental Material) (Reviewed by the Public Safety Policy Committee)***

2. Janice Schroeder
3. John J. Parman
4. Ryan Justice-Williams

Attachment 5

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, September 29, 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

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Preliminary Matters

Roll Call: 6:05 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: None

Councilmember Humbert participated in the meeting remotely under the "just cause" exception in the Brown Act due to illness.

Councilmember Lunaparra exited the meeting location at 9:44 p.m. and participated in the remainder of the meeting remotely under the "just cause" exception in the Brown Act due to illness.

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: Ceremonial Matters:

1. Recognition of John Caner, CEO of the Downtown Berkeley Association, on the occasion of his retirement
2. Adjourned in memory of Gene Nakamura, Berkeley Unified School District Educator and Coach
3. Recognition of Julie Sinai, Assistant to Mayor Ishii, on the occasion of her retirement

City Manager Comments:

The City Manager removed Item 21 regarding a contract for the 1947 Center Street Window Replacement Project from the agenda.

City Auditor Comments:

The City Auditor provided an update on Item 37 regarding the Restaurant Inspections and Item 38 regarding the Comprehensive Domestic Violence Policy to Support City Employees.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Tregub/Blackaby) to accept two urgency items from Mayor Ishii pursuant to Government Code Section 54954.2(b)(2) entitled:
1. Resolution in Support of Prop 1, The Veterans and Affordable Housing Bond Act of 2026
2. Resolution to Oppose Proposition 43, Limits Voter's Ability to Raise Revenues for Local Government Services
Vote: All Ayes.

Required Verbal Disclosure:
Pursuant to state law the Council is verbally disclosing the action on public agency executive salaries – the Council will vote to adopt a Resolution confirming the appointment of Mary Opler as Director of Police Accountability and approving an employment agreement effective October 5, 2026, at an annual salary of $230,000.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 22 speakers.

Action: M/S/C (Taplin/Tregub) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Consent Calendar

Urgency Item: Resolution in Support of Prop 1, The Veterans and Affordable Housing Bond Act of 2026
From: Mayor Adena Ishii (Author), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: The Berkeley City Council adopt a resolution supporting The Veterans and Affordable Housing Bond Act of 2026, which authorizes $11.25 billion in state general obligation bonds to fund several housing affordability programs.
Financial Implications: None.
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Adopted Resolution No. 72,435–N.S.

Urgency Item: Resolution to Oppose Proposition 43, Limits Voter's Ability to Raise Revenues for Local Government Services
From: Mayor Adena Ishii (Author), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Berkeley City Council adopt a resolution opposing Proposition 43, a constitutional amendment on the November 2026 statewide ballot to limit voter's ability to raise revenues for local government services.
Financial Implications: None.
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Adopted Resolution No. 72,436–N.S.

Recess Items

1. **Increase Spending Authority to Create Purchase Orders Against Contract No. 31900270: Dell Computers, Inc. for Continued Hardware, Software, and Related Services**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to increase spending authority for purchase orders to Contract No. 31900270 with Dell Computers, Inc. for the purchase of hardware, software, and related services utilizing the County of Riverside Agreement 8084445, for an additional $2,900,000 for a total not-to-exceed amount of $11,097,733 for the period of November 1, 2019, through October 31, 2027.
   Financial Implications: See report
   Contact: Kevin Fong, Information Technology, (510) 981-6500
   Action: Adopted Resolution No. 72,437–N.S.

2. **Contract No. 32600016 Amendment: Team Ghilotti South Cove West Lot Repaving Project**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during the City Council recess authorizing the City Manager to execute an amendment to Contract No. 32600016 with Team Ghilotti for the South Cove West Parking Lot Project, increasing the amount by $335,740 for an amended total amount not to exceed $2,220,381.
   Financial Implications: See report
   Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
   Action: Adopted Resolution No. 72,438–N.S.

3. **Increased Spending Authority: East Bay Regional Communications System Authority Project Operating Agreement (Contract No. 31900111) for Public Safety Radio Services**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager to increase the spending authority with the East Bay Regional Communications System Authority for public safety radio communications services, increasing the amount by $2,600,000 for a total not to exceed of $6,819,482 and requiring Council reauthorization by December 31, 2031.
   Financial Implications: See report
   Contact: Jaime Parks, Public Works, (510) 981-6300
   Action: Adopted Resolution No. 72,439–N.S.

Consent Calendar

4. Loan Administration Board Dissolution; Repealing BMC Chapter 3.72
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,032-N.S. repealing Berkeley Municipal Code Chapter 3.72. Loan Administration Board enabling legislation, thereby dissolving the Loan Administration Board.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted second reading of Ordinance No. 8,032–N.S.

5. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of July 6, 2026 (closed), July 7, 2026 (regular), July 14, 2026 (special and regular), July 20, 2026 (closed), July 24, 2026 (closed), and July 28, 2026 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 29, 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: $17,585,000 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

7. Adopt Resolution Approving Publicly Available Pay Schedule
From: City Manager
Recommendation: Adopt a Resolution approving a publicly available pay schedule effective September 15, 2026, pursuant to the Public Employee's Retirement Law (PERL), Public Employees' Pension Reform Act of 2013 (PEPRA), and Title 2 of the California Code of Regulations (CCR).
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,440–N.S.

Consent Calendar

8. Appointment of Director of Police Accountability
From: City Manager
Recommendation: Adopt a Resolution approving the appointment of Mary Opler as Director of Police Accountability and approving an employment agreement effective October 5, 2026, at an annual salary of $230,000.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,441–N.S.

9. Contract: Agile Occupational Medicine for Occupational Health Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Agile Occupational Medicine for Employee Occupational Health Services for the period of January 1, 2027 through June 30, 2030 for a total not to exceed of $150,000.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,442–N.S.

10. Contract No. 32100138 Amendment: AnchorCM for On-call Waterfront Project and Construction Management Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100138 for AnchorCM, for on-call Waterfront project and construction management services, increasing the contract amount by $1,000,000 for a total Not-to-exceed amount of $3,000,000 and duration by twelve months, from December 31, 2026 to December 31, 2027.
Financial Implications: $3,000,000 - Various Funds
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,443–N.S.

11. Contract No. 32400043 Amendment: Elavon, Inc. for Online Credit Card Processing Services for Recreation Programs and Facilities
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to contract 32400043 with Elavon, Inc. for online credit card processing services for Recreation programs and facilities by $125,000 for a new not-to-exceed amount of $485,000.
Financial Implications: $485,000 - Various Funds
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,444–N.S.

Consent Calendar

12. Donation: Memorial Bench at the Berkeley Waterfront in Memory of Mike Parker
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Waterfront in memory of Mike Parker.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,445–N.S.

13. Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule
From: City Manager
Recommendation: Adopt the first reading of an Ordinance amending Berkeley Municipal Code Chapter 2.99 to require enforceable violation, sanction, and termination provisions in agreements with surveillance technology vendors; to change the annual Surveillance Technology Report to a calendar-year reporting period due to the City Council at the first regular meeting in March, beginning with a report in March 2027 covering October 1, 2025 through December 31, 2026; and to conform references to the Police Accountability Board.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted first reading of Ordinance No. 8,033–N.S. revised to amend Section 4 of the ordinance to read as follows:

2.99.070 Oversight Following City Council Approval.
The City Manager must submit to the Council Action Calendar a written Surveillance Technology Report, covering all of the City's Surveillance Technologies, annually at the first regular Council meeting in March. Each Surveillance Technology Report shall cover the preceding calendar year, January 1 through December 31.
The first March Surveillance Technology Report submitted following the effective date of the ordinance amending this Section shall be submitted at the first regular Council meeting in March 2028 and shall cover the period from October 1, 2026 through December 31, 2027, so that no period is omitted from annual reporting as a result of the transition to a calendar-year reporting period.
After review of the Surveillance Technology Report, Council may make modifications to Surveillance Use Policies.

Second reading scheduled for October 13, 2026.

Consent Calendar

14. Contract No. 31900143 Resolution Amendment: Passport Labs Incorporated for Parking Citation and Permit Management System (CPMS)
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 72,068-N.S., to clarify the total contract authority required to execute and operationalize the contract with Passport Labs Inc. for a Parking Citation and Permit Management System. The amendment reflects a total contract authority of $9.3 million for the initial three-year term, from September 1, 2026 through August 31, 2029, with the option to extend the contract for two additional one-year periods, provided that the final extension shall end no later than August 31, 2031.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,446–N.S.

15. Contract No. 32400003 Amendment: Cooke & Associates Background Investigations
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke & Associates, a background investigation services provider for public safety personnel, to increase the contract amount by $350,000 to a total contract of $930,000 expiring on July 31, 2028.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,447–N.S.

16. Grant: Fiscal Year 2027 Alcohol Policing Partnership (APP) Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, to execute a grant contract and any subsequent amendments with the Alcoholic Beverage Control (ABC) in the amount of $97,330 for fiscal year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,448–N.S.

17. Revenue Grant: Cannabis Tax Fund Grant Program (CTFGP) Acceptance
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or their designee, to accept the Cannabis Tax Fund Grant Program (CTFGP) and execute any resultant revenue agreements and amendments with the California Highway Patrol. The total grant amount is $90,629.70 for the period of July 1, 2026, through June 30, 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,449–N.S.

Consent Calendar

18. Alameda County Transportation Commission Comprehensive Investment Program 2028 and One Bay Area Grant 4 Applications
From: City Manager
Recommendation: Adopt Resolutions of local support for Alameda County Transportation Commission Comprehensive Investment Program (CIP) 2028 and One Bay Area Grant (OBAG) 4 grant applications submitted on July 27, 2026, for the Sacramento Crossings Improvement Project and the North and West Berkeley Safe Routes to Schools Project; accept the funds; and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,450–N.S. (Local Support), Resolution No. 72,451–N.S. (Sacramento Crossings), Resolution No. 72,452–N.S. (Safe Routes to Schools).

19. Contract No. 32600193 Amendment: Bay Construction Co. for Transfer Station Aboveground Storage Tank Specification No. 25-11733-C
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32600193 with Bay Construction Co. for the Transfer Station Aboveground Storage Tank Project, increasing the contract amount by $110,964.00 for a revised total amount not to exceed $765,600.00, for the contract term beginning June 23, 2026, through December 30, 2026.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,453–N.S.

20. Contract: IDAX Traffic Data, LLC for On-call Traffic Survey Consulting Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with IDAX Traffic Data, LLC, for on-call traffic survey consulting services for an initial three-year period in the amount not to exceed $240,000, with an option of up to two, one-year extensions.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,454–N.S.

Consent Calendar

21. Contract: One Workplace Construction LLC dba Vantis for 1947 Center St. Window Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specification for 1947 Center St. Window Replacement Project (Specification No. 26-11762-C); and 2. Accepting the bid of One Workplace Construction LLC dba Vantis as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount Not To Exceed (NTE) $1,764,620.00, including a contingency of $294,100.00, for the term of November 1, 2026, to September 31, 2031.
Financial Implications: $1,764,600.00 - Various Funds
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Item 21 removed from the agenda by the City Manager.

22. Contract: Shaw Integrated and Turf solutions, Inc., for Civic Center Building, Fourth Floor @ IT Department Carpet Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the California Multiple Award Schedule (CMAS) bid procedures; 2. Approving the CMAS Contract with Shaw Integrated and Turf Solutions, Inc. for Carpet Replacements at the Civic Center Building; and, 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Integrated and Turf Solutions, Inc. in an amount not to exceed $90,542, which includes a contingency of $11,810.
Financial Implications: $90,542 - Capital Improvement Fund
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,455–N.S.

23. Expenditure Contract: AMCS GROUP, INC. for Online Refuse Payment Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with AMCS GROUP, Inc. for AMCS Pay, which provides online refuse payment services, in an amount not to exceed $500,000 for the term of October 1, 2026, to October 1, 2031.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,456–N.S.

Consent Calendar

24. Grant Acceptance: Alameda CTC TFCA Adeline Quick Build
From: City Manager
Recommendation: Adopt a Resolution accepting $1,000,000 of Transportation Fund for Clean Air (TFCA) funds from the Alameda County Transportation Commission (CTC) for the Adeline Quick Build Project and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,457–N.S.

25. Purchase Order: Braun Northwest, Inc. for One 2027 Ford F-450 North Star Ambulance Body Remount to a New Chassis
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Braun Northwest, Inc. for one 2027 Ford F-450 North Star ambulance remount to a new chassis in an amount not to exceed $260,000.
Financial Implications: $260,000 - Public Works Department Equipment Fund
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,458–N.S.

Council Consent Items

26. Referral to the City Manager to Develop An Updated Cross Departmental Program Plan and Strategic Asset Management Plan Per the Realize Vision 2050 Plan to Address the City's Long-term Infrastructure Needs and Maintenance Schedule and Provide Semi-Annual Progress Reports to City Council
From: Mayor Ishii (Author), Councilmember Taplin (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Refer to the City Manager to develop an updated cross-departmental Program Plan and Strategic Asset Management Plan as set forth in the Realize Vision 2050 Plan to address the City's long-term infrastructure needs and maintenance schedule, and provide semi-annual progress reports to City Council.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

27. Cal Sailing Club's Final 2026 Open House: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $1,000 per Councilmember, including $1,000 from Councilmember Taplin, to support Cal Sailing Club's Final 2026 Open House in October.
Financial Implications: Councilmember's Discretionary Funds - $1,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Tregub added as a co-sponsor. Adopted Resolution No. 72,459–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Tregub - $100; Councilmember Humbert - $250; Councilmember O'Keefe - $100; Councilmember Kesarwani - $100; Councilmember Bartlett - $200; Councilmember Lunaparra - $500.

28. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Support the Restoration of "Sinbad Voyage"
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution approving an expenditure of an amount not to exceed $1,000 per Councilmember from the D13 Discretionary Accounts of members of the Berkeley City Council, including contributions of $500 from Councilmember Igor Tregub, $250 from Councilmember Terry Taplin, $100 from Mayor Ishii, and $100 from Councilmember Ben Bartlett, and inviting all Councilmembers to contribute to support the restoration of Mokhtar Paki's "Sinbad Voyage" mural.
Financial Implications: Councilmembers' Discretionary Funds - $1,000
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 72,460–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Humbert - $1,000; Councilmember O'Keefe - $500; Councilmember Kesarwani - $100; Councilmember Bartlett - $200; Councilmember Lunaparra - $500.

29. Honoring Childhood Cancer Awareness Month
From: Councilmember Blackaby (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution honoring September as childhood cancer awareness month.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 72,461–N.S.

Council Consent Items

30. United Against Hate Week 2026 Resolution
From: Councilmember Blackaby (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution declaring October 18 – 24 as United Against Hate Week in Berkeley**.**
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 72,462–N.S.

31. Music in the Elmwood Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Humbert (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $14,000 per Councilmember including $14,000 from Councilmember Humbert to the Elmwood Business Association for the Music in the Elmwood Festival in the years 2027 and 2028, with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Humbert and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - $14,000
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Correction to reflect that the item is from Councilmember Humbert (Author). Mayor Ishii added as a co-sponsor. Adopted Resolution No. 72,463–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Tregub - $100; Councilmember O'Keefe - $100; Councilmember Kesarwani - $100; Councilmember Bartlett - $200.

32. Reaffirmation of the Sister City Relationship Between the City of Berkeley and the City of Palma Soriano, Cuba
From: Councilmember Humbert (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution reaffirming the long-standing Sister City relationship between the City of Berkeley and the City of Palma Soriano, Cuba, and reauthorizing the Berkeley–Palma Soriano Sister City Committee to resume work on clean water, environmental, cultural, and educational projects in partnership with the Palma Soriano community, at no direct or indirect cost to the City of Berkeley.
Financial Implications: None
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Adopted Resolution No. 72,464–N.S.

Action Calendar – Public Hearings

33. California Municipal Finance Authority Bond Financing for Ashby Lofts Project
From: City Manager
Recommendation: Conduct the public hearing on September 29, 2026, under the requirements of Tax and Equity Fiscal Responsibility Act ("TEFRA") and the Internal Revenue Code of 1986, as amended (the "Code"), and upon conclusion:
Adopt a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority ("CMFA") for the benefit of Ashby Lofts LP, a California limited partnership (the "Borrower"), to provide for the financing of Ashby Lofts (the "Project"). The adoption is intended to solely satisfy the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Public Testimony: The Mayor opened the public hearing. 2 speakers.
M/S/C (Taplin/Blackaby) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Bartlett/Tregub) to adopt Resolution No. 72,465–N.S.
Vote: All Ayes.

34. Adoption of San Pablo Avenue Specific Plan
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion:
1. Adopt a Resolution: a. Considering an Addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR) together with the previously certified EIR and finding that none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent or supplemental EIR have occurred; b. Adopting the San Pablo Avenue Specific Plan and San Pablo Avenue Specific Plan Design Standards Document; c. Approving and adopting General Plan and University Avenue Strategic Plan map and text amendments to redesignate certain parcels and update certain land use designations to be consistent with the San Pablo Avenue Specific Plan; and d. Rescinding the West Berkeley Plan and San Pablo Avenue Public Improvements Plan; and
2. Adopt the first reading of an Ordinance to amend the Berkeley Municipal Code to create the San Pablo Commercial District (Chapter 23.202.160) and additional conforming amendments to other sections of the Municipal Code.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 53 speakers.
M/S/C (Taplin/Kesarwani) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Blackaby/Kesarwani) to suspend the rules and extend the Council meeting to 11:30 p.m.
Vote: All Ayes.

Action Calendar – Public Hearings

Action: M/S/Failed (Blackaby/O'Keefe) to:
1. Adopt a Resolution as revised in Supplemental Communications Packet #1 by the City Manager.
2. Adopt the first reading of an Ordinance as revised in the Supplemental Communications Packet #1 by the City Manager and further revised as follows:

- In Section 9 of the ordinance, amend Table 23.204-45: C-SP Development Standards to amend the Main Building Height Maximum to 55 ft. and 4 stories for non-residential project land use and 55 ft. and 5 stories for residential only or mixed-use project land use.
- Add a Minimum Density Standard of 100 Dwellings Units Per Acre (dua) and amend all references to 145 dua in the Supplemental packet to 100 dua.
- In Section 9 of the ordinance, amend the language in 23.204.160(D)(3)(c); related to Prohibited Uses on the Ground Floor to change "Prohibited Uses" to "Residential Uses."
- In Section 16 of the ordinance, amend 23.206.080(B)(6) to read as follows:
  6. Affordable and Family Housing Opportunity Areas. To increase affordable housing production and expand the supply of family-sized units, the MU-LI district shall include an Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1. Multi-unit and mixed-use residential uses shall be allowed within the Affordable and Family Housing Opportunity Area with a UP(PH), provided that the development project either:
  a) Offers 100 percent of the residential units, excluding any manager's unit, at a rent that is affordable to households earning no more than 120 percent of the Area Median Income (AMI) with at least 50 percent earning no more than 80 percent AMI; or
  b) Provides at least 35 percent of the residential units as either two- or three-bedroom units.

3. Refer to the City Manager consideration of the application, within the context of the San Pablo Area Specific Plan, San Pablo Avenue Specific Plan Design Standards Document, and/or any associated documents, as applicable, of commercial anti-displacement provisions being considered as part of the Commercial Zoning Update and provisions of the RENAISSANCE 1 and RENAISSANCE 2 referrals previously adopted by the Berkeley City Council.
These could include, but not be limited to, the evaluation of a business license tax waiver for businesses displaced by developmental projects; establishment of marketing and promotional programs to boost activity to impacted businesses, facilitated by the Office of Economic Development and community partners; facilitation of meetings between construction project managers and impacted nearby businesses to identify potential accommodations; creation of development standards that include the warm-shelling of new commercial spaces; and identification of additional mitigation measures or policy changes/waivers to support business continuity and relocation.
Vote: Ayes – O'Keefe, Blackaby; Noes – Kesarwani, Taplin, Bartlett, Tregub, Lunaparra, Humbert, Ishii; Abstain – None; Absent – None.

Action Calendar – Public Hearings

Action: M/S/Carried (Kesarwani/Taplin) to:
1. Adopt Resolution No. 72,466–N.S. as revised in Supplemental Communications Packet #1 by the City Manager.
2. Adopt the first reading of Ordinance No. 8,034–N.S. as revised in the Supplemental Communications Packet #1 by the City Manager and further revised as follows:

- In Section 9 of the ordinance, amend Table 23.204-45: C-SP Development Standards to amend the Main Building Height Maximum to 75 ft. and 5 stories for non-residential project land use.
- Add a Minimum Density Standard of 100 Dwellings Units Per Acre (dua) and amend all references to 145 dua in the Supplemental packet to 100 dua.
- In Section 9 of the ordinance amend the language in 23.204.160(D)(3)(c); related to Prohibited Uses on the Ground Floor to change "Prohibited Uses" to "Residential Uses."
- In Section 16 of the ordinance, amend 23.206.080(B)(6) to read as follows:
  6. Affordable and Family Housing Opportunity Areas. To increase affordable housing production and expand the supply of family-sized units, the MU-LI district shall include an Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1. Multi-unit and mixed-use residential uses shall be allowed within the Affordable and Family Housing Opportunity Area with a UP(PH), provided that the development project either:
  a) Offers 100 percent of the residential units, excluding any manager's unit, at a rent that is affordable to households earning no more than 120 percent of the Area Median Income (AMI) with at least 50 percent earning no more than 80 percent AMI; or
  b) Provides at least 35 percent of the residential units as either two- or three-bedroom units.

Second reading scheduled for October 13, 2026.
3. Refer to the City Manager consideration of the application, within the context of the San Pablo Area Specific Plan, San Pablo Avenue Specific Plan Design Standards Document, and/or any associated documents, as applicable, of commercial anti-displacement provisions being considered as part of the Commercial Zoning Update and provisions of the RENAISSANCE 1 and RENAISSANCE 2 referrals previously adopted by the Berkeley City Council.
These could include, but not be limited to, the evaluation of a business license tax waiver for businesses displaced by developmental projects; establishment of marketing and promotional programs to boost activity to impacted businesses, facilitated by the Office of Economic Development and community partners; facilitation of meetings between construction project managers and impacted nearby businesses to identify potential accommodations; creation of development standards that include the warm-shelling of new commercial spaces; and identification of additional mitigation measures or policy changes/waivers to support business continuity and relocation.
Vote: All Ayes.

Action Calendar – New Business

35. Affordable Housing Preference Policy: Pilot Assessment and Policy Update
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 70,960-N.S. to revise and update the Affordable Housing Preference Policy for new residential housing units created via the Housing Trust Fund (HTF) and Below Market-Rate (BMR) programs.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: M/S/C (Taplin/Barlett) to continue the item to the October 13, 2026 City Council meeting.
Vote: All Ayes.

36. Surveillance Technology Ordinance Submission for Mutual Aid Air Support, Pursuant to Council Action of July 14, 2026
From: City Manager
Recommendation: Adopt a Resolution to accept the Surveillance Acquisition Report and approve the Surveillance Use Policy (BPD Policy 1308) for Mutual Aid Air Support, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to Consent Calendar. Adopted Resolution No. 72,467–N.S. and directed the City Manager to insert the Surveillance Technology Ordinance language regarding audits into the Surveillance Use Policy (BPD Policy 1308) for Mutual Aid Air Support.

Information Reports

37. Restaurant Inspection Audit Status Report
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Received and filed.

38. Update: HR Response: Audit Recommendations for Comprehensive Domestic Violence Policy to Support City Employees
From: City Manager:
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Received and filed.

39. Response to City Council's Motion Regarding Refinements to the Telegraph Multimodal Corridor Project Design Approved at the October 28, 2025 Meeting of the Berkeley City Council
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Received and filed.

Information Reports

40. Planning Commission Fiscal Year 2026-27 Work Plan
From: Planning Commission
Contact: Alisa Shen, Commission Secretary, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 4 speakers.

Adjournment

Action: M/S/C (Taplin/Kesarwani) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:15 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of September 29, 2026 as approved by the Berkeley City Council.

_____
Rose Thomsen, Deputy City Clerk

Communications

9th and Camelia/4th and Camelia
1. Jimena Jimenez
2. Rebecca Ramirez
3. Chia Zau
4. Michele Turnerhill
5. Crystal Turnerhill-Dawkins (3)
6. Lisa Brown (2)
7. Jorge Lopez
8. Nikhila Pai (2)
9. Stephanie Chang (2)
10. Josh Jacobs
11. Or Dobrin
12. Louis Basel
13. Daniel Isaacson
14. Jacob Couture (3)
15. CC Miksza (2)
16. Kevin Hughes
17. Gunnar Madsen
18. Kendra Hypolite
19. Fitzann Reid
20. Leah Cabugos-Mendez
21. Lauren Kaneko-Jones
22. Tatiana Davis

23. Michelle Wolfson (2)
24. Oliver Davis
25. Paul Gundelfinger
26. Tong Li
27. Araxi Gundelfinger
28. Robyn Papathakis Shannon
29. Daniel Gerber
30. Maddie Goldman-Rogers

Encampments
31. Adelaide Jenkins
32. Meryl Siegal
33. Barbara Fisher

1820 University Ave
34. Nathaniel Goldstein

Berkeley Tax Measures
35. Bob Brewer

Ashby BART
36. Mickey Butts
37. Elaine Magree

Safety Lights for Berkeley Crew
38. Matthew Smith

Request
39. Diana Bohn

Discarded Bicycles
40. Sas Colby

Gravel Parking Systems at Spinnaker Way
41. Todd Jersey (2)

3050 College Ave
42. Kamal Azari

Class Cancellations and Refund Request
43. Alyssa Cauble May

Parking Meters
44. Jenny Josephian

Flock Concerns
45. Betsy Bigelow-Teller
46. Janice Schroeder (2)

47. Summer Brenner
48. Jacqui VanLiew

Updates from Berkeley Speaks
49. Boona Cheema

Cigarette-Filter Waste Concern
50. David Neese

2012 Channing Way
51. Tim Donnelly
52. Grace Smith

Berkeley Tuolumne Family Camp
53. Claire Patterson and Lamont Rodriguez

Smoke Advisory
54. Dorothea Dorenz

Hayden Act Concern
55. Francesca Agrusa

Berkeley Indigenous People's Day
56. John Curl

Meeting Request
57. Yasir Rizvi

Marina Ave Stop Sign and Safety
58. Kenny Yu

Aquatic Park Wetlands Letter
59. Susan Schwartz

Caltrans Truck Access Study Findings
60. The NoBigRiggs580 Committee

Insight Housing Concern
61. Jlucus916

Hopkins
62. Robert Kehlmann
63. Donna DeDiemar

Ceremonial Matters Request
64. Leslie Maxie

South Cove Parking Fee
65. Paul Kamen

Marina Concerns
66. Rachel Bradley

College Ave and Derby St. Concerns
67. Eidit Choochage

Late Penalty Concern
68. Summerlea Kashar

Chancellor's Grant Listening Study
69. Nageene Mosaed

Coalition Next Steps
70. Carol Denney

Zoning/Upzoning
71. Warren and Lorna Byrne
72. Debra Busta Moore (2)
73. Olivia Grimes (2)

Urban Gardens
74. Steven Hesh

Documentary
75. Joel Ng

Dorothy Day House Concern
76. Blaire Wally

Comment Concern
77. Stephen Alpert

Proclamation Request
78. Arya Devanath

Infrastructure Bond
79. Judy Ziajka

URLs
80. Russbumper (3)
81. Sam Holtzman

E-Scooters
82. Robert Borghese (7)
83. Antonio Vargas
84. Deven Mitchell (2)

85. Carson Lepre (3)

Forwards
86. Eid Abdallah (12)
87. Russbumper (2)

Supplemental Communications and Reports 1

Item #26: Referral to the City Manager to Develop An Updated Cross Departmental Program Plan and Strategic Asset Management Plan Per the Realize Vision 2050 Plan to Address the City's Long-term Infrastructure Needs and Maintenance Schedule and Provide Semi-Annual Progress Reports to City Council
88. Ray Yep, Larry Henry, and Margo Schueler
89. Terry Taplin

Item #34: Adoption of San Pablo Avenue Specific Plan
90. Supplemental agenda material submitted by the Planning and Development Department
91. Virginia Browning
92. Meryl Siegal
93. Dietmar Lorenz
94. Cameron Woo
95. Ellen Franzen
96. Maggie Tenenbaum
97. Toni Mester
98. Todd Jersey
99. Phil Allen
100. Matt O'Brien
101. Douglas Smith
102. Donna DeDiemar
103. Bernard Marszalek
104. Berkeley Neighborhoods Council
105. Tammy Stellanova
106. Claudia Kawczynska
107. Anandamayi Arnold
108. Carol Franger
109. Daniel Ng
110. Robert Baldwin
111. Rob Wrenn
112. Aimee Baldwin

Item #36: Surveillance Technology Ordinance Submission for Mutual Aid Air Support, Pursuant to Council Action of July 14, 2026
113. Supplemental agenda material submitted by the Police Accountability Board
114. Office of the Director of Police Accountability

Supplemental Communications and Reports 2

Item #13: Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule

115. Sam Holtzman
116. Kat Vidt
117. Olive Demar
118. Karina Epperlein
119. Summer Brenner
120. Peter Deibler
121. Kelly Hammargren
122. Kate Rassbach
123. 64 Similarly worded form letters

Item #23: Expenditure Contract: AMCS GROUP, INC. for Online Refuse Payment Services

124. Surako Butler

Item #26: Referral to the City Manager to Develop An Updated Cross Departmental Program Plan and Strategic Asset Management Plan Per the Realize Vision 2050 Plan to Address the City's Long-term Infrastructure Needs and Maintenance Schedule and Provide Semi-Annual Progress Reports to City Council

125. Ray Yep
126. Build a Better Berkeley

Item #34: Adoption of San Pablo Avenue Specific Plan

127. Charlene M. Woodcock
128. Toni Mester
129. John J. Parman
130. Molly Miller
131. Carol Denney
132. Julie Flynn
133. Pablo Diaz-Gutierrez
134. Sarah Bell
135. Noah Brod
136. Clifford Fred
137. Anandamayi Arnold
138. Rachel Bradley
139. Nancy Rader
140. Robert Prinz
141. Mark Petrofsky
142. Sarah Bell on behalf of the Housing Action Coalition, East Bay Yimby, and Berkeley Neighbors for Housing and Climate Action
143. Michael Apte
144. Moni Gangopadhyay
145. Heike Helmer
146. Kelly Hammargren
147. 89 Similarly worded form letters

Supplemental Communications and Reports 3

Urgency Item: Resolution in Support of Prop 1, The Veterans and Affordable Housing Bond Act of 2026

148. Submitted by Mayor Adena Ishii

Urgency Item: Resolution to Oppose Proposition 43, Limits Voter's Ability to Raise Revenues for Local Government Services

149. Submitted by Mayor Adena Ishii

Consent Calendar

Item #13: Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule

150. Andrew McDiarmid
151. 9 Similarly worded form letters

Item #16: Grant: Fiscal Year 2027 Alcohol Policing Partnership (APP) Grant

152. Taj Herzer-Baptiste

Action Calendar

Item #34: Adoption of San Pablo Avenue Specific Plan

153. Presentation submitted by the Planning and Development Department
154. Aimee Baldwin
155. Toni Mester
156. Camden Stein
157. Elana Auerbach
158. Meryl Siegal
159. Michael Safyan
160. John J. Parman
161. Bruce H. Feingold
162. Libby Lee-Egan
163. 6 Similarly worded form letters

Item #35: Affordable Housing Preference Policy: Pilot Assessment and Policy Update

164. Sophia DeWitt

Miscellaneous

165. Berkeley Behavioral Health Commission

Attachment 6

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, OCTOBER 5, 2026

3:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

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: 165 144 4518**. 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.*

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: 3:05 p.m.

Present: O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Taplin, Bartlett, Tregub

Councilmember Tregub present at 3:08 p.m.

Councilmember Taplin present at 3:12 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)**

    a. WCAB Matter –# ADJ16325968; ADJ16325945

    Action: M/S/C (Humbert/Blackaby) to settle both claims via a global Compromise and Release at a maximum of $325,000.00 less permanent disability advances.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9(d)(1):

    a. *San Francisco Baykeeper, Inc. v. City of Berkeley and Community Conservation Centers, Inc.*, United States District Court, Northern District of California, Case No. 3:26-cv-02057 (filed March 10, 2026).

    Action: No action taken.

3. **CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

    Negotiators: Paul Buddenhagen, City Manager, David White, Deputy City Manager, Maricar Dupaya Budget Manager, Janelle Rodrigues, Human Resources Director, Monica Walker, Human Resources Manager; David Coleman, Employee Relations Manager

    Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Chief Fire Officers Association Local 1227 I.A.F.F., Berkeley Fire EMS Professionals Association, Berkeley Police Association; SEIU 1021 Community Services and Part-Time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, IBEW Local 1245, Public Employee Union Local 1, Unrepresented Employees

    Action: No action taken.

4. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.**

    a. Number of potential cases: one.

    Action: M/S/C (Tregub/Humbert) to authorize the City Attorney's Office to authorize the initiation of litigation.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Govt. Code § 54956.9(d)(1).**

    a. De la Rosa v. City of Berkeley, Alameda County Superior Court Case No. 25CV120480

    Action: No reportable action taken.

6. **CONFERENCE WITH LEGAL COUNSEL—– EXISTING LITIGATION pursuant to Govt. Code § 54956.9(d)(1).**

    a. King County et al. v. Turner et al., 2:25-cv-00814-BJR (W.D. Wash.)

    Action: M/S/C (Humbert/Tregub) to take further action in King County et al. v. Turner et al., 2:25-cv-00814-BJR (W.D. Wash.).
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Item 1: The City Council met in closed session on October 5, 2026, pursuant to Government Code section 54956.9(d), and approved settlement of a workers' compensation matter (Claim Nos. BER2100138 and BER2200086; WCAB Case Nos. ADJ16325968 and ADJ16325945) to be finalized through Stipulations with Request for Award followed by a Compromise and Release.

Item 4: The City Council met in closed session on October 5, 2026, pursuant to Government Code Section 54956.9(d) and voted to authorize the initiation of litigation. Consistent with Government Code section 54957.1(a)(2), the particulars shall be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or jeopardize the City's ability to conclude existing settlement negotiations to its advantage.

Item 6: The City Council met in closed session on October 5, 2026, pursuant to Govt. Code § 54956.9(d)(1) and voted to take further action in King County et al. v. Turner et al., 2:25-cv-00814-BJR (W.D. Wash.).

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.
Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 4:30 p.m.

I hereby certify that the forgoing is a true and correct record of the City Council closed session meeting held on October 5, 2026.

_____
Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City 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 Zoning Adjustments Board decision, 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.*

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/.

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, (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.

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, 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.

Attachment 7

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, October 13, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION – 2928 LINDEN AVENUE, BERKELEY, CA 94705

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

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

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Preliminary Matters

Roll Call: 6:06 p.m.

Present: Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Bartlett

Councilmember Bartlett present at 6:13 p.m.

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:

1. Recognition of Outgoing Director of Police Accountability Kathy Lee and Welcoming Remarks from Incoming Director Mary Opler
2. Presentation from BART Board Director Barnali Ghosh
3. Recognition of United Against Hate Week 2026
4. Recognition of Pregnancy and Infant Loss Awareness Month 2026

City Manager Comments: None

City Auditor Comments:

The City Auditor noted the significant progress on the recommendations in the Homeless Response Team Audit Update.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions: 0 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 20 speakers.

Action: M/S/C (Taplin/Kesarwani) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

1. **Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule**
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 8,033-N.S. amending Berkeley Municipal Code Chapter 2.99 to require enforceable violation, sanction, and termination provisions in agreements with surveillance technology vendors; to change the annual Surveillance Technology Report to a calendar-year reporting period due to the City Council at the first regular meeting in March, beginning with a report in March 2028 covering October 1, 2026 through December 31, 2027; and to conform references to the Police Accountability Board.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted second reading of Ordinance No. 8,033–N.S.

2. **Adoption of San Pablo Avenue Specific Plan**
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 8,034-N.S. to amend the Berkeley Municipal Code to create the San Pablo Commercial District (Chapter 23.202.160) and additional conforming amendments to other sections of the Municipal Code.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 8,034–N.S.

3. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 13, 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: Measure BB Paratransit Fund - $2,240,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

4. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency for McKinley House – 2111 McKinley Avenue, Berkeley, CA 94703
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) for property management services at 2111 McKinley Avenue in Berkeley, updating the funding source designation from the Mental Health Services Act (MHSA) to the Behavioral Health Services Act (BHSA) and increasing the contract allocation by $104,474 to a total amount not to exceed $1,015,607.
Financial Implications: Behavioral Health Services Act Fund - $104,474
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,468–N.S.

5. Cost-Neutral Berkeley Chief Fire Officers Association (BCFOA) Medical Expense Reimbursement Plan (MERP) Side Letter Agreement
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute the Side Letter Agreement between the City of Berkeley and the Berkeley Chief Fire Officers Association (BCFOA) concerning the disposition of eligible unused sick leave conversion value for employees hired before June 30, 2014, and to authorize immediate implementation of the agreement pending Council ratification.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,469–N.S.

6. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. Website Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed $115,000 over two years, and a total contract value not-to-exceed $909,300 from March 1, 2019 to June 30, 2028. The City intends to conduct an RFP at the end of FY2027 to establish a new contract by July 1, 2028.
Financial Implications: IT Cost Allocation Fund - $115,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 72,470–N.S.

Consent Calendar

7. Contract No. 32000008 (11012) Amendment: Granicus, Inc. for Video Streaming Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000008 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by $72,200 for a total not-to-exceed amount of $395,146 from July 1, 2017 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - $72,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 72,471–N.S.

8. Contract: Protiviti Government Services Inc ("Protiviti"): Using General Services Administration ("GSA") Vehicle for Professional Services Purchase Orders
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X for an amount not to exceed $425,000 through June 30, 2027
Financial Implications: IT Cost Allocation Fund - $425,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 72,472–N.S.

9. Contract No. 32600093 Amendment: Paymun Building and Development, Inc. for Berkeley Marina K-Dock Restroom Renovation Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32600093 with Paymun Building and Development, Inc. for the Berkeley Marina K-Dock Restroom Renovation Project, increasing the amount by $11,000 for an amended total amount not to exceed $451,000.
Financial Implications: Marina Fund - $11,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,473–N.S.

Council Consent Items

10. BORP Adaptive Sports and Recreation's 50th Anniversary Celebration: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed $1,000 per councilmember, including $1,000 from Councilmember Terry Taplin, $100 from Mayor Adena Ishii, and $150 from Councilmember Igor Tregub, to support BORP Adaptive Sports and Recreation's 50th Anniversary Celebration.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 72,474–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Bartlett - $250; Councilmember Kesarwani - $100; Councilmember Humbert - $150; Councilmember O'Keefe - $100; Councilmember Lunaparra - $150.

11. Creations Berkeley - Creations Dance Group Road to Hollywood Nov 27th through Nov 30th 2026 / Hip Hop Hollywood Dance Tour - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember, including $250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026. The funds will be allocated to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 72,475–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Tregub - $150; Councilmember Kesarwani - $100; Councilmember Humbert - $100; Councilmember O'Keefe - $100; Councilmember Lunaparra - $150; Mayor Ishii - $100.

Council Consent Items

12. Resolution in Support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, General Election Ballot
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a resolution in support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, general election ballot, which would repeal the existing prohibition on public funding of candidate election campaigns and allow state and local governments to establish public campaign financing systems subject to specified requirements.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 72,476–N.S.

Action Calendar – Public Hearings

13. Revisions to the Approved Environmental Health Fee Schedule
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution: 1. Approving revisions to the fee schedule for the Environmental Health Division (EHD) effective October 13, 2026, and, 2. Rescinding Resolution No. 72,308 N.S. effective October 13, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Public Testimony: The Mayor opened the public hearing. 1 speaker.
M/S/C (Blackaby/Tregub) to close the public hearing.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action: M/S/C (Blackaby/Lunaparra) to adopt Resolution No. 72,477–N.S. approving revisions to the fee schedule for the Environmental Health Division (EHD) effective October 13, 2026, and rescinding Resolution No. 72,308 N.S.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action Calendar – Public Hearings

14. Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 7 speakers.
M/S/C (Tregub/Lunaparra) to close the public hearing.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action: M/S/C (Tregub/O'Keefe) to adopt the first reading of Ordinance No. 8,035–N.S. amending Berkeley Municipal Code (BMC) Section 23.304.100. Second reading scheduled for October 27, 2026.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action Calendar – Old Business

15. Affordable Housing Preference Policy: Pilot Assessment and Policy Update
(Continued from September 29, 2026)
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 70,960-N.S. to revise and update the Affordable Housing Preference Policy for new residential housing units created via the Housing Trust Fund (HTF) and Below Market-Rate (BMR) programs.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: 10 speakers. M/S/C (Lunaparra/Bartlett) to adopt Resolution No. 72,478–N.S. to revise and update the Affordable Housing Preference Policy.
Vote: All Ayes.

Action Calendar – New Business

16. Establish 2027 City Council Meeting Schedule
From: City Manager
Recommendation: Review the proposed modifications to the meeting schedule, including options for a shift in the timing of the summer recess, and adopt a Resolution establishing the City Council regular meeting schedule for calendar year 2027, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 2 speakers. M/S/C (Humbert/O'Keefe) to adopt Resolution No. 72,479–N.S. revised to remove the August 31, 2027 regular meeting.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Information Reports

17. Homeless Response Team Audit Status Report
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Received and filed.

18. Inclusionary Housing Program Annual Report for Fiscal Year 2026
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Moved to Action Calendar for discussion. Consideration of Items 18, 19, and 20 taken up jointly. 3 speakers.

19. Measure O Impacts on Affordable Housing Development in Berkeley
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Moved to Action Calendar for discussion.

20. Condominium Conversion Program Annual Report for Fiscal Year 2026
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Moved to Action Calendar for discussion.

21. Landmark Preservation Ordinance Notice of Decision: 701 University Avenue / #LMSAP2026-0007
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 7 speakers.

Adjournment

Action: M/S/C (Blackaby/Humbert) to adjourn the meeting.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Adjourned at 10:21 p.m.

I hereby certify that the forgoing is a true and correct record of the City Council regular meeting held on October 13, 2026.

_____
Mark Numainville, City Clerk

Communications

Zoning/Upzoning
1. Heather Siglin
2. Barbara Gilbert
3. Madan Kumar (2)
4. Pamela & Mark

4th/9th and Camelia
5. Crystal Turnerhill (2)
6. Peter Radu
7. Stephanie Chang (4)
8. Cheryl Brewster
9. Maria Chairez
10. Nikhila Pai
11. Theresa Thornton
12. Nancy Priewe
13. Jaime Perkins
14. Elisa Pace
15. Betty Feliciano
16. Steve Tornallyay

2128 Oxford St.
17. Steven Schuyler

FLOCK/ALPRs
18. Kate Rassbach (2)
19. Sam Holtzman
20. Chris Gilbert
21. Peter Diebler
22. Peter Metcalf

Use of Services Concern
23. Mimi

Road Obstruction Concern
24. CC Miksza

Measure Z
25. Affordable Berkeley

Junk Pick-Up
26. Patrice Ignelzi

Inclusion on Consequential Decisions
27. Vanessa Vega
28. Beatriz Leyva-Cutler

Claim Concerns
29. Erin Spencer

Product Sale Concern
30. Chck9988

Berkeley Rides for Seniors and Disabled
31. Loi Fischer

Vandalism Concern
32. K Noel

South Berkeley Search
33. Mary Behm-Steinberg on behalf of the Human Welfare and Community Action Commission

Parking Meter Concerns
34. Gillian Scharff

Public Hearing Notice Concern
35. Carol Denney

Class Cancellations and Refund Request
36. Alyssa Cauble May

Traffic Safety Concern
37. Kenny Yu

Ashby BART

38. Asmara Marek (2)
39. Julie Twichell
40. Eunice Lee

John Muir Campus Concerns
41. Lauren Wynveen
42. Deborah Russell
43. Nina Begus
44. Niloufar Abdollahi

Hopkins
45. Shirley Kirsten
46. Stephen Alpert (2)
47. Steve Tracy
48. Nicholas Adams

Milvia and Cedar Safety Concern
49. Nicole

Harrison St. and 8th St.
50. Frederick Hertz (3)
51. Marianne Riddle
52. Russbumper
53. Yesica Prado
54. Erin Spencer
55. Sarah Clegg
56. Barry Braden
57. Andrea Green

Mural Restoration
58. Summer Brenner

Restaurant Inspections
59. David Lerman (2)

Vulnerable Homeowners Referral
60. Darlene Bronson on behalf of the Commission on Aging

Encampments
61. Caroline Winnett
62. Ernie Sexton
63. Charlotte Banuelos
64. Lucia Hammond (2)
65. Peter Radu
66. John Waters
67. Jeff Cooksey

68. Marianne Riddle

Ferry Development
69. Elsa Tranter

Supplement Complaint
70. Francis Lee

Local Natural Grass Soccer Fields Concern
71. Ted Steen

Civil Rights Protections
72. Mathara

Commendation for Peter Radu
73. Adam Weisberg

Richmond Tiny Homes
74. Boona Cheema

Park Renaming
75. Virginia Browning (2)

Ongoing Safety Concern
76. Eden Winograd

Impact Fund
77. Moni Law

Zone Zero Regulations
78. Zohra Kalinkowitz

URLs
79. Russbumper

E-Scooters
80. Robert Borghese (5)
81. Carson Lepre (2)
82. Deven Mitchell

Forwards
83. Russbumper
84. Eid Abdallah (14)

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 2: Adoption of San Pablo Avenue Specific Plan

85. Kelly Hammagren (2)
86. Summer Brenner
87. Sally Nelson
88. Meryl Siegal

Supplemental Communications and Reports 3

Ceremonial Matters #2: Presentation from BART Board Director Barnali Ghosh

89. Barnali Ghosh
90. BART Safety & Security

Ceremonial Matters #3: Recognition of United Against Hate Week 2026

91. Unknown

Item #2: Adoption of San Pablo Avenue Specific Plan

92. Stephen Alpert (2)

Item #14: Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land

93. Presentation submitted by the Planning and Development Department
94. Brianna Morales on behalf of the Housing Action Coalition
95. Unknown

Item #15: Affordable Housing Preference Policy: Pilot Assessment and Policy Update *(Continued from September 29, 2026)*

96. Presentation submitted by Health, Housing, and Community Services Department

Miscellaneous

97. Unknown

Attachment 8

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, OCTOBER 19, 2026

3:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

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: 165 585 9561**. 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.*

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: 3:02 p.m.

Present: O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Taplin, Bartlett, Tregub

Councilmember Tregub present at 3:03 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)**

    a. WCAB Matter –# ADJ12548950

    Action: Staff present – Deputy City Manager David White, City Attorney Farimah Brown, Deputy City Attorney Lauren Packard, Outside Counsel Mark Brandon. Outside Counsel relayed the facts of the case and answered questions from Council. M/S/C (Humbert/Blackaby) to approve a stipulated settlement of a transportational van ordered due by the Workers Compensation Appeals Board on 12/26/26 in the amount of $163,901.82, relating to a workers' compensation matter WCAB Case Number: # ADJ12548950.
    Vote: Ayes – Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Bartlett.

2. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – Potential litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.**

    a. Number of potential cases: one.

    Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of a transportational van ordered due by the WCAB on 12/26/26 in the amount of $163,901.82, relating to a workers' compensation matter WCAB Case Number: # ADJ12548950.

Adjournment

Action: M/S/C (Tregub/O'Keefe) to adjourn the meeting.
Vote: Ayes – Tregub, O'Keefe, Blackaby, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Bartlett, Ishii.

Adjourned at 3:47 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 19, 2026.

_____
Mark Numainville, City Clerk

Attachment 9

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, October 27, 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

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

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Preliminary Matters

Roll Call: 6:01 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 6:04 p.m.

Councilmember Kesarwani present at 6:04 p.m.

Councilmember Kesarwani participated in the meeting remotely under the just cause exception in the Brown Act due to contagious illness.

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:

1. Presentation by AVA Community Energy
2. Adjourned in Memory of Nikki Williams, Executive Director Emeritus of Berkeley Youth Alternatives

City Manager Comments:

The City Manager noted that Item 22b regarding special events needs to be removed from the agenda for additional work with stakeholders.

City Auditor Comments:

The Auditor noted support for Item 25 regarding procurement processes and noted the status of the Leases Audit in Item 31.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Lunaparra/Tregub) to add an urgent item to the agenda titled *Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"* pursuant to Government Code Section 54954(b)(2).
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 18 speakers.

Action: M/S/C (Kesarwani/Blackaby) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-sponsor), Councilmember Brent Blackaby (Co-Sponsor)
Recommendation: Pass resolution opposing the proposed rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions," and send a letter summarizing the City's position to the United States Department of Commerce and Census Bureau.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Councilmember Tregub added as a co-sponsor. Adopted Resolution No. 72,480-N.S.

1. **Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land**
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 8,035-N.S. amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.
   First Reading Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.
   Financial Implications: See report
   Contact: Jordan Klein, Planning and Development, (510) 981-7400
   Action: Adopted second reading of Ordinance No. 8,035–N.S.

Consent Calendar

2. Waiver of Sanctuary City Ordinance for Westlaw Contract
From: City Attorney
Recommendation: Adopt a Resolution waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a contract with Westlaw.
Financial Implications: None.
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 72,481–N.S.

3. 2026 Annual Commission Attendance and Meeting Frequency Report
From: City Manager
Recommendation: In accordance with Resolution No. 72,097-N.S., review and accept the 2026 Annual Commission Attendance and Meeting Frequency Report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved recommendation.

4. Contract: Adrien Segal Public Artwork Commission for Santa Fe Trackbed to Park Conversion
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Adrien Segal for an amount not to exceed $150,000 for a public art commission of two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets).
Financial Implications: $150,000 - Cultural Trust Fund
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 72,482–N.S.

5. Contract No. 32500002 Amendment: Community Initiatives | Live Free USA for Gun Violence Intervention and Prevention Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500002 with Community Initiatives | Live Free USA for gun violence intervention and prevention services to add $257,548 in Byrne State Crisis Intervention Program (SCIP) grant funding pursuant to a budget modification approved by the California Board of State and Community Corrections (BSCC), bringing the total contract not-to-exceed amount to $2,874,768; extend the contract term through December 31, 2027; and update the scope of services and budget accordingly.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 72,483–N.S.

Consent Calendar

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 27, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids 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: $750,000 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

7. Contract: Insight Public Sector, Inc. dba Aurelian for Non-Emergency Call-Taking Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to enter into a "piggyback" contract with Insight Public Sector, Inc. dba Aurelian for non-emergency call taking software for the Emergency Communications Center and services using the cooperative purchasing organization Omnia Partners Contract No. 23-6692-03. The contract base period will begin on December 1, 2026, through April 30, 2028, and will not exceed $197,642.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 72,484–N.S.

8. Contract No. 104289-1 Amendment: Jackson & Coker for Locum Tenens Psychiatrists
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 to add $400,000 and for a not to exceed amount of $1,814,480. The term of the contract remains the same ending on June 30, 2027.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,485–N.S.

9. Contracts for Recruitment Services ***Item Removed by City Manager***
From: City Manager
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

10. Donation: Memorial Bench at Berkeley Marina in Memory of Clarence and Loreina Fuller
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Clarence and Loreina Fuller.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,486–N.S.

11. Donation: Memorial Bench at Berkeley Waterfront Park at the Berkeley Marina in Memory of Mary & Bob Rubenstein
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Berkeley Waterfront Park at the Berkeley Marina in memory of Mary & Bob Rubenstein.
Financial Implications: $3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,487–N.S.

12. Grant Application: The 2026 Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program of the California Division of Boating & Waterways
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to 1) Submit a grant application to the California Division of Boating and Waterways (DBW) 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Accept the grant; 3) Execute any amendments; and 4) Authorize a local match contribution of $5,000.
Financial Implications: $95,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,488–N.S.

13. Revenue Grant: California Office of Traffic Safety (OTS) for the 2026-2027 "Selective Traffic Enforcement Program (STEP)" Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to accept the "Selective Traffic Enforcement Program (STEP)" grant and execute any resultant revenue agreements and amendments with the California Office of Traffic Safety. This OTS grant is $200,000 for the period of October 1, 2026, through September 30, 2027, which corresponds to Federal Fiscal Year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,489–N.S.

Consent Calendar

14. Authorizing the City Manager to Submit a Local Highway Safety Improvement Program (HSIP) Cycle-13 Grant Application and to Execute Any Resultant Grant Agreement and Amendments
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application by November 2, 2026 to the California Department of Transportation (Caltrans) for a Local Highway Safety Improvement Program (HSIP) Cycle-13 grant for safety improvements to thirty (30) signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street; accept the funds; and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,490–N.S.

15. Authorize the City Manager to Negotiate and Execute a Project Specific Maintenance Agreement Between the California Department of Transportation and City of Berkeley for the San Pablo Avenue Safety Enhancements Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Project Specific Maintenance Agreement (PSMA) and any extensions and amendments with the California Department of Transportation (Caltrans) for maintenance of City improvements installed in the state highway during Alameda County Transportation Commission's (ACTC) San Pablo Avenue Safety Enhancements Project.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,491–N.S.

16. Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by $1,600,000 for a total not to exceed amount of $5,678,022.
Financial Implications: Zero Waste Fund - $1,600,000
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,492–N.S.

Consent Calendar

17. Contract No. 32300167 Amendment: POSM Software LLC for Pipeline Observation System Management Software Maintenance and Technical Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with POSM Software LLC for Pipeline Observation System Management software maintenance and technical support, extend the contract through October 31, 2028, increase the contract amount by $40,000 for a total not to exceed $88,650, and waiving competitive solicitation requirements on a sole-source basis.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,493–N.S.

18. Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B to the report, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART);
2. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute quitclaim deeds conveying the four areas described in Exhibit A and shown in Exhibit B to the report.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300, Jordan Klein, Planning and Development, (510) 981-7400
Action: 1. Adopted first reading of Ordinance No. 8,036–N.S. Second reading scheduled for November 17, 2026. 2. Approved recommendation.

19. Purchase Order: Municipal Maintenance Equipment, Inc. for the Purchase and Installation of a CCTV Sewer Inspection System in One City-Owned Electric Van
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. for the purchase and installation of a closed-circuit television (CCTV) sewer inspection system in one City-owned electric van in an amount not to exceed $515,636.69.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,494–N.S.

Consent Calendar

20a. Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)
From: Commission on Disability
Recommendation: The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Thomas Gregory, Commission Secretary, (510) 981-6300
Action: See action for Item 20b.

20b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG) *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Item contains revised material.)*
From: City Manager
Recommendation: Receive this report on Public Works' progress responding to the Commission on Disability's PROWAG referral and concur with the FITES Committee's recommendation to refer development of PROWAG compliance provisions for work in the public right-of-way (construction-zone access guidelines and City contract language, with City Attorney review) to the City Manager, with input from the Commission on Disability (CoD).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Approved recommendation in Item 20b as revised and submitted by the City Manager in the October 27 agenda packet.

21. Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution re-naming the park at the northern end of the Berkeley Waterfront as Si Se Puede Park.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, (510) 981-6700
Action: Adopted Resolution No. 72,495–N.S.

Consent Calendar

22a. Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: Zero Waste Commission
Recommendation: Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: Referred to the Agenda & Rules Committee for scheduling.

22b. Companion Report: Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: City Manager
Recommendation: Adopt first reading of two ordinances, as referred to Council by the Zero Waste Commission's report titled, "Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events," specifically amending: Berkeley Municipal Code (BMC) Chapter 6.46 (Park Events) and Chapter 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Item removed from the agenda by the City Manager.

23a. Enforceable Mechanism for Berkeley Green Code Compliance
From: Zero Waste Commission
Recommendation: Recommend Council to direct the City Manager to refer Public Works Zero Waste staff and Planning, Safety and Building, Energy and Sustainability and Green Building staff work together to develop recommendations to implement a clear path to enforcement for non-compliance with Berkeley Green Code (BMC 19.37) Construction and Demolition (C&D) waste diversion requirements, including the possibility of fines and citations and other mechanisms to increase compliance.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: See action for Item 23b.

23b. Companion Report: Enforceable Mechanism for Berkeley Green Code Compliance
From: City Manager
Recommendation: Direct the City Manager to assign the Public Works Department, in conjunction with the Planning and Development Department, to: 1. Review and consider research conducted by the Zero Waste Commission and UC Berkeley student researchers on enforcement mechanisms in other jurisdictions; and, 2. Develop a recommendation for City Council to adopt an appropriate enforcement mechanism(s) to strengthen compliance with California Green Building Standards Code by adding to Berkeley Green Code (BMC 19.37).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Approved recommendation in Item 23b.

Consent Calendar

24a. Research on Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: Zero Waste Commission
Recommendation: Recommend that Council refer the matter to the City Manager with direction to: 1. Instruct the Zero Waste Division, in collaboration with the Planning Department and Fire Department, to study, research, and recommend policies that standardize requirements for: a. Tenant-facing materials collection rooms for refuse, dual-stream recycling, and composting; b. Central collection rooms or enclosures; c. Curbside collection staging areas for all new construction. 2. Develop minimum per-unit service requirements, design parameters, and enforcement mechanisms; pursuant to Chapter 12.32.030 and 12.35 of the Berkeley Municipal Code.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: See action for Item 24b.

24b. Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.32 - Storage, Collection and Disposal of Waste.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 8,037–N.S. Second reading scheduled for November 17, 2026.

Council Consent Items

25. Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager
(Reviewed by the Budget & Finance Committee)
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt an ordinance amending Berkeley Municipal Code (BMC) Chapter 7.18, Expenditure Limitations, to require procurement through competitive solicitation for all city contracts for professional services and other services greater than $100,000.
Further, for the City Attorney's Office (CAO), require development of an Outside Council Selection Protocol whereby the CAO develops an annual report to Council for its pre-qualified list of outside attorneys and law firms based on respondents to the office's ongoing Request for Qualifications process. When outside counsel is required, senior staff in the CAO would choose from pre-qualified attorneys/firms and identify the best candidate based on expertise, quality of work, and cost. This recommendation would allow for a competitive process using the pre-qualified list, thus accommodating the CAO's need to quickly engage outside counsel while preserving best procurement practices. Additionally, request the CAO report to Council on legal services contracts and amendments to City Council quarterly to increase transparency of spending on legal services contracts.
Refer to the City Manager to promulgate any further regulations that may be needed related to the requirement for competitive solicitation except for emergencies and when market research justifies the business case for a sole-source procurement, in alignment with the existing purchasing manual. Further, refer to the CAO to develop legal services regulations to implement the competitive solicitation process for outside counsel contracts and define circumstances where a sole-source procurement is justified by emergencies, market research, conflicts of interest, or other considerations.
Policy Committee Recommendation: To send the item to Council with a Qualified Positive Recommendation as written and amended during discussion, with additional direction to further consider:
-Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual
-Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines
-Establishing annual reporting to Council on legal services contracts and amendments
-B.M.C. Section 7.18.010(A) Expenditures pursuant to Charter Article XI, Sections 67 and 67.5 is amended to read as follows:
Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which ~~exceed~~ the initial amount exceeds ~~of~~ $1050,000, inclusive only of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements), shall require Council approval and shall be procured through competitive solicitation except in the case of emergencies pursuant to Article XI,

Council Consent Items

Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to select the "lowest responsible bidder" only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney's Office contracts. All departments, excluding the City Attorney's Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney's Office shall follow regulations specific to City Attorney's Office contracts.

Financial Implications: Staff time

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

Action: 1) Adopted first reading of Ordinance No. 8,038–N.S. as recommended by the Budget & Finance Committee. Second reading scheduled for November 17, 2026.

2) Approved recommendation including amendments from the policy committee regarding a) Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual; b) Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines; and c) Establishing annual reporting to Council on legal services contracts and amendments.

26. Berkeley Flea Market End-of-the-Season Fall Festival/Halloween Celebration Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including $600 from Councilmember Ben Bartlett, for the End-of-the-Season Fall Festival / Halloween Celebration of the South Berkeley Flea Market at Ashby BART, organized by Community Services United, a 501(c)3, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Adopted Resolution No. 72,496–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $200; Councilmember Lunaparra - $150; Councilmember Blackaby - $200; Councilmember Tregub - $100; Mayor Ishii - $100; Councilmember Kesarwani - $100; Councilmember O'Keefe - $150; Councilmember Taplin - $100.

Council Consent Items

27. Harriet Tubman Terrace Residents' Low-Income Housing Bay Cruise Lunch Event on Thursday, November, 5, 2026 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council Office Budget of Councilmember Ben Bartlett for the Harriet Tubman Terrace residents' low-income housing Bay Cruise Lunch event on Thursday, November, 5, 2026, to Nonprofit and 501(c)3: Lifesteps, to fund operational resources. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 72,497–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $200; Councilmember Lunaparra - $150; Councilmember Blackaby - $200; Councilmember Tregub - $100; Mayor Ishii - $100; Councilmember Kesarwani - $100; Councilmember O'Keefe - $150; Councilmember Taplin - $100.

28. Appointment of Charles "Court" Jackson to the Board of Library Trustees
From: Councilmember O'Keefe (Author)
Recommendation: Adopt a Resolution appointing Charles "Court" Jackson to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100
Action: Adopted Resolution No. 72,498–N.S. appointing Charles "Court" Jackson to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

29. Appointment of Hong-Sze Yu to the Board of Library Trustees
From: Councilmember O'Keefe (Author)
Recommendation: Adopt a Resolution appointing Hong-Sze Yu to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100
Action: Adopted Resolution No. 72,499–N.S. appointing Hong-Sze Yu to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

Action Calendar – New Business

30. Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
From: City Manager
Recommendation: Adopt two Resolutions that enable the City to move forward into negotiation and predevelopment with a selected development team for the Ashby East Lot Transit Oriented Development (TOD) project, located at the intersection of Woolsey St. and Tremont St., directly east of the Ed Roberts Campus, by:
1. Authorizing the City Manager or designee to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) and any required amendments with Satellite Affordable Housing Associates (SAHA), Habitat for Humanity East Bay/Silicon Valley, and Deborah D. Matthews Consulting (collectively, "the SAHA Team").
2. Authorizing the City Manager or designee to negotiate and enter into an ENRA and any required amendments with the alternative developer, Related California and the Kelsey (collectively, "the Related Team"), in the event that the ENRA with the SAHA Team is terminated or if the City does not enter into a ENRA with the SAHA Team. 3. Approving the reservation of $1 million of Affordable Housing Mitigation Fees (Fund 120) to the SAHA Team or their affiliate(s) to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 4. Affirming that the City's Housing Trust Fund Guidelines will apply to the use of funds to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 5. Authorizing the City Manager or designee to execute all original or amended documents or agreements in accordance with the intent of this Resolution.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: 3 speakers. M/S/C (Bartlett/Blackaby) to adopt Resolution No. 72,500–N.S. (Approving Development Team) and Resolution No. 72,501–N.S. (Reserving Affordable Housing Mitigation Fees).
Vote: All Ayes.

Information Reports

31. Audit Status Report: 2009 Leases Audit Follow-Up
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

Action: M/S/C (Taplin/Tregub) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 8:30 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on October 27, 2026.

_____
Mark Numainville, City Clerk

Communications

Item #21: Re-Name the Park at the North Waterfront as Si Se Puede Park
1. Pear Michaels
2. David Tepper
3. 7 Similarly worded form letters

Parking Meter Changes
4. Eric Hyman

Berkeley Marina Visit
5. Gregory Kalkanis

Flock/Mass Surveillance Concern
6. Summer Brenner
7. Sam Holtzman
8. Dan Hibbing
9. Elizabeth Harrell
10. Judith Katz
11. Kelly Yan
12. Marcy Groot
13. Leona Benten
14. Craig Knudsen
15. 28 Similarly worded form letters

8th and Harrison
16. Elan Loeb

Upzoning/Zoning
17. Matthew Wadlund (2)
18. Beth Roessner
19. Michael Bauce

9th/10th and Camelia
20. Stephanie Chang (2)
21. Dana Hymel
22. Lisa Brown (2)
23. CC Miksza (2)
24. Chia Zau
25. Anne Aronov

26. Tatiana Davis

Musical Tent
27. Lauren Parsons

Marin Ave Concern
28. Kenny Yu

Grayson Encampments
29. Claudia Kawczynska
30. Cameron Woo
31. Karima Cammell
32. Sean Kenmore

Trash Pick Up Concerns
33. Amir Hay
34. Stephen Vonder Haar

600 Bancroft Way
35. Biolab Watch

College and Hopkins
36. Todd Jersey

Bay Trail Clean-Up
37. Chris Orr

Does Design Matter
38. Yolanda Huang

900 Grayson
39. Hillary Calvin Justice

Pedestrian Safety Concerns
40. Alex Merenkov

Hopkins
41. Stephen Alpert (2)

Golden Gate Fields Planning
42. Diane Quimby

Home Match Info
43. Rachel Matthews

Encampments
44. Ben Moreno
45. Jeff Cooksey

Vandalism Concern
46. Oscar Fernandez

Week Without Driving
47. Casey Passmore

Alameda County ECE Campaign Letter of Support
48. Christa Edwards

E-Scooters
49. Robert Borghese

Forwards/URLs
50. Eid Abdallah (8)
51. Russbumper (2)
52. Nodextrose Org

Supplemental Communications and Reports 1

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
53. Jeff Malmuth
54. Wini Williams
55. Sherry Shannon
56. Jennifer Chou
57. Veronica Wang
58. John N. Roberts

Item #30: Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
59. Namita Gupta
60. Marian Macindoe
61. Andrew Pomerantz

Supplemental Communications and Reports 2

Item #2: Waiver of Sanctuary City Ordinance for Westlaw Contract
62. Gregory Kalkanis

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
63. Sherry Smith
64. Ninel Morales
65. JWoo
66. Martin Nicolaus

Item #25: Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager *(Reviewed by the Budget & Finance Committee)*
67. Martin Bourques on behalf of the Ecology Center

Item #30: Ashby BART East Lot Developer Selection
68. Deborah Matthews on behalf of the SAHA/Kushona Team

Supplemental Communications and Reports 3

Ceremonial Matters: 1. Presentation by AVA Community Energy
69. AVA Community Energy

Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"
70. Submitted by Councilmember Cecilia Lunaparra

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
71. Virgina Browning
72. Lupe Gallegos-Diaz and Gladys Stout on behalf of Latinos Unidos de Berkeley
73. Carol Hirth
74. Rosemary Hardy
75. Jesse Arreguin

Item #25: Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager *(Reviewed by the Budget & Finance Committee)*
76. Pamela Belchamber (2)

Action Calendar

Item #30: Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
77. Presentation submitted by the Health, Housing, and Community Services Department