

# ANNOTATED AGENDA SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

**Tuesday, July 30, 2024  
3:00 PM**

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

JESSE ARREGUIN, MAYOR  
Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – CECILIA LUNAPARRA  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.*

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*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1611538218>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 153 8218**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

*To submit a written communication for the City Council’s consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. 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.*

## Preliminary Matters

**Roll Call:** 3:13 p.m.

**Present:** Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 3:16 p.m.

Councilmember Bartlett present at 3:36 p.m.

## Action Calendar

1. **Initiative Petition – Ordinance Creating a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks and Pedestrian Paths (Fix the Streets & Sidewalks)** *(Continued from July 9, 2024)*  
**From: City Manager**  
**Recommendation:**
  1. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
  2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.**Financial Implications:** No direct fiscal impacts  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** 4 speakers. M/S/C (Arreguin/Bartlett) to:
  1. Adopt Resolution No. 71,460–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
  2. No members designated to file arguments on behalf of the City Council.**Vote:** All Ayes.
  
2. **Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS)** *(Continued from July 9, 2024)*  
**From: City Manager**  
**Recommendation:**
  1. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
  2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.**Financial Implications:** No direct fiscal impacts  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** 9 speakers. M/S/C (Arreguin/Taplin) to:
  1. Adopt Resolution No. 71,461–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
  2. No members designated to file arguments on behalf of the City Council.**Vote:** All Ayes.

## Action Calendar

3. **Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger** *(Continued from July 9, 2024)*  
*(Item contains revised material)*

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** No direct fiscal impacts

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

**Action:** 11 speakers. M/S/C (Arreguin/Humbert) to:

1. Adopt Resolution No. 71,462–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.
2. No members designated to file arguments on behalf of the City Council.

**Vote:** All Ayes.

## Action Calendar

### 4. Initiative Petition – Initiative Ordinance Requiring the Adoption of Minimum Indoor Air Quality Standards in City-Owned and City-Leased Buildings

*(Continued from July 9, 2024)*

**From: City Manager**

**Recommendation:**

1. Take action on the initiative petition to:

a. Adopt the provisions of the measure without alteration.

-OR-

b. Adopt a Resolution submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.

2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** No direct fiscal impacts

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

**Action:** 6 speakers. M/S/C (Arreguin/Tregub) to:

1. Adopt Resolution No. 71,463–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election, amended to change the ballot question as written below.

*Shall the measure setting **new** indoor air quality standards for City-owned and -leased buildings; prohibiting compliance with those standards through the use of air filtration or disinfection technologies emitting ozone, volatile organic compounds, oxidation byproducts, excessive sound, or ultraviolet light; requiring repair, closure, evacuation, and/or provision of alternative services to the public due to building closure when standards are not met; and creating a private right to sue over alleged violations, be adopted?*

2. Designated Mayor Arreguin and Vice-Mayor Wengraf to file ballot measure arguments on behalf of the City Council.

**Vote:** All Ayes.

## Action Calendar

### 5. Community Survey Results and Direction on Potential November 2024 Arts & Culture Ballot Measure

**From: City Manager**

**Recommendation:**

1. Receive the presentation of the results of the community survey; and
2. Provide direction to staff on whether to prepare final language for City Council approval or decide not to place the measure on the November 2024 ballot.

**Financial Implications:** None at this time

Contact: Anne Cardwell, City Manager's Office, (510) 981-7000

**Action:** 4 speakers. M/S/C (Arreguin/Taplin) to direct staff not to pursue a ballot measure regarding the arts for the November 5, 2024 election.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Tregub) to accept revised materials from Mayor Arreguin on Item 6.d.

**Vote:** All Ayes.

**Public Comment on Item 6** – 27 speakers.

### 6a. Ballot Measure – Tax Measure to Reauthorize the General Tax on the Distribution of Sugar-Sweetened Beverage Products

**From: City Attorney**

**Recommendation:**

1. Adopt a Resolution placing the attached measure reauthorizing the general tax on the distribution of sugar-sweetened beverages on the ballot for the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:**

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** M/S/C (Arreguin/Hahn) to:

1. Adopt Resolution No. 71,464–N.S. placing the attached measure reauthorizing the general tax on the distribution of sugar-sweetened beverages on the ballot for the November 5, 2024 General Municipal Election, amended to include new wording for the ballot question as follows.

*Shall the measure to remove the current January 1, 2027 expiration date and extend until ended by voters the general tax on the distribution of sugary drinks and sweeteners, paid by distributors at the rate of 1¢ per fluid ounce, previously approved by voters in 2014, with exceptions for small retailers, milk products, and baby formula, raising approximately \$1,150,000 per year for general government use, be adopted?*

2. Designated Mayor Arreguin, Councilmember Hahn, and Councilmember Lunaparra to submit ballot measure arguments on behalf of the City Council.

**Vote:** All Ayes.

## Action Calendar

### 6b. Ballot Measure – Tax Measure to Fund Berkeley Public Library Operations and Services

**From: City Attorney**

**Recommendation:**

1. Adopt a Resolution placing the attached special parcel tax measure for library operations and services on the ballot for the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950, Tess Mayer, Library, (510) 981-6100

**Action:** M/S/C (Arreguin/Wengraf) to:

1. Adopt Resolution No. 71,465–N.S. placing the attached special parcel tax measure for library operations and services on the ballot for the November 5, 2024 General Municipal Election.
2. Designated Councilmember Hahn to file ballot measure arguments on behalf of the City Council

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to designate Councilmembers Hahn and Bartlett to file ballot measure arguments on the library tax on behalf of the City Council.

**Vote:** All Ayes.

### 6c. Ballot Measure – Increasing the Parks, Trees and Landscaping Maintenance Tax

**From: City Attorney**

**Recommendation:**

1. Adopt a Resolution placing the attached measure to increase the parks, trees and landscaping maintenance tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950, LaTanya Bellow, City Manager's Office, (510) 981-7000

**Action:** M/S/C (Taplin/Lunaparra) to:

1. Adopt Resolution No. 71,466–N.S. placing the attached measure to increase the parks, trees and landscaping maintenance tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designated Councilmembers Hahn, Taplin, and Humbert to file ballot measure arguments on behalf of the City Council.

**Vote:** All Ayes.

## Action Calendar

### 6d. **Ballot Measure Amending Chapter 7.52 of the Berkeley Municipal Code to Increase and Extend the General Real Property Transfer Tax**

**From: City Attorney**

**Recommendation:**

1. Adopt a Resolution placing the attached measure to increase and extend the City's Real Property Transfer Tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950, LaTanya Bellow, City Manager's Office, (510) 981-7000

**Action:** M/S/C (Arreguin/Hahn) to:

1. Adopt Resolution No. 71,467–N.S. as written in revised materials submitted by Mayor Arreguin including revised ballot measure text in Exhibit A placing the measure to increase and extend the City's Real Property Transfer Tax on the ballot at the November 5, 2024 General Municipal Election.
2. Designated Mayor Arreguin and Councilmembers Hahn, Tregub, and Bartlett to file ballot measure arguments on behalf of the City Council.

**Vote:** All Ayes.

### 7. **Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot**

**From: Councilmember Lunaparra (Author)**

**Recommendation:**

1. Refer to staff to write a resolution submitting the Berkeley Tenant Protection and Right to Organize Act to a vote of the people at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

**Action:** 0 speakers. M/S/C (Arreguin/Hahn) to continue Item 7 to the special meeting on August 5, 2024 including revised material in Supplemental Communications Packet #2 from Councilmember Lunaparra.

**Vote:** All Ayes.

## Action Calendar

8. **Alternative Ballot Measure to Large Buildings Fossil Fuel Emissions Tax Ballot Initiative**  
**From: Councilmember Tregub (Author)**  
**Recommendation:**  
Adopt a Resolution to place on the ballot an alternative measure to the initiative-submitted Fossil Fuel Emission Tax Ballot Measure for Large Buildings. This alternative measure was crafted with input from various stakeholders, including labor, environmental organizations, and the small business and nonprofit community.  
-OR-  
Direct staff to provide analysis, by the August 5, 2024, Special Meeting of the Berkeley City Council, of placing on the ballot a companion measure to the above-referenced initiative-submitted Fossil Fuel Emission Tax Ballot Measure, and to recommend alternative actions to mitigate certain unintended consequences of the initiative should it be adopted by Berkeley voters.  
**Financial Implications:** See report  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140  
**Action:** 12 speakers. M/S/Failed (Tregub/Lunaparra) to adopt the revised recommendation in Supplemental Communications Packet #2 from Councilmember Tregub to develop an alternate ballot measure.  
**Vote:** Ayes – Tregub, Hahn, Lunaparra; Noes – Kesarwani, Taplin, Bartlett, Wengraf, Humbert; Abstain – Arreguin.

## Information Reports

9. **Analysis and Response to Questions regarding Two Pavement/Sidewalk-Related Voter Initiatives on the November 5, 2024 Ballot**  
**From: City Manager**  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Received and filed.
10. **Section 9212 Report: Large Buildings Fossil Fuel Emissions Tax**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
11. **Analysis and Response regarding the Aerosols Requirements of the “Healthy City Buildings” Voter Initiative on the November 5, 2024 Ballot**  
**From: City Manager**  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Received and filed.

## Adjournment

**Action:** M/S/C (Arreguin/Tregub) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 7:27 p.m.

## Communications

### **Item 3. Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger**

1. Tom Parrish, on behalf of Berkeley Repertory Theatre

### **Item 5. Community Survey Results and Direction on Potential November 2024 Arts & Culture Ballot Measure**

2. Civic Arts Commission

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### **Item #3: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger** *(Continued from July 9, 2024)* *(Item contains revised material)*

3. Maria Schell Hassid on behalf of the David Brower Center
4. Daniel Tahara
5. Ric O'Connell
6. Lyanne Mendez on behalf of David Clark on behalf of Sutter Health
7. Esme Danko on behalf of Gen Yasuda and Diane Yasuda, Berkeley Bowl Owners

### **Item #6d: Ballot Measure Amending Chapter 7.52 of the Berkeley Municipal Code to Increase and Extend the General Real Property Transfer Tax**

8. Supplemental agenda material submitted by Councilmember Hahn

### **Item #7: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot**

9. Revised agenda material submitted by Councilmember Lunaparra
10. Biel Delgado Trabal
11. Evan Mills
12. Rosina Keren
13. Rex Brooks
14. Michael Parman
15. Jean Sanchirico
16. Robin Kibby
17. Bhima Sheridan
18. Labi Rabi
19. Phoebe Thomas (Sorgen)
20. Molly Miller
21. Kathleen Castillo

22. Negeene Mosaed (2)
23. Gail Martin
24. Julia Cato
25. Alfred Twu
26. Lynn Cooper
27. Leslie Firestone
28. Willia Bogert
29. Lisa Teague
30. Lisa Camasi

**Item #8: Alternative Ballot Measure to Large Buildings Fossil Fuel Emissions Tax Ballot Initiative**

31. Revised agenda material submitted by Councilmember Tregub

**Supplemental Communications and Reports 3**

**Item #1: Initiative Petition – Ordinance Creating a Parcel Tax for the Purpose of Funding Repairs and Improvements to Streets, Sidewalks and Pedestrian Paths (Fix the Streets & Sidewalks) (Continued from July 9, 2024)**

32. David Lerman
33. Pamela Michaud

**Item #3: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger (Continued from July 9, 2024) (Item contains revised material)**

34. Emily Winston (2)
35. John Caner
36. Mary Lins
37. Rebecca Franke
38. Barry Braden
39. Jessica Trauner
40. Mark Rhoades
41. Susan Sunstein
42. Ken Goldenberg
43. Beth Roessner
44. David Lerman
45. Barbara Gilbert (2)

**Item #5: Community Survey Results and Direction on Potential November 2024 Arts & Culture Ballot Measure**

46. Presentation submitted by David Mermin and Nikolai Schweber on behalf of Lake Research Partners

**Item #6b: Ballot Measure – Tax Measure to Fund Berkeley Public Library Operations and Services**

47. Presentation submitted by Tess Mayer
48. Tess Mayer
49. Pamela Michaud

**Item #6d: Ballot Measure Amending Chapter 7.52 of the Berkeley Municipal Code to Increase and Extend the General Real Property Transfer Tax**

50. Supplemental agenda material submitted by Mayor Arreguin
51. Lucy Armentrout
52. Andrea Gordon
53. Julie Guifoy
54. Pamela Michaud
55. Peter Hosemann
56. David Lerman
57. Lucia Hammond
58. Kristina McLaughlan
59. Jeff DeMartini

**Item #7: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot**

60. Molly Miller
61. Susan Beaty
62. Ira Serkes (2)
63. Phil Allen
64. Dan McDunn
65. Gregory Kalkanis
66. Cindy Girvani Leerer
67. Summer Brenner
68. Max Smith
69. Debbie Woods
70. Sara Sebahar
71. J. Mejia
72. Mark Tarses (2)
73. Cate Leger
74. Roger Hallsten
75. Cris Benton
76. Toni Mester (2)
77. Carole Rotblatt
78. Alison Simon
79. Rafael Jaime
80. Debbie S.
81. Jil Geller
82. Jason Kaminsky
83. Claudia Benton
84. Sam Goldman
85. Karla Simmons (2)
86. Gale G.
87. Mary Lai
88. Mackinzie Farnell
89. Isobel Schneider
90. Brad Hirn
91. Margot R. Lederer
92. Alicia Moore
93. Sue Britson
94. Mike Perlmutter

95. Poala Laverde
96. Susan Andres
97. Barbara Abrams and Gary Root
98. Alex Levy
99. John J. Parman
100. John and Nancy Woo (2)
101. Sam Smith
102. Monica Rohrer
103. Yash Narvaneni
104. Clare Woakes
105. Elizabeth Hubbell
106. Laura Tepper
107. Bahman Ahmadi
108. Kevin Rose-Williams
109. Kristin Richerson
110. Kathie Hardy
111. Susan Payne
112. Shira Shopov
113. The Berkeley Tenants Union Steering Committee
114. Allyson Noman
115. Pamela Michaud
116. Hope DeMarco
117. Marguerite Talley
118. Julieta Pisani McCarthy (2)

**Item #8: Alternative Ballot Measure to Large Buildings Fossil Fuel Emissions Tax  
Ballot Initiative**

119. Jocelyn Goldsmith- De Sana
120. Beth Roessner