

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Monday, September 16, 2024
6:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVENUE, BERKELEY, CA 94708

TELECONFERENCE LOCATION – 1528 HENRY STREET, BERKELEY, CA 94709

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. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1610819512>. 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: **161 081 9512**. 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 \$250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$250 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: 6:26 p.m.

Present: Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

Absent: Taplin

Councilmember Taplin present at 6:37 p.m.

Report from Closed Session

Cong v. City of Berkeley – Alameda County Superior Court Case No. 24CV071838
Council convened in closed session and gave authority to initiate a cross-complaint in a pending action. The action, the cross-defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

Fisher v. City of Berkeley, Northern District of California, No. 3:23-cv-4280
Council convened in closed session and approved a settlement offer that has been signed by the Plaintiffs. In exchange for the Plaintiffs' dismissal of their lawsuit and release of all claims, the settlement agreement will require the City to adopt changes to its policy relating to the ability of members of city boards and commissions to attend meetings remotely as a reasonable accommodation and pay 58,000 in attorney's fees.

Action Calendar

- 1. Ashby BART Transit Oriented Development (TOD)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager and City Attorney to draft and advance for adoption contractual agreements with San Francisco Bay Area Rapid Transit District (BART) in order to effectuate transit-oriented development in accordance with the term sheet attached to the report.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 21 speakers. M/S/C (Arreguin/Bartlett) to adopt Resolution No. 71,514–N.S. as revised in Supplemental Communications Packet #1 by the City Manager.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.
- 2. Presentation: Berkeley-El Cerrito Corridor Access Plan (BECCAP)**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 6 speakers. Presentation made and discussion held.

Adjournment

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

Vote: Ayes – Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Bartlett, Wengraf.

Adjourned at 9:58 p.m.

Communications

- None

Supplemental Communications and Reports 1

Item 1: Ashby BART Transit Oriented Development (TOD)

1. Revised material, submitted by Planning and Development Department

Supplemental Communications and Reports 2

Item #1: Ashby BART Transit Oriented Development (TOD)

2. Christopher Smith

Supplemental Communications and Reports 3

Item #1: Ashby BART Transit Oriented Development (TOD)

3. Presentation submitted by the Planning Department
4. Rev. Sophia DeWitt on behalf of East Bay Housing Organizations
5. Moni Law

Item #2: Presentation: Berkeley-El Cerrito Corridor Access Plan (BECCAP)

6. Presentation submitted by the Planning Department