

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

**Monday, September 30, 2024  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

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](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/1618584419>. 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: **161 858 4419**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*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:** 6:09 p.m.

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

**Absent:** Kesarwani, Arreguin

Councilmember Kesarwani present at 6:19 p.m.

Mayor Arreguin present at 7:34 p.m.

## Action Calendar

- 1. Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act** (*Reviewed by the Land Use, Housing, & Economic Development Committee*) (*Item contains revised material*)

**From: Councilmember Harrison (Author)**

**Recommendation:** Adopt Berkeley Municipal Code Chapter 13.89: The Community/Tenant Opportunity to Purchase Act (COPA/TOPA).

*Policy Committee Recommendation: To forward the item to the City Council with a negative recommendation that the City Council not approve the item.*

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Recess 7:34 p.m. – 7:52 p.m.

**Action:** 58 speakers. M/S/Failed (Tregub/Lunaparra) to refer the Harrison COPA/TOPA policy to the City Manager to conduct an analysis of the fiscal, operational, and administrative impact of the policy. The referral will include analysis of the San Francisco COPA program and other known COPA/TOPA programs that exist or are in development, as well as a review of any other comparable tenant acquisition and ownership programs, and their interface with existing Berkeley tenant protection ordinances. Include a \$100,000 budget referral for staffing for the purpose of completing this analysis.

**Vote:** Ayes – Bartlett, Tregub, Lunaparra; Noes – Kesarwani, Taplin, Hahn, Wengraf, Humbert, Arreguin.

**Action:** 58 speakers. M/S/Carried (Hahn/Tregub) to refer to the City Manager to study and return to Council with recommendations for a program based on San Francisco's COPA and to study additional concepts including but not limited to:

- A potential requirement to offer to “go coop” within a certain number of years of purchase by a qualified non-profit.
- To consider an appropriate threshold where COPA would apply, taking into consideration operational and fiscal realities.
- Report on administration costs and sources of funds to support Small Sites projects.
- Consider potential to provide notice and “right of first refusal” for tenants or groups of tenants to match the best “market” offer.

- Study models other jurisdictions have in place to achieve these tenant acquisition goals.
- Refer \$100,000 to budget process to support the study.

**Vote:** Ayes – Taplin, Bartlett, Tregub, Hahn, Lunaparra, Arreguin; Noes – Kesarwani, Wengraf, Humbert.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:09 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### **Item #1: -Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act (Reviewed by the Land Use, Housing, & Economic Development Committee) (Item contains revised material)**

1. Revised agenda material submitted by Councilmember Lunaparra and Councilmember Tregub
2. Supplemental agenda material submitted by Councilmember Hahn
3. James Webster
4. Hope Williams
5. Tram Hoang on behalf of PolicyLink
6. Gail Martin (2)
7. Casey Van Veen
8. Jocelyn Goldsmith-De Sena
9. Sheila Goldmacher
10. Linda Burden
11. Carol Curtis
12. Susan Bassein
13. Paula Morgan
14. Mimi Mougovan
15. Gregory Kalkanis
16. Jo Ann Driscoll
17. Michael Trujillo on behalf of East Bay Community Law Center
18. Shaniah Ritzie-Hernandez on behalf of the Alameda Labor Council
19. Andy Kelley
20. S. Omowale Fowles
21. Karla Simmons

## **Supplemental Communications and Reports 3**

### **Item #1: -Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act (Reviewed by the Land Use, Housing, & Economic Development Committee) (Item contains revised material)**

22. Rev. Sophia DeWitt on behalf of East Bay Housing Organizations
23. Diana
24. Rick Lewis
25. Kathleen Castillo
26. Mary Lai
27. Moni T. Law
28. Jeffrey Melcher
29. Nancy Richerson
30. Mary Canavan
31. Keith Barton
32. Francine Leonard
33. Genevieve Wilson (2)
34. Bhima Sheridan
35. Whitney Sparks
36. Scott and Kathryn E. Hambly
37. Michelle Pellegrin