

ANNOTATED AGENDA 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.

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

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2. Janice Schroeder

3. John J. Parman
4. Ryan Justice-Williams