



PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**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.

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

*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.

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:

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

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

- 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 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

- 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

- 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 Calendar

- 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
- 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
- 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 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

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

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

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
10. **Section 9212 Report: Large Buildings Fossil Fuel Emissions Tax**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
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

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on July 25, 2024.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: July 25, 2024

Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed 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 use permit or variance, 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.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or

any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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 as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

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 (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).

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

