



Office of the City Manager

CONSENT CALENDAR  
September 10, 2024

To: Honorable Mayor and Members of the City Council  
From: LaTanya Bellow, Interim City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of July 8, 2024 (special), July 9, 2024 (special and regular), July 22, 2024 (special), July 23, 2024 (specials and regular), July 29, 2024 (special), July 30, 2024 (special and regular) August 5, 2024 (special).

CONTACT PERSON

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

Attachments:

1. July 8, 2024 – Special Closed City Council Meeting
2. July 9, 2024 – Special City Council Meeting
3. July 9, 2024 – Regular City Council Meeting
4. July 22, 2024 – Special 3:00 p.m. City Council Meeting
5. July 23, 2024 – Special 3:30 p.m. City Council Meeting
6. July 23, 2024 – Special 5:30 p.m. City Council Meeting
7. July 23, 2024 – Regular City Council Meeting
8. July 29, 2024 – Special City Council Meeting
9. July 30, 2024 – Special City Council Meeting
10. July 30, 2024 – Regular City Council Meeting
11. August 5, 2024 – Special City Council Meeting

## BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, JULY 8, 2024**

**4:30 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1404 LE ROY AVE, BERKELEY, CA 94708

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

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*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:** 4:35 p.m.

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

**Absent:** Taplin, Bartlett

Councilmember Taplin present at 4:37 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2)

- a. Workers' Compensation Matter WCAB Case Number: #ADJ17732423

**Action:** M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ17732423.

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

- b. Workers' Compensation Matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130

**Action:** M/S/C (Arreguin/Wengraf) to provide direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130.

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

- c. Workers' Compensation Matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007

**Action:** M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007.

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

## OPEN SESSION:

Item 1a:

City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ17732423.

Item 1b:

City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130.

Item 1c:

City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007.

## Adjournment

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

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

Adjourned at 4:54 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 8, 2024.

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Mark Numainville, City Clerk

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**Tuesday, July 9, 2024  
5:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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  
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## Preliminary Matters

**Roll Call:** 5:03 p.m.

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

**Absent:** Kesarwani, Taplin, Bartlett, Wengraf

Councilmember Taplin present at 5:04 p.m.

Councilmember Kesarwani present at 5:17 p.m.

## Action Calendar

- Youth Voting in Berkeley School Board Elections; Ordinance providing for voting by persons aged 16 and 17 years old for office of School Director; Resolution providing for youth voting in November 2024 School Board elections**

**From:** City Attorney

**Recommendation:**

1. Adopt an ordinance providing for youth voting by persons aged 16 and 17 years old for office of School Director pursuant to Article III, Section 5(3) of the City Charter;
2. Adopt a Resolution calling for youth voting for the office of School Director in the November 2024 Election.

**Financial Implications:** None

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

**Action:** 5 speakers. M/S/C (Arreguin/Hahn) to:

1. Adopt first reading of Ordinance No. 7,928–N.S. Second reading scheduled for July 23, 2024.
2. Adopt Resolution No. 71,435–N.S.

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

## Adjournment

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

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

Adjourned at 5:32 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 9, 2024.

\_\_\_\_\_  
Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, July 9, 2024**  
**6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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## Preliminary Matters

**Roll Call:** 6:28 p.m.

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

**Absent:** None

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

## Report from Closed Session

The City Council met in closed session on July 8, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel as follows:

- 1) Approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ17732423.
- 2) Approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ15348795 and #ADJ15456130.
- 3) Approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter Claim Numbers: #BER2200107, #BER1900100, #BER1700164 and #BER2200007.

## Ceremonial Matters

1. Adjourned in Memory of Former Councilmember Max Anderson
2. Adjourned in Memory of Yuan Cong, Buddhist Priest
3. Adjourned in Memory of Narsai David, Local Activist

**City Manager Comments:**

The Interim City Manager noted several upcoming events including Derby Day at the West Campus Pool (7/12), Movie Night at Strawberry Creek Park (7/12), Music at Ohlone Park (7/13), and the Echo Lake Teen Backpack Trip.

**Public Comment by Employee Unions:** 3 speakers.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Lunaparra/Taplin) to accept an urgency item from Councilmember Lunaparra pursuant to Government Code Section 54954.2(b)(2) entitled Rights Against the Criminalization of Unhoused Individuals Due to Their Status. Item added to the Action Calendar.

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

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 22 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

Recess 8:13 p.m. – 8:32 p.m.

**Consent Calendar**

- 1. Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls**  
**From:** City Manager  
**Recommendation:** Adopt second reading of Ordinance No. 7,924-N.S. regarding amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Control Ordinance.  
**First Reading Vote:** Ayes – Taplin, Bartlett, Tregub, Hahn, Lunaparra, Arreguin; Noes – Kesarwani, Wengraf, Humbert.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,924–N.S.

## Consent Calendar

- 2. FY 2025 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,925-N.S. setting the FY 2025 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.0629 (6.29 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09519 (9.519 cents) per square foot of improvements.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300; David Sprague, Fire, (510) 981-3473  
**Action:** Adopted second reading of Ordinance No. 7,925–N.S.
- 3. FY 2025 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,926-N.S. adopting the FY 2025 Annual Appropriations Ordinance (AAO) in the amount of \$793,319,711 (gross appropriations) and \$686,125,119 (net appropriations).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,926–N.S.
- 4. Police Accountability Board – Appointment of New Member**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Taplin.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,436–N.S.
- 5. Policies and Timelines for Filing Ballot Measure Arguments**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing policies and timelines for filing ballot measure arguments in the November 5, 2024 General Municipal Election.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,437–N.S.

## Consent Calendar

- 6. Grant Application: Bureau of Justice Assistance Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the federal Bureau of Justice Assistance (BJA) in an amount not to exceed \$300,000 for the Body-Worn Camera Policy and Implementation Program.  
**Financial Implications:** See report  
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000, Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 71,438–N.S.
- 7. Contract: Gallup, Inc for Employee Engagement and Development**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee(s) to enter into a contract and any amendments with Gallup, Inc for reporting, coaching and learning tools and resources that focus on employee strengths-based development as a sole source. The contract will be effective August 1, 2024 and end on September 30, 2026 in an amount not to exceed \$150,000. The contract may be extended for up to four additional years at a cost not to exceed an additional \$75,000 per year.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 71,439–N.S. as revised in Supplemental Communications Packet #1 by the City Manager.
- 8. Purchase Agreement with Pierce Manufacturing, Inc. and Contract No. 078804-1 (8068) Amendment: Banc of America Public Capital Corp. for Master Equipment Lease/Purchase Agreement for Three Fire Engines and Two Aerial Fire Trucks**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to purchase three Pierce Enforcer 1500 GPM Type 1 Fire Engines and two Pierce Enforcer Tractor Drawn Aerials by executing: 1. Purchase Agreement with Pierce Manufacturing, Inc. in an amount not to exceed \$7,353,115, providing for California sales tax of \$751,206 and pre-pay discount of \$951,353; and 2. Increase the Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp. by \$9,492,845 (prior to sales tax, equipment only) yielding an amended total NTE amount of \$26,693,305 on Contract No. 078804-1 (8068) with financing pursuant to the amendment to be paid over 7 years at an annual interest rate of 4.1438% and a first payment commencing no later than April 9, 2025.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 71,440–N.S.

## Consent Calendar

- 9. Community Emergency Response Team (CERT) Civilian Instructor – Establish Job Class Specifications and Salary Range**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the unrepresented job class specifications of – and salary range for – Community Emergency Response Team (CERT) Civilian Instructor, with an hourly range of \$31.5568 to \$38.7241.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,441–N.S.
- 10. Contract No. 32000224 Amendment: GovInvest, Inc. for Labor Costing Software and Analysis Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000224 with GovInvest, Inc. for labor costing software and analysis services to cover the period May 23, 2023 to June 30, 2026 for a total cost not to exceed \$375,000.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,442–N.S.
- 11. Contract: Rincon Consultants, Inc. for Environmental Support Services for the Berkeley Water Transportation Pier Ferry Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Rincon Consultants, Inc (Rincon) in an amount not to exceed \$3,080,000 which includes \$280,000 of contingency to provide environmental support services for the Berkeley Water Transportation Pier Ferry Project (Project) for the period July 15, 2024 through June 1, 2027.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,443–N.S.
- 12. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2024 Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Street Rehabilitation FY 2024 Project, Specification No. 24-11624-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Bay Cities Paving & Grading, Inc. and 3) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$12,361,800.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,444–N.S.

## Consent Calendar

- 13. Community Health Commission Comments on Dark Skies Ordinance**  
**From: Community Health Commission**  
**Recommendation:** For the City Council to (a) refer to the Planning Commission, the Public Health Comments on the Dark Skies Ordinance which was previously referred to the Planning Commission; (b) refer to the City Manager, a request to ask the Department of Public Works to implement a moratorium on installation of street lighting and building lighting for use at night exceeding 3,000 Kelvin.  
**Financial Implications:** See report  
Contact: Kellie Knox, Commission Secretary, (510) 981-5400  
**Action:** Recommendation not approved.  
**Vote:** Ayes – Bartlett, Tregub; Noes – Kesarwani, Taplin, Wengraf, Humbert, Arreguin; Abstain – Hahn, Lunaparra.

## Council Consent Items

- 14. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds to the Port Chicago Alliance; and Official Co-Sponsorship of Port Chicago Weekend 2024**  
**From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Hahn to the Port Chicago Alliance – a 501(c)(3) non-profit organization – to support Port Chicago Weekend 2024, raising awareness of the legacy of the Port Chicago 50, with funds relinquished to the City's general fund for this purpose from discretionary Council Office Budgets of Councilmember Hahn and any other Councilmembers who would like to contribute, and register the City of Berkeley's official Co-Sponsorship of Port Chicago Weekend 2024.  
**Financial Implications:** Councilmember's Discretionary Funds - \$500  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 71,445–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - \$250; Councilmember Wengraf - \$250; Councilmember Tregub - \$250; Councilmember Lunaparra - \$250; Councilmember Bartlett - \$250; Councilmember Taplin - \$500.

## Consent Calendar

15. **Amend Item to Remove the Dwight Way/Telegraph Avenue Intersection from the List of Intersections Being Considered for Additional Surveillance Technology**  
**From: Councilmember Lunaparra (Author)**  
**Recommendation:** Amend Council action that was passed at the January 30, 2024 Council meeting to remove the Dwight Way/Telegraph Avenue intersection from the list of intersections being considered for additional surveillance technology.  
**Financial Implications:** None  
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation.

## Action Calendar

16. **Referral Response: Gap Analysis of Berkeley's Homelessness System of Care**  
**From: City Manager**  
**Recommendation:** Receive and file a report and presentation from staff, responding to the City Council's July 13, 2021 referral to the City Manager to analyze current homelessness expenditures and programs and to explore recalibrating and prioritizing investments to align with the 1-2-4 All Home Regional Action Plan framework.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** 11 speakers. Presentation made and report received.
17. **\*\*\*Removed from the Agenda by the City Attorney\*\*\* Youth Voting in Berkeley School Board Elections; Ordinance Providing for Voting By Persons Aged 16 and 17 Years Old for Office of School Director; Resolution Providing for Youth Voting in November 2024 School Board Elections**  
**From: City Attorney**  
Contact: Farimah Brown, City Attorney, (510) 981-6950

## Action Calendar – New Business

### 18. Initiative Petition – Initiative Ordinance Establishing Direct Rental Payments and Amending the Rent Stabilization Ordinance

**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:** 3 speakers. M/S/C (Arreguin/Lunaparra) to:

1. Adopt Resolution No. 71,446–N.S. submitting the measure, without alteration, to a vote of the people at the November 5, 2024 General Municipal Election.

2. Designate Mayor Arreguin and Councilmember Lunaparra to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Vote:** All Ayes.

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

**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:** Scheduled for the July 30, 2024 special meeting for ballot measures.

## Action Calendar – New Business

- 20. 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)**  
**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:** Scheduled for the July 30, 2024 special meeting for ballot measures.
- 21. Initiative Petition – Initiative Ordinance Requiring the Adoption of Minimum Indoor Air Quality Standards in City-Owned and City-Leased Buildings**  
**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:** Scheduled for the July 30, 2024 special meeting for ballot measures.
- 22. Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS)**  
**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:** Scheduled for the July 30, 2024 special meeting for ballot measures.

## Council Action Items

- 23. Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals**  
*(Reviewed by the Land Use, Housing, & Economic Development Committee)*  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.  
*Policy Committee Recommendation: Refer item to City Council with a qualified negative recommendation with the caveat that the ordinance cannot be passed without consideration and approval by the Planning Commission, and it is likely that elements of the proposal would violate State housing law.*  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Moved to Consent Calendar and referred to the City Attorney for a legal opinion on the item. Requested that the item return to the Council agenda when the legal opinion is complete.

- 24. Condemning the University of California's Anti-Labor Actions and Legal Tactics**  
**From: Councilmember Lunaparra (Author)**  
**Recommendation:** Adopt a Resolution Condemning the University of California's Anti-Labor Actions and Legal Tactics.  
**Financial Implications:** Staff time  
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170  
**Action:** 15 speakers. M/S/C (Lunaparra/Arreguin) to adopt Resolution No. 71,447–N.S. with the resolved clauses revised at the meeting by Councilmember Lunaparra as noted below.

*NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that the City of Berkeley opposes any illegal actions or ULPs by UC against its employees; and*

*BE IT FURTHER RESOLVED, the City of Berkeley registers its opposition to legal tactics that may undermine the labor rights of hundreds of thousands of public sector workers; and*

*BE IT FURTHER RESOLVED, the City of Berkeley reaffirms its support for the rights of all workers to be safe from physical and mental harm in their workplaces; and*

*BE IT FURTHER RESOLVED, the City of Berkeley opposes all forms of illegal retaliation against employees for exercising their First Amendment rights; and*

*BE IT FURTHER RESOLVED, the City of Berkeley urges the UC to participate in PERB's resolution process<sup>9</sup> and resolve the ULPs, as offered by PERB and accepted by UAW Local 4811; and*

*FINALLY, BE IT RESOLVED, that upon passage, a copy of this Resolution be sent to Governor Gavin Newsom, Regents of the University of California, the President of the*

## Council Action Items

*University of California Michael Drake, the Chancellor of the University of California Berkeley Richard Lyons, Congresswoman Barbara Lee, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.*

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

**Action:** M/S/C (Lunaparra/Arreguin) to suspend the rules and extend the meeting to 11:30 p.m.

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

### **Urgent Item: Rights Against the Criminalization of Unhoused Individuals Due to Their Status**

**From:** Councilmember Lunaparra (Author), Councilmember Taplin (Co-Sponsor)

**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley's commitments to enact no additional restrictions to effectively prohibit sleeping by an unhoused individual if there is no shelter space available in the jurisdiction for the unhoused individual to sleep, to not impose criminal penalties for sleeping in public spaces without first making an offer of shelter, and to construct, repurpose, and offer non-congregate shelter and permanent housing options whenever possible.

**Financial Implications:** None

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

**Action:** M/S/Failed (Lunaparra/Taplin) to adopt the resolution as submitted.

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

**Action:** 16 speakers. M/S/Carried (Arreguin/Kesarwani) to refer the item to the City Attorney for analysis and schedule a closed session for consideration of the issue.

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

## Information Reports

### **25. LPO NOD: 1401 Le Roy Avenue, #LMSAP2024-0002**

**From:** City Manager

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Received and filed.

## Adjournment

**Action:** M/S/C (Arreguin/Taplin) to suspend the rules and adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 11:26 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on July 9, 2024.

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Mark Numainville, City Clerk

## Communications

### **Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger**

1. Daniel Tahara
2. Steve Meckfessel

### **Item #22: Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS)**

3. Barbara Gilbert (2)

### **North Berkeley Bart and Bike Lane Concern**

4. Walter Wood
5. Kenneth Yip
6. Gloria Schild
7. John Rea
8. Dan Auten
9. Anya Davis

### **Shipping Containers at 2556 Haste Street**

- 10.45 Similarly-worded form letters

### **People's Park**

11. Summer Brenner
12. Moni Law

### **Stormwater Plan**

13. Susan Schwartz, President, Friends of Five Creeks

### **West Campus Pool**

14. Veronica Labarca

**In Home Support Services**

15. Carol Denney

**Southside Complete Streets**

16. Tom

**Sidewalk Safety Concerns**

17. Max Ventura

**Safe Streets**

18. Peggy Mulligan

**Aurora Theater**

19. Josh

**Wireless Radiation**

20. Ellen Marks

**Ohlone Greenway Trail**

21. Carleen Mandolfo

**Driveway Concerns**

22. K. Lazer

**PG&E Bills**

23. Dave Margulius

**Anti-Mask Law**

24. Dorothea Dorenz

**Insurance Reform Information**

25. Chief David Sprague, Berkeley Fire Department

**Golden Duplex Designation**

26. Peg

**12 Panoramic Way**

27. Ken Peterson

28. Lisa Handwerker

**Information Request**

29. Mike

**BESO Notice**

30. Robert Richerson

**Soft Story Retrofit**

31. Todd Andrew

**Middle East Conflict**

32. Erwan Illian (3)

33. Michael Fullerton

34. Marianne Olney-Hamel

**AC Transit Bus Stop Guidelines**

35. Ryan Lau

**EHS Day**

36. Phoebe Thomas (Sorgen)

**URLs Only**

37. Russbumper (8)

38. Crustyrusty

39. Keith Bayne (3)

**Newsletter**

40. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #7: Contract: Gallup, Inc for Employee Engagement and Development**

41. Revised material, submitted by Fire Department

**Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger**

42. Revised material, submitted by City Attorney

43. Janice Schroeder

44. Tonya Love

45. Erin Diehm

46. 13 Similarly-worded form letters

**Item #22: Initiative Petition – Ordinance to Establish a Parcel Tax to Fund Repairs and Improvements to Streets, Sidewalks, and Pedestrian Paths (SAFE STREETS)**

47. The-Anh Cao

**Supplemental Communications and Reports 2**

**Item #16: Referral Response: Gap Analysis of Berkeley’s Homelessness System of Care**

48. Revised material, submitted by City Manager’s Office

**Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger**

- 49. Marcia
- 50. MaryAnn Furda
- 51. John Smail and Melanie Lawrence
- 52. 3 Similarly-worded form letters

**Item #23: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals (Reviewed by the Land Use, Housing, & Economic Development Committee)**

- 53. Nancy Richerson
- 54. MeR
- 55. Gail Martin

**Supplemental Communications and Reports 3**

**Item #16: Referral Response: Gap Analysis of Berkeley's Homelessness System of Care**

- 56. Presentation, submitted by City Manager's Office

**Item #19: Initiative Petition – Initiative Ordinance to Adopt a Special Tax on Natural Gas Consumption in Buildings 15,000 Sq. Ft. or Larger**

- 57. Liana Warren, on behalf of the Sierra Club
- 58. Brianna McGuire

**Item #23: Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals (Reviewed by the Land Use, Housing, & Economic Development Committee)**

- 59. Jo Ann Driscoll
- 60. Chris Chen

**Item #24: Condemning the University of California's Anti-Labor Actions and Legal Tactics**

- 61. Sandra Oseguera Sotomayor, on behalf of the Graduate Assembly of the University of California, Berkeley

**Urgent Item: Rights Against the Criminalization of Unhoused Individuals Due to Their Status**

- 62. Supplemental material, submitted by Councilmember Lunaparra
- 63. Morgan Maxwell

**Miscellaneous Communications**

- 64. Eid

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, JULY 22, 2024**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

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. If you are feeling sick, please do not attend the meeting in person.*

*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/1608742239>. 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: **160 874 2239**. 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:** 3:06 p.m.

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

**Absent:** Taplin, Tregub

Councilmember Tregub present at 3:23 p.m.

Councilmember Taplin present at 4:10 p.m.

**Public Comment - Limited to items on this agenda only – 26 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PRUSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):**

*a. Workers' Compensation matter WCAB Case Number: ADJ10187918*

**Action:** M/S/C (Arreguin/Taplin) to authorize the City Manager to settle by a stipulated Award of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ10187918.

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

*b. Workers' Compensation matter WCAB Case Number: ADJ18579793*

**Action:** M/S/C (Arreguin/Taplin) to authorize the City Manager to settle by a stipulated Award of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release, as to a workers' compensation matter WCAB Case Number: ADJ18579793.

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

**2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2):**

*a. Claim of Paul Wescott*

**Action:** M/S/C (Arreguin/Taplin) to authorize the City Attorney's Office to settle the claim for a total amount of \$24,930.82

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

**3. PUBLIC EMPLOYEE APPOINTMENTS PURSUANT TO GOVERNMENT CODE SECTION 54957(b):**

Title of position to be filled: Director of Health, Housing and Community Services

**Action:** No reportable action taken.

**4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2):**

a. *City of Grants Pass, Oregon v. Johnson* (2024) 144 S.Ct. 2202

**Action:** Item continued to a closed session meeting on July 29, 2024 at 4:00pm.

**5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8**

Property Address: 1001 University Avenue, Berkeley CA  
Agency Negotiators: LaTanya Bellow, City Manager's Office; Dionne Early, Public Works  
Negotiating Parties: City of Berkeley and Berkeley Food Network  
Property Owner: City of Berkeley  
Under Negotiation: Lease Price and Terms

**Action:** No reportable action taken.

**6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS AND LEGAL COUNSEL; CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8, 54956.9(d)(1) and (2):**

Property Address: 3201 Adeline Street, Berkeley CA  
Agency Negotiators: LaTanya Bellow, City Manager's Office; Dionne Early, Public Works  
Negotiating Parties: City of Berkeley and the Black Repertory Group  
Property Owner: City of Berkeley  
Under Negotiation: Lease Price and Terms

**Action:** No reportable action taken.

**7. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

Negotiators: LaTanya Bellow, Interim City Manager, Anne Cardwell, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

**Action:** No reportable action taken.

**OPEN SESSION:**

Item 1a:

City Council met in closed session on July 22, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a Compromise and Release settlement with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ10187918.

Item 1b:

City Council met in closed session on July 22, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ18579793. Public Reports of actions taken pursuant to Government Code section 54957.1.

## Adjournment

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

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

Adjourned at 7:57 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 22, 2024.

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Mark Numainville, City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, July 23, 2024  
3:30 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

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## Preliminary Matters

**Roll Call:** 3:36 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 3:47 p.m.

## Action Calendar – Public Hearings

### 1. **Zoning Ordinance and General Plan Amendments Relating to Middle Housing From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion:

1. Adopt the first reading of an Ordinance amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of “middle housing” in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R (“low-density residential districts”); and
2. Adopt a Resolution amending the General Plan Designations and Land Use diagram for the same purpose.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Public Testimony:** The Mayor opened the public hearing. 91 speakers.

**Action:** M/S/Failed (Lunaparra/Humbert) to direct staff to return with an ordinance based on the Planning Commission recommendation, except R1-H, which would return to Council after the evacuation study is complete, and including the amendments from Mayor Arreguin and Councilmember Kesarwani except for density maximums.

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

**Action:** M/S/Carried (Arreguin/Kesarwani) to provide Council direction to staff to prepare a Middle Housing Ordinance that:

Exempts application in the Hillside Overlay Zone and ES-R District, as staff originally proposed. Council expresses its desire to receive and review the Fire Department’s Evacuation Study in order to better understand public safety risks prior to consideration of Middle Housing standards in this zone.

Outside of the Hillside Overlay Zone, make the following amendments:

**MAXIMUM DENSITY PER ACRE STANDARD.** Include a maximum density per acre standard as follows:

- R-1 - 40 units/acre - Resulting in 5 units on a 5,000 square foot lot
- R-1A - 50 units/acre - Resulting in 6 units on a 5,000 square foot lot
- R-2 - 50 units/acre - Resulting in 6 units on a 5,000 square foot lot
- R-2A - 60 units/acre - Resulting in 7 units on a 5,000 square foot lot

## Action Calendar – Public Hearings

MU-R - 60 units/acre - Resulting in 7 units on a 5,000 square foot lot

**REGULATE THE SIZE OF ONE NEW PRIMARY UNIT.** A large single-family home with multiple bedrooms can be an affordable housing option when rented out to students, young professionals, a group of artists, or others wishing to live together in a communal fashion. To maintain this option while controlling against excessively large single-family homes, place a limit on the size when these standards are used to create one primary unit: **the primary unit square footage may be no more than half the lot size (i.e., 2,500 square feet maximum primary unit size for a lot of 5,000 square feet or 3,000 square feet maximum primary unit size for a lot of 6,000 square feet, etc.), or no larger than 2,500 square feet, whichever is greater.** These square footage limitations shall also apply to home additions for a primary unit (when there is only one primary unit on the lot) seeking approval via Zoning Certificate; one primary unit that exceeds these square footage limitations for a home addition would require an Administrative Use Permit.

**HEIGHT. Maximum height of 35 feet or 3 stories in order to provide certainty that structures do not exceed three stories. Delete maximum average height of 28 feet** in order to ensure that ceiling heights are not substandard; a maximum average height is more costly to design and build, and less energy efficient. Keep the 22 feet lower height limit within 15 feet of the rear property line.

**FRONT- AND REAR-SETBACK.** To provide greater flexibility for smaller parcels and promote backyard space, **the front- and rear-setback are to be a total of 20 feet combined, with a minimum of 5 feet in the front and a minimum of 5 feet in the rear.** This is to ensure that smaller parcels are not required to maintain a 15-foot front setback and lose the possibility of a private backyard, which might encourage fencing of the front facing open space—a deleterious outcome for promoting neighborhood cohesion. Existing front yards vary in depth from five- to 15 feet currently.

**NEIGHBOR NOTICE.** Require a neighbor notice for neighboring properties similar to the requirement under the Accessory Dwelling Unit Ordinance. The language from the Accessory Dwelling Unit Ordinance should be adapted for the Middle Housing Ordinance:

1. *Scope and Timing of Notice.* Notice of an ADU application shall be mailed to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the building permit application to the City.
2. *Content of Notice.* Notice shall provide the address of the project, allowable hours of construction, a link to the City's webpage, and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource or information deemed relevant.
3. *Mailing Fees.* The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

### **REFERRAL**

Refer \$200,000 to the November AAO #1 budget process to fund a citywide historic context statement. This document would describe broad patterns of historical development and identify property types of significance to help establish criteria for protecting cultural resources within the City. After developing a citywide historic context statement, the Council

## Action Calendar – Public Hearings

expresses its intent to fund and conduct a citywide historic resource survey to identify resources for landmark initiation.

The motion also includes the amendments listed below:

- Request to provide opportunity to have community workshops throughout the city in the time between now and when staff brings the ordinance back to Council
- Analysis of 5,000 sq. ft. for density standard for illustrative purposes
- More thorough General Plan analysis
- Report back on how this ordinance current proposal interfaces with Mini Dorm Ordinance and the potential for more mini dorm configurations
- Analysis of how this ordinance conforms to Demolition Ordinance

Public hearing continued to a future date.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 8:42 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 23, 2024.

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Mark Numainville, City Clerk

## Communications

### Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. JT Rueppel

## Supplemental Communications and Reports 1

### Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. Supplemental material submitted by Fire Department
2. Lisa Goodman
3. Kevin Burke
4. Jonathan Bailey
5. 3 Similarly-worded form letters

## Supplemental Communications and Reports 2

### Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. Revised material, submitted by Planning and Development Department
2. Kevin Donahue
3. Alene
4. Stephanie Lesh
5. Evan Tschuy
6. Zachary Russ
7. Becca Schonberg
8. Greg Wilson (2)
9. Yoanna T (2)
10. Gil and Charlotte Ferrey
11. Baeo Maltinsky
12. Sandra
13. Ican Kristian
14. Elizabeth Snowden and Charles P. Smith
15. Aimee Baldwin
16. Phyllis Orrick
17. Gabriel Abud
18. Ariana Mayorga
19. Fredda Cassidy
20. Robert Breuer
21. Cindy Larson
22. Richard Hirsch
23. Susan Nunes Fadley
24. Steve Shoemaker
25. Geoff Holton
26. Ryan Heller
27. David Johnson
28. George Roth
29. Jeffrey Kaplan
30. Amanda Le
31. Brandon Yung
32. Sarah Wittmer
33. Bruce Chamberlain
34. Kristine Fowler
35. Stefano DellaVigna
36. Elizabeth Horowitz
37. Sally Nelson
38. Shirley Kirsten
39. David A. Coolidge
40. Peggy Kelly
41. Bill Hickman
42. Housing Advisory Commission
43. Jim Williams
44. Ilaf Esuf, on behalf of Assemblymember Buffy Wicks
45. David Fielder
46. Christopher Wagstaff and Barbara O'Brien
47. Michael Tompkins

48. Judy Ziajka
49. Summer Brenner
50. Christopher Hamilton
51. Joshua Schraiber
52. Pamela Brett
53. Chris Simon
54. Alfred Twu
55. Anthony Bruce
56. Ben Paulos
57. Carol Cohen
58. Dawn D
59. George McCord
60. Ingrid Crickmore
61. Nori Hudson
62. Sam Kaplan Pettus
63. Isabelle Gaston
64. Sabina McMurtry
65. Roya Arasteh
66. Janice Murota
67. Gail Greenwood
68. Sheila Jordan
69. Robert Dering
70. Mori Costantino
71. Ross Bernet
72. Alex S. Merenkov
73. Mike Dunham
74. Lev Marcus
75. Timothy Ross
76. Joan Hart
77. John Rice
78. Harriet Ann Goldman
79. Julie Goldobin
80. Michael Lonergan
81. Norah Piehl
82. Lauren Parsons
83. Jennifer Bloch
84. Alex Dodd
85. Kevin Donahue
86. John Allen
87. Elijah Ravitz-Campbell
88. Vanessa Hardy
89. Joel Millar
90. Claire Mecredy
91. Robert Gammon, on behalf of Senator Nancy Skinner
92. Aaron Rumph
93. Sandi Peters
94. Libby Lee-Egan
95. Kit vanbuskirk
96. Daniel Abud
97. Peggy Radel

98. Randolph Bush
99. Harold Ruddick
100. Jed Harris
101. AnnMarie Mitchell
102. Amrita Singhal and Michael Tubach
103. Shirley Issel
104. David Nasatir
105. Carol Hirth
106. Chris Mammen
107. Alan Pearson
108. Cheryl Newbrough
109. D Chaney
110. Teresa Clarke
111. Sally Adams
112. Lisa and Joe Ungerer
113. Mandy Aftel
114. Jerrold Cooper
115. Alan Pearson
116. Jane Graly
117. Jennifer Cobb
118. Carol Beth
119. Karen Cilman
120. Zuzana Licko
121. Leila Moncharsh on behalf of Berkeley Architectural Heritage Association
122. Claudia L. Deering
123. Stefanie and William Guynn
124. Ruth Muschel
125. Bill and Judy Hein
126. Colin McRae (2)
127. Kathleen Metz
128. Alane Suhr
129. Matthew Cha
130. Michael Walden and Judith Schelly
131. Bruce Stangeland
132. Terri McGinnis
133. Jane W Ellis
134. Berkeley Neighborhoods Council Executive Committee
135. Jamy Faulhaber
136. Steve Kanofsky (2)
137. Carla and Dolph Rempp
138. Cate Leger
139. Jack Litewka
140. Patrick Brinich-Langlois
141. Katie Johnson
142. Ray and Nancy Yep
143. Linda Schacht and John Gage
144. Jan
145. Emily Brod
146. Judith C. Brown
147. Thea Lerner Daniels

148. Gary Forbes
149. Kay Licina
150. Justin Kao
151. Kay Schwartz
152. Janice Pardoe
153. Michael Cassidy
154. Andrea Altschuler
155. Molly Fraker
156. Judith Barish
157. Mark Petrofsky
158. Sam Greenberg, on behalf of East Bay for Everyone
159. Reuben Arnold
160. Louise Laufersweiler and Warren Sharp
161. Ellen Goldblatt
162. Meagan Gamache
163. Spencer Klein, Ruth Ehrenkrantz, and Micah Klein (2)
164. Lawrence & Lisa Hanf
165. Jane Steinberg-Michahelles and Thomas Michahelles (2)
166. Joan Hart
167. Patricia T Kelly
168. Genevieve Boissier Dreyfus
169. Andrea Cohen
170. Stephanie Manning
171. Sara Rahimian
172. David Mendelsohn
173. Francesca Rizzardi
174. Ellen Thomsen
175. Margery Lackman
176. Deborah Reade
177. Madeline Feingold
178. Gail Nanao
179. Claudia Koch
180. Jean Michel Nowak
181. Daren Fields
182. Meri K. Issel
183. William J Tomei
184. Anita Kumar
185. Robin Hollenberg
186. Chris Jaffe
187. Lucinda Olney
188. David Shiver
189. Brendan Folie
190. Harry Delmer
191. Martin Guerrero
192. Eduardo Pineda
193. Diane Kanegae
194. Suzanne Marr
195. Jean-Luc Szpakowski
196. Donna DeDiemar
197. Gregg Garfinkle

198. Richard A. Laden and Marie-Paule Laden
199. Mary Staats
200. Fredrica Drotos
201. Mark and Lisa Follman
202. Jacqueline Beth
203. Nicole Chabot
204. Jean-Jacques Dethier
205. Phyllis Olin
206. Gina Rieger
207. Jack Kurzweil
208. Diane Mintz
209. Leslie Sakai
210. Tawny Reynolds
211. Michael E. Smith, Richmond Fire Department
212. Kim Markison
213. Emily Walker
214. David Lovato
215. Andrew Jeffries and Ellen McDonald
216. Serina Garst
217. Terry Tsai
218. Rikesh Lal
219. Sasha Futran
220. Paul Fritz
221. Janet Levenson
222. Sara Sarasohn
223. C. Rahav
224. Lynn McAlister
225. Dan Frank
226. Jordan Burns
227. Doug Baker
228. Katharina U. Kaiser
229. Carolyn Sun
230. Keith Bratton
231. Robin Kibby
232. Rachna handa
233. Paul Bickmore
234. Grant Pezeshki
235. Chris Harrelson
236. Rick Cole
237. Andrew Han, on behalf of Elmwood Business Association (2)
238. Tallulah
239. Romi Manheim
240. James Baker
241. Avi Samelson
242. Robert Munch
243. Jasmine Mote
244. Auros Harman
245. Frances and Randolph Starn
246. Richard Neese
247. Anne Weinberger

248. Alene Pearson
249. Robin Kibby
250. Tucker Holstun
251. Madison Page Raasch
252. Chris Gilbert
253. Adam Elkins
254. Sheryl Rose
255. Adam Sandler
256. Warren J. Wells
257. Ashvin Nair
258. Clayton Allen
259. Leigh Stewart
260. Kenny Yip
261. Vamsi Uppala
262. Marice Ashe
263. Nathan Lazarus
264. Bill Sherer
265. Soheila Bana, on behalf of the West Contra Costa Fire Safe Council (WCCFSC)
266. Morris Fuller
267. Frances Christie
268. Trevor H. Wu
269. Benjamin Ou
270. Zachary Russ
271. Vishal Ganesan
272. Alex Mandel
273. Victor Ichioka
274. Max Gara
275. Katherine Hansen
276. Anant Sahai
277. Mary Staats
278. Andrea Pflaumer
279. Christine Birch
280. Will Gilbreath
281. Charles Scawthorn
282. Amelie Mel de Fontenay
283. Arjun Mukerji
284. Lynn Glaser
285. Natalie Leimkuhler
286. Andrea Kean and David Spinner (3)
287. Richard Misrach and Myriam Misrach (2)
288. David Rouslin
289. L. John Harris
290. Dwight Pilz
291. Mike Luby
292. Richard Chambers
293. Alicia Telford
294. D. Fong
295. Stephen Taylor
296. Chris Martiniak
297. Mrs C Gill

298. Katherine Hilton
299. Kim Marienthal
300. Peter Esmonde
301. Anne Pardee and Steve Beckendorf
302. Ben Feldman
303. Robert Riemer
304. Seth Kimball
305. Roger and Zoe Hill
306. Eric King
307. Jennifer Knight
308. Chris McKee
309. Sally J. Sutherland Goldman
310. JHF (2)
311. Mark Morris
312. Carrie Dovzak
313. Samira Nedungadi
314. Martina Reaves
315. Robert and Kiana Kehlmann
316. David and Miriam Wilson
317. Bob Fabry
318. Alexandra Baloff
319. Calley Wang
320. Maren Bell
321. Richard Hackenberg
322. Suzanne McKee
323. Shelley Golomb
324. Emily Benner
325. Laura Katz
326. Ann Rojas-Cheatham
327. Mari Vlastos
328. Caroline Winnett
329. Ewald Detjens
330. Ellen Archilla (2)
331. Jacques Watteyne
332. Bruce A. Smith and Patrice C. Ignelzi
333. Terry Bloomsburgh
334. Emily Fox
335. Michael Parman
336. Jim Haydel
337. Marian Wolfe
338. Carolyn McNiven
339. Joel Lewenstein
340. Hallie Strock
341. Jacalyn Thompson (2)
342. Susan Ashley
343. Helen Toy
344. Juliet Lamont and Phil Price
345. Mary Lou Allen
346. Margaret F. Mancuso
347. Ken Krich

348. Irene Storch
349. Mary Lee Noonan
350. Howard Hertz
351. Samantha Johnston
352. Eva Diez
353. Eric Weaver
354. Chris Ohman
355. Nadia Almasalkhi
356. Robert and Marla Kane (2)
357. Mary B
358. Bob Flasher
359. Mary R Price
360. Roberta C. Brooks
361. Rikesh Lal
362. Walter Geist
363. Michael A. Marletta
364. Walter Alvarez
365. Robert Dering (2)
366. David, Phyllis and Alyse Ritvo
367. Nancy Rader, on behalf of Henry DeNero and the Berkeley FireSafe Council
368. JoAnn Lorber and Martin Lorber
369. Judith Baker
370. Martin Lorber and JoAnn Lorber
371. Diane Gerstler
372. Helen Conrad Stroud
373. Walter Geist
374. Noel Pond-Danchik
375. Robert Smith
376. Josephine A. Perry
377. Bruce H. Feingold
378. John Reykjalín
379. Lelise Schwartz
380. David Scott
381. Jeanne Allan
382. Samuela Evans
383. Pamela Doolan
384. David Shere
385. Carlo and Margareta Sequin
386. Christine Reed
387. John Blaustein and Terry Pink Alexander
388. Francie Shaw
389. Paul Opsvig and Susan Opsvig
390. Ann Goldman
391. Naomi Pearce (2)
392. Jeffrey and Kim Haltiner
393. Helene Whitson
394. Ruth Phillips
395. Carla Kraus
396. Rohil Prasad
397. Susan Taylor

398. Donna Graves (2)
399. Charlotte von der Hude
400. Steve Robey
401. Patricia and Martin St. John
402. Michael Scott
403. Richard Bruehl
404. Sarah Rossman
405. Gary Grimm and Ann Holsberry
406. Vicki Piovia
407. George Killingsworth
408. Marko Lovic
409. Harold and Sabrina Newman
410. Margaret Hurlbert
411. Andrea and Stan Washburn
412. Jennifer A. Chatman
413. Rick Dishnica
414. Liliana Cardile and Stefano Schiavon
415. David Cohn
416. Jo Anne Wallace
417. Grace Yang
418. Anne Sturbaum
419. Andre Pegeron
420. Jodi Alperstein
421. Gary Croner (2)
422. Andrew Zukoski
423. Ted Joseph
424. Kathryn and Lewis Shepler
425. Susan Chainey
426. Catalina Ruiz-Healy
427. Jennifer Cobb and Maurice Obstfeld
428. Karen Holtermann
429. Mark Welge
430. Zela (Zee) G. Claiborne
431. Debby Roosevelt
432. Linda Della
433. Linda De Lucchi
434. Paula Morgan
435. Shmuel Weissman
436. Jean Krois
437. Dianne Ayres
438. Ed Vine
439. Judith Fairchild
440. Liz Horowitz
441. Candace Hyde-Wang
442. Ivan and Sarah Diamond
443. Abbot Foote
444. Susie Wallenstein
445. Karen Friedman
446. Andrea Cassidy
447. Peter and Cynthia Hecker

448. Jack Kurzweil
449. Karl Bemederfer
450. Amy Di Costanzo
451. Rocky Offner
452. Linda Wood
453. Sarah Baughn
454. Sharon Solkowitz
455. Ruth Shapiro
456. Judy Logan
457. David Sherertz
458. Ednah Beth Friedman
459. Barclay Ogden
460. Meryl Siegal
461. Peter Metcalf
462. Nancy Gillette
463. Marian Wolfe
464. Anna Korn
465. Gladys Block
466. Kay Serrurier
467. Helen Silverberg
468. Ann Hasse
469. Rodney Merrill
470. Biana Walser
471. Hillary Reinis
472. Linda Twilling
473. Stephen Vonder Haar
474. Michele Maguire Merrill
475. Malcolm Plant
476. George Buffington
477. Grace Wood
478. Allison Satchell
479. John Spitzer
480. Nicole Laddish
481. John Parman
482. Linda Rosen
483. Guo Xu (2)
484. Chris Cullander
485. Michael McGowan
486. Nancy G.
487. Heather Gilbert
488. Barbara Gilbert
489. Bebe McRae
490. Ellen Pasternack (2)
491. Larry Hyman
492. Ann Krooth
493. Barbara Vaughan
494. Cindy Rosenthal (2)
495. Mark Schneiderman
496. Krista Denton
497. Colby Hatton

498. M. Hilary Roberts
499. Daniel Keller
500. Carol Reitan
501. Grace Munakata
502. Erin B
503. Michael Tanzillo
504. Alan W Shindel
505. L. John Harris
506. Petra Lamberson (2)
507. Isaac Liu
508. Barbara Freeman
509. Sharon Entwistle
510. Zach Franklin and Sofia Zander
511. Richard Chambers
512. Bob Flasher
513. Joan Garvin
514. John Parman
515. Larry Hyman
516. Julie Goldobin
517. Marshall Kirk McKusick
518. Lisa Fruchtman
519. Amruth Uppaluri
520. Alan W Shindel
521. Moe Wright
522. Janice Thomas
523. Andrew Jeffries and Ellen McDonald
524. David Shaddock and Toby Furash
525. Lisa Titus
526. Sally Francis
527. Anna Avellar
528. Carol Reitan
529. Stefano DellaVigna
530. Elsa Tranter
531. Karen Weil
532. Michael Saler
533. Janice Thomas
534. Ann Krooth
535. John Kadlick
536. Gaurav Kumar
537. Kori Kody
538. Susan Morris
539. Christopher Kutz
540. Seraphina Nix
541. Wendy Stock
542. Michael C
543. Karen Kissler
544. Kaethe Weingarten
545. Terry Mandel
546. Barbara Davis
547. Barbara Freeman

- 548. Daniel Martinez-Krams
- 549. Brian Gilbane
- 550. Pam Zelnik
- 551. Nicolas L. McMullan
- 552. Debbie Kendall
- 553. Karen Lou
- 554. Gus Guinan
- 555. Oren
- 556. Lee Ann Bryant
- 557. Susan Frankel and Moshe Maler
- 558. Danny White
- 559. Frederique Wynberg
- 560. Eleanor Cloutier
- 561. Paul Schwartz
- 562. Barbara Cohn
- 563. Diane Weber
- 564. Vanessa Vega
- 565. Stephen Fick
- 566. Sachu Constantine
- 567. Rebecca Mills
- 568. Lynne Clenfield
- 569. Tony Warwick
- 570. Victoria Kahn
- 571. Beth Feingold
- 572. Bronya Feldmann
- 573. Diane Mintz
- 574. Thomas and Rosalyn Jamison
- 575. Schuyler Bailey
- 576. Susan Bailey
- 577. Olivia Olds
- 578. Otto Williams (2)
- 579. Jeffrey Heller
- 580. Phil Allen
- 581. Esther Brass-Chorin
- 582. Arlene Baxter
- 583. Dennis Mulqueaney
- 584. Donna Grethen (2)
- 585. Ian Grubb
- 586. Toni Mester
- 587. Steve Tracy
- 588. Eli Moore
- 589. Colby Olds
- 590. Kathryn Raphael
- 591. Tom Edwards
- 592. Eric Scheie
- 593. Marvin Snow
- 594. Nashua Kalil
- 595. Audrey Tse Tanzillo
- 596. Jesse Greenspan
- 597. Wes Boyd

598. Chuck Cornwall
599. Tom Edwards
600. Jennifer Sowerwine
601. Melanie Curry
602. Martha Staskawicz
603. Yen Trac
604. Marilyn Margulius (2)
605. Charles McKinley
606. Tim Holton
607. Deb Trillia
608. Patricia Reedy
609. Craig Raphael
610. Jennifer Monahan
611. David Moore
612. D. Miller Wise
613. Arjun Mukerji
614. Steven Douglas
615. John Horton
616. Jean Fichtenkort
617. Blair and Helaine Prentice
618. Dr. Lin
619. Hilary Read
620. Val Cipollone
621. Chelsea Hodge
622. Paul Litsky
623. Sharon Richey
624. Robin Galer
625. Colleen Busch
626. Clara Collier
627. Anand Subramani
628. Harris Cohn
629. Rebecca Mills
630. Andrea Cohen
631. Karen Weil
632. Paul Schwartz
633. Andrea Higdon
634. Andrea Pflaumer
635. Victoria Kahn
636. Robin Kibby
637. Richard Frankel
638. Barbara Cohn
639. Anna Avellar
640. Vanessa Vega
641. Tamara Holden-Gurin (2)
642. Miles Johnson
643. Tony Warwick
644. Ruth Langridge
645. Anna Tchetchetkine
646. Elsa Tranter
647. Charlotte von der Hude

- 648. Brian Gilbane
- 649. Marc Hedlund
- 650. Jean Weininger (2)
- 651. Robert and Diana Kehlmann
- 652. Lynne Clenfield
- 653. Jennifer Chatman and Russell Barnett
- 654. Diane Weber
- 655. Andrea Kean and David Spinner
- 656. Tom and Jane Kelly (2)
- 657. Jacob Kopczynski
- 658. Barbara Davis
- 659. Ellen Pasternack
- 660. 26 Letters of Support
- 661. 11 Letters of Opposition
- 662. 3 Substantially similarly worded letters
- 663. 3 Substantially similarly worded letters
- 664. 4 Substantially similarly worded letters
- 665. 57 Substantially similarly worded letters
- 666. 53 Substantially similarly worded letters
- 667. 64 Substantially similarly worded letters

### **Supplemental Communications and Reports 3**

#### **Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing**

- 668. Thea Davison
- 669. Lisa Pfeiffer
- 670. Jeanne M. Brenna
- 671. David Mostardi
- 672. Thomas Dattilo
- 673. Grant Thompson
- 674. Kevin L. Jones
- 675. Samuela Evans
- 676. Jil Geller
- 677. Meghana Gadgil
- 678. Julie Snyder
- 679. Jane Metcalfe
- 680. Samuel Olds
- 681. Dr. Susan Brand (2)
- 682. Enid Camps
- 683. Karen Gilligan
- 684. Rachel Kiekhofer
- 685. Dr. Zachary Cosenza
- 686. Abby and Jim
- 687. Margo Webster
- 688. Helene Vilett
- 689. Diana Keena
- 690. Elizabeth Snowden and Charles P. Smith (2)
- 691. Allison Kidder
- 692. Janice Murota
- 693. Tamara Abrams

694. Martha Rabkin
695. James M. Lloyd on behalf of California Housing Defense Fund
696. Kurt Ribak
697. Carla Woodworth
698. Brenda Shank
699. Deane Bruce
700. David Lerman (2)
701. Linda M. Schweidel
702. Lance Williams
703. Vivian Pisano
704. Marsha Weintraub and Stuart Hellman (2)
705. Fred Schlachter (3)
706. Gail Greenwood
707. Michael Scandling
708. Georjana Barnes
709. Samira Nedugadi
710. Ellen Matthews
711. Stephen Born (2)
712. Paula Aiello
713. Laura Fujii
714. Champe
715. Janet Anderson
716. F. Banuett
717. Kathryn Krahenbuhl
718. Andi Chang
719. Jennifer Winch
720. Joel Krajewski
721. Tim
722. William Springer
723. Katie Johnson
724. Stuart Hellman
725. Tami Boulet and Nick Rizza
726. Claire Sherman and Ed Anisman
727. Kate Pope
728. Emily Warden
729. Gretchen Carlson
730. Kamal Kapadia and Matthias Fripp
731. Hayne Leland
732. Bohun Kinloch
733. Bob Byrne
734. Nelson and Katherine Graburn
735. Cvalk65
736. Patricia Young and Robert Young
737. Linda Currie
738. Sharon Rollins Singer
739. Mary Behm-Steinberg
740. Janet Huseby
741. Joshua
742. David Sochowitzky
743. Thomas Eusterbrock (2)

- 744. Austin Henderson
- 745. Reba Jones
- 746. Michael Keenan
- 747. Steven
- 748. Judy Casey and Vin Dunn
- 749. Oskar Cross
- 750. Katinka Wyle
- 751. Dan Slobin
- 752. Marilyn Vihman
- 753. Patrick Kehoe
- 754. Krista Denton
- 755. Georgia Maslowski
- 756. Mitchell Fleischer
- 757. Judy Dale
- 758. Susan Louie
- 759. Carolyn West
- 760. Margaret Torn
- 761. Andrea
- 762. Lisa Lum and Michael Hohmeyer (2)
- 763. Buro Mookjeri
- 764. Susan Aumiller
- 765. Brian
- 766. Joan Guilford
- 767. Michael Roche
- 768. Brian
- 769. Suzanne Jones
- 770. Will Freyman
- 771. Irene L. Collaco
- 772. Michael Thouati
- 773. Stephen Twigg
- 774. Kathy Scandling
- 775. Jessica Rohman
- 776. Susan Schwartz
- 777. John Stenzel
- 778. Susan and Roy Bogas
- 779. Christopher Buckley
- 780. Elizabeth Miles
- 781. Sandra Emerson
- 782. Sean Kennedy and Maxine Skaggs Kennedy
- 783. Tom Johnston
- 784. Laura Louis
- 785. Tomas Balogh
- 786. Dalia C. Nagel (2)
- 787. Verna Winters
- 788. Jenny Wenk
- 789. Barryett Enge
- 790. Lance Director Nagel (2)
- 791. Theresa Frantz
- 792. Roz Smith
- 793. Elizabeth Ditmars

794. Kent Oberheu
795. Noreen Axelson
796. Kelly Hammargren
797. Vincent Pham
798. Patricia Brink
799. Dr. Barbara Schick
800. Audrey Richards
801. Teresa Tan
802. Andrew Livsey
803. Marissa Moss
804. John Di Ruocco
805. Richard Illgen and Michaelyn Jones
806. Andrew Beahrs
807. Lauren and David Moore
808. Paula Versano and Alan Tansman
809. Gail Machlis
810. Scott Shenker
811. Deborah Brown
812. Jacquelyn D Evans
813. Nadia B. Le Bon
814. Mike and Sharon Trott
815. William Guynn
816. Liza Lutzker
817. Esta Brand
818. Debra Savate
819. Rutie Adler (2)
820. Manuela Albuquerque and Christopher McKenzie
821. Pamela Helms (2)
822. Megan Cole
823. Stephanie Antalocy
824. Margaret Simon
825. Celeste Goyer on behalf of the Casita Coalition
826. Darrell Owens
827. Laura Ide
828. Lhndl
829. Voters in Berkeley
830. Sarah Herbold
831. David
832. Martine Kraus
833. Joan Grant
834. Simone Hoelck
835. Jill Uyeda
836. Maria Sakovich
837. Steven Woodall and Lila Crutchfield
838. Tasha Leverette
839. Nomi Harris
840. Xanthippe Phillips
841. Rochelle
842. Tina de Benedictis
843. Jen

844. Leni Siegel
845. Bre C
846. Donna Brookman
847. William Laves
848. Virginia Browning
849. Naor Deleneau
850. Jane Wenger
851. Doris Sloan
852. Melanie Feakins
853. Lisba Fowler
854. Cheryl and Alan Rinzler
855. Todd Darling and Linda Jensen Darling
856. Deborah Leeds
857. Les Guliasi (2)
858. Margaretta M. Lovell and Stephanie Rose
859. Ethan Karp and Sue Lynn Thomas
860. Joan Killeen
861. Holly M. Smith
862. Susan Whitman
863. Stephanie Wade (2)
864. Bonnie Borucki
865. Jessica Samuels
866. Andrew Bestwick
867. Luri Quaglia
868. Rose Ellen
869. Randall Gee
870. Gary Ingram and Anita Ingram
871. Alesia Connelly
872. Sara and Harvard Holmes
873. Kate and Daniel Funk
874. Michael Roberts
875. PD Marshall and G Penegor
876. Steve Bedrick
877. Alan Bernheimer
878. Emilie Strauss
879. Joe Van Steen
880. Stephen Sites and Lisa Krepela
881. Susan Orbuch
882. Nancy Carleton
883. Robert Stokstad
884. Carl Yerkovich
885. Karen Khor
886. Cynthia Cowgill
887. Vihaan Mitra
888. Jodi Kaufman
889. Alan Bern
890. Jesse Pollak
891. Candace and Richard Medress
892. Robert Stoner
893. Constance Rivemale

894. Nick Greene
895. Ian Meyers
896. Donna Lurie
897. Jen Bilik (2)
898. Kenny Stone
899. Constance Anderson
900. Susan Duncan
901. Cheryl Keller Brooks
902. Kuniko Weltin-Wu
903. Tyler Friedman
904. Victoria deMara
905. Jim Corr
906. Reanna and Reed Kalna
907. Joan Wager
908. Heidi Hartman (3)
909. Richard Jackson
910. Michael Tripp and Sara Lee
911. Gary Facente
912. Steve Seid
913. Alex Takaoka
914. Diego Aguilar-Canabal
915. Ellen Hahn
916. Stephanie Thomas
917. Carol Whitman Simpson
918. Lota and Mac Rygiel
919. Andrew Uzane Schneiderman
920. Jennifer Drapeau
921. Lynne Rodezno
922. Lucinda Olney
923. Kathy Aschheim
924. Kim Sharrar
925. Holly Singh
926. Ila Rosenzweig
927. Rudabeh Pakravan and Kristen Sidell
928. Melanie Lawrence and John Smail
929. Mary Canavan
930. Lou Ponticas
931. Bonnie Mattison
932. Erika Wodinsky and John Dresslar
933. Pallop Wilairat
934. Jeanne Schuman
935. Stephanie McCoy
936. Dorothea Dorenz
937. Jim Hynes
938. Fred Bamber
939. Cynthia Dorfman
940. Luke Terlaak Poot
941. Greg Gurnick
942. Megan
943. Rocky

- 944. Maxina Ventura
- 945. Heather Hernandez
- 946. Karen Fagerstrom
- 947. Joan E. Sarnat and David Hoffman
- 948. Charlotte Nolan
- 949. Anna Urrea
- 950. Sterling Kinnell
- 951. Ann Swidler
- 952. Jim Hanson
- 953. Tamara Thebert
- 954. C. Wolf
- 955. Jovi Tseng
- 956. Sean Lincoln
- 957. Suzanne Marr
- 958. Maragret Fouda
- 959. Kris Kargo
- 960. Jean Peters
- 961. Susan O'Neal
- 962. Florie Wezelman "Beany"
- 963. Susanna Porte
- 964. L. Ruth
- 965. Marlene Lieberman
- 966. Steven Roselaren
- 967. Rebecca Hooley
- 968. Chris Cosgrove
- 969. Endless Energy
- 970. Pat Nomura
- 971. Ted Matley
- 972. Xander Boutelle
- 973. Sabina
- 974. Ellen Greenblatt
- 975. Nancy Becker
- 976. Theo
- 977. Chris Cullander
- 978. Alan Pearson
- 979. Sbschickman
- 980. Shael Barger
- 981. Nancy Carleton
- 982. Bill Kristy
- 983. Gerald Morrison
- 984. Laura Spiekerman
- 985. Ryan
- 986. Steve Ratcliff
- 987. Tiffany Cotter
- 988. Karen Chapman
- 989. Sheryl Drinkwater
- 990. Eric King
- 991. Brian Rosenberg
- 992. Joan and Don Wilson
- 993. Wendy

- 994. Ellen Evers
- 995. 3 Similarly worded form letters
- 996. 3 Similarly worded form letters
- 997. 7 Similarly worded form letters
- 998. 34 Similarly worded form letters
  
- 999. Presentation, submitted by Planning and Development Department

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**Tuesday, July 23, 2024  
5:30 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](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/1600197323>. 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: **160 019 7323**. 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).

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*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:** 8:42 p.m.

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

**Absent:** None

## Action Calendar – New Business

- 1. Resolution Approving Amended Home Loan Documents in Consideration for City Manager Dee Williams-Ridley Separation Agreement**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution amending former City Manager Dee Williams-Ridley’s Home Loan Agreement with the City.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** 7 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 71,448–N.S.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Wengraf, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – Hahn.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 8:54 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 23, 2024.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: Resolution Approving Amended Home Loan Documents in Consideration for City Manager Dee Williams-Ridley Separation Agreement**

1. Barbara Gilbert

### Supplemental Communications and Reports 3

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, July 23, 2024**  
**6:00 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

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## Preliminary Matters

**Roll Call:** 9:22 p.m.

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

**Absent:** None

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

## Ceremonial Matters

1. Recognition in Memory of Former Councilmember Max Anderson
2. Recognition of the 2024 Berkeley Music and Arts Summit
3. Adjourned in Memory of Sonya Massey, Victim of Police Violence

## Report from Closed Session

The City Council met in closed session on July 22, 2024, pursuant to Government Code Section 54956.9(d)(2), and provided direction to outside counsel and approved a Compromise and Release settlement with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ10187918 and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Number: ADJ18579793.

The Council also authorized the City Attorney to settle the Claim of Paul Wescott for total amount of \$24,930.82.

## City Manager Comments:

1. Movies in the Park, Friday July 26 – How to Train Your Dragon
2. Tuolumne Family Camp Comedy Weekend
3. Olympic Day in San Pablo Park

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 14 speakers.

**Action:** M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

- 1. FY 2025 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,927-N.S. to recommend that the Berkeley City Council set the FY 2025 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2800 (28.00 cents) per square foot for dwelling units and \$0.4233 (42.33 cents) per square foot for industrial, commercial, and institutional buildings.  
**First Reading Vote: All Ayes**  
**Financial Implications:** See report  
Contact: Tess Mayer, Library, (510) 981-6100, Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted second reading of Ordinance No. 7,927–N.S.
- 2. Youth Voting in Berkeley School Board Elections; Ordinance providing for voting by persons aged 16 and 17 years old for office of School Director**  
**From: City Attorney**  
**Recommendation:** Adopt second reading of Ordinance No. 7,928-N.S. providing for youth voting by persons aged 16 and 17 years old for office of School Director pursuant to Article III, Section 5(3) of the City Charter.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Tregub, Hahn, Lunaparra, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,928–N.S.
- 3. Municipal Code Amendments for Measure KK Compliance and Updated Settlement Authority**  
**From: City Attorney**  
**Recommendation:** Adopt first reading of an Ordinance amending Chapter 2.56 and Sections 2.36.040, 4.04.100, 4.04.110, and 7.12.020 of the Municipal Code to conform to Section 113 of the City Charter (Measure KK), and to increase the City Attorney’s authority to settle claims up to \$50,000.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted first reading of Ordinance No. 7,929–N.S. with an amendment in Section 2.56.040. Second reading scheduled for July 30, 2024.

## Consent Calendar

- 4. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$161,280 for fitness center memberships for City employees for the period July 1, 2024 through June 30, 2025.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 71,449–N.S.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 23, 2024**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$4,525,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 6. Public Facility Improvement Program Funds for Insight Housing’s (formerly Berkeley Food and Housing Project) Dwight Way Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Reallocate \$549,785 of FY24 Measure P funds from Insight Housing’s (IH) Russel Street Residence rehabilitation project to their Dwight Way Center (DWC) rehabilitation project; and 2. Execute all resultant agreements and amendments with IH for the above-mentioned funds.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,450–N.S.
- 7. Appointment of Priscilla Villanueva to the Board of Library Trustees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing Priscilla Villanueva to the Board of Library Trustees (“BOLT”) for a term of four years beginning September 4, 2024.  
**Financial Implications:** None  
Contact: Tess Mayer, Library, (510) 981-6100  
**Action:** Adopted Resolution No. 71,451–N.S.

## Consent Calendar

- 8. License Agreement: Masaba LLC., DBA Roaming Bean Coffee Vendor at the Waterfront**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a license agreement with Roaming Bean Coffee to operate at the Berkeley Waterfront for a three-year term, ending July 31, 2027.  
**Financial Implications:** \$11,498 - Revenue  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,452–N.S.
- 9. Lease Agreement: Youth Musical Theater Company for the properties at 2925 and 2945 Bolivar Drive, Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City's properties at 2925 and 2945 Bolivar Drive in Aquatic Park for a term of ten years, anticipated to begin September 1, 2024 and ending August 31, 2034, with one five-year option.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted first reading of Ordinance No. 7,930–N.S. Second reading scheduled for July 30, 2024.
- 10. Assembly Bill 481, 2023 Annual Military Equipment Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the 2023 Annual Military Equipment Report.  
**Financial Implications:** Staff time  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 71,453–N.S.
- 11. Contract: Alta Planning & Design for Adeline Street Transportation Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alta Planning & Design for Preliminary Engineering and Environmental Studies for the Adeline Street Transportation Improvements Project for an amount not-to-exceed \$1,256,120.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,454–N.S.

## Consent Calendar

- 12. Contract: Buhler Commercial for FY 2023 Retaining Wall and Storm Drain Improvement Project (Specification No. 23-11616-C & 23-11614-C)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the FY 2023 Retaining Wall and Storm Drain Improvement Project; 2. Accepting the bid of Buhler Commercial as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until project completion, in accordance with the approved plans and specifications in an amount not to exceed \$1,973,708.  
**Financial Implications:** See report.  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,455–N.S.
- 13. Contract No. 31900102 Amendment: Nute Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900102 with Nute Engineering (Nute) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$900,000, and extending the term of the contract from June 30, 2024 to June 30, 2025.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,456–N.S.
- 14. Amending the 1956 Maintenance Agreement with Caltrans to include new I-80 Gilman Interchange**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to negotiate and execute an amendment to the 1956 Freeway Maintenance Agreement between the City and Caltrans to include new I- 80/Gilman Interchange facilities.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,457–N.S.

## Consent Calendar

### 15. Change Football Game Day Parking Restrictions in Residential Preferential Parking Zones

**From:** City Manager

**Recommendation:** Adopt a Resolution modifying parking restrictions in specified Residential Preferential Parking (RPP) zones on University of California, Berkeley (UC Berkeley) home football game days as follows:

1. Remove game day parking restrictions and enforcement in RPP zones G and F north of UC Berkeley campus;
2. Allow visitor parking on game days in RPP zones B and D for up to two-hours with enhanced fines (per Resolution No. 69,089-N.S., adopted September 10, 2019, enhanced fines on football game days are \$225);
3. Allow parking on game days on a one-block stretch of Bancroft Way between College Avenue and Bowditch Street for up to two-hours;
4. Allow parking on game days on College Avenue between Dwight Way and Parker Street for up to two-hours with enhanced fines;
5. Allow parking on game days on Oxford Street between Hearst Avenue and Center Street.

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300, Eleanor Hollander, Economic Development, (510) 981-7530

**Action:** Adopted Resolution No. 71,458–N.S.

### 16. Lease for Office Space for the Office of the Director of Police Accountability (ODPA) at 1900 Addison Street

**From:** Director of Police Accountability

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a ten-year lease agreement with The Shamszad Family Living Trust for the property located at 1900 Addison Street, Suites 300 and 350, with a lease term beginning on September 1, 2024.

**Financial Implications:** See report

Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950

**Action:** Adopted first reading of Ordinance No. 7,931–N.S. Second reading scheduled for July 30, 2024.

## Action Calendar – Public Hearings

### 17. Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City’s Public Facility Improvement Program

**From: City Manager**

**Recommendation:** Conduct a public hearing on:

1. Substantial amendments to the federal Program Years (PY) 2018, 2019, 2020, and 2021 Annual Action Plans (AAP), which propose a total reallocation of \$478,500 of Community Development Block Grant (CDBG) funds from the Senior Disabled (Home) Loan Rehabilitation Program (SDLRP) to the Public Facility Improvement Program;

2. Allocating \$450,000 of the reallocated funds to Insight Housing’s (IH) existing public facility rehabilitation project at 2140 Dwight Way, and

3. Allocating \$52,775 to Larkin Street Youth Services’ (LSYS) existing public facility rehabilitation project at 3404 King St (\$28,500 from above reallocated funds and \$24,275 from available PY 2024 funds).

Upon conclusion of the hearing, adopt a Resolution authorizing the City Manager or her designee to:

a. Approve the CDBG public facility funding allocations for two public facility improvement projects, \$450,000 for IH and \$52,775 for LSYS;

b. Submit the Substantial Amendments to the PY 2018, 2019, 2020, and 2021 Annual Action Plans to the U.S. Department of Housing and Urban Development (HUD); and

c. Execute all resultant agreements and amendments with IH and LSYS and for the above-mentioned funds.

**Financial Implications:** See report.

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.

M/S/C (Arreguin/Taplin) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Tregub/Arreguin) to adopt Resolution No. 71,459–N.S.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Tregub) to suspend the rules and extend the meeting to 11:15 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Bartlett) to suspend the rules and extend the meeting to 11:25 p.m.

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

## Council Action Items

18. **Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space**  
**From: Councilmember Lunaparra (Author)**  
**Recommendation:** Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle at the intersection of Dwight Way and Telegraph Avenue as Public Open Space Pursuant to BMC chapter 6.42.  
**Financial Implications:** None  
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170  
**Action:** 15 speakers. M/S/Failed (Lunaparra/Tregub) to adopt the resolution amended to include additional stakeholder engagement.  
**Vote:** Ayes – Bartlett, Tregub, Lunaparra; Noes – Kesarwani, Taplin, Wengraf; Abstain – Hahn, Humbert, Arreguin.

## Information Reports

19. **LPO NOD: 8 Greenwood Common, #LMSAP2024-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Removed from the agenda by the City Manager.
20. **Alameda County Transportation Commission Rail Safety Enhancement Program – Phase A**  
**From: City Manager**  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Removed from the agenda by the City Manager.
21. **Annual Report on Landmarks Preservation Commission (LPC) Actions**  
**From: Landmarks Preservation Commission**  
Contact: Fatema Crane, Commission Secretary, (510) 981-7400  
**Action:** Received and filed.

## Adjournment

Adjourned at 11:25 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on July 23, 2024.

---

Mark Numainville, City Clerk

## Communications

### **Bike Lane Construction**

1. D.A. (2)
2. Tom
3. Julia (2)
4. Voters

### **Traffic Control Signage**

5. David Lerman

### **Longfellow Middle School Relocation**

6. Liz Lutzker

### **Berkeley Federation of Teachers**

7. Matt Meyer

### **Ohlone Dog Park**

8. Ohlone Dog Park Neighbors

### **Fair and Open Bargaining**

9. Jamie Cooney
10. Moni Law

### **UC Master Leasing**

11. Barbara Gilbert

### **Aurora Theater**

12. Josh

### **Civic Center Park**

13. Anna Weinstein

### **Restaurant Inspection Results**

14. David Lerman

### **Panoramic Way**

15. Lisa and Ilana Handwerker (2)
16. Nick Thurlow

### **Café**

17. Barbara Gilbert
18. Isabelle Gaston

### **Diversity and Inclusion**

19. Moni Law

**Sidewalk Safety Concern**

20. Max

**Lime Scooters**

21. Laarni Mathias (2)

22. Summer Brenner

**Water Drainage**

23. Maha Parameswaran

**Tesla, Harrison St.**

24. John Craner, CEO, Downtown Berkeley Association

**Grizzly Peak Blvd.**

25. Bruce Brody

**Shipping Containers at 2556 Haste St.**

26. Tobias Damm-Luhr

**World Skate**

27. Jerry Bekkers, World Skate Facility Department Director

**North Berkeley Affordable Housing**

28. Kim Klein

29. Dorothea Dorenz

**Crime in Berkeley**

30. Nina Lyons

**Arson Fires**

31. Barbara Gilbert

**CROP Invitations**

32. Eugene Dey (6)

**Middle East Conflict**

33. Aaron

34. Shanna Bowie

35. Jessica Kim

36. Erwan Illian (3)

37. Russbumper (2)

**Towing Concern**

38. William Race

**Rental Board**

39. Scott

**Flag Hanging from Civic Building**

40. Jessica Pearlman

41. Dorothea Dorenz

**URLs Only**

42. Russbumber (6)

43. Erwan Illian

**Newsletter**

44. Berkeley Art Center

45. Russbumber (2)

46. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #17: Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City's Public Facility Improvement Program**

47. Supplemental material submitted by Health, Housing, and Community Services

**Supplemental Communications and Reports 2**

**Item #15: Change Football Game Day Parking Restrictions in Residential Preferential Parking Zones**

48. Alex Knox

**Item #18: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space**

49. Revised agenda material submitted by Councilmember Lunaparra

50. Alex Knox

**Supplemental Communications and Reports 3**

**Item #10: Assembly Bill 481, 2023 Annual Military Equipment Report**

51. Jose D. Murrillo on behalf of the Police Accountability Board

**Item #17: Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City's Public Facility Improvement Program**

52. Helen Walsh (3)

**Item #18: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space**

53. Terri Compost

54. Sylvia

55. Laura Smiley (2)

56. Stephanie Thomas

**Miscellaneous Communication**

57. Eid

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, JULY 29, 2024**

**4:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

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

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. If you are feeling sick, please do not attend the meeting in person.*

*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/1618709267>. 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: **161 870 9267**. 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:** 4:06 p.m.

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

**Absent:** Taplin, Bartlett

Councilmember Taplin present at 4:10 p.m.

Councilmember Bartlett present at 4:31 p.m.

**Public Comment - Limited to items on this agenda only – 19 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1):**

- a. *Gregory J. Dabel, Trustee v. City of Berkeley*, Alameda County Superior Court, Case No. 24CV076653.

**Action:** No reportable action taken.

**2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2):**

- a. *City of Grants Pass, Oregon v. Johnson* (2024) 144 S.Ct. 2202

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 6:04 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on July 29, 2024.

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Mark Numainville, City Clerk

## BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**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](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.*

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## 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.

I hereby certify that the foregoing is a true and correct record of the special meeting held on July 30, 2024.

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Mark Numainville, City Clerk

## 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

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, July 30, 2024**  
**6:00 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:** 7:53 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Tregub

Councilmember Tregub present at 7:55 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

## Ceremonial Matters

The City Auditor presented the Fiscal Year 2025 Audit Plan.

## City Manager Comments:

The Interim City Manager noted several upcoming community events including National Night Out (8/6) at McGee Avenue and the Marina; Roller-skate Party (8/15) at Grove Park; Movies in the Park showing Teenage Mutant Ninja Turtles at Cedar Rose Park (8/16).

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Arreguin/Tregub) to accept an urgency item from the City Manager pursuant to Government Code Section 54954.2(b)(2) entitled Appointment of Director of Health, Housing and Community Services.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled McGee Avenue Baptist Church: Funding for McGee Avenue Baptist Church in partnership with City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds.

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 16 speakers.

**Action:** M/S/C (Arreguin/Taplin) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## Consent Calendar – Continued Business

- A. Municipal Code Amendments for Measure KK Compliance and Updated Settlement Authority** (*Continued from July 23, 2024*)  
**From:** City Attorney  
**Recommendation:** Adopt second reading of Ordinance No. 7,929-N.S. amending Chapter 2.56 and Sections 2.36.040, 4.04.100, 4.04.110, and 7.12.020 of the Municipal Code to conform to Section 113 of the City Charter (Measure KK), and to increase the City Attorney’s authority to settle claims up to \$50,000.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,929–N.S.
- B. Lease Agreement: Youth Musical Theater Company for the properties at 2925 and 2945 Bolivar Drive, Aquatic Park** (*Continued from July 23, 2024*)  
**From:** City Manager  
**Recommendation:** Adopt second reading of Ordinance No. 7,930-N.S. authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City’s properties at 2925 and 2945 Bolivar Drive in Aquatic Park for a term of ten years, anticipated to begin September 1, 2024 and ending August 31, 2034, with one five-year option.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,930–N.S.
- C. Lease for Office Space for the Office of the Director of Police Accountability (ODPA) at 1900 Addison Street** (*Continued from July 23, 2024*)  
**From:** Director of Police Accountability  
**Recommendation:** Adopt second reading of Ordinance No. 7,931-N.S. authorizing the City Manager to execute a ten-year lease agreement with The Shamszad Family Living Trust for the property located at 1900 Addison Street, Suites 300 and 350, with a lease term beginning on September 1, 2024.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950  
**Action:** Adopted second reading of Ordinance No. 7,931–N.S.

## Consent Calendar

### **Urgent Item: Appointment of Director of Health, Housing and Community Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of Scott Gilman as the Director of Health, Housing and Community Services to be effective August 4, 2024 at an annual salary of \$272,685.09.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 71,468–N.S.

### **Urgent Item: McGee Avenue Baptist Church: Funding for McGee Avenue Baptist Church in partnership with City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution approving the expenditure of funds, including \$500 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to McGee Avenue Baptist Church to fund operational resources for McGee Avenue Baptist Church in partnership with the City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

**Financial Implications:** See report.

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** Adopted Resolution No. 71,469–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Lunaparra - \$200; Councilmember Tregub - \$250; Councilmember Humbert - \$250; Councilmember Wengraf - \$250; Councilmember Taplin - \$250.

### **1. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of June 3, 2024 (closed), June 4, 2024 (regular), June 14, 2024 (special), June 24, 2024 (closed), and June 25, 2024 (specials and regular).

**Financial Implications:** None

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

**Action:** Approved the minutes as submitted.

## Consent Calendar

- 2. Contract No. 32400082 Amendment: The Wright Institute for Mental Health Counseling for Older Adults**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32400082 with The Wright Institute increasing the contract by \$200,000 for the provision of mental health counseling services to older adults in the Berkeley community, in a total amount not to exceed \$500,000. The new contract end date will be June 30, 2026.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,470–N.S.
- 3. Filling Human Welfare and Community Action Commission Public Sector Vacancies**  
**From: City Manager**  
**Recommendation:**  
1. Adopt a Resolution confirming the appointments of up to three public sector commissioners to the Human Welfare and Community Action Commission (HWCAC), having been approved by the Health, Life Enrichment, Equity & Community Policy Committee at their July meeting.  
2. Adopt a Resolution appointing Catherine Huchting, Mary Behm-Steinberg, and George Lippman to the HWCAC as private sector representatives.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,471–N.S. (Public Sector) and Resolution No. 71,472–N.S. (Private Sector) with the appointees included in the revised materials in Supplemental Communications Packet #2 from the City Manager.
- 4. Establish Classification and Salary – Public Health Investigator**  
**From: City Manager**  
**Recommendation:** Establish the job class specification and salary of Public Health Investigator with an hourly salary range of \$35.5512 - \$43.2127.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,473–N.S.
- 5. Establish Classification and Salary – Assistant Fire Inspector**  
**From: City Manager**  
**Recommendation:** Establish the job class specification and salary of Assistant Fire Inspector with an hourly salary range of \$36.8038 - \$44.7352.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,474–N.S.

## Consent Calendar

- 6. Establish Classification and Salary – Veterinarian**  
**From: City Manager**  
**Recommendation:** Establish the job class specification and salary of Veterinarian with an hourly salary range of \$71.5295 - \$86.9445.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,475–N.S.
- 7. Contract 10549C Amendment: Tyler Technologies Enterprise Resource Planning System for Ongoing Software Licensing, Maintenance Services, Implementation and Consulting Services, and Disaster Recovery Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10549C with Tyler Technologies for software licensing, maintenance services, implementation, consulting services, and disaster recovery services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$1,000,000 and a total contract value not to exceed \$5,705,342.68 from April 1, 2017 to June 30, 2027.  
**Financial Implications:** IT Cost Allocation Fund - \$1,000,000  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 71,476–N.S.
- 8. Contract 31900042 Amendment: CivicPlus On-Line Recreation Reservation System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900042 with CivicPlus, Inc. for on-line recreation reservation system services to increase the contract amount by \$37,000, for a total not-to-exceed contract amount of \$153,756.  
**Financial Implications:** General Fund - \$37,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 71,477–N.S.
- 9. Lot Line Adjustments at 1401 Carleton Street and 1423 Ward Street**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street to resolve main dwelling encroachments at the City's Santa Fe Trackbed to Park Conversion Project Site.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted first reading of Ordinance No. 7,932–N.S. Second reading scheduled for September 10, 2024.

## Consent Calendar

- 10. Lease Agreement: Youth Musical Theater Company for the Live Oak Theater at 1301 Shattuck Ave**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Youth Musical Theater Company (YMTC) for the use and management of the City's Live Oak Theater at 1301 Shattuck Avenue for a term of three years, anticipated to begin September 1, 2024 and ending August 31, 2027, with one five-year option.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted first reading of Ordinance No. 7,933–N.S. Second reading scheduled for September 10, 2024.
- 11. Revenue Grant: Cannabis Tax Fund Grant Program (CTFGP) Acceptance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the Chief of Police to accept the CTFGP grant and enter into the resultant grant agreement and any amendments, with the California Highway Patrol. This grant is for \$111,716.80 for the period of July 1, 2024 through June 30, 2025.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 71,478–N.S.
- 12. Purchase Order: National Auto Fleet Group for Prisoner Transport Vehicle Body Assembly Upgrade**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcewell bid procedures and authorize the City Manager to execute a purchase order for one Prisoner Transport Vehicle Body Assembly Upgrade with National Auto Fleet Group in an amount not to exceed \$340,000.  
**Financial Implications:** Various Funds - \$340,000  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,479–N.S.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Hahn, Wengraf, Humbert, Arreguin; Noes – None; Abstain – Lunaparra.

## Consent Calendar

- 13. Purchase Order: Turf Star, Inc. for Go-4 Parking Enforcement Vehicles**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorize the City Manager to execute a purchase order for Go-4 Parking Enforcement Vehicles with Turf Star, Inc. in an amount not to exceed \$400,000.  
**Financial Implications:** See report.  
Contact: Terrance Davis, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 71,480–N.S.
  
- 14. Referral to Develop Curb Management Plan** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee)*  
**From: Environment and Climate Commission**  
**Recommendation:** Refer to the City Manager to fund and develop a Curb Management Plan.  
*Policy Committee Recommendation: To send the item to Council with a positive recommendation, and that the item be taken up when additional funding for streets and infrastructure is approved and/or during the next budget process.*  
**Financial Implications:** See report  
Contact: Sarah Moore, Commission Secretary, (510) 981-7400  
**Action:** Approved item as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.

## Council Consent Items

- 15. Referral to City Manager: Ashby BART Area Enhanced Infrastructure Finance District (EIFD) Analysis**  
**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager and City Attorney to return to Council with an analysis and recommended actions to initiate an Enhanced Infrastructure Finance District (EIFD) encompassing the Ashby BART station area, and consider:
1. Earmarked provisions of an EIFD to finance specific infrastructure and community development investments in an effort to actualize improvements to a Southern Plaza and greater Adeline Corridor adjacent to the West Lot, including benefits supporting impacted communities;
  2. A preliminary analysis on additional, non-contiguous EIFD catchment areas that extend beyond the BART development sites; and
  3. An EIFD Financial Plan that determines the funding potential of such a district or districts, including the total amount of tax revenue that could be generated through property taxes, transfer taxes, sales taxes, and other revenue, for associated infrastructure and public works improvements. These improvements may include, but are not limited to a Black Arts and Cultural District and associated facilities, and Berkeley Flea Market facilities.
- Refer to the November 2024 AAO1 process up to \$100,000 for a) engaging a consultant to collaborate with the City Attorney, Planning and Finance Departments to prepare an EIFD Financial Plan, b) to initiate and conduct a community engagement process, and c) to establish an ad-hoc steering committee to guide this work consisting of residents, community-based organizations, the Planning Department, the Office of Economic Development, Civic Arts, and leaders involved in Equitable Black Berkeley work and the development of the Black Arts and Cultural District.
- Financial Implications:** General Fund - \$100,000  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 from Mayor Arreguin.
- 16. Supporting the “Renewing Immigration Provisions of the Immigration Act of 1929 or “Registry Bill” (HR 1511 & SB2606)**  
**From: Councilmember Lunaparra (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution Supporting the “Renewing Immigration Provisions of the Immigration Act of 1929 or “Registry Bill” (HR 1511 & SB2606) and endorsing the Northern California Coalition for Just Immigration Reform’s “Three-Day Walk for a Path to Citizenship” from San Jose to San Francisco on August 17-19, 2024.
- Financial Implications:** None  
 Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmember Humbert added as a co-sponsor. Adopted Resolution No. 71,481–N.S.

## Council Consent Items

- 17. Berkeley Student Cooperative (BSC): Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Lunaparra (Author), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Lunaparra's discretionary fund and funds from any other Councilmembers who would like to contribute, to the Berkeley Student Cooperative (BSC) for the repair of the glass skylights above Casa Zimbabwe (CZ) with funds relinquished to the City's general fund for this purpose.  
**Financial Implications:** Councilmember's Discretionary Funds - \$500  
 Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 71,482–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$300; Councilmember Tregub - \$250; Councilmember Humbert - \$250; Councilmember Wengraf - \$500; Councilmember Bartlett - \$250; Councilmember Taplin - \$250; Mayor Arreguin - \$500.

## Action Calendar – New Business

- 18. Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets**  
**From: Auditor**  
**Recommendation:** We recommend City Council request that the City Manager report back by January 2025 and at least annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Environmental Health Division. Recommendations include developing a plan to improve inspection coverage and response to alleged foodborne illness complaints, tracking program spending, taking steps to address staffing needs, and implementing placarding once the Division stabilizes. The Division agreed or partially agreed to our findings and recommendations. Please see our report for their complete response and the auditor's response.  
**Financial Implications:** See report  
 Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** 7 speakers. M/S/C (Arreguin/Taplin) to approve the recommendation with a revision to schedule the report back for December 2024.  
**Vote:** All Ayes.

## Action Calendar – Public Hearings

**19. ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031**  
**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion, adopt a Resolution either:

A. Upholding the appeal and reversing the Zoning Adjustment Board (ZAB) decision, thereby approving Administrative Use Permit #ZP2023-0031 to change the use of three tenant spaces (9,750 square feet) from Media Production to Research and Development resulting in a total of 29,303 square feet of Research and Development space and to create six to nine tenant spaces, in a seven-story building on a 114,998 square-foot lot;

-OR-

B. Denying the appeal and affirming the Zoning Adjustment Board (ZAB) decision, thereby denying Administrative Use Permit #ZP2023-0031 to change the use of three tenant spaces (9,750 square feet) from Media Production to Research and Development resulting in a total of 29,303 square feet of Research and Development space and to create six to nine tenant spaces, in a seven-story building on a 114,998 square-foot lot.

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Public Testimony:** The Vice-Mayor opened the public hearing. 19 speakers.

**Action:** M/S/C (Hahn/Lunaparra) to suspend the rules and extend the meeting to 11:15 p.m.

**Vote:** Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

**Action:** M/S/C (Tregub/Humbert) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

M/S/C (Kesarwani/Humbert) to close the public hearing.

**Vote:** Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

**Action:** M/S/C (Kesarwani/Humbert) to adopt Resolution No. 71,483–N.S. upholding the appeal and reversing the Zoning Adjustment Board (ZAB) decision, thereby approving Administrative Use Permit #ZP2023-0031.

**Vote:** Ayes – Kesarwani, Bartlett, Tregub, Hahn, Wengraf, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Taplin (Recused pursuant to Levine Act regulations), Arreguin (Recused pursuant to Levine Act regulations).

## Information Reports

### 20. City Auditor Fiscal Year 2025 Audit Plan

**From: Auditor**

Contact: Jenny Wong, Auditor, (510) 981-6750

**Action:** Received and filed, including materials in Supplemental Communications Packet #2 from City Auditor.

## Adjournment

**Action:** M/S/C (Wengraf/Kesarwani) to suspend the rules and adjourn the meeting.

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

Adjourned at 11:19 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on July 30, 2024.

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Mark Numainville, City Clerk

## Communications

### Item #18: Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets

1. David Lerman
2. Eric
3. Riti
4. Esther Brass-Chorin

### City Senior Services to Councilmember Newsletters

5. Darlene Bronson on behalf of Margot Smith, Chair, Commission on Aging

### Golden Gate Fields

6. Carole Marasovic, Chair, Commission on the Status of Women

### UA Theater

7. Laura Linden
8. Lynn Sherrell
9. 29 Similarly worded form letters

### Shipping Containers at 2556 Haste St.

10. 4 Similarly worded form letters

**Aurora Theater**

- 11. Olga Paredes
- 12. Eliron Hamburger

**Harrison St. Concerns**

- 13. Craig Nagasawa

**Vandalism**

- 14. Negeene Mosaed

**A Request for When Making Statements**

- 15. Josh

**Lorin Commercial District**

- 16. Teresa Clarke

**Cal Sailing Club**

- 17. Debbie Perkins

**Notice of Street Closure**

- 18. Ted Burton

**Rise Gallery Walk at BCC**

- 19. Adriana Betti

**Wage Concern**

- 20. Eric Cavallari

**UC Anti-Labor Actions**

- 21. Rafael Jaime on behalf of 48,000 UAW academic workers of the University of California

**Storm Water**

- 22. Maxwell Davis on behalf of the Sierra Club

**Visit Berkeley**

- 23. Jeffrey Church

**Towing Concern**

- 24. Charles Race

**Terra Outdoor Proposal**

- 25. Chantal Pearson

**Newsletter**

26. Vivian Warkentin

**Middle East Conflict**

27. Erwan Illian

**URLs**

28. Russbumper (9)

29. Erwan Illian (2)

**Supplemental Communications and Reports 1**

**Item 19: ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031**

30. Karen Davis

**Urgent Item: Appointment of Director of Health, Housing and Community Services**

31. Urgent Item submitted by Human Resources Department

**Supplemental Communications and Reports 2**

**Item #3: Filling Human Welfare and Community Action Commission Public Sector Vacancies**

32. Supplemental agenda material submitted by Health, Housing, and Community Services Department

**Item #15: Referral to City Manager: Ashby BART Area Enhanced Infrastructure Finance District (EIFD) Analysis**

33. Supplemental agenda material submitted by Mayor Jesse Arreguin

**Item #18: Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets**

34. Supplemental agenda material submitted by City Auditor

35. City of Berkeley Business Owner and former resident

**Item #19: ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031**

36. Gael Alcock

37. Summer Brenner

**Item #20: City Auditor Fiscal Year 2025 Audit Plan**

38. Supplemental agenda material submitted by City Auditor

**Supplemental Communications and Reports 3**

**Item #19: ZAB Appeal: 2600 Tenth Street, Administrative Use Permit ZP2023-0031**

30. Presentation submitted by Planning Department

31. Presentation submitted by Chris Barlow on behalf of Wareham Development

32. Debbie S.

33. Jeffrey Zerwekh

34. Leo Balestri

35. Susanna Porte

**Miscellaneous Communications**

36. Eid

**Urgent Item**

**Urgent Item: McGee Avenue Baptist Church: Funding for McGee Avenue Baptist Church in partnership with City of Berkeley Young Adult Project for National Night Out event on Tuesday, August 6, 2024 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

37. Submitted by Councilmember Bartlett

## BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**Monday, August 5, 2024  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - İSKELE, 48. SK. NO:12, 48900 DATÇA/MUĞLA, TURKEY

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/1600382759>. 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: **160 038 2759**. 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:** 6:11 p.m.

**Present:** Bartlett, Tregub, Hahn, Lunaparra, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Wengraf

Councilmember Kesarwani present at 6:17 p.m.

## Action Calendar

- 1a. **Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot** *(Continued from July 30, 2024) (Item contains revised material)*

**From:** Councilmember Lunaparra (Author)

**Recommendation:**

1. Adopt a Resolution submitting the 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:** See action in Item 1b.

## Action Calendar

### 1b. Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot

**From: Mayor Arreguin (Author), Councilmember Hahn (Author)**

**Recommendation:**

1. Adopt a Resolution submitting the Tenant Protection and Right to Organize Act as amended by Council and including a reservation of funding for Housing Retention 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: Jesse Arreguin, Mayor, (510) 981-7100, Sophie Hahn, Councilmember, District 5, (510) 981-7150

Recess 9:13 p.m. – 9:33 p.m.

**Action:** M/S/Carried (Humbert/Kesarwani) to amend the main motion to change the cap in Section 13.76.110.A. from 3% to 5%.

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

**Action:** M/S/Failed (Humbert/Kesarwani) to amend the main motion to change the provisions for the 3-day notice to one month of the most recent lawful periodic rent in Section 13.76.130.A.1.

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

**Action:** 95 speakers. M/S/Carried (Arreguin/Lunaparra) to:

1. Adopt Resolution No. 71,484–N.S. to approve Item 1b. adopting a resolution submitting the Tenant Protection and Right to Organize Act as amended by Council and including a reservation of funding for Housing Retention to a vote of the people at the November 5, 2024 General Municipal Election. Further amendments in the text of the measure accepted for Section 13.76.050.B.3 to add language originally proposed in Councilmember Lunaparra’s version, for Section 13.76.100.E. regarding Utilities, and for Section 13.76.110.A regarding the rent increase cap. Council directs the City Clerk and City Attorney to make non-substantive corrections to the text and the ballot question as needed.
2. Designated Mayor Arreguin, Councilmember Lunaparra, and Councilmember Tregub file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

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

## Adjournment

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

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

Adjourned at 10:29 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on August 5, 2024.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1a: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot** *(Continued from July 30, 2024) (Item contains revised material)*

**Item #1b: Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot**

1. Peter Fisher
2. Stephanie McCoy
3. Peg Bogle
4. Alfred Twu
5. Jeanne Clinton
6. Diana Bohn
7. Bryce Nesbitt
8. Karl Knobler
9. Katherine Wolf
10. Yuko Fukami
11. Adelaide Jenkins
12. Bernard Marszalek
13. Russ Greene
14. Cece Littlepage
15. Fran Haselsteiner
16. Lynn Sherrell (4)
17. Elizabeth Snowden and Charles P. Smith
18. Mykael Moss (2)
19. John Lopez
20. Sylvia
21. Charles Benton

22. John J. Parman
23. Nicholas Lavrov
24. Molly Miller
25. Gail Martin
26. Ann Hoyer
27. Marguerite Talley
28. Paula Morgan
29. Gael Alcock
30. Ira Serkes
31. Fredda Cassidy
32. Kathleen Castillo
33. Gary E. Davis
34. Scott and Katie Hambly (2)
35. Deborah Machta
36. David Keith
37. Andrea Yankowski
38. Jo Ann Driscoll
39. Jean Sanchirico
40. Gale Garcia
41. Leanne Kurtz
42. Vincent Casalaina
43. Jennifer Johnston
44. Jim and Clarence
45. Laura Bixby
46. Scott Page
47. Roger Hallsten
48. Patrick Kehoe
49. Michael O’Heaney
50. Nancy Schimmel
51. 6 Similarly worded form letters
52. 65 Similarly worded form letters

### **Supplemental Communications and Reports 3**

**Item #1a: Placing the Berkeley Tenant Protection and Right to Organize Act on the November 5, 2024 Ballot** *(Continued from July 30, 2024) (Item contains revised material)*

**Item #1b: Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot**

53. Phoebe Thomas Sorgen
54. Jeanne Schuman
55. Hope DeMarco (2)
56. Rinaldo Pelegrino
57. Dan Lieberman
58. Betsy Morris
59. Raul Delarosa
60. Max Smith
61. Celia Karian
62. Elizabeth Kowal
63. Julieta Pisani McCarthy
64. Juliana Whitten
65. Steve Tracy

66. Anida Weyl
67. Alice Green
68. Dan McDunn (5)
69. Andrew Jeffries and Ellen McDonald
70. Virginia Browning
71. Jeannie Llewellyn
72. Brie Johnson Fulton
73. Kathy Snowden
74. Sam Smith
75. Geoff Lomax
76. Paula Aiello (2)
77. Joel Millar
78. Eugene Turitz
79. Chirag Patel
80. Deirdre Nurre
81. 19 Similarly worded form letters
82. Bryce Nesbitt

**Miscellaneous Communications**

83. Eid

