

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

**Wednesday, August 3, 2022
9:00 AM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

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.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81806496183>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **818 0649 6183**. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 9:07 a.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Droste

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 5 speakers.

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

- 1. Additional Allocation of Measure P Funding to “Step Up Housing” Project From: Councilmember Bartlett (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

Recommendation: Adopt a Resolution allocating an additional \$114,660 per year for 10 years, from Measure P transfer tax receipts to support the increased costs for the lease and operation of a new permanent supportive housing project for the unhoused at the Step-Up Housing Project at 1367 University Avenue. In addition, refer to the next meeting of the Budget and Finance Policy Committee to confirm the availability of requested funding.

Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: 1) Referred to the Budget & Finance Committee to consider future General Fund needs for this project and confirm availability of funds for the operating budget.

2) Adopted Resolution No. 70,491–N.S. with an amended first Resolved clause as written below.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following be approved for the StepUp Housing at 1367 University Ave:

- A reservation of approximately an additional \$114,660 year in ongoing funds annually for 10 years for the leasing and operation of the proposed project, with funding adjusted annually based on the Consumer Price Index for Oakland-Hayward-Berkeley, CA.*
- Funding may be from Measure P and/or the General Fund*
- In the event BOSS is unable to perform its function as the service provider, an alternative qualified service provider may operate the project with the review and approval of the City Manager, or her designee.*
- Further, the City’s commitment is contingent upon the funding of the balance of the project.*
- Owner agrees to grant the City option to buy property after one year, at a cost not to exceed \$15,000,000 should Boss choose not to exercise its option.*

Action Calendar

2. **Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements** *(Continued from July 26, 2022) (Item contains revised material)*

From: City Manager

Recommendation:

1. Adopt a Resolution determining public interest and necessity for issuing a general obligation bond in the amount of either \$600 million or \$650 million for affordable housing, climate change resiliency, wildfire protection, and other public infrastructure improvements, submitting to the Berkeley electorate on the November 8, 2022 ballot a measure to authorize a general obligation bond in that amount, and finding that the proposed measure is not a project under the California Environmental Quality Act.
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: Mark Numainville, City Clerk, (510) 981-6900

Action: 26 speakers. M/S/C (Arreguin/Kesarwani) to:

1. Adopt Resolution No. 70,492–N.S. as submitted by the Mayor in Supplemental Communications Packet #2, and as further amended below, determining public interest and necessity for issuing a general obligation bond in the amount of \$650 million for affordable housing, climate change resiliency, wildfire protection, and other public infrastructure improvements, submitting to the Berkeley electorate on the November 8, 2022 ballot a measure to authorize a general obligation bond in that amount, and finding that the proposed measure is not a project under the California Environmental Quality Act.

- Amended to add language in section B.2. of the third resolved clause regarding funds for traffic safety.
- Amended the ballot question to read as written below.

Shall the measure to create affordable housing; repair streets and sidewalks; underground utilities; and enhance buildings, infrastructure, and safety, authorizing the issuance of \$650 million in general obligation bonds, subject to independent oversight and audits, be adopted?

Financial Implications

Median annual cost over the projected 48-year period bonds are outstanding is approximately \$40.91 for every \$100,000 or \$265 for the average assessed home value of \$647,000; raising approximately \$25,000,000/year.

- Amended to add clarification of the “mean” cost in the Tax Rate Statement and make other corresponding changes to the Tax Rate Statement text.

2. Designate Mayor Arreguin and Councilmembers Hahn, Wengraf, and Kesarwani to file ballot measure arguments on behalf of the City Council on this measure.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Recess 12:06 p.m. – 12:22 p.m.

Action Calendar

3. Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units *(Continued from July 26, 2022) (Item contains revised material)*
From: City Manager

Recommendation:

1. Adopt a Resolution submitting a ballot measure to tax vacant residential units to a vote of the electors at the November 8, 2022 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: Mark Numainville, City Clerk, (510) 981-6900

Action: 37 speakers. M/S/C (Arreguin/Harrison) to:

1. Adopt Resolution No. 70,493–N.S. as revised in the agenda packet materials from Vice-Mayor Harrison and further amended at the meeting in Sections 7.54.060, 7.54.050, 7.54.070, 7.54.040 paragraphs F and I, and amending the ballot question to read as noted below.

Shall the measure to tax property owners who keep residential units vacant more than 182 days per year, \$3,000 for each nonexempt condominium, duplex, single family dwelling, or townhouse vacant unit in the first year, increasing to \$6,000 for each subsequent year, and \$6,000 for all other residential units vacant in the first year, increasing to \$12,000 for each subsequent year, with exceptions, from January 1, 2024 to December 31, 2034, generating between \$3,900,000 and \$5,900,000 annually, be adopted?

2. Designate Vice-Mayor Harrison and Councilmember Robinson to file ballot measure arguments on behalf of the City Council on this measure.

Vote: Ayes - Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Wengraf; Abstain – Kesarwani, Taplin; Absent – Droste.

Recess 2:27 p.m. – 2:43 p.m.

Action Calendar

4. **Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)** *(Item contains revised material)*

From: 4 x 4 Joint Committee on Housing City Council/Rent Board

Recommendation:

1. Adopt a Resolution placing the proposed amendments to the Rent Stabilization and Eviction for Good Cause Ordinance on the ballot of the November 8, 2022 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: Matt Brown, Rent Stabilization Board, (510) 981-7368

Recess 4:46 p.m. – 4:52 p.m.

Action: 44 speakers. M/S/C (Harrison/Bartlett) to include #3 from the Rent Board proposal regarding suspension of rent control in the ballot measure.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Hahn, Droste.

Councilmember Hahn absent 2:27 p.m. – 5:09 p.m.

Action: M/S/Failed (Harrison/Bartlett) to include #1 from the Rent Board proposal regarding newly constructed units in the ballot measure.

Vote: Ayes – Bartlett, Harrison, Robinson, Arreguin; Noes – Wengraf; Abstain – Kesarwani, Taplin; Absent – Hahn, Droste.

Action: M/S/Carried (Taplin/Kesarwani) to take no action on Agenda Item 4.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Hahn, Droste.

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Hahn, Droste.

Adjourned at 5:09 p.m.

Communications

Item #3. Placing a General Tax Measure on the November 8, 200 Ballot to Tax Vacant Residential Units

1. Barbara Gilbert
2. Lynnda Ohama
3. Harvey Sharp
4. Jim Furuichi

5. Adriel Hampton
6. Carole Marasovic

Item #4. Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

7. Elaine Bloom
8. Michael O’Heaney

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

9. Supplemental material, submitted by councilmember Taplin
10. Revised material, submitted by Finance
11. Supplemental material, submitted by Mayor Arreguin

Item #3: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

12. Barbara Gilbert
13. Berkeley Tenants Union
14. Walter Wood
15. Rie Takahashi
16. Toni Mester
17. Michael Brown
18. Sydney Ji
19. Karin Wertheim
20. May Kandarian

Item #4: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

21. Sanders Political Law
22. Barbara Gilbert
23. Gail Martin
24. Berkeley Tenants Union
25. Toni Mester
26. Francie Maguire
27. Erica Cleary

Supplemental Communications and Reports 3

Item #2: Placing a General Obligation Bond Measure on the November 8, 2022 Ballot for Affordable Housing, Climate Change Resiliency, Wildfire Protection, and Other Public Infrastructure Improvements

28. Geoff Lomax (3)
29. Henry Oyekanmi
30. Tom Lent
31. Eric Friedman
32. Isabelle Gaston

33. Derethia DuVal
34. Thomas Luce
35. Josh Buswell-Charkow
36. Barbara Gilbert

Item #3: Placing a General Tax Measure on the November 8, 2022 Ballot to Tax Vacant Residential Units

37. Warren Pottebaum
38. Jack Kurzweil, on behalf of the Wellstone Democratic Renewal Club
39. Cecilia Lunaparra, on behalf of the Cal Berkeley Democrats
40. Chimey Lee
41. Igor Tregub, on behalf of the Alameda County Democratic Party
42. Barbara Gilbert (2)

Item #4: Placing a Measure on the November 8, 2022 Ballot Amending the Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76)

43. Jo Ann Driscoll
44. Keith Nickolaus
45. Bryce Nesbitt
46. Scott Curtin (2)
47. Daniel Frydman
48. Dawn Thomas
49. Sarah Valor
50. Cheryl Newbrough
51. Erin Chambers
52. Shua Chai
53. Keith Nickolaus
54. Barbara Gilbert (2)
55. Councilmember Harrison