

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

Tuesday, June 20, 2017

6:00 P.M.

Longfellow Middle School Auditorium – 1500 Derby Street, Berkeley, CA
Teleconference Location – 907 South Lumina Avenue, Wrightsville Beach, North Carolina 28480

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:15 p.m.

Present: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington, Arreguin

Absent: None

Recess 7:00 p.m. – 7:12 p.m.

Recess 9:01 p.m. – 9:18 p.m.

Public Comment - Limited to items on this agenda only - 153 speakers.

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: All Ayes.

Action: M/S/C (Arreguin/Maio) to accept supplemental material from Mayor Arreguin on Item 1.a.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Worthington, Arreguin; Noes – None; Abstain - Droste.

Action Calendar

- 1a. **MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12: Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17** (Continued from May 16, 2017. Item includes revised material.)

From: City Manager

Recommendation: Approve Police Department MOU Compendium revised Item # 3.6, Agreement with City & County of San Francisco for Distribution of UASI Grant Funds, and revised Item # 3.12, Relationship with Northern California Regional Intelligence Center (NCRIC).

Financial Implications: See report

Contact: Andrew Greenwood, Police, 981-5900

Action: M/S/C (Maio/Wengraf) to) to adopt Resolution No. 68,050–N.S. approving Police MOU Compendium Item #3.12 Relationship with Northern California Regional Intelligence Center (NCRIC) as stated in the resolution submitted by the City Manager for one year, and to refer the tasks below to a Task Force/Ad Hoc Subcommittee for further review.

Key tasks regarding NCRIC will include, but not be limited to:

- *In-depth review of the NCRIC database and all related protocols, including but not limited to:*
 - *How and on what basis is data entered into the database by BPD, other law enforcement agencies at city, county, state, and federal levels, and by other agencies, organizations, or the public?*
 - *How and on what basis does BPD have access to the data? Details must include who can access the data, under what circumstances, how often or how frequently, and in what ways the data can be accessed.*
 - *Does the database include data gather by means that citizens of Berkeley might find objectionable?*
 - *What jurisdictions do not participate in or use NCRIC, and what alternatives do they use in place of NCRIC participation?*
 - *Is it possible for BPD to segment what information it receives?*
- *Review other databases Berkeley has access to that can provide similar or the same types of information, and potential pros and cons of using those databases*
- *Consider whether Berkeley should end its relationship with NCRIC, continue, and/or create formal protocols to limit Berkeley's contribution and access to the database*

Vote: Ayes – Maio, Hahn, Wengraf, Worthington, Droste; Noes – Davila, Bartlett, Harrison, Arreguin.

Action: M/S/C (Arreguin/Wengraf) to adopt Resolution No. 68,051–N.S. approving Police Department MOU Compendium revised Item #3.6, Agreement with City & County of San Francisco for Distribution of UASI Grant Funds as stated in resolution submitted by the City Manager.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:35 a.m.

Vote: Ayes – Maio, Davila, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent - Harrison.

Councilmember Harrison absent 12:20 a.m. – 12:23 a.m.

Action: M/S/C (Arreguin/Bartlett) to:

1) Create a City Council Subcommittee: to review the City's involvement in Urban Shield, and to ultimately determine whether the City should continue to participate in Urban Shield and to present alternative programs that better reflect the values of Berkeley's citizens. The subcommittee will be comprised of four Councilmembers including the Mayor.

Refer to the Subcommittee all the proposed Subcommittee actions recommended by Councilmembers Davila/Harrison, Worthington, and the following tasks:

- Reviewing Urban Shield scenarios in the past 3-5 years, as well as current and upcoming scenarios, and scoring procedures
- Attend and observe Urban Shield exercises
- Attend and observe Urban Shield vendor Expo
- Attend and review keynote speakers, workshop topics, and materials of past, current, and planned exercises and expos
- Observing or participating in Supervisor Carson's community task force on Urban Shield, reviewing of reports generated by this group.
- Researching other training opportunities that the Berkeley Police Department might participate in, either domestic or international, and consider whether BPD could work with police from other progressive cities to create specialized training
- Contacting other Northern California jurisdictions that do not participate in urban Shield exercises, to understand why they do not participate and how and where they obtain relevant training. These include, but are not limited to:
 - All Police Departments of Sonoma, Napa, and Marin Counties, except for the City of Novato
 - The City of Santa Cruz
 - The City of Palo Alto,
 - And many others
- Undertake any other research and investigation necessary to help inform the subcommittee about the nature of Urban Shield exercises and any possible elements that might go contrary to the City of Berkeley's values of community policing, nondiscrimination, and respect for human and civil rights.
- Report and recommend to Council regarding Urban Shield within 6 months. The report and recommendations should answer questions including, but not limited to:
 - How does Urban Shield contribute to or detract from public safety and the safety of police and firefighters and other medical and law enforcement personnel?
 - What are the benefits and costs of participation in Urban Shield? Are there any specific elements that are commendable or objectionable, given Berkeley's values and needs?
 - Does Berkeley's participation in the program positively influence or enhance Urban Shield, and how might the city's positive impact be enhanced in the future, should Berkeley continue to participate?

- Does Berkeley's participation support or run contrary to Berkeley's values or interests, and how or why might the city's involvement be continued, enhanced, limited or ended if this is the case?
 - What other training opportunities are available for the Berkeley Police Department and other first responders?
- Explore and evaluate alternative trainings to explore future decision making in regards to Urban Shield.

2) Allow Berkeley Fire Department and Berkeley Police Department to participate in this year's Urban Shield activities.

3) Direct the subcommittee, as one of the first priorities, to review the letter proposed by Council Member Worthington to the Urban Area Security Initiative and make modifications and then send along that statement to the Urban Area Security Initiative after it has been approved by Council.

Vote: Ayes – Maio, Bartlett, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Harrison; Abstain – Worthington.

1b. Purchase Order: The Armored Group for One Specially Equipped Panel Van
(Continued from May 16, 2017)

From: City Manager

Recommendation: Adopt a Resolution pursuant to City Charter Article XI Section 67.2 requirements, accepting the General Services Administration (GSA) bid procedures, and authorizing the City Manager to execute a purchase order for one Specially Equipped Panel Van for an amount not to exceed \$205,373.

Financial Implications: UASI Regional Fund - \$205,373

Contact: Andrew Greenwood, Police, 981-5900

Action: M/S/Failed (Harrison/Davila) to adopt the resolutions proposed by the mayor amended to state that the City would not purchase the van until the policy is developed.

Vote: Ayes – Harrison, Worthington; Noes – Maio, Davila, Bartlett, Hahn, Wengraf, Droste, Arreguin

Action: M/S/C (Hahn/Arreguin) to:

1) Adopt Resolution No. 68,052–N.S. introduced by Mayor Arreguin to establish the terms and conditions of the City of Berkeley’s cooperation with UASI programs and activities with the resolved clause to read as follows:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the terms and conditions as referenced in Section 10.13(a) of the Agreement between the City and County of San Francisco and the City of Berkeley for the distribution of FY 2016 UASI Grant Funds, dated November 1, 2016 are as follows:

(1) The City of Berkeley (“Berkeley”) retains authority to determine the UASI-sponsored programs and activities Berkeley will participate in; and

(2) The equipment acquired with funds furnished by the above referenced Agreement (the Specially Equipped Panel Van) shall be used only in UASI-sponsored exercises that Berkeley chooses to participate in, and in such instances shall only be used by Berkeley personnel, according to Berkeley’s policies and protocols, under Berkeley’s exclusive command and control.

2) Adopt Resolution No. 68,053–N.S. as proposed by the City Manager with the following resolved clauses added:

BE IT FURTHER RESOLVED because of the unusual nature of this piece of equipment, and the potential that when deployed in certain ways it may be perceived to limit or chill free speech and/or assembly, and because it was purchased for specific scenarios it should only be used in those instances when it is clearly called for; and

BE IT FURTHER AND FINALLY RESOLVED that the City Council will adopt a policy for use of the Specially Equipped Panel Van prior to its being deployed in any capacity by the City of Berkeley. The policy will be developed by the Mayor, in

consultation with the Chief of Police and reviewed by the PRC, and will be approved by the City Council.

Vote: Ayes – Maio, Bartlett, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila, Harrison.

Action: M/S/C (Arreguin/Maio) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Worthington, Droste, Arreguin; Noes – None; Abstain - Wengraf.

Adjournment

Adjourned at 12:35 p.m.

Communications

- None

Supplemental Communications and Reports 1

Item 1a: MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12: Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17

Item 1b: Purchase Order: The Armored Group for One Specially Equipped Panel Van

1. Diana Bohn
2. Pam Speich
3. Gene Bernardi, on behalf of Veterans for Peace and SuperBOLD

Supplemental Communications and Reports 2

Item 1a: MOU Compendium Items: Item #3.6: Agreement with City & County of San Francisco for Distribution of UASI Grant Funds; Item #3.12: Berkeley Police Department Relationship with NCRIC as Codified in BPD General Order N-17

Item 1b: Purchase Order: The Armored Group for One Specially Equipped Panel Van

4. Supplemental presentations and materials, submitted by Councilmembers Davila and Harrison
5. Supplemental materials, submitted by Councilmember Worthington
6. JP Massar
7. Erica Etelson
8. Cindy Shamban
9. Carol Denney
10. Jewish Voice for Peace
11. Andrew Gutierrez
12. Showing Up for Racial Justice Bay Area
13. Margy Wilkinson

14. Adolfo Cabral
15. Carrie Dovzak
16. Steven Kanofsky
17. Nicolía Mehrling
18. Donna Willmott
19. Public Health Justice Collective
20. Sabiha Basrai
21. Lindsay Vurek
22. Joanne Sultar
23. Laura Magnani
24. Michelle Puckett
25. Joshua Finn
26. Blair Beekman
27. Sage Staggs
28. Glenn Katon
29. Renee Watkins
30. Marge Sussman
31. Steve Gilmartin
32. Nina Sprecher
33. Elliot Halpern
34. Soula Culver
35. Roberta Ryan
36. Cecile Pineda
37. Dan Robinson (2)
38. Janine Johnson
39. Cathy Orozco
40. Megan Prier
41. Daniel Greene
42. Christine Schwartz
43. Jennifer Vera
44. Shang-Mei Lee
45. 342 Communications submitted via Berkeley Considers, includes summary information.

Supplemental Communications and Reports 3

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Item 1b: Purchase Order: The Armored Group for One Specially Equipped Panel Van

46. Presentation, submitted by Police Department
47. Revised supplemental presentation, submitted by Councilmember Davila
48. Supplemental materials, submitted by Mayor Arreguin
49. Naomi Klein
50. Nur Kaalim
51. Catherine O'Hare
52. Shasun Sular

53. Will Rogers
54. Elliot Halpern
55. Isaac Ontiveros
56. Brian Dickson
57. Lorraine Lerman
58. Clyde Leland
59. Alan Ramo
60. Chuleenan Svetvilas
61. Douglas Ricketson
62. Linda Joseph
63. Lucas Guilkey
64. Jason Oringer
65. Abe Rahe
66. Maryann Tekverk
67. Anita Kline
68. Alison Kirsch
69. Kristian Echenique
70. Jane Echenique
71. Hiyasmin Dimaranan
72. Nancy Friedman
73. Adam Drake
74. Joan Lohman
75. Jordan Freitas
76. David Rosenthal
77. Margaret Norman
78. Unknown (2)