

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

Friday, August 18, 2017

3:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
Teleconference Location – 516 North Kainalu Drive, Kailua, Hawaii
Teleconference Location – 1404 Le Roy Avenue, Berkeley, California

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: 3:06 p.m.

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

Absent: Worthington

Public Comment - Items on this agenda only - 45 speakers

Action Calendar

1. Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits

From: City Manager

Recommendation: Adopt an Urgency Ordinance adding a new Chapter 13.45 to the Berkeley Municipal Code Title 13 (Public Peace, Morals and Welfare) to authorize the City Manager to issue rules for unpermitted street events.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, 981-6950

Action: M/S/C (Arreguin/Maio) to accept revised materials from staff.

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

Action: M/S/C (Maio/Arreguin) to adopt Urgency Ordinance No. 7569–N.S. adding a new Chapter 13.45 to the Berkeley Municipal Code Title 13 (Public Peace, Morals and Welfare) to authorize the City Manager to issue rules for unpermitted street events as revised below.

13.45.010 Definitions.

A. “Streets” means those streets defined in the circulation element of the Berkeley General Plan as local streets.

B. “Sidewalk” has the same meaning as stated in Berkeley Municipal Code Section 1.04.010.

C. “Street event” includes any march, demonstration, assembly, parade, festival, or street fair expected to draw 100 people or more.

D. “City Manager” shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

13.45.020 City Manager Authorization.

The City Manager or his or her designee is authorized to issue such narrowly tailored temporary regulations in a defined area of the City and consistent with the First Amendment to the United States Constitution and take such other narrowly tailored actions as are necessary to preserve public health, public safety and property on City streets and sidewalks during street events planned or proposed to be held in the City and for which no permit has been obtained pursuant to Chapter 13.44 of this Title, including limited to establishing perimeters or separations, and the prohibiting on of certain items that have been known to be used as weapons or or are hazardous or restriction of them to certain times and/or locations. Failure to obey any directive issued by the City Manager or his or her designee pursuant to this section shall be a violation of this chapter.

Twenty-Four (24) Hour notice of such regulations promulgated by the City Manager shall be given and posted on the City’s website.

13.45.110 Sunset – Expiration of Ordinance.

This ordinance shall expire on December 31, 2017 unless extended by the City Council.

The Council also directs the City Manager to submit an information report to the City Council on regulations issued pursuant to Chapter 13.45.

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

Adjournment

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

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

Adjourned at 5:18 p.m. in memory of those that died in the Charlottesville protests.

1. Lieutenant H. Jay Cullen
2. Trooper Berke M. M. Bates
3. Heather Heyer

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits

1. Jeannette McNeil
2. Phoebe Anne Sorgen
3. Nancy Schimmel
4. Sally Nelson (2)
5. Tree Fitzpatrick
6. Genevieve Wilson
7. Jesse Townley
8. Carol Denney
9. Catherine Orozco
10. Kelly Hammargren
11. Linda Franklin
12. Jeffrey J. Carter
13. Katherine Harr
14. Dana Burd
15. Brandi Campbell
16. Kim Nemirow

Supplemental Communications and Reports 3

Item 1: Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits

17. Revised materials, submitted by City Manager's Office
18. Donald Goldmacher (3)
19. Jennifer Bymun

20. Catherine Ference
21. David Finley
22. Elizabeth Mead
23. Tracy Cook / Jacquelyn McCormick
24. Joshua Pfeffer
25. Judy Nakadegawa
26. Phoebe Sorgen (2)
27. Kim Nemirow
28. Cecile Pineda
29. Lorrie Beth Slonsky
30. Maris Arnold
31. Pamela Tellew
32. Unknown