

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

Tuesday, September 12, 2017

3:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

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: Davila, Droste, Hahn, Harrison, Wengraf, Arreguin

Absent: Bartlett, Maio, Worthington

Councilmember Worthington present at 3:09 p.m.

Councilmember Bartlett present at 3:50 p.m.

Councilmember Maio present at 4:43 p.m.

Public Comment - Items on this agenda only - 69 speakers.

Action Calendar

1. Request for Modification of Current Council Policy Regarding Use of Pepper Spray in Specific Situations Responding to Violent Activity

From: City Manager

Recommendation: To approve modification of current Council policy to allow the use of Oleoresin Capsicum (pepper spray) in specific circumstances when dealing with violent activity in a crowd situation.

Financial Implications: See report

Contact: Andrew Greenwood, Chief of Police, 981-5900

Action: M/S/C (Droste/Arreguin) to re-affirm and further amend the Berkeley City Council's policy regarding the use of pepper spray by the Berkeley Police Department as such use relates to crowd control, expression of First Amendment speech, and addressing acts of violence by specific individuals within a crowd, as follows:

Oleoresin Capsicum (pepper spray) shall not be used as a crowd control technique to disperse a crowd or move a crowd.

Pepper spray shall not be used on persons engaged in legal speech or other expression that is protected by the First Amendment, nor upon those committing unlawful acts by non-violent or passive resistance means, (e.g. sitting or lying down to block a street or doorway).

Police may use pepper spray upon specific individuals within a crowd who are committing acts of violence upon police or others.

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

Adjournment

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

Vote: All Ayes.

Adjourned at 5:43 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Request for Modification of Current Council Policy Regarding Use of Pepper Spray in Specific Situations Responding to Violent Activity

1. Carol Denney
2. Donald Goldmacher
3. Becky O'Malley
4. Tree Fitzpatrick (2)
5. Sally Nelson
6. Kelly Hammargren
7. Phil Allen
8. Cindy Shamban
9. Isis Feral
10. Wendy Bloom
11. Soula Culver

Supplemental Communications and Reports 3

Item 1: Request for Modification of Current Council Policy Regarding Use of Pepper Spray in Specific Situations Responding to Violent Activity

12. Presentation, submitted by Police Department
13. Supplemental materials, submitted by Mayor Arreguin
14. Lisa Stephens
15. Janet Fairchild
16. Juniperangelica Cordova
17. Barnaby Richards
18. Jackie Beutell
19. Moni Law (2)
20. Jack Kurzweil, on behalf of the Wellstone Democratic Renewal Club
21. Tree Fitzpatrick