

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

Monday, July 23, 2018

4:00 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: 4:07 p.m.

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

Absent: Worthington

Councilmember Worthington present at 4:17 p.m.

Action Calendar – Public Hearings

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1. Agreements with Other Law Enforcement Agencies, Police Departments or Private Security Organizations; Approval of MOU Compendium

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution approving agreements, understandings or policies existing or revised as of December 1, 2017 between the Berkeley Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations, as contained in the attached Memorandum of Understanding Compendium, in order to maintain the current level of police resources and emergency services. Review attached Suspicious Activity Report and Mutual Aid requests/responses provided annually per City Council request.

Financial Implications: See report

Contact: Andrew Greenwood, Police, 981-5900

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

M/S/C (Droste/Maio) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,517–N.S. with the following amendments:

- Continue Compendium Item 3.4 (ICE) to September 13, 2018 to consider the item after the General Order is developed.
- Adopt agreement 3.12 (NCRIC) with the recommendation from the Ad Hoc Committee to define the terms of participation.
- Vehicle license and location data obtained through a NCRIC LPR database query will not be entered into the BPD Records Management System if it is not used in an investigation.

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

Recess 5:50 p.m. – 6:02 p.m.

Action Calendar

2a. Ad-Hoc Subcommittee on NCRIC and Urban Shield Findings and Recommendations

From: Mayor Arreguin, and Councilmembers Davila and Harrison

Recommendation: That the City Council adopts the following recommendations that were approved by the majority of the Ad-Hoc Subcommittee:

1. That the City of Berkeley continue its participation with the Northern California Regional Intelligence Center (NCRIC) conditional on the execution of a Memorandum of Understanding between the City of Berkeley and NCRIC using the outline as recommended (Attachment 5) and reflecting existing City of Berkeley policies.
2. Adopt the Disaster and Fire Safety Commission proposal "Recommendation for Fire and Health Departments to Participate in Urban Shield Exercises and UASI Grant Funded Trainings" striking the word "Police" from the recommendation.
3. Suspend Berkeley's participation in the vendor show and the Berkeley Police Department's participation in the tactical scenarios in 2018 pending timely reevaluation of the tactical-related offerings from the county in 2019. The suspension should not extend to the Yellow Command mass care and shelter and tabletop exercises, the CERT exercises (Green Command), the Community Preparedness Fair (Gray Command) or to public safety seminars at Urban Shield.
4. That the Berkeley City Council recommend to our members of Congress to expand Homeland Security Grants to fund disaster preparedness activities.
5. That the Berkeley City Council send a letter transmitting our recommendations (Attachment 4) to the Alameda County Board of Supervisors and Alameda County Sheriff, regarding the reconstitution of Urban Shield and providing tactical and emergency preparedness training for local law enforcement using the established principles and guidelines for Urban Shield and request an accountability mechanism for enforcing them.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

2b. Urban Shield

From: Councilmember Wengraf

Recommendation: Adopt a Resolution to follow the leadership of the Alameda County Supervisors and support participation of City of Berkeley Police and Fire Departments and Staff in all elements of Urban Shield and continue to work with the Public Protection Sub-Committee of the Alameda County Board of Supervisors to re-constitute the focus and content of Urban Shield in 2019.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, 981-7100

Action: M/S/C (Arreguin/Maio) to accept supplemental material from Councilmember Hahn on Items 2a and 2b.

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

Councilmember Hahn absent 6:02 p.m. – 6:05 p.m.

Councilmember Worthington absent 6:02 p.m. – 6:05 p.m.

Action Calendar

Action: M/S/Carried (Arreguin/Worthington) to adopt recommendations #4 and #5 from the Ad Hoc Committee item with a revised memo to Alameda County in Supplemental Communications Packet #2 and further revised in the 10th bullet point to read "...from foreign countries with documented..."

Vote: All Ayes.

Action: M/S/Failed (Wengraf/Droste) to approve the original recommendation from the Disaster and Fire Safety Commission.

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

Action: M/S/Carried (Harrison/Hahn) to take no action on the Disaster and Fire Safety Commission recommendation.

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

Action: 78 speakers. M/S/Failed (Harrison/Davila) that due to community concerns, concerns of the faith community and people of color, concerns about weapons present at the event, and the lack of local input and oversight, the City of Berkeley will suspend participation in the vendor show and tactical exercises by the Police Department, and allow participation in other elements of participation, and support the Berkeley Police Department in their efforts to reform Urban Shield.

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

Action: M/S/Carried (Wengraf/Maio) that the City of Berkeley acknowledges that important communities do not feel safe; that regardless of the reasons or origins for such feelings, the City of Berkeley commits to continuing and expanding efforts to build relationships and trust with all members of our community; that the City allows its Police, Fire, and other departments to participate in all Urban Shield exercises in 2018; and that the City will work with the Public Protection Committee of the Board of Supervisors to reshape Urban Shield for 2019, and appoint two members of the Council to attend the Public Protection Committee meetings.

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

Adjournment

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

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

Councilmember Davila absent 9:44 p.m. – 9:45 p.m.

Adjourned at 9:45 p.m.

Communications

Item #1: Agreements with Other Law Enforcement Agencies, Police Departments or Private Security Organizations; Approval of MOU Compendium

1. Veteran's for Peace

Item #2a: Ad-Hoc Subcommittee on NCRIC and Urban Shield Findings and Recommendations

2. Chelsea Skorka
3. Steven Kanofsky
4. Rachel Lederman
5. Marc Mestrovich
6. Kristin Scott
7. Jeff Bruno

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2a: Ad-Hoc Subcommittee on RCRIC and Urban Shield Finding and Recommendations

8. Supplemental material, submitted by Councilmember Harrison, Mayor Arreguin, and Councilmember Davila
9. Revised material, submitted by Mayor Arreguin

Item #2b: Urban Shield

10. Revised material, submitted by Councilmember Wengraf

Item #2a: Ad-Hoc Subcommittee on RCRIC and Urban Shield Finding and Recommendations

Item #2b: Urban Shield

11. Christine Schwartz
12. Pamela Zelnik
13. Jeannette McNeil
14. Susan Isaacs
15. Nicole Chabot
16. Cecile Pineda
17. Douglas Smith
18. Martin Nicolaus
19. Todd Jailer
20. Caryn Graves
21. Andrew Paul Gutierrez
22. Linda Della
23. Ginger Ogle
24. Fred Krieger
25. Anne Alcott
26. Michelle Bergtraun
27. Rod Gutierrez
28. Peter Ross
29. Dr. Jaime Beck
30. Eric Leven
31. Elizabeth Jordan
32. Jennifer Kawar
33. Karen Bowen

34. Dorothy Wonder
35. Martin Deporres Washington
36. Donna Jeker
37. Michaela Parks
38. Robert Lewis
39. Dawn Kensic
40. Eric Friedman
41. Dave Murai & Stephanie Lowe
42. Carol Curtis
43. Paul Chapman
44. Celia Karian
45. Wende Micco
46. Fredora Darmstadt
47. Juliet Leftwich
48. Anne Smith
49. Joanna and Don Rudy
50. Silvia Sorell
51. Kerrie Hein
52. Jan Taradash
53. Isobel Schneider
54. Elizabeth Horowitz
55. Jennifer Winch
56. Laura Truffaut
57. David, Phyllis and Alyse Ritvo
58. Jack Smith and Glyde Cooper
59. Candace Khanna
60. Josh Busell-Charkow
61. Terri Giamartino and Pamela Springer
62. Aran Kaufer
63. Joan Sarnat
64. Megan Clark
65. Tanya Drlik
66. David Eifler
67. Jesse Livezey
68. Dante Gonzales
69. Andrea Olivas
70. Isha Patel
71. Judy Grether
72. John Reykjalin
73. Marge Sussman
74. Katrin Wehrheim (2)
75. Cindy Shamban
76. Vassilisa Rubtsova
77. Elena Gardella
78. Steve Scholl
79. Joan Gorrell
80. Sarah Abdeshahiam
81. John Corn
82. Kylie Murdock
83. Kathy Nitsan & Nadya Tannous
84. Glen Hauer
85. Jenny Wenk

86. Laurel Tremaine
87. Moni Law (2)
88. Linda Schacht & John Cage
89. Guy Micco
90. Naomi Marks
91. Jeff Vincent
92. David Fisher
93. Steve Kromer
94. Michelle Green
95. Julie Holcomb
96. Mary Montali
97. Mia Klett
98. Kevin Yi
99. Lorraine Mahley (2)
100. Liz Kaplan
101. Cressy Simpson
102. Christopher Kroll
103. Laura Walker
104. Jill Dodd
105. Paul Deuter
106. Rob R.
107. Jane Hood
108. Paul Degenkolb
109. George Porter
110. Janice Schroeder
111. Doris Balabanian
112. Sophia Friesen
113. Pamela Doolan
114. Courtney Brousseau
115. Alicia Telford
116. Brie Fulton
117. Lynn Garnica
118. Lorenzo Avila
119. Pamela Doolan
120. Barbara Morita
121. Victoria Legg
122. Mar Ann Brewin
123. Marvin Snow
124. Fran Haselsteiner
125. Maya Luong
126. Randall Grimm
127. Mark Schimmelman
128. Doris Nassiry
129. Steve Greenberg & Liz Varnhagen
130. John Rosenberg
131. David Reiley
132. Jette Winckler Jensen
133. Sheila Goldmacher
134. Tiffany Okeani
135. William Springer
136. Leonard Gabriele
137. Faith Leaders

138. Eric Friedman
139. Jessica Behrman
140. Jay Claiborne
141. Donald Goldmacher
142. Lane Schulz
143. Robert Smith
144. Andrew Johnson
145. Laurin Vincent
146. Matthew Johansen
147. Shang-Mei Lee (2)
148. Sally Nelson
149. Robin Adair

Supplemental Communications and Reports 3

Item #2a: Ad-Hoc Subcommittee on RCRIC and Urban Shield Finding and Recommendations

Item #2b: Urban Shield

150. Supplemental material, submitted by Councilmember Hahn
151. George Perezvelez
152. Carla-Jean Barker
153. Shelley McHugh
154. Robin Fink
155. Diana Maria Rossi
156. Ryan Keeley
157. Dennis Mulqueeney
158. John Lindsay-Poland
159. Unknown