

**BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE
SPECIAL MEETING MINUTES**

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**Wednesday, July 17, 2019
12:00 PM**

1947 Center Street, Basement - Multi-Purpose Room

Committee Members:

Councilmembers Ben Bartlett, Susan Wengraf, and Rigel Robinson

Roll Call: 12:09 a.m.

Present: Wengraf, Robinson, Bartlett

Public Comment on Non-Agenda Matters: 1 speaker.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - June 3, 2019

Action: M/S/C (Robinson/Wengraf) to approve the minutes as presented.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

Committee Action Items

2. **Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology** (*Item Contains Revised Material*)

From: Councilmember Harrison

Referred: May 28, 2019

Due: October 29, 2019

Recommendation: Adopt an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, 981-7140

Action: 10 Speakers. Discussion held. The committee requested that the City Attorney, Police Department, and IT staff return with more information, including:

- Analysis of proposed loop holes.
- Current contract analysis on San Pablo Park cameras.
- Legal memo regarding the constitutionality.
- Background information regarding receipt from other agencies.
- How the proposed Ordinance aligns with the existing Acquisition and Use of Surveillance Technology Ordinance.

The item was continued to the next scheduled meeting.

3. **Alternative Compliance Measures to Achieve Fire Safety in Existing Live/Work Spaces**

From: Councilmembers Robinson and Harrison

Referred: May 13, 2019

Due: October 28, 2019

Recommendation: Refer to the City Manager to develop alternative code compliance measures for nontraditional live/work spaces, in order to improve residential safety without displacing existing communities. Given the current shortage of affordable housing, Staff should consider how to enact a policy of leniency towards existing structures which may not be in complete compliance with city permits. Staff should seek methods to incentivize incremental safety renovations without exposing communities to eviction concerns.

Financial Implications: Staff time

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: The item was withdrawn by the author, Councilmember Rigel Robinson.

Committee Action Items

4. Decriminalizing Entheogenic Plants

From: Councilmembers Robinson and Davila

Referred: July 1, 2019

Due: December 16, 2019

Recommendation: Adopt a Resolution decriminalizing Entheogenic Plants and Fungi such as mushrooms, cacti, iboga containing plants, and/or extracted combinations of plants similar to Ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines, by restricting any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults age 21 and over.

Financial Implications: See report

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

Action: 8 Speakers. Revised material submitted by the author. M/S/C (Robinson/Wengraf) to send the item back to the City Council with a qualified positive recommendation that the author revise the report to refer the item to the Community Health Commission for further discussion.

Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- None

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes

Adjourned at 1:32 p.m.

I hereby certify that this is a true and correct record of the Public Safety Committee meeting held on July 17, 2019.

Michael MacDonald, Assistant City Clerk