

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING**

**Tuesday, July 22, 2025  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 5617 NW JETTY AVE, LINCOLN CITY, OR 97367  
TELECONFERENCE LOCATION - MARINA DEL SOL C-202, IXTAPA, ZIHUATANEJO  
DE AZUETA, 40884, GUERRERO, MÉXICO  
TELECONFERENCE LOCATION - TÜRKMEN MAH. ÜNLÜ SOK. NO. 6 KUŞADASI,  
AYDIN, TÜRKIYE

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O’KEEFE  
DISTRICT 6 – BRENT BLACKABY  
DISTRICT 7 – CECILIA LUNAPARRA  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244). All Council meetings are recorded.*

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1602078591>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 207 8591**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.*

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

**Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

## Preliminary Matters

**Roll Call:** 6:37 p.m.

**Present:** Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** Bartlett

Councilmember Bartlett present at 6:45 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

### Ceremonial Matters:

1. Recognition of July 17, 2025 as Port Chicago Remembrance Day
2. Adjourn in memory of Marie Gunter, Sustainability Advocate
3. Adjourn in memory of George Leitmann, UC Berkeley Professor
4. Adjourn in memory of Rita Maran, former Peace & Justice Commissioner

### City Manager Comments:

The City Manager requested that the Council move Item 11 to the Action Calendar.

**Public Comment on Non-Agenda Matters:** 4 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 6 speakers.

**Action:** M/S/C (Humbert/Tregub) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## Consent Calendar

- 1. At-Will Designation: Assistant City Attorney**  
**From: City Attorney**  
**Recommendation:** Adopt second reading of Ordinance No. 7,979–N.S amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classification of Assistant City Attorney as at-will.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,979–N.S.
- 2. Lease Amendment with Yoonaco, Inc. (Hana Japan) at 235 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,980–N.S. amending the City’s improved property lease with Yoonaco, Inc. (Hana Japan) for property at 235 University Ave to extend the initial lease term through June 30, 2026, replace the five-year extension option with a one-year extension option, maintain the rent at the current rate of \$7,868 per month for the lease term, and remove the daily operating requirement for the first floor of the property.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,980–N.S.
- 3. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,981–N.S. amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:  
3.24.110 Landmarks, historic districts and structures of merit- Designation – Criteria for consideration  
23.106.030 Floor Area, Gross  
23.202.030 Additional Permit Requirements (Residential)  
23.204.030 Additional Permit Requirements (Commercial Districts)  
23.206.030 Additional Permit Requirements (Manufacturing Districts)  
23.302.020 General Use Regulations  
23.304.070 Unenclosed Accessory Structures in Residential Districts  
23.326.030 Demolition of Residential Units  
23.326.050 Demolition of Accessory Buildings  
23.326.070 Demolition of Non-Residential Buildings  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,981–N.S.

## Consent Calendar

- 4. Appointment of Emergency Standby Officers**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of newly nominated standby officers for the Mayor and City Council to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,833-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 71,889–N.S. as revised in Supplemental Communications Packet #1 by the City Manager.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 22, 2025**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids that will be or planned to be issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 6. Reallocation of FY 2025 Youth Resiliency Funding**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to reallocate Youth Equity Partnership (YEP) funds awarded through the FY 2025 - 2028 community agency contracting process to the Berkeley Public Schools Fund, Contract No. 32500058, and amend the Schools Fund’s existing contract as follows: 1. Remove the Black Girls United (BGU) program from the contract (at the contractor’s request). 2. Reallocate \$20,000 of the BGU funding to the Longfellow Identity Affirming Programs (LIAP) for FY 2026 through FY 2028, increasing their total annual allocation from \$25,300 to \$45,300. 3. Return the remaining \$27,817 initially awarded to BGU, annually, to the General Fund for FY 2026 - 2028.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 71,890–N.S.

## Consent Calendar

### 7. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:

1. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$187,926 for Fiscal Year 2026.
2. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for Fiscal Year 2026.
3. Tobacco Prevention Program in the projected amount of \$82,600 for Fiscal Year 2026.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 71,891–N.S. (Health Center Programs); Resolution No. 71,892–N.S. (School Linked); Resolution No. 71,893–N.S. (Tobacco Prevention).

### 8. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:

1. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$377,000 for Fiscal Year 2026. See match information in Fiscal Impacts section below.
2. Tobacco Trust Fund: There is no match required, and this contract is expected to be for \$600,000 for Fiscal Year 2026 through Fiscal Year 2027.
3. Women, Infant, Children Program There is no match required, and this contract is expected to be for \$2,557,619 for Federal Fiscal Year 2026 through Federal Fiscal Year 2028.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 71,894–N.S. (MCAH); Resolution No. 71,895–N.S. (Tobacco Trust Fund); Resolution No. 71,896–N.S. (Women, Infant, Children Program).

## Consent Calendar

- 9. Supplemental Military Leave Compensation Policy**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 63,646–N.S. to the City’s Supplemental Military Leave Compensation Policy to be retroactively effective from July 1, 2025, going forward in order to provide supplemental wages for employees called to involuntary active military service.  
**Financial Implications:** See report  
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 71,897–N.S.
- 10. 2024 Annual Military Equipment Report (Assembly Bill 481)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the 2024 Annual Military Equipment Report.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 71,898–N.S.
- 11. Surveillance Technology Ordinance Submission for Berkeley City Jail Surveillance System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Accepting the attached Surveillance Acquisition Report for the Berkeley City Jail Surveillance System, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99. 2. Accepting the attached Surveillance Use Policy: Use of Internal Video Surveillance System (BPD Policy 1306).  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Moved to Action Calendar. 2 speakers. M/S/C (O’Keefe/Taplin) to adopt Resolution No. 71,899–N.S.  
**Vote:** All Ayes.
- 12. Appointment of Ian Hunt to the Mental Health Commission**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution approving the recommendation for appointment of Ian Hunt to the Mental Health Commission. Mr. Hunt will represent the Special Interest Category (consumer), beginning his 3-year term on July 23, 2025, ending on July 22, 2028.  
**Financial Implications:** See report  
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400  
**Action:** Adopted Resolution No. 71,900–N.S.

## Consent Calendar

**13. Police Accountability Board Report: Fair and Impartial Policing Implementation**  
*(Reviewed by the Public Safety Committee) (Item contains supplemental material)*

**From: Police Accountability Board**

**Recommendation:** Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:

Recommendations to the Berkeley Police Department: 1. Three-prong approach. a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted. b. Primary Collision Factors: This prong should specify the mode of the party at fault. c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report. d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated. e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops. 2. Evidence-based definition for stops of criminal suspects: a. Establish an evidence-based definition for stops of criminal suspects. b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects. 3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias. 4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality. 5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation. 6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them. 7. Profiling by proxy: Future BPD updates should specify what

## Consent Calendar

instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service. 8. Business cards: Ensure that business cards are distributed as mandated by the Council directive. 9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

Recommendations to the Police Accountability Board:

1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training. 2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.

Recommendations to the Berkeley City Council:

1. Establish metrics to assess the success of implementing FIP directives. Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives. 2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented. 3. Require BPD to report biannually on: a. Traffic stops by each prong of their 3-prong framework and by race within each prong. b. Stop, search, and arrest data by probation/parole status and race. c. Calls for service by the race of the reporter and reportee.

*Policy Committee Recommendation: To send item to City Council with a qualified positive recommendation highlighting the refined actions agreed upon by PAB and BPD as captured in their joint letter, and to close the Fair and Impartial Policing (FIP) Task Force referral from the February 23, 2021 City Council meeting, with the understanding that the specific recommendations in that referral have been completed, although work on fair and impartial policing will continue.*

**Financial Implications:** See report

Contact: Hansel Aguilar, Commission Secretary, (510) 981-4950

**Action:** Approved recommendation as recommended by the Public Safety Committee.

## Council Consent Items

**14. Resolution in Support of California Senate Bill 81 (Arreguín) Health and Care Facilities: Information Sharing to Amend Sections 56.05 and 56.10 of the Civil Code, and to Add Chapter 1.5 to Division 2 of the Health and Safety Code, Relating to Health and Care Facilities**

**From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)**

**Recommendation:** Adopt a Resolution in support of California State Senate (SB) Bill 81 (Arreguín), Healthcare Provider Entities: Information Sharing amend Sections 56.05 and 56.10 of the Civil Code, and to add Chapter 1.5 (commencing with Section 1249) to Division 2 of the Health and Safety Code, relating to health and care facilities, and declaring the urgency thereof, to take effect immediately; and distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage. SB 81 would mandate healthcare facilities to develop protocols for monitoring and receiving visitors, as well as designating certain areas as nonpublic in order to maintain a secure environment aligned with the facility's mission and commitment to patient care. Additionally, the bill would prohibit immigration enforcement agents from entering nonpublic areas of a facility without a valid judicial warrant or court order. It would also protect patient information by barring the disclosure of a person's current or past immigration status or place of birth for purposes related to immigration enforcement.

**Financial Implications:** Staff time.

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

**Action:** Adopted Resolution No. 71,901–N.S. as revised in Supplemental Communications Packet #1 by Councilmember Tregub.

## Action Calendar – Public Hearings

### 15. Ordinance Vacating a Portion of Carleton Street from Westerly Terminus Extending 381.23 Feet Easterly

**From: City Manager**

**Recommendation:**

1. Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance vacating a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street.
2. Schedule a public hearing and second reading of the Ordinance for the July 29, 2025, Council meeting.
3. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute a deed quit claiming that portion of the right-of-way of Carleton Street and conveying to the adjacent property owner, Bayer Healthcare LLC ("Bayer").

**Financial Implications:** See report

Contact: Terrance Davis, Public Works, (510) 981-6300

**Public Testimony:** The Mayor opened the public hearing. 13 speakers.

M/S/C (Blackaby/Humbert) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Taplin/Kesarwani) to adopt the first reading of Ordinance No. 7,982–N.S. Public hearing and second reading scheduled for July 29, 2025.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby, Humbert, Ishii; Noes – None; Abstain - Lunaparra.

Recess 8:42 p.m. – 8:59 p.m.

### 16. Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations

**From: City Manager**

**Recommendation:**

Conduct a public hearing, and upon conclusion, adopt a Resolution:

1. Approving the attached Compendium reflecting the current operational agreements between the Berkeley Police Department and other law enforcement agencies and private organizations.
2. Accepting the attached Suspicious Activity Report (SAR).
3. Accepting the attached Mutual Aid requests and responses report as submitted in accordance with existing City Council directives.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

**Public Testimony:** The Mayor opened the public hearing. 9 speakers.

M/S/C (Taplin/Tregub) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Blackaby/Humbert) to adopt Resolution No. 71,902–N.S.

**Vote:** All Ayes.

## Action Calendar – New Business

### 17. Surveillance Technology Ordinance Submission for External Fixed Surveillance Cameras (Flock Safety Condor Video Cameras)

**From:** City Manager

**Recommendation:** Adopt a Resolution: 1. Accepting the attached Surveillance Acquisition Report for the Flock Safety Condor video cameras, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.

2. Re-affirming the associated Berkeley Police Department (BPD) Use Policies (BPD Policy 351: External Fixed Video Surveillance Cameras and BPD Policy 1304: Surveillance Use Policy—External Fixed Video Surveillance Cameras), which were previously approved by Council on June 13, 2023.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

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

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**Action:** M/S/Failed (Tregub/Ishii) on the severed portion of the motion to change the retention period to 90 days in the policy.

**Vote:** Ayes – Bartlett, Tregub, Lunaparra, Ishii; Noes – Kesarwani, Taplin, O’Keefe, Blackaby, Humbert.

**Action:** 20 speakers. M/S/C (Tregub/Ishii) to:

1) adopt Resolution No. 71,903–N.S. accepting the attached Surveillance Acquisition Report for the Flock Safety Condor video cameras, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99. and re-affirming the associated Berkeley Police Department (BPD) Use Policies (BPD Policy 351: External Fixed Video Surveillance Cameras and BPD Policy 1304: Surveillance Use Policy—External Fixed Video Surveillance Cameras), which were previously approved by Council on June 13, 2023; and

2) As part of Item 17, the Berkeley City Council directs the City Manager to address each of the elements below:

#### 1. Biannual (Twice Per Year) Audit Report

The Berkeley Police Department’s Biannual Surveillance Technology Report, presented each November, shall include, but not be limited to the following information from the preceding review period as an additional privacy safeguard:

a. Confirm that BPD doesn’t enter any direct data sharing agreements or give direct access to outside agencies. A log of any instance of when surveillance video and/or audio data has been shared, including date, time, reason for search, and any recipient agencies.

## Action Calendar – New Business

### **2. The Council supports the following recommendations of the Berkeley Police Accountability Board (PAB):**

a. Use Policies Section 351.4.2/1304.2: “Video surveillance systems and recordings are subject to the Berkeley Police Department’s Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials, unless required by federal law.”

b. Use Policies Section 351.4.2/1304.2: “Video recordings shall not be disclosed to law enforcement agencies from other states if the purpose of the request is to support the enforcement of laws that restrict or criminalize reproductive rights or rights regarding the provision or receipt of gender-affirming care.”

c. The Sanctuary City Ordinance, scheduled for a Council vote in Fall 2025, will likely, among other topics, address how the City of Berkeley handles and reports requests from federal immigration authorities, vendors, or any non-local agencies to access data for federal immigration enforcement purposes, as well as the recipients of such reports. Additionally, in the event a Federal Agency is given BPD-owned data stored with Flock the Berkeley Police Chief or designee will notify the City Manager, City Attorney, and City Council within 72 hours of the discovery of the incident.

d. Add a new section to the Fixed Video Surveillance Policy requiring BPD to observe certain safeguards with respect to surveillance camera data from the Berkeley Police Department’s ALPR policy (Section 1304.12).

### **3. Additional Safeguards**

a. The Berkeley City Council reaffirms its intention to approve contracts that are in full compliance with Berkeley City Law, including but not limited to subject BPD policies and the to-be-delivered Sanctuary City Ordinance. As a matter of course, the Berkeley City Council directs the City Manager to ensure that no proposed contractual clauses with Flock for proposed Flock Safety Condor Video Cameras are, or could potentially be, in conflict with Berkeley City Law, prior to final approval of the contract by the Berkeley City Council. For example, Sections 4.3 and 5.3 of Flock boilerplate contractual language appears to contradict city policy. These and other provisions are to be discussed during contract negotiations.

b. The City of Berkeley reaffirms the City Manager’s authority, which may be delegated to the Berkeley Police Chief, to pause or end the deployment of the subject equipment at any time and for any cause. The City Council shall be, within 48 hours, notified of any such decision to pause or end its deployment.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra.

## Information Reports

### **18. Reimagining Public Safety Status Report From: City Manager**

Contact: Carianna Arredondo, City Manager’s Office, (510) 981-7000

**Action:** Received and filed.

## Information Reports

19. **Restaurant Inspection Audit Status Report**  
**From: City Manager**  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400  
**Action:** 3 speakers. Moved to Action Calendar. Discussion held.
20. **Landmark Preservation Ordinance Notice of Decision: 2009 Tenth Street/#LMSAP2025-0003**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
21. **Landmark Preservation Ordinance Notice of Decision: 2035 Francisco Street/#LMIN2024-0003**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
22. **City Auditor Fiscal Year 2026 Audit Plan**  
**From: Auditor**  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 3 speakers.**

## Adjournment

**Action:** M/S/C (Tregub/Taplin) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 12:10 a.m.

## Communications

### Harrassment Concern

1. Cielo Sambas (2)

### Brown Act

2. Inger Acking
3. David Meyer
4. Mary Anne Morgan
5. Jackie Schmidt-Posner
6. Barbara Anscher

### Geneva's Path

7. Deb Spaulding Graham
8. Andrew Graham

### **Dogs at Caesar Chavez Park**

9. Maureen Daggett

### **Ohlone Concerns and Encampments**

10. Yasemin Sussman

11. Tom Attar (2)

12. Nicholas Alexander (3)

13. Xavier Linn

14. Roger Hallsten

15. Rochelle T.

16. Jessica Fain

17. Daniel Jurnove

18. Kathy Dittmer

19. Karl Torke

20. David Mateer

21. Martin Seldin

22. Lj Cranmer

23. Dan Cutter (2)

24. Yael Galinson

25. Jia Liang

26. David Tepper

### **Berkeley Waterfront and Park Fees**

27. Margie Winter (2)

28. Elisha Greenwell

29. Iliana Montauk (2)

30. Rachel Bradley

31. Juliane Kowski

32. Robert Crosman

33. Deborah Green

### **Takara Sake Plant**

34. Cecelia Mautner

### **Road Damage**

35. Jia Liang

### **Homelessness Concerns**

36. Andrea Ricci

37. Maris Arnold

38. Kathleen Krier

### **Half Price Books**

39. Simi Dhillon

**Sidewalk Repair**

40. Todd Andrew

**City Services Concerns**

41. Rebecca Young

**Berkeley's City Budget**

42. David Lerman

**Granicus Concern**

43. Alex Taylor

**Filming Concern**

44. Liying Tao

**EMBER**

45. Mary-Louise Hansen

46. Geoff Lomax

**Blight in Berkeley**

47. Cecelia Mautner

**8<sup>th</sup> and Harrison**

48. Elana Auerbach

**Home Security Concern**

49. Seth Crabtree

**The Bay Baby Book Project Donation**

50. Seena Hawley

**Parking Concerns and Pedestrian Safety**

51. Shirley Kirsten (3)

52. Parking & Transportation

53. Bill Pottinger

**Online Bill Payments**

54. Jeffrey Frey

**E-Scooters**

55. Robert Borghese (6)

56. Robert Byler (3)

57. John Roveron Ravano

**ODPA Statement**

58. Office of the Director of Police Accountability

## **Middle East Conflict**

59. Mohammed Hassan

## **Forwards**

60. Elana Auerbach (2)

## **URL's**

61. Inetjalopy

62. Russbumper

63. Jai

## **Supplemental Communications and Reports 1**

### **Item #4: Appointment of Emergency Standby Officers**

64. Revised agenda material submitted by the City Clerk's Department

### **Item #14: Resolution in Support of California Senate Bill 81 (Arreguín) Health and Care Facilities: Information Sharing to Amend Sections 56.05 and 56.10 of the Civil Code, and to Add Chapter 1.5 to Division 2 of the Health and Safety Code, Relating to Health and Care Facilities**

65. Revised agenda material submitted by Councilmember Igor Tregub, Mayor Adena Ishii, Councilmember Humbert, and Councilmember Lunaparra

## **Supplemental Communications and Reports 2**

### **Item #17: Surveillance Technology Ordinance Submission for External Fixed Surveillance Cameras (Flock Safety Condor Video Cameras)**

66. Office of the Director of Police Accountability on behalf of the Police Accountability Board (2)

67. Judy Bertelsen

68. Pamela Tellev

69. Tobey Wiebe

70. Margot Smith

71. Sally Nelson

72. Cindy Shamban

## **Supplemental Communications and Reports 3**

### **Item #15: Ordinance Vacating a Portion of Carleton Street from Westerly Terminus Extending 381.23 Feet Easterly**

73. Presentation submitted by the Public Works Department

74. Susan Schwartz on behalf of the Friends Five Creeks

### **Item #17: Surveillance Technology Ordinance Submission for External Fixed Surveillance Cameras (Flock Safety Condor Video Cameras)**

75. Presentation submitted by the Police Department

76. A.S. Ikeda

77. Kelly Hammargren

### **Item #19: Restaurant Inspection Audit Status Report**

78. Lara Hornbeck

- 79. John Elrich
- 80. Rudabeh Pakravan

**Item #22: City Auditor Fiscal Year 2026 Audit Plan**

- 81. Presentation submitted by the City Auditor's Office