

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

**Monday, March 1, 2021
10:30 AM**

Committee Members:

Councilmembers Rashi Kesarwani, Ben Bartlett, and Susan Wengraf
Alternate: Councilmember Terry Taplin

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council Public Safety Policy Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://us02web.zoom.us/j/83787178426>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **837 8717 8426**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Public Safety Policy Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

MINUTES

Roll Call: 10:33 a.m. All present.

Councilmember Wengraf absent at 12:56 p.m.

Election of Chair

Action: M/S/C (Kesarwani/Wengraf) to nominate Councilmember Bartlett as Chair.

Vote: All Ayes

Public Comment on Non-Agenda Matters: 6 speakers

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - December 7, 2020

Action: M/S/C (Bartlett/Wengraf) to approve the December 7, 2020 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. Introduce an Ordinance permanently banning the use of less lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices and ultrasonic cannons used by the police on civilians**

From: Councilmember Davila (Author)

Referred: September 30, 2020

Due: March 3, 2021

Recommendation: Direct the City Manager and City Attorney to prepare the attached ordinance: "Prohibition On The Use Of Certain Munitions Ordinance" for first reading for the October 27, 2020 Regular City Council Meeting.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: 14 speakers. Discussion held. M/S/C (Kesarwani/Wengraf) to send the item back to Council with a negative recommendation and recommend that Council take no action.

Action: All Ayes

The Public Safety Policy Committee also requests that Council schedule an informational briefing on the ban on less lethal weaponry.

- 3. Providing our Unhoused Community with Fire Extinguishers**

From: Councilmember Davila (Author)

Referred: October 13, 2020

Due: March 16, 2021

Recommendation: Direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based home-less services providers to distribute to our unhoused community.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: 5 speakers. Discussion held. M/S/C (Kesarwani/Wengraf) to send the item with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets.

Vote: Ayes – Kesarwani, Bartlett; Noes – None; Abstain – None; Absent – Wengraf.

Committee Action Items

4. **Adopt an Ordinance Adding Chapter 2.64.170 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment** (*Supplemental Material Received*)
From: Councilmember Harrison (Author) and Councilmember Bartlett (Co-Sponsor)
Referred: July 13, 2020
Due: March 19, 2021
Recommendation: 1. Refer draft Ordinance to the Police Review Commission for further consideration and policy development and submit recommendations to the Public Safety Committee and author within 60 days; and
2. Adopt an Ordinance Adding Chapter 2.64.170 to the Berkeley Municipal Code to Regulate Police Acquisition and Use of Controlled Equipment.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- Action:** 7 speakers. Discussion held. Revised material submitted by Councilmember Harrison. The item was extended at the request of the author and scheduled for a Special meeting on March 29, 2021.
5. **Presentation by the Fire Department on Evacuation Plan**
Action: The item was continued to the next regularly scheduled meeting.

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: 1:02 p.m.

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

Vote: Ayes – Kesarwani, Bartlett; Noes – None; Abstain – None; Absent – Wengraf.

I hereby certify that this is a true and correct record of Public Safety Policy Committee meeting held on March 1, 2021.

Michael MacDonald, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.