MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Thursday, May 7, 2026
5:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1027 BANCROFT WAY, BERKELEY, CA 94710

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 and virtual attendance. Attend this meeting remotely using Zoom. 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: 161 674 7986**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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: 5:09 p.m.

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

Absent: Bartlett

Councilmember Bartlett present at 5:17 p.m.

Action Calendar – Old Business

Action: M/S/C (Ishii/Tregub) to suspend the rules and establish a three-hour public comment period with two hours for in-person comments and one hour for online comments.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – O'Keefe.

1a. Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority
(Continued from March 24, 2026) (Item contains revised and supplemental material.)
From: City Manager
Recommendation: Adopt a Resolution authorizing the following actions:
Surveillance Technology Ordinance (BMC 2.99)
1. Accept the Surveillance Acquisition Report and approve the Surveillance Use Policy for the Unmanned Aerial Systems (UAS) program.
2. Accept the Surveillance Acquisition Report and approve the Surveillance Use Policy for Community Video Streams.
3. Approve updated Surveillance Use Policies for fixed video cameras, reflecting Council-directed revisions to previously approved technology.
Police Equipment Ordinance (BMC 2.100)
4. Accept the Police Equipment Impact Statement and approve the Police Equipment Use Policy for UAS.
Contract Authority
5. Authorize the City Manager to amend the existing contract with Flock Safety to add Drone as First Responder (DFR) hardware, software, and services for an initial three-year term, in an amount not to exceed $750,000.
6. Authorize the City Manager to amend the existing contract with Flock Safety to add Condor PTZ fixed surveillance cameras for an initial four-year term, in an amount not to exceed $310,000, with an option to extend for one additional three-year term, for a total not to exceed $600,000.
7. Authorize the City Manager to amend the existing contract with Flock Safety to add Flock Nova investigative software for a one-year term, in an amount not to exceed $75,000, funded by the Byrne State Crisis Intervention Program (SCIP) grant previously accepted by Council on July 29, 2025.
8. Authorize the City Manager to amend the existing contract with Flock Safety to renew Automated License Plate Readers (ALPRs) for a two-year term, in an amount not to exceed $330,000, with an option to extend for an additional two-year term, for a total not to exceed $660,000.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Action Calendar – Old Business

Action: M/S/C (Humbert/Kesarwani) to suspend the rules and extend the meeting to 11:15p.m.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert; Noes – Ishii.

Action: M/S/Failed (O'Keefe/Lunaparra) to amend the main motion to include the amendments to the UAS Use Policy submitted by Councilmember O'Keefe in Supplemental Communications Packet #2.
Vote: Ayes – Tregub, O'Keefe, Lunaparra, Humbert; Noes – Kesarwani, Taplin, Bartlett, Blackaby, Ishii.

Action: 156 speakers. Motion/Seconded (Blackaby/Humbert) to:

1) Not move forward with the full Master Services Agreement (MSA) execution as proposed.

2) Authorize extension of the current contract for Automated License Plate Readers (ALPRs) for 12 months for an additional contract amount up to $200,000.

3) Include in the negotiation of the ALPR contract extension the proposed terms contained in the supplemental materials from Councilmember Humbert and Councilmember Blackaby originally submitted on March 24 and included in the May 7 agenda packet; additionally include the exploration of contract terms with a penalty of $290,000 per violation.

4) Refer to the City Manager the initiation of an RFP process in consultation with the Police Accountability Board and BPD for each of the components in the MSA and for their integration.

5) Approve Sections 1 – 6, 8, and 9 from the supplemental materials submitted by Mayor Ishii in Supplemental Communications Packet #2 (noted below).

1. *Amend the Surveillance Use Policy for the Unmanned Aerial System (UAS)*
2. *Refer the Community Video Stream Acquisition Report and Surveillance Use Policy to the Public Safety Policy Committee (PSPC) for further review*
3. *Amend the Surveillance Use Policy for Fixed Cameras*
4. *Amend the UAS Equipment Use Policy*
5. *Refer the following request for information to the City Manager to quantify the need for UAS*
6. *Refer the UAS Military Equipment Impact Statement to the City Manager for research and analysis of alternative surveillance technology vendors capable of meeting the City of Berkeley's safety and surveillance needs while balancing privacy and civil liberties protections*
8. *Refer to the City Manager to amend Ordinance 2.99 to include a violation/termination clause for surveillance technology vendors.*
9. *Refer to the City Manager and City Attorney additional contractual language to require a vendor to inform the City of any request for information (including but not limited to subpoenas, discovery requests, or requests under any federal or state statute to the extent permitted by law) it receives related to City-controlled data and safeguard it to the fullest extent allowed by law.*

Action Calendar – Old Business

6) Include the following amendments to the policies from Councilmember Lunaparra:

UAS
1303.2 Authorized use:

10. To respond to ~~active~~ violent criminal activity at mass gatherings or special events only when there is probable cause of a felony and an active threat of serious bodily injury.

ALPRs
Extension of ALPRs should include an efficacy assessment and review for compliance to be presented to Council at least 30 days before the end of the extension

7) Take no action on Item 1b.

Action: Request to Sever the Main Motion by Mayor Ishii. M/S/Carried (Blackaby/Humbert) to approve severed portions #1, #5, #6, and #7 noted above. **Vote:** Ayes – Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – Bartlett.

Action: Request to Sever the Main Motion by Mayor Ishii. M/S/Carried (Blackaby/Humbert) to approve severed portions #2, #3, and #4 noted above. **Vote:** Ayes – Kesarwani, Taplin, O'Keefe, Blackaby, Humbert; Noes – Bartlett, Tregub, Lunaparra, Ishii.

Action: Adopted Resolution No. 72,254 –N.S. amended to remove the Whereas clauses and Resolved clauses regarding the Master Services Agreement (MSA) with Flock Safety and the related contract authority; revise the first Resolved clause regarding acceptance and approval of the amended Surveillance Use Policy and Military Equipment Use Policy for UAS; and the approval of the amended Surveillance Use Policy for Fixed Cameras; revise and renumber paragraph 8 to authorize extension of the current contract for Automated License Plate Readers (ALPRs) for 12 months for an additional contract amount up to $200,000.

1b. Social Justice Implications of contracts with the Immigration Data Broker, Flock Safety *(Continued from April 21, 2026)*
From: Peace and Justice Commission
Recommendation: Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage: Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.
Financial Implications: None
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000
Action: See action for Item 1a.

Adjournment

Action: M/S/C (Humbert/Tregub) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:09 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on May 7, 2026.

Mark Numainville, City Clerk

Communications

Item #1a: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority

Item #1b: Social Justice Implications of contracts with the Immigration Data Broker, Flock Safety

1. Jackie Fishbein, on behalf of Flock Group, Inc
2. Commission on Labor
3. Human Welfare & Community Action Commission
4. David Soloff
5. Gabriel du Toit
6. Gael Alcock
7. Vanessa Vega & Brian Pasley
8. Chris Hamilton
9. Christi Tuleja
10. Hali Hammer
11. Peter VanArsdale
12. Bobbie Steinhart
13. Victoria Wesson
14. Irene Rice
15. Vijay Ramesh
16. Melanie Lawrence & John Smail
17. Janice Schroeder
18. Jesse Rosemoore
19. Arlene Owseichik
20. Sonya Baehr
21. Leslie Firestone
22. Justine Kessler
23. Dorothea Dorenz
24. Steen Jensen
25. Stephani Lesh
26. Shirley Kirsten
27. Linda Wood
28. Eric Friedman
29. Margots999

30. russbumper
31. 11 similarly-worded form letters

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1a: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority

Item #1b: Social Justice Implications of contracts with the Immigration Data Broker, Flock Safety

32. Supplemental agenda material submitted by the Police Department and the Finance Department
33. Supplemental material submitted by Councilmember O'Keefe
34. Revised agenda material submitted by Mayor Adena Ishii
35. Police Accountability Board
36. Merry Frank
37. Steve Ravellette, Victoria Cole, and Melissa Kerpel, on behalf of SafeBears Inc.
38. Alan Pearson
39. Andrea Prichett
40. Verna Winters
41. Shirlonda Henry
42. Laura Schatz (2)
43. Rachel Durling
44. Jeronimo Martin
45. Jane Terjung
46. Barbara Schick
47. James Marshall
48. Andrew Donohoe
49. Karen Young and Mike Ravera
50. Maneesh Saini
51. Greg Bernstein
52. Brett Gabby
53. Susan McCutchan
54. Julie Illi
55. vandi_g
56. Nathaniel Emodi
57. Luna Calderon
58. Franziska Raedeker
59. Gerald Bland
60. Dale Hanchett
61. Patrick Golier
62. Robin Beauchamp
63. Box Dixon
64. Holly Scheider
65. Paul Gumpel
66. Laura Leipzig
67. Stanley Glenn

68. Gregory Snyder
69. Emily Ziebell
70. Jordan Sax
71. Dale Webber
72. Allan Abshez
73. Sonya Tafoya
74. Sherri K.
75. George Cesana
76. Sandra Martin
77. Karen Rothblatt
78. Debbie Reed
79. Djuna Odegard
80. Deneen Proctor
81. Charles King
82. Susan Berman
83. Steven Donaldson
84. Sharon Findlay
85. Bruce Bauer
86. Gary Miguel
87. Alan Phillips
88. Nora Smiriga
89. Michael Rice
90. Teresa Thornton
91. Janeece Cristales
92. MJ Baumann
93. Mallorie Baron
94. Jack Kurzweil (2)
95. Wei-Bing Chen
96. Hayley Cox
97. Mark Abrahams
98. Jill Johnson
99. Shirlonda Henry
100. Laurie Nardinelli
101. Sam Kessel
102. Jason Martens
103. Joan Garbarino
104. Kate Rassbach
105. Jane Wiedlin
106. Christopher Kroll
107. Sam Kaplan Pettus
108. Keith Barton
109. Peter Deibler
110. Sarah Leverett
111. Yvonne Woolsey
112. Sara Betts
113. Sasha Howes
114. Merle Lustig
115. Phoebe Thomas Sorgen
116. Wynd Kaufmyn
117. Ingrid Safranek

118. Carina O'Brien
119. Megan Mellard O'Neil
120. Melanie Lawrence & John Smail (2)
121. Alan Phillips
122. Ross and Robin Berman
123. Kathleen Rose
124. Boona Cheema
125. Jean Waddell
126. Ashley DeVore
127. Maryann Osullivan
128. Stanley E. Glenn
129. Cris Benton
130. Claudia Benton
131. John Waters
132. Larry Hendel
133. Bruce & Linda Bargmeyer
134. Deb DenHerder
135. Carole Burns
136. Mangesh & Suchitra Kolhatkar
137. Victoria Cole
138. Austin Abrams
139. Sandy Lee
140. Kate Rassbach
141. Jennifer Miller
142. Martha Brown
143. Jeffrey Heller
144. John J. Parman
145. Christine Johnston
146. Patricia Slater
147. Charles Carlson
148. Kelly Hammargren
149. Brad Winemiller
150. Judith Thomas
151. Judy Grether
152. Akram Belghith
153. Ariella Granett
154. Robb Godshaw
155. Anita Medal
156. Paul Rickey
157. Melissa Pulling
158. Tony Hansen
159. Vanessa Vega
160. Janice Schroeder
161. S. Omowale Fowles
162. Average macandcheese enjoyer
163. Remmelt Ellen
164. Thomas Deckert
165. Rose White
166. Laura Preuss
167. Masumi Maei Hayashi-Smith

168. Carol Denney
169. Mangesh Kolhatkar
170. Gwen Byard
171. Jeanette McNeil
172. Shilpa Jain
173. Elana Auerbach
174. Mary Ann Meany and Donald Santos
175. Anna Garfink
176. David Korman
177. Danette Davis
178. Johna Pecot
179. Linda Gerson
180. Tim Kingston
181. Alan Phillips
182. Pua Owan
183. Isobel White
184. Micky Duxbury
185. Jennifer Doebler
186. Candice Schott
187. Melanie Curry
188. Nan Gefen
189. Janet Hack
190. Elias Welsh
191. Annabelle Potvin
192. Carol Belcher
193. Amelia Pernell
194. Marcel Hawiger
195. Rebecca Tilley
196. Larry Rail
197. Laurie Schley
198. Helen Finkelstein
199. Marge Sussman
200. Bill Press
201. Karen Bouris
202. Candace Simonen
203. Stephen Wahlstrom
204. Jeff Leyser
205. David Korman
206. Vicki Savitt
207. Susan McCutchan
208. Wolyineka
209. William P. Wreden Jr.
210. Azere Wilson
211. Jo Heilman
212. Ken Berland
213. Betania Goodman
214. Berkeley D1 Resident (2)
215. Anne Wormhoudt
216. Cindy Larson
217. Sara Sunstein

218. Teri Johnstone
219. Peter Metcalf (3)
220. Peggy Radel
221. Noah Kahn
222. Phoebe Thomas Sorgen
223. Julian Foley
224. Liz Ozol
225. Lorian Schaeffer
226. Elizabeth Ferguson
227. Xiaoyuan Li
228. Emily Ziebell
229. Peter Calthorpe
230. Barbara Gilbert
231. Fran Layton
232. Beth Blattenberger
233. Alysse Wishart
234. Deanna Mason
235. Anne-Lise Francois
236. Sonya Baehr
237. Berkeley Neighborhoods Council
238. April Gilbert
239. Frances Holt
240. Koralie Hill
241. Tammy Kreznar on behalf of ACLU NorCal
242. Andrew Johnson
243. Tanya Johnson
244. Signe Henderson
245. Lesli-Jo Sawada
246. Kathy Kojimoto
247. Leslie Firestone
248. Edith Friedman
249. 7 Similarly worded form letters "I am a Berkeley resident..."
250. 38 Similarly worded form letters "I am the parent of a UC Berkeley student..."
251. 214 Similarly worded form letters " I am writing to urge you to oppose..."

Supplemental Communications and Reports 3

Item #1a: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority

Item #1b: Social Justice Implications of contracts with the Immigration Data Broker, Flock Safety

252. Sean Arseo
253. Douglas W. James
254. Avi Rappoport
255. Cheryl Brewster
256. Jonathan Holt
257. Luz Buitrago
258. Nora Smiriga
259. Kelly Cooke

260. Eric Friedman
261. Leila Allen
262. Deifler
263. Rebecca Pingree
264. Anandamayi Arnold
265. Fred Dodsworth (2)
266. Christopher Warren
267. Megan Garner
268. Rose E. Aplustill
269. Linda Berkowitz
270. Peter Ciccolo
271. Monika Mann
272. Laura Arriola
273. Jenny Rempel
274. Netsy Firestein
275. Ed Allen
276. David Allen (2)
277. Adrienne McInnis
278. Ian Baker
279. Abigail Tarail
280. Elic Suazo
281. Nisha Saini
282. Crystal Terry
283. Michael Tucker
284. Ed Allen
285. Todd Jalier
286. Risa Dye
287. Lanny DeVuono
288. Samuel Dillon
289. Kate Pocrass
290. Vanessa Nikko Cordova
291. Ben Gardella
292. Peter Deibler
293. Amal C.
294. Catherine Huchting
295. Elise Geske (3)
296. Judith White
297. Rachel Katz
298. Joan Garbarino
299. Katherine Sharpe
300. Christine Staples
301. Cindy Shamban
302. Joanne Carder
303. Chrissy Hoffman
304. Sally Nelson
305. Linda Konkoski
306. Betsy Bigelow-Teller
307. Subarna Mitra
308. Kelsey Kofford
309. Joanna M.

310. Laura Hill
311. Marilyn Cleveland
312. Craig Peterson
313. Jean Tepperman
314. Rachel Vimont
315. Allison Banks
316. John Coveney
317. Jeffrey Church on behalf of Visit Berkeley
318. Ashley McClure
319. Kitty Calavita
320. Crystal Brunzell
321. Julia Chervin
322. Ary Smith
323. Rafael Gonzalez (2)
324. Amanda Whitehead
325. Barbara Gilbert
326. Thu-Anh Nelson
327. Diana Lempel
328. Max Gomberg
329. Patricia Campbell
330. David Moren
331. Jeremiah Maller
332. Diane Tokugawa
333. Tony Boyle
334. Akemi Osajima
335. Anand Patel
336. Virginia Browning
337. Vivek Kembaiyan
338. David Fisher
339. Sheila Newbery
340. Melissa Ploysophon
341. Erika Andersen
342. Geoff Lomax
343. Daniel Borgstrom
344. Todd Seeley
345. Julian Friedman
346. Janie Hall
347. Steve Gilmartin
348. Lori Gray
349. Kristine Dixon
350. Stephen Leake
351. Samantha Johnston
352. Geraldine Clifford
353. Indivisible Berkeley NC/AC Team
354. Nina Haft
355. Mary Lynn Morales
356. David Gifford
357. Tania Schwartz
358. Brian Hofer on behalf of Secure Justice
359. 18 Similarly worded form letters "While BPD promotes..."

360. 97 Similarly worded form letters "I am writing to urger you to oppose..."

Miscellaneous

361. Unknown