

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, MARCH 4, 2024

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Terry Taplin

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1604436779>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 160 443 6779**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Agenda & Rules 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.

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.

Roll Call: 2:31 p.m.

Present: Wengraf, Arreguin

Absent: Hahn

Hahn present at 2:32 p.m.

Public Comment – 3 speakers

Review of Agendas

1. **Approval of Minutes: February 26, 2024**
Action: M/S/C (Wengraf/Arreguin) to approve the minutes of 2/26/24.
Vote: All Ayes.
2. **Review and Approve Draft Agenda:**
 - a. 3/19/24 – Regular City Council Meeting
Action: M/S/C (Arreguin/Hahn) to approve the agenda of 3/19/24 with the changes noted below.
 - *Item Added: AC Transit Presentation added to Ceremonial Calendar*
 - *Item 5 Grant Application (City Manager) – Revised recommendation*
 - *Item 8 Hills Wildfire (Arreguin) – Revised to add resolution*
 - *Item 10 Contract Waiver (Arreguin) – Removed from the agenda by the Author***Vote:** All Ayes.
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
– None Selected
4. **Adjournments In Memory** – None

Scheduling

5. **Council Worksessions Schedule**
 - Scheduled In-Lieu Fee Study for May 21
 - Scheduled AC Transit for March 19
 - Scheduled Waterfront Plan for October 22
6. **Council Referrals to Agenda Committee for Scheduling** – received and filed
7. **Land Use Calendar** – received and filed

Referred Items for Review

8a. Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments

Action: 2 speakers. No discussion or action. Continued to next meeting.

Referred Items for Review

8b. Council Referral - Proposed Changes to Public Comment

From: Open Government Commission

Referred: February 13, 2024

Deadline: October 9, 2024

Recommendation: City Council to review and implement suggested changes to the way public comment is given at City Council Meetings.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Action: 3 speakers. M/S/C (Arreguin/Hahn) that the Agenda and Rules Committee makes a Qualified Positive Recommendation on the Open Government Commission's proposal "Proposed Changes to Public Comment" with the following amendments/comments:

A. For immediate implementation:

1. Continue to allow the public to participate remotely via videoconference.

Comment: Approve as recommended by OGC

2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure Zoom to permit saving of the transcription by the public.

Comment: Partially approve this recommendation with the clarification that this would only apply to all Committee, Board and Commission meetings which conduct their meetings through videoconference. Also refer to the City Manager to record all other ~~committee~~ board and commission meetings, and post recordings to the city webpage. [In deploying the recording of meetings start first with quasi-judicial meetings, and then move to commissions with a specific statutory charge, followed by all others.](#)

3. Limit councilmember initial comments on [consent and](#) action items to 5 minutes/person and enforce this rule.

Comment: Approve as recommended by OGC [but also apply to consent calendar items](#)

4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar.

Comment: Approve as recommended by OGC

5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add "If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action."

Referred Items for Review

Comment: Approve as recommended by OGC, with addition that the Mayor or Councilmember must register their abstention or no vote before the vote on the Consent Calendar.

6. Acknowledge and verbally summarize comments received via email.

Comment: Reject

7. Use Berkeley Considers more frequently, especially for controversial issues.

Comment: Approve as recommended by OGC

8. Endeavor to inform attendees of approximate time for high interest items, e.g. “Item 32 will not be heard before 9:30.”

Comment: Approve as recommended by OGC

9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.

Comment: Approve as recommended by OGC

10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.

Comment: Reject

11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three or more councilmembers. by the Council. Action items may be reordered at the discretion of the Chair ~~with the consent of Council.~~

Comment: Approve as recommended by OGC

B. For further consideration and/or research:

1. Schedule more meetings with fewer items on the agenda at each meeting

Comment: Endeavor to schedule multiple meetings with fewer items as recommended by OGC.

2. Schedule separate meetings for items that are controversial or attract especially high public interest.

Comment: Approve as recommended by OGC Endeavor to Schedule separate meetings for items that are controversial or attract especially high public interest

Referred Items for Review

3. Have separate meetings for City department reports and/or informational items that will take longer than 20 minutes .

Comment: ~~Approve as recommended by OGC~~ Endeavor to meet this standard as needed

4. Limit to 20 minutes any City department reports included within a regular meeting.

Comment: ~~Take no action~~ Approve as recommended by OGC

5. Have Special Meetings on a different day from Regular Meetings.

OR

Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.

Comment: ~~Explore having special meetings on different days, depending on the Council meeting schedule and the time sensitivity of items. For staff presentations where no action is requested, limit Council comments to 5 minutes to enable the meeting to adjourn on time. Also approve of an adjournment of 15 minutes before the posted time of a regular Council meeting, with the option to extend by a 2/3 vote.~~

6. Strongly urge that supplemental materials be submitted earlier.

Comment: Refer to Agenda and Rules Committee for further discussion ~~Approve as recommended by the OGC~~

7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.

Comment: *Reject*

8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed.

Comment: ~~Approve as recommended by the OGC~~ Take no action

9. Provide virtual access to Board and Commission meetings which are now held in person.

Comment: *Establish a goal and work towards making all Board and Commission meetings hybrid (in person/virtual), dependent on technology and implementation.*

Hahn recommendation:

To have Councilmembers submit any announcements (e.g. upcoming community events) to the Mayor the day of the meeting, to be announced by the Mayor during the Ceremonial Calendar. Limit Council comment on Consent Calendar to Consent items.

Referred Items for Review

Add an agenda item at the foot of the agenda to allow for up to 2 minutes of general comments per Mayor and Councilmember prior to adjournment.

Vote: All Ayes.

9. City Council Legislative Systems Redesign

Action: No discussion or action. Continued to next meeting.

Unscheduled Items

10. Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)

Referred: November 13, 2023

Deadline: July 25, 2024

Recommendation: Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.

Financial Implications: None

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

11. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)

12. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals

13. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

Adjourned at 4:41 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 4, 2024.

Mark Numainville, 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@berkeleyca.gov.