

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, MARCH 18, 2013
5:30 P.M.

2180 Milvia Street, 1st Floor, Cypress Room
Teleconference Location - 6257 Knox Avenue, Fontana, CA 92336

Preliminary Matters

Roll Call: 5:34 p.m.

Present: Councilmembers Capitelli, Wengraf, Worthington, Wozniak and Mayor Bates.

Absent: Councilmembers Anderson, Arreguin, Maio and Moore.

Councilmember Arreguin present at 5:39 p.m. Councilmember Anderson present at 5:48 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

Threatened litigation – one case

The City Council will discuss with its attorneys the Claim of Elyce Klein (No. BCJP 17163A IH) regarding flooding from a catch-basin in the roadway near 1840 Sonoma Avenue. The claim is available for public inspection at the office of the City Clerk.

Action: M/S/C (Worthington/Wengraf) to authorize the City Manager to agree to a settlement of the claim of Elyce Klein for flooding at 1840 Sonoma Avenue.

Vote: Ayes – Anderson, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None, Abstain – None; Absent – Maio, Moore, Arreguin.

Councilmember Arreguin absent 6:48 p.m. – 6:52 p.m.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):

Initiation of litigation – one case

The City Council will consider whether to initiate a lawsuit against 1080 Delaware LLC and any other appropriate parties, including First-Citizens Bank and Trust Company, based on their failure to comply with the inclusionary housing requirements of the Use Permit and Regulatory Agreement governing the project at 1800 San Pablo Avenue.

Action: No reportable action taken.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

Pending litigation – one case

Koolish v. City of Berkeley, et al. (Alameda County Superior Court Case No. RG12 619373)

Action: No reportable action taken.

4. CONFERENCE WITH LABOR NEGOTIATOR; GOVERNMENT CODE SECTION 54957.6:

Negotiators: Christine Daniel, City Manager, William Rogers, Deputy City Manager, Teresa Berkeley-Simmons, Budget Manager, Margarita Zamora, Senior Human Resources Analyst, Sarah Reynoso, Assistant City Attorney, Mark Zembsch, Deputy City Attorney, Gil Dong, Deputy Fire Chief, Eddie Kreisberg, Labor Negotiator, Margaret Edwards, Associate Human Resources Analyst, Jane Micallef, Director of Health, Housing and Community Services.

Employee Organizations: SEIU Local 1021, Community Services and Part-Time Recreation Leaders Association, Berkeley Fire Fighters Association, Public Employees Union, Local One.

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Adjournment

Adjourned at 7:14 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of March 18, 2013.

Rose Thomsen, Deputy City Clerk