

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, JUNE 10, 2013
5:30 P.M.

2180 Milvia Street, 1st Floor, Cypress Room

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call: 5:30 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmember Worthington.

Councilmember Worthington present at 5:32 p.m.

Public Comment - Limited to items on this agenda only – 7 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)(4):

Initiation of litigation – two cases

- a. The City Council will consider whether to file a claim and answer in the currently pending civil forfeiture proceeding concerning 2366 San Pablo Avenue (Berkeley Patients Group), titled *United States of America v. Real Property and Improvements Located at 2366 San Pablo Avenue, Berkeley, California* (USDC ND CA. No. CV 13 2027)

Action: M/S/C (Moore/Anderson) to file a claim and answer in the currently pending civil forfeiture proceeding concerning 2366 San Pablo Avenue, the location of Berkeley Patients Group. The action is: *United States of America v. Real Property and Improvements Located at 2366 San Pablo Avenue, Berkeley, California* (USDC ND CA. No. CV 13 2027)

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Wengraf, Worthington, Bates; Noes – Wozniak; Abstain – Capitelli.

- b. The City Council will consider whether to initiate administrative proceedings and/or a lawsuit against the United States Postal Service concerning the sale of the Main Berkeley Post Office and the relocation of services from it.

Action: no reportable action taken.

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

Pending litigation – one case

- a. City of Berkeley v. Kenneth Sarachan and Laurie Brown, and related cross-action (Alameda County Superior Court Case No. RG RG12 614265)

The Council discussed the potential methods and terms for an agreement with Kenneth Sarachan with regards to his properties on Telegraph Avenue.

Action: no reportable action taken.

OPEN SESSION:

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

Adjournment

Action: M/S/C (Moore/Maio) to adjourn the meeting.

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

Councilmember Worthington absent 6:36 p.m. – 6:44 p.m.

Adjourned at 6:44 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of June 10, 2013.

Mark Numainville, CMC, City Clerk

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

Pending litigation – one case

- a. City of Berkeley v. Kenneth Sarachan and Laurie Brown, and related cross-action (Alameda County Superior Court Case No. RG RG12 614265)

- 1. Ken Sarachan
- 2. Craig Becker