

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
MONDAY, NOVEMBER 17, 2014
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: 5:33 p.m.

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

Absent: Councilmembers Anderson, Moore and Worthington.

Councilmember Moore present at 5:40 p.m.

Public Comment - Limited to items on this agenda only: 3 speakers.

CLOSED SESSION:

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

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

Pending litigation – one case

- A. Rollie French v. Arntz Builders, City of Berkeley, et al. (Alameda County Superior Court Case No.2002-043461); consolidated with:
- i. Helix Electric v. Arntz Builders, et al. (Alameda County Superior Court Case No. 2002-061480);
 - ii. Thyssenkrupp Elevator Corp. v. Arntz Builders, et al. (Alameda County Superior Court Case No.2002-071479);
 - iii. F.W. Spencer & Son, Inc. v. Arntz Builders, et al. (Alameda County Superior Court Case No. RG03082302);
 - iv. Bay Systems Integrators, Inc. v. Helix Electric, Inc., et al. (Alameda County Superior Court Case No. RG03089440); and
 - v. Arntz Builders, Inc. v. City of Berkeley, et al. (Alameda County Superior Court Case No. RG 03095394.)

Action: No reportable action taken.

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

Anticipated Litigation: one case

- A. Significant exposure to litigation. Discuss with legal counsel the Securities and Exchange Commission's Municipal Continuing Disclosure Cooperation Initiative.

Action: No reportable action taken.

3. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(4):

Initiation of litigation – one case

- A. Petition to Vacate Arbitrator's Award in California State Mediation and Conciliation Services Case No. 13-0031, Service Employees International Union Local 1021, Maintenance & Clerical Chapter and City of Berkeley

Action: No reportable action taken.

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

Pending litigation – one case

- A. City of Berkeley, et al v. United States Postal Service, et al. (USDC, Northern District of California Case No. C14-04916 WHA)

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/Bates) to adjourn the meeting.

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

Adjourned at 7:08 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of November 17, 2014.

Mark Numainville, CMC, City Clerk