

**ANNOTATED  
BERKELEY CITY COUNCIL  
SPECIAL CLOSED MEETING**

**MONDAY, MARCH 13, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. 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: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1612575025>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 257 5025**. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

## Preliminary Matters

**Roll Call:** 3:03 p.m.

**Present:** Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 3:12 p.m.

Councilmember Bartlett present at 3:14 p.m.

**Public Comment - Limited to items on this agenda only – 2 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)(3):

- a. Significant exposure to litigation pursuant to Section 54956.9(d)(3); see letter from California Department of Housing and Community Development, attached as required by *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360 (2020)

**Action:** No reportable action taken.

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

- a. *Mena v. Bradd, et al.*, Alameda County Superior Court Case No. RG21101938

**Action:** No reportable action taken.

- b. *Cohen v. City of Berkeley*, Alameda County Superior Court Case No. 22CV018148

**Action:** M/S/C (Arreguin/Robinson) to authorize a settlement in the amount of \$43,000.

**Vote:** All Ayes.

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

- a. WCAB Case Numbers: ADJ12170910 and ADJ11544202.

**Action:** M/S/C (Arreguin/Wengraf) to provide direction to outside counsel and approve a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ12170910 and ADJ11544202.

**Vote:** All Ayes.

## **OPEN SESSION:**

City Council met in closed session on March 13, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ12170910 and ADJ11544202.

City Council met in closed session on March 13, 2023, Pursuant to Government Code 54956.9(d)(1) and authorized a settlement in the amount of \$43,000 in the matter of Cohen v. City of Berkeley, Alameda County Superior Court Case No. 22CV018148.

## **Adjournment**

**Action:** (Arreguin/Harrison) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 4:54 p.m.

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

**Item #1: Conference with Legal Counsel – Anticipated Litigations Pursuant to Government Code Section 54956.9(d)(3)**

1. Kelly Hammargren