

BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, MAY 18, 2021

5:00 P.M.

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 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83723795637>. 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 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 837 2379 5637. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted 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.

Preliminary Matters

Roll Call: 5:03 p.m.

Present: Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Taplin, Harrison

Councilmember Kesarwani present at 5:06 p.m.

Councilmember Taplin present at 5:10 p.m.

Public Comment - Limited to items on this agenda only – No Speakers

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

a. *WCAB Case Number: #ADJ9183953.*

Action: M/S/C (Arreguin/Hahn) to provide direction to outside counsel to offer a settlement by Stipulated Award for 60% permanent disability (\$92,609.91) with an award of future medical care for bilateral shoulders, as to workers' compensation matter WCAB Case Number #ADJ9183953.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

b. *WCAB Case Numbers: # ADJ11329423 and ADJ11329404*

Action: M/S/C (Arreguin/Hahn) to provide direction to outside counsel to offer a settlement with a Compromise and Release up to \$165,000.00 to include these two cases, as well as future medical awards on 3 prior WCAB Cases # ADJ9324007, ADJ2132619, and ADJ110339 or to settle stipulations at \$48,140.00 with open future medical to psyche, cervical spine and Lumbar spine for DOI: 11/22/17, as to workers' compensation matters WCAB Case #s: ADJ11329423 & ADJ11329404.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

OPEN SESSION:

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

City Council gave direction as follows:

- a. City Council met in closed section Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Stipulated Award for 60% permanent disability (\$92,609.91) with an award of future medical care for bilateral shoulders, as to workers' compensation matter WCAB Case Number #ADJ9183953.

- b. City Council met in closed section Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement with a Compromise and Release up to \$165,000.00 to include these two cases, as well as future medical awards on 3 prior WCAB Cases # ADJ9324007, ADJ2132619, and ADJ110339 or to settle stipulations at \$48,140.00 with open future medical to psyche, cervical spine and Lumbar spine for DOI: 11/22/17, as to workers' compensation matters WCAB Case #: ADJ11329423 & ADJ11329404

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 5:23 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on May 18, 2021.

Michael MacDonald, Assistant City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None