

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL  
SPECIAL MEETING**

**MONDAY, MARCH 18, 2024**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1619 EDITH STREET, BERKELEY, CA 94703

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – VACANT

DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. 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/1612602699>. 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: **161 260 2699**. 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.*

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

*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 public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

## Preliminary Matters

**Roll Call:** 3:06 p.m.

**Present:** Kesarwani, Taplin, Hahn, Wengraf, Humbert

**Absent:** Bartlett, Arreguin

Councilmember Bartlett present at 3:11 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):

a. *Workers' Compensation Matter ADJ Number: ADJ15654682*

**Action:** M/S/C (Hahn/Humbert) to authorize the City Manager to settle by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert; Noes – None; Abstain – None; Absent – Arreguin.

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

a. *GTE Mobilnet of California Limited Partnership v. City of Berkeley; United States District Court, Northern District of California; Case No. 4:20-cv-05460-DMR*

**Action:** Removed from the agenda. No discussion or action.

b. *Jay v. City of Berkeley; Alameda County Superior Court Case No. 22CV018197*

**Action:** (Wengraf/Hahn) to authorize a settlement in the matter of Jay v. City of Berkeley et al., Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert; Noes – None; Abstain – None; Absent – Arreguin.

### 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property Address: Live Oak Theater, 1301 Shattuck Ave, Berkeley, CA 94709  
Agency Negotiators: LaTanya Bellow, City Manager's Office; Scott Ferris, Director of Parks, Recreation & Waterfront  
Negotiating Parties: City of Berkeley and Youth Musical Theater Company (YMTC)  
Property Owner: City of Berkeley  
Under Negotiation: Price and Terms

**Action:** No reportable action taken.

#### 4. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Jonathan Holtzman, Labor Negotiator, Dania Torres-Wong, Labor Negotiator, Burke Dunphy, Labor Negotiator

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employee Union Local 1, Unrepresented Employees

**Action:** No reportable action taken.

### OPEN SESSION:

The City Council met in closed session on March 18, 2024, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Stipulations with Request for Award, as to the workers' compensation matter ADJ Number: ADJ15654682.

The Council convened in closed session on March 18, 2024 and approved a settlement in the matter of *Jay v. City of Berkeley et al.*, Alameda County Superior Court Case No. 22CV018197, in the amount of \$45,000 in exchange for a release of all claims against the City.

### Adjournment

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

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Humbert; Noes – None; Abstain – None; Absent – Arreguin.

Adjourned at 4:24 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 18, 2024

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Mark Numainville, City Clerk