

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL
SPECIAL MEETIN**

THURSDAY, MARCH 7, 2024

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 – 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/1607929123>. 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: **160 792 9123**. 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.

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: 3:08 p.m.

Present: Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani

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 – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. RG18930003

Action: M/S/C (Hahn/Taplin) to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million..

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

2. 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:

On February 5, 2024 and March 7, 2024 the City Council met in closed session to provide the City Attorney settlement authority in the matter of Ruegg & Ellsworth v. City of Berkeley (Alameda County Superior Court, Case No. RG18930003). Specifically, the Council authorized the City Attorney to settle a claim for attorney fees for \$1,446,915.60, in exchange for a release of claims for attorney's fees and costs up to and including February 5, 2024. The City Council also authorized the City Attorney to settle and obtain a release of all remaining claims in exchange for acquisition of 1900 Fourth Street using city funds of up to \$1.5 million. On March 8, 2024 the case settled in mediation and the City Attorney executed a Memorandum of Settlement memorializing the terms of the settlement. On March 12, 2024, the parties agreed to a further Settlement and Release that supersedes the March 8, 2024 Settlement and sets forth the agreement in greater detail.

Adjournment

Adjourned at 5:40 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on March 7, 2024.

Mark Numainville, City Clerk