

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, March 12, 2024
3:30 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
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.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*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/1602817302>. 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: 160 281 7302**. 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: 3:38 p.m.

Present: Taplin, Hahn, Wengraf, Humbert, Arreguin

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 3:39 p.m.

Councilmember Kesarwani present at 4:03 p.m.

Report from Closed 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.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 9 speakers.

1. Acquisition of Real Property Located at 1900 Fourth Street

From: City Manager

Recommendation: Adopt first reading of an Ordinance authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

Action: M/S/C (Hahn/Arreguin) to adopt first reading of Ordinance No. 7,899–N.S. authorizing the City to acquire the portion of the West Berkeley Shellmound located at 1900 Fourth Street and also authorizing the City to transfer that property to the Sogorea Te Land Trust, thereby returning the land to the Ohlone people. Second reading scheduled for March 19, 2024.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 4:24 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Item #1: Acquisition of Real Property Located at 1900 Fourth Street

1. Lucy Gill, on behalf of University of California at Berkeley
2. David Kellogg
3. Lucas Woodward
4. Richard Schwartz