PROCLAMATION
CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL AND BOARD OF LIBRARY TRUSTEES

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

TUESDAY, JANUARY 29, 2013

6:00 P.M.

Council Chambers – 2134 Martin Luther King Jr. Way

REVISED AGENDA

Preliminary Matters

Roll Call

Public Comment - Limited to items on this agenda only

CLOSED SESSION:

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

1. **PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:**

    a. Title of position to be filled: City Clerk

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1):**

    Initiation of litigation – one case

    a. The City Council will consider whether to initiate a lawsuit against 1080 Delaware LLC and any other appropriate parties, including First-Citizens Bank and Trust Company, based on their failure to comply with the inclusionary housing requirements of the Use Permit and Regulatory Agreement governing the project at 1800 San Pablo Avenue.

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):**

   a. Rollie French v. Arntz Builders, City of Berkeley, et al. (Alameda County Superior Court No.2002-043461)

      consolidated with:

      i. Helix Electric v. Arntz Builders, et al. (Alameda County Superior Court No. 2002-061480);
      ii. Thyssenkrupp Elevator Corp. v. Arntz Builders, et al. (Alameda County Superior Court No.2002-071479);
      iii. F.W. Spencer & Son, Inc. v. Arntz Builders, et al. (Alameda County Superior Court No. RG03082302);
      iv. Bay Systems Integrators, Inc. v. Helix Electric, Inc., et al. (Alameda County Superior Court No. RG03089440); and
      v. Arntz Builders, Inc. v. City of Berkeley, et al. (Alameda County Superior Court No. RG 03095394).)

OPEN SESSION:

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

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 28th day of January, 2013.

Tom Bates, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting**.**

ATTEST:

Mark Numainville, CMC, Acting City Clerk

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN
DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend the public comment portion of this meeting. Questions regarding this matter may be addressed to Mark Numainville, Acting City Clerk, 981-6900.

***NOTICE CONCERNING YOUR LEGAL RIGHTS**: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Agendas and agenda reports may be accessed via the Internet at
http://www.cityofberkeley,info/citycouncil and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue

North Branch – 1170 The Alameda

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.
Please refrain from wearing scented products to this meeting.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.