

# AGENDA

## BERKELEY CITY COUNCIL SPECIAL CLOSED MEETING

MONDAY, DECEMBER 6, 2004 – 5:00 P.M.

6th Floor Conference Room, 2180 Milvia Street  
Teleconference Location – 1636 Channing Way, Berkeley, CA

*The City Council may take action related to any subject listed on the Agenda.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953, Teleconferencing. Any member of the public may attend this meeting at location. Questions regarding this matter may be addressed to Sara T. Cox, Acting City Clerk, 981-6900.*

### Preliminary Matters

#### Roll Call

**Public Comment:** *(A total of 20 minutes is scheduled. Each speaker is limited to a maximum of 2 minutes).*

### Closed Session

*The City Council will recess to closed session to discuss each of the following matters, not necessarily in the order listed below:*

#### 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (c)

##### Initiation of litigation—three cases

The Council will meet with its attorneys to determine whether to file suit against Boykin Berkeley LLC and other entities who are owners and principals of the Doubletree Hotel regarding the City of Berkeley's rights to renegotiate an increase in rent under a lease for premises owned by the City of Berkeley located at 200 Marina Boulevard.

The Berkeley City Council will consider whether to initiate litigation challenging the legal adequacy of the environmental impact report prepared by the Regents of the University of California on the Long Range Development Plan for the Berkeley Campus and related actions.

The Berkeley City Council will also consider whether to initiate litigation to compel the Regents of the University of California and/or the University of California, Berkeley Campus, to comply with the California Public Records Act with respect to the Public Records Act request dated November 24, 2004.

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

City of Berkeley v. Reza Valiyee, et al.  
ACSC No. 737686-3

City of Berkeley v. Reza Valiyee, et al.  
ACSC No. 748526-4

People v. Arcadia Machine & Tool, Inc., et al.  
Superior Court (SF) No. 303753

Eugene Evans, et al. v. City of Berkeley, et al.  
California Supreme Court No. S11261

Hillside Drilling, Inc. v. City of Berkeley, et al.  
United States Court of Appeal for the Ninth Circuit No.02 15767

RUI One Corp., a Washington Corporation v. City of Berkeley  
United States Court of Appeal for the Ninth Circuit No 02 15762

Qwest Communications Corp. v. City of Berkeley  
USDC No. C 01 0663 SI

Elizabeth O'Malley, et al. v. City LPC, et al.  
ACSC No. 837247-5

City of Berkeley v. Reza Valiyee  
ACSC No. 837667-1

Rash B. Ghosh v. ZAB  
DEH No. 09-01-0540-08

Metromedia Fiber Network v. City of Berkeley  
USDC No. C 01 00722 CRB

Harry K. Vernon v. City of Berkeley, State of California  
ACSC No. 842999-1

Robert H. James and Beverly James v. BRSB; City; M. Estrada, et al.  
ACSC No. 2002 043234

Rash B. Ghosh v. Shirley Dean, Mayor, City Council, ZAB, Zoning Dept.  
ACSC No. 2002 043750

**Closed Session**

Stephen P. White v. City, Fran David, Costello, Marine Lien Sale Service  
ACSC No. 2002 041813

Marie Bowman (Neighbors For Sensible Development For 2517 Sacramento Street v. City of Berkeley  
ACSC No. 2002 057279

Alice Landis and Lynda Hart v. City Council of the City of Berkeley  
ACSC No. 2002 057801

Berkeley Police Association v. City of Berkeley, PRC  
ACSC No. 2002 057569

Helix Electric Inc., v. Arntz Builders; The American Insurance Company; City of Berkeley  
ACSC No. 2002 061480

Richard Schwarzmann v. City of Berkeley, et al.  
ACSC No. 2001 26119

Anthony W. Hawthorne and Patricia D. Hawthorne v. City of Berkeley, et al.  
ACSC No. RG 03 089481

Bay Systems Integrators, Inc. v. Helix Electric, Inc., City of Berkeley, American Ins. Co.  
ACSC No. RG 03 089440

City of Berkeley v. Donald Sebanc  
ACSC No. BG 03 088362

Alice Landis and Lynda Hart v. City Council of the City of Berkeley  
ACSC No. RG 03 103094

Elizabeth Campos & Marissa Shaw v. City of Berkeley Housing Authority Section 8 Program, Tom Bates, Steve Barton, Rich Mattissich, Weldon Rucker  
USDC No. C 03 03166 MHP

Earnest Darden v. Berkeley Community Media and Berkeley City Council  
USDC No. C 03 3264 MMC

Arntz Buildings v. City of Berkeley, Library Project Manager  
ACSC No. BG 03 095394

MTDS, Inc., dba Meridian Trust Deed Services v. City of Berkeley, et al.  
ACSC No. RG 04 150632

Francie Moeller v. City of Berkeley, et al.  
USDC No. C 94 1738 EDL

**Closed Session**

Tashonna M. Brown & Amber Brown0Woods v. City; Rent Board  
ACSC No. RG 04 150247

Advantica, Inc. v. City of Berkeley  
USDC No. C 94 2759 EMC

Rash B. Ghosh v. City of Berkeley  
USDC No. C 04 1693 EMC

Stephen P. White v. City of Berkeley  
ACSC No. RG 04 145198

**AMICUS CASES**

United States of America v. Lakireddy Bali Reddy  
USDC No. 4-00-0004 WDE

Cashman v. City of Cotati  
USDC No. C 99 3641 WHO

Chevron, USA, Inc. v. Cayetano  
USCA 9<sup>th</sup> Cir.

Richmond v. Shasta Community Services District  
Cal. Ct. of App. 3<sup>rd</sup> Dist. No. C 934239

City and County of San Francisco and City Attorney on Behalf of People v. GCS, Inc.  
SFSC No. 417-218

City of Marina and Fort Ord Reuse Authority v. Board of Trustees of Cal State University  
Supreme Ct. No. S 117816

Francisca Amaral, Nelva Hernandez v. Cintas Corporation No. 2 and 3  
ACSC No. HG 03 103046

Jason Meggs/Ryan Salsbury v. City of Berkeley, et al.  
USDC No. C 01-4033 CW

Jason Meggs/Ryan Salsbury v. City of Berkeley, et al.  
USDC No. C 02 0693 MHP (consolidated with USDC No. C 02-1528 MHP)

**Adjournment**