

MINUTES

BERKELEY CITY COUNCIL SPECIAL MEETING

MONDAY, DECEMBER 11, 2006

5:00 P.M.

6th Floor Conference Room, 2180 Milvia Street
Teleconference Locations: 1636 Channing Way, Berkeley, CA

Preliminary Matters

Roll Call - 5:10 p.m. Present: Councilmembers Maio, Spring (via teleconference), Capitelli, Olds, Worthington, Wozniak and Mayor Bates. Absent: Councilmembers Moore and Anderson.

Public Comment: 3 speakers

Closed Session – 5:15 p.m.

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

PUBLIC LIABILITY LITIGATION

Sa;sbiru. Ryan, et al. v. City of Berkeley, et al.

USDC No. C 02 1528 EDL (Consolidated with USDC No. C 02 0693)

Meggs, Jason, et al. v. City of Berkeley, et al.

USDC No. C 91 4033 CW; USCA, 9th Cir. No. 05-15436

Regina, Bonnie v. City of Berkeley

ACSC No. RG03 124291

Prentice, Kristin, et al. v. City of Berkeley, et al.

ACSC No. RG03 133031

Justice, Calvin v. People of the State of California (City of Berkeley)

USDC No. C 04 0556 MJJ

James, Shannon B. v. Berkeley Police Department, et al.

USDC No. C 04 1195 MMC

Barton, Mary, et al. v. City of Berkeley

ACSC No. RG 04 172953

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DeCaprio, Steven H. v. City of Berkeley
USDC No. C 04 3625 CW [USCA No. 05-17115]

Nesby, Stancy v. City of Berkeley
ACSC No. RG 04 177538

Meyer Crest Ltd., et al. v. City of Berkeley, et al.
ACSC No. RG 04 177080

Jacqueline Bradley v. City of Berkeley, et al.
ACSC No. BG 05208327

Kevin Quillinan v. City of Berkeley
ACSC No. RG 05230436

John Munro v. Gerald Blongren, City of Berkeley
ACSC No. RG 05 213075

Farmers Insurance Exchange v. City of Berkeley
ACSC No. RG 05 232697

Henry James Savage v. City Of Berkeley, et al.
USDC No. C05-02378 MHP

Yvonne Johnson v. City of Berkeley
ACSC RG 05 242670

Carlvin Justice v. Berkeley Police, Avenue Tow
ACSC WG 05 243133

Rocio Singh v. Regents of the University of California, City of Berkeley
ACSC RG 05 230760

Kathleen Bingham v. Himalayan Fair LLC, City of Berkeley
ACSC RG 06 251870

Nam Im Kim v. City of Berkeley, William Mourley, dba Dream Fluff Donuts
ACSC RG 06 251145

Jeanne Kaiser v. City of Berkeley
ACSC RG 05 247410

Jane Rudell Jackson v. City of Berkeley
ACSC RG 06 253799

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Juanita Butler v. City of Berkeley, AJW Construction
ACSC RG 06 257770

George Salo v. City of Berkeley, Avenue Tow, et al.
Solano County FCS 027483

Michael Salisbury v. Det. Michael Ward, Ofc. S. Speelman
ACSC RG 06 252201

Ruby Lott v. County Of Alameda, City Of Berkeley, Oscar Wimberly, Mattie Wimberly
ACSC RG 06 260746

Frank Cisneros; Beatrice Cisneros; Kasi Cisneros v. City Of Berkeley
ACSC RG 06 281529

Darrell D. Foley v. City Of Berkeley, BOSS, et al. (Foley I)
ACSC RG 06 281831

Edward Kyle Wright v. City Of Berkeley
ACSC RG 06 269626

Darrell D. Foley v. City Of Berkeley, BOSS, et al. (Foley II)
ACSC RG 06 285539

Arlene Moore v. Drew Properties, Jest Jewels, City of Berkeley
ACSC RG06 282157

Laurie Jacobs v. Berkeley Unified School Dist., City Of Berkeley, et al.
ACSC RG06 278663

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

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

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

Valentine Corp. v. City of Berkeley
ACSC No. RG 05 220900

People v. Acardia Tool & Machine, Inc, et al., Judicial Council Coordination Proceedings No. 4095 San Francisco Superior Court No. 303753, Los Angeles Superior Court No. BC210894, Los Angeles Superior Court No. BC214794. Moved/seconded /carried (Maio/Worthington) to adopt Resolution 63,541-N.S. (authorizing the City Attorney to enter into a settlement agreement

Closed Session

regarding an alleged breach of the prior 2003 settlement agreement between the cities and counties, on the one hand, and Trader Sports, Inc., (one of the defendants in the firearms Litigation entitled, People v. Arcardia Tool & Machine, Inc., et al., Judicial Council Coordination Proceedings No. 4092)).

Carl Friberg, Anne Wagley, Jim Sharp and Dean Metzger v. Tom Bates, CouncilMembers Maio, Moore, Anderson, Capitelli, Wozniak, City of Berkeley, City Council, Phil Kamlarz, Manuela Albuquerque
ACSC No. RG 05 230715

Amicus Curiae

Letter Supporting Review: In re Marriage Cases
Supreme Court Case No. S147999

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

Threatened Litigation

GAIA - The City Council will be updated by its attorneys concerning a threat of litigation against the City contained in two letters dated April 5 and April 10, 2006 from Michael Durkee, attorney for Panoramic Interests, the owner of the Gaia Building and Arts Center located at 2116 Allston Way, in which Mr. Durkee challenges the City's right to consider whether to take enforcement actions against the owner based upon a claim by third parties that Panoramic Interests has violated its use permit with respect to the building. The letters are available for review in the City Clerk's office.

Councilmember Maio recused herself from participating on this item.

Councilmember Maio returned to the Closed session at 5:46 p.m. Mayor Bates excused himself from the meeting at 5:46 p.m.

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

Initiation of Litigation

UC/SCIP - The Berkeley City Council will confer with its attorney to discuss the suit which the City Council authorized the City Attorney to file against the University of California under the California Environmental Quality, the Alquist-Priolo Act and other laws, if the Grounds Committee of the Regents of the University of California or the Regents themselves approve the Southeast Campus Integrated Projects.

Councilmember Anderson was noted present at 5:50 p.m.

Closed Session

**4. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT
CODE SECTION 54957.6:**

Unions: Berkeley Fire Fighters Association Local 1227 I.A.F.F.

City Negotiators: Philip Kamlarz, City Manager
Lisa Caronna, Deputy City Manager
Tracy Vesely, Budget Manager
Debra Pryor, Fire Chief
David Orth, Deputy Fire Chief
David Hodgkins, Director of Human Resources
Margarita Zamora, Senior Human Resources Analyst
Robert Kraus, Senior Human Resources Analyst

Adjournment – 6:33 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of December 11, 2006 as approved by the Berkeley City Council.

Pamyla Means, MMC, City Clerk