

PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

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

MONDAY, JUNE 3, 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 – CECILIA LUNAPARRA
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/1617883838>. 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: 161 788 3838. 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

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. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1) and (2)

- a. Government Claim of Peter Wong
- b. *Margaret Wotkyns v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 23CV031400
- c. *Lisa Romero v. RI 1031 Gilman LLC, et al.*, Alameda County Superior Court Case No. RG21107163
- d. *Selamawit Tezare v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 23CV030502
- e. *Scarlet Toor v. City of Berkeley et al.*, Alameda County Superior Court, Case No. RG21096521

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

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 30th day of May, 2024.


Jesse Arreguin, Mayor

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

ATTEST:



Mark Numainville, City Clerk

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.*

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street.



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 (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

CLAIM AGAINST THE CITY OF BERKELEY

CLAIMANT'S NAME: Peter Wong

CLAIMANT'S COMPLETE ADDRESS: 1335 Tuolumne Road, Millbrae, CA 94030

CITY OF BERKELEY - CITY CLERK
2022 MAR 21 PM 2:42

SEND NOTICES TO: address above

RECEIVED

MAR 21 2022

(Include complete name and address of Attorney or Insurance Agent if representing Claimant.)

TELEPHONE NUMBER(S): 415-668-8808

City Attorney

DATE OF ACCIDENT/INCIDENT: 2/1/2022 TIME: ~9:41am DAY OF WEEK: Tuesday

DATE OF INJURIES, DAMAGES OR LOSSES: 2/1/2022

LOCATION WHERE INCIDENT OCCURRED: 1735 Highland Place, Berkeley, CA 94709

(Be specific. Draw diagram or give nearest street address.)

Stairwell pillar in the front of building next to elevator/garage area.

HOW DID THE ACCIDENT/INCIDENT OCCUR: EBMUD garbage truck was backing up the driveway and hit the stairwell pillar damaging the support beam and cement blocks holding up the pillar.

Pillar was almost completely dislodged. See attached pictures.

DESCRIBE INJURY OR DAMAGE: See above description of damage to building.
(Be specific as to what caused the injury or damage.)

NAME OF PUBLIC EMPLOYEE(S) OR CITY DEPARTMENT BELIEVED TO BE INVOLVED:
Jon Pettus, supervisor, came on scene. Case #906842.

IF APPLICABLE, DATE REPORTED TO POLICE DEPARTMENT: _____ REPORT NO.: _____

NAME OF CITY DEPARTMENT REPORTED: _____ DATE: _____

DOLLAR AMOUNT OF CLAIM IF UNDER \$10,000, OR IF OVER \$10,000 THEN NAME OF THE COURT JURISDICTION
(Limited Jurisdiction case: up to \$25,000; Unlimited Jurisdiction case: over \$25,000) (See Govt. Code section 910(f)):

\$ 47,500.00

HOW WAS THIS AMOUNT CALCULATED: - see attached estimate from Samco Construction Inc.

You are required to provide the information requested above in order to comply with Government Code section 910. Additionally, in order to conduct a timely investigation and possible resolution of your claim, the City requests that you answer the following questions.

Claimant(s) Date(s) of Birth: 8-12-1941

Names, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:
Jon Pettus - supervisor EBMUD came to assess damage, take pictures of damage, and open case # 906842

If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

If the claim involves medical treatment, please state whether the Claimant received any treatment through Medicare or SSDI.

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co: _____ Telephone No.: _____

Address: _____

Insurance Policy No.: _____

Insurance Broker/Agent: _____ Telephone No.: _____

Address: _____

Claimant's Vehicle Lic. No.: _____ Vehicle Make/Year: _____

Claimant's Drivers Lic. No.: _____ Expiration: _____

(If applicable, please attach any repair bills, estimates or similar documents supporting your claim.)

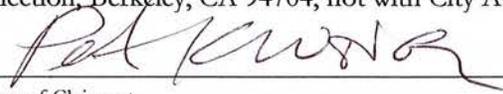
(If additional space is needed to provide your information, please attach sheets, identifying the paragraphs(s) being answered.)

Warning: Presentation of a false claim is a felony (Penal Code section 72). Pursuant to CCP sections 128.5 and 1038, the City may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

MAIL TO: City Clerk's Department, City of Berkeley, 2180 Milvia St., 1st Fl., Berkeley, CA 94704: (510) 981-6950

If this is a claim for a tax refund or a seismic work transfer tax rebate, it must be filed directly with the Finance Dept. at 1947 Center St., 1st Fl., Attn: Revenue Collection, Berkeley, CA 94704, not with City Attorney Dept.

Dated: 3.15.2022


Signature of Claimant
Peter Wong
Printed Name

Samco Construction Inc.

Lic#899541

1623 Noriega St. San Francisco CA 94122

Tel: 415-828-0177 Fax : 866-936-2360

Project Location: 1735 Highland Place, Berkeley, CA 94709

Subject: Repair of the Damaged Post

1. Design Plan and Engineering - \$15,000.00
2. Permit Application and Fees - \$3,000.00
3. Shoring and Demolition Works - \$4,000.00
4. Deposit of the Construction Debris - \$1,500.00
5. Framing works - \$10,000.00
6. Stucco Finishing works \$10,000.00
7. Painting with primer and paint. \$4,000.00

Total: \$47,500.00

Remarks:

A) Items included within the price:

- 1) The labor and material.
- 2) Insurance coverage for the General Liability \$1 million and workers' compensation \$1 million.
- 3) Work has one year limited warranty after completion

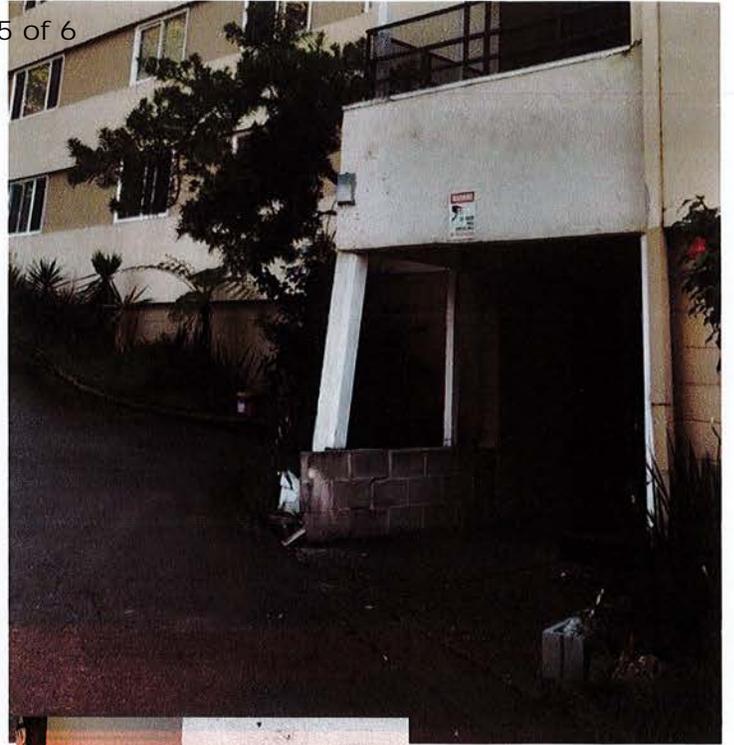
- B) Warranty: Contractor will provide three year limited warranty after the completion of works.
- C) Changes: Any work changes including labor, materials, extra time or other things related to the works will be discussed with owner prior to any decision.
- D) Permits: Contractor agrees that all work will be done in according to the City codes.
- E) Clean up: Contractor agrees that any debris, equipment, etc. will be removed from the property upon after the completion of the job.

Owner Signature

Date : _____

Contractor Signature

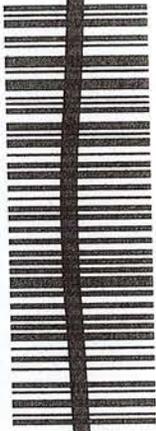
Date : _____



Peter Wong
1335 Tuolumne Road
Millbrae, CA 94030

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



7020 0090 0001 1420 4680



1000



94704

U.S. POSTAL
FORM 3849, ENVELOPE
MILLBRAE, CA
94030
MAR 16 2022
\$5.30
R2304Y12196
AMOUNT



City Clerk's Office, Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704