

**MINUTES**  
**BERKELEY CITY COUNCIL SPECIAL MEETING**  
**MONDAY, NOVEMBER 26, 2018**  
**4:00 P.M.**

**Redwood Room – 2180 Milvia Street, 6<sup>th</sup> Floor, Berkeley, CA**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – KRISS WORTHINGTON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 4:07 p.m.

**Present:** Droste, Hahn, Harrison, Maio, Worthington, Arreguin

**Absent:** Bartlett, Davila, Wengraf

**Public Comment - Limited to items on this agenda only – 1 speaker**

**CLOSED SESSION:**

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

**1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

**Negotiators:** Dee Williams-Ridley, City Manager, Paul Buddenhagen, Interim Deputy City Manager, LaTanya Bellow, Director of Human Resources.

**Employee Organizations:** Public Employees' Union, Local 1.

**Action:** No reportable action.

Councilmember Davila present at 4:14 p.m.

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

a. Rudie v. City of Berkeley, ACSC Case No. RG17870389.

**Action:** No reportable action.

b. Robertson v. John Fitzgerald Smith, City of Berkeley, et al., ACSC Case No. RG17851346.

**Action:** No reportable action.

- c. Dalton v. City of Berkeley, US District Court, Northern District of California, Case No. 17-cv-07178 JCS.

**Action:** M/S/C (Worthington/Hahn) to authorize the City Attorney to enter into a settlement agreement consistent with the terms outlined in the proposed settlement agreement for an amount not to exceed \$40,000.

**Vote:** Ayes – Davila, Droste, Hahn, Harrison, Maio, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

- d. Ryder Vanderheyden v. Subadra Jayram; Thathachar Jayram; City of Berkeley; State of California, ACSC Case No. RG16 841708

**Action:** M/S/C (Harrison/Maio) to authorize the City Attorney to settle the case for \$27,500, contingent on the court granting the City's motion that the settlement is in good faith. This motion is necessary because although this will settle the case between the City and Plaintiff, there are other defendants who will remain in the case.

**Vote:** Ayes – Davila, Droste, Hahn, Harrison, Maio, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

## OPEN SESSION:

City Council met in Closed Session and gave direction as follows:

- a. Dalton v. City of Berkeley, US District Court, Northern District of California, Case No. 17-cv-07178 JCS: Authorized the City Attorney to enter into a settlement agreement consistent with the terms outlined in the proposed settlement agreement for an amount not to exceed \$40,000.
- b. Ryder Vanderheyden v. Subadra Jayram; Thathachar Jayram; City of Berkeley; State of California, ACSC Case No. RG16 841708: Authorized the City Attorney to settle the case for \$27,500, contingent on the court granting the City's motion that the settlement is in good faith. This motion is necessary because although this will settle the case between the City and Plaintiff, there are other defendants who will remain in the case.

## Adjournment

**Action:** M/S/C (Maio/Worthington) to adjourn the meeting.

**Vote:** Ayes – Davila, Droste, Hahn, Harrison, Maio, Worthington, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

Adjourned at 4:50 p.m.

This is to certify that the foregoing is a true and correct record of the special closed meeting of November 26, 2018 as approved by the Berkeley City Council.

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April Richardson, Assistant City Clerk