

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, MAY 8, 2012
6:00 P.M.

Council Chambers – 2134 Martin Luther King Jr. Way
Teleconference Location - 1901 Alcatraz Avenue

Preliminary Matters

Roll Call: 6:00 p.m.

Present: Councilmembers Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Wozniak and Mayor Bates.

Absent: Councilmember Worthington.

Councilmember Worthington present at 6:05 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

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

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

Threatened litigation – one case

- a. The City Council will discuss with its attorneys the threat of litigation by Aaron Ehrlich on behalf of Ali Eslami, concerning the City Council's approval of Resolution No. 65,596–N.S., declaring the building at 2133 Parker Street a nuisance and ordering its abatement, as set forth in the letter dated April 19, 2012, which is available for public inspection at the office of the City Clerk.

Action: No reportable action taken.

2. ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c):

Initiation of litigation – two cases

- a. The City Council will consider whether to initiate a lawsuit against MetroPCS to collect unpaid utility users tax.

Action: No reportable action taken.

- b. The City Council will consider whether to initiate a lawsuit against The Berkeley School (formerly Berkeley Montessori School) to establish its right to develop the easement granted by the Berkeley Montessori School between University Avenue and Addison Street as a bicycle path.

Action: M/S/C (Maio/Moore) to authorize the City Attorney to file a lawsuit against The Berkeley School to establish the City's right to construct a bicycle/pedestrian path on the easement granted by the Berkeley School for that purpose.

Vote: All Ayes.

3. PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Title of position to be filled: City Manager

Action: No reportable action taken.

OPEN SESSION:

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

Adjourned at 6:55 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the special closed meeting of May 8, 2012.

Mark Numainville, CMC, Acting City Clerk