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CITY OF EMERYVILLE

ACTION MINUTES

Special Closed Session

Members:

Mayor Courtney Welch
Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur
Council Member Kalimah A. Priforce

--AMENDED--

City Council / City as Successor Agency to the Emeryville
Redevelopment Agency / Management of Emeryville Services
Authority

Tuesday, April 16, 2024

6:45 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 6:45 p.m.

2. ROLL CALL

Present: 4 - Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur
Council Member Kalimah A. Priforce

Excused: 1 - Mayor Courtney Welch

3. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

4. PUBLIC COMMENT (on Closed Session Items)

There were no public comments.

5. CLOSED SESSION - CITY OF EMERYVILLE / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

5.1. CONFERENCE WITH LABOR NEGOTIATORS, pursuant to Government Code Section 54957.6:

5.1.1. ID-2023-173 Agency Designated Representatives: Paul Buddenhagen, City Manager; Lilybell Nakamura, Human Resources Director; Greg Ramirez, IEDA; John Kennedy, City Attorney
Employee Organization: Emeryville Association of Confidential Administrative Management and Professional Employees (CAMP)

5.1.2. ID-2023-175 Agency Designated Representatives: Paul Buddenhagen, City Manager; Lilybell Nakamura, Human Resources Director; Greg Ramirez, IEDA; John Kennedy, City Attorney
Employee Organization: Service Employees International Union (SEIU), Local 1021

5.1.3. ID-2024-035 Agency Designated Representatives: Paul Buddenhagen, City Manager; Lilybell Nakamura, Human Resources Director; Greg Ramirez, IEDA; John Kennedy, City Attorney
Unrepresented Employees

6. CLOSED SESSION - CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY

6.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(a):

6.1.1. ID-2022-037 The Successor Agency to the Former Emeryville Redevelopment Agency and the City of Emeryville v. Swagelok Company, et. al., U.S.D.C., Case No. 17-CV-00308-WHO

7. CLOSED SESSION - CITY OF EMERYVILLE

7.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(a):

7.1.1. ID-2022-038 In the Matter of Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, 9th Circuit Court of Appeals, Appeal No. 20-72749; WT Docket No. 19-250, RM-11849.

7.1.2. ID-2022-040 The Successor Agency to the Former Emeryville Redevelopment Agency and the City of Emeryville v. Swagelok Company, et. al., U.S.D.C., Case No. 17-CV-00308-WHO

7.1.3. ID-2022-044 Harris v. City of Emeryville, Alameda Superior Court Case No. RG21108217

7.1.4. ID-2022-544 Michael Addy v. City of Emeryville, et al., Alameda Superior Court Case No. 22CV017988

7.1.5. ID-2023-002 Rochelle Conner v. City of Emeryville, et al., U.S.D.C. Case No. C22-08867

7.1.6. ID-2023-148 Duane Singleton v. City of Emeryville, et al., Alameda Superior Court Case No. 23CV029375
Claim of Duane Singleton, EM 2022-09

- 7.1.7. ID-2024-012** Kyle Ching v. City of Emeryville, et al., Alameda Superior Court Case No. 23CV054260
Claim of Kyle Ching, EM 2023-04
- 7.1.8. ID-2024-016** Muneer Nageeb Ali v. City of Emeryville, et al., Alameda Superior Court Case No. 23CV056233
Claim of Muneer Nageeb Ali, EM 2023-08
- 7.1.9. ID-2024-017** Ana Biocini v. City of Emeryville, et al., Alameda Superior Court Case No. 24CV058820
Claim of Ana Biocini, EM 2023-09
- 7.1.10. ID-2024-151** Nearcast, Inc. v. City of Emeryville, Alameda County Superior Court Case No. 24CV062655
- 7.1.11. ID-2024-152** Grocery Outlet, Inc. v. City of Emeryville, Alameda Superior Court Case No. 24CV069470

8. CLOSED SESSION - CITY OF EMERYVILLE / CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY

8.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8

- 8.1.1. ID-2023-155** Property: 5959 Horton Street, Emeryville, CA (Amtrak Station Parcel)
APN: 049-1325-001-02
Agency Negotiators: Paul Buddenhagen, City Manager/Executive Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak); Emery Station West, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations.
- 8.1.2. ID-2023-156** Property: APN: 049-1325-001-04 Platform Parcel 4
Agency Negotiators: Paul Buddenhagen, City Manager/Executive Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak)
Under Negotiations: Direction regarding price and terms of real estate negotiations.

8.1.3. ID-2023-157 Property: APN: 049-1325-002 Platform Parcel 3
Agency Negotiators: Paul Buddenhagen, City Manager/Executive Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak)
Under Negotiations: Direction regarding price and terms of real estate negotiations.

8.1.4. ID-2023-158 Property: 59th Street Extension (Portion)
Agency Negotiators: Paul Buddenhagen, City Manager/Executive Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, Emery Station West, LLC
Under Negotiation: Direction regarding price and terms of real estate negotiations.

9. CLOSED SESSION - CITY OF EMERYVILLE

9.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8

9.1.1. ID-2023-159 Property: APN: 049-1489-16 Platform Parcel 2
Agency Negotiators: Paul Buddenhagen, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak)
Under Negotiation: Direction regarding price and terms of real estate negotiations.

9.1.2. ID-2023-160 Property: APN: 049-1489-010-05 Platform Parcel 1
Agency Negotiators: Paul Buddenhagen, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak)
Under Negotiation: Direction regarding price and terms of real estate negotiations.

9.1.3. ID-2023-161 Property: APN 049-1489-015 (Portion) (Bus Bays and Parking Spaces)
Agency Negotiators: Paul Buddenhagen, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, Emery Station West, LLC

Under Negotiation: Direction regarding price and terms of real estate negotiations.

- 9.1.4. ID-2023-162** Property: APN 049-1489-015 (Portion) (Bus Bays)
Agency Negotiators: Paul Buddenhagen, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak), Alameda-Contra Costa Transit District

Under Negotiation: Direction regarding price and terms of real estate negotiations.

- 9.1.5. ID-2023-164** Property: 4300 San Pablo Avenue, Emeryville, CA (APN 49-1079-014-01)

Agency Negotiators: Paul Buddenhagen, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel

Negotiating Parties: City of Emeryville and EAH, Inc.

Under Negotiations: Direction regarding price and terms of real estate negotiations.

- 9.1.6. ID-2023-509** Property: 1245 Powell St., Emeryville, CA (APN 49-1314-001-01)

Agency Negotiators: Paul Buddenhagen, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel

Negotiating Parties: City of Emeryville and Bahman Ghaziani

Under Negotiations: Direction regarding price and terms of real estate negotiations.

9.2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: PENDING CLAIMS - Government Code Section 54956.9(d)(2):

- 9.2.1. ID-2024-142** Claim of Joseph Griffin - EM2024-05

Attachments: [Joseph Griffin Claim](#)

A motion was made by Council Member Bauters, seconded by Council Member Kaur, to deny the claim. The motion carried by the following vote:

Ayes 4 - Vice Mayor Mourra, Council Member Bauters, Council Member Kaur, and Council Member Priforce

Excused 1 - Mayor Welch

- 9.2.2. ID-2024-143** Claim of Mariama Sadio - EM2024-06

Attachments: [Mariama Sadio Claim](#)

The Closed Session was recessed at 7:15 p.m. to a later time.
The Closed Session resumed at 9:39 p.m.

10. REPORTING OUT OF CLOSED SESSION

City Attorney John Kennedy reported out of Closed Session as shown above.

11. ADJOURNMENT

The meeting adjourned at 10:16 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council.

**/s/ April Richardson, CMC
City Clerk**

DRAFT