



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

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

Tuesday, February 6, 2024

6:00 PM

Council Chambers / Teleconference

1. CALL TO ORDER

The meeting was called to order at 6:01 p.m.

2. ROLL CALL

Present: 5 - Mayor Courtney Welch
Vice Mayor David Mourra
Council Member John J. Bauters
Council Member Sukhdeep Kaur
Council Member Kalimah A. Priforce

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

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

7.2.1. ID-2024-032 Claim of Jonathan Peterson - EM2024-01

Attachments: [Jonathan Peterson Claim](#)

7.3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

7.3.1. ID-2024-033 Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One Potential Case.

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 Crawl, 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 Crawl, 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-2023-163 Property: 4060 Hollis Street (APN 049-0618-004-00)
City Hall Parking Lot (APNs 049-0618-002-02, 049-0618-003-00, 049-0618-029-00)
Agency Negotiators: Paul Buddenhagen, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, 4060 Hollis Street, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations

9.1.6. 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.

9.1.7. 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.

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

10.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:

10.1.1. ID-2024-013 Title: City Attorney

10.1.2. ID-2024-025 Title: City Manager

10.2 PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYEE EMPLOYMENT, pursuant to Government Code Section 54957:

10.2.1.ID-2024-014 Title: City Attorney

11. REPORTING OUT OF CLOSED SESSION

City Attorney John Kennedy stated that there were no reportable actions taken.

12. ADJOURNMENT

The meeting adjourned at 7:00 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