



CITY OF EMERYVILLE

AGENDA

Special Closed Session

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

Members:

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

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

Tuesday, July 16, 2024

6:00 PM

Council Chambers

**This meeting is being conducted in-person at
1333 Park Avenue, Emeryville, California**

Please note the following change to the City's public comment procedures: Unless a Councilmember is participating in the meeting remotely pursuant to AB 2449, remote public comment will not be accepted. Public comment may be provided in-person or via email, as set forth below. Members of the public desiring to provide comments as a part of the meeting are encouraged to either submit written comments by 3:00 p.m. prior to the meeting or to attend the meeting in person.

Public comment for Council agenda items can be submitted online via our written comment card at www.emeryville.org/citycouncil. Written comments can also be submitted by email to city_council@emeryville.org or to the City Clerk at city_clerk@emeryville.org. If you would like to support, oppose, or otherwise comment on an upcoming agenda item, please send in your comments prior to the meeting.

The link below allows public viewing of the meeting (no public comment via Zoom):

Please click the link below to join the webinar:

<https://emeryville-org.zoom.us/j/87048882928?pwd=Nw9Uv59mi9j8d2VqIPNuYEGYyOGmBA.0rR3-pSErNjxhnMw>
Passcode: 906271

Telephone: 669-900-6833

Webinar ID: 870 4888 2928

Passcode: 906271

A complete copy of the agenda packet is available for viewing at the Information Center at City Hall, located at 1333 Park Avenue, Emeryville, California, and on the city's website at www.emeryville.org/citycouncil. Before the Council meeting, all writings that are public records and relate to an agenda item below which are distributed to a majority of the legislative body less than 72 hours prior to the meeting noticed above will be made available as "late correspondence" and will be published on the agenda beneath the relevant agenda item. Copies will also be available at the Information Counter at City Hall during normal business hours. The meeting is shown live on the City of Emeryville television channel (ETV), cable channel 27, and will be rebroadcast as part of the regular City Council, Successor Agency, Management of Emeryville Services Authority, and related meetings, according to the published ETV schedule of programs. Council meetings will also be available to view

through live media streaming accessible from the City of Emeryville website at www.emeryville.org/citycouncil.

You can request free copies of the Emeryville City Council, Successor Agency, Management of Emeryville Services Authority, and related agendas, in digital format by going to our website at www.emeryville.org/notifyme. Simply fill out your information, check "City Council Agendas", and click the "Subscribe" button. By doing so, you will automatically receive all of the agendas for the year via email and/or text.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Presiding Officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the Hearing is closed and brought back to Council level for discussion and action. There is no further comment permitted from the audience unless requested by the Council.

No animals shall be allowed at or brought in to a public meeting by any person except (i) as to members of the public or City staff utilizing the assistance of a service animal, which is defined as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability; or (ii) as to police officers utilizing the assistance of a dog(s) in law enforcement duties.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the City Clerk's Office at 510-596-4300, as far in advance as possible, but no later than 72 hours before the scheduled event. The best effort to fulfill the request will be made. Assistive listening devices are available for anyone with hearing difficulty from the City Clerk prior to the meeting and must be returned to the City Clerk at the end of the meeting.

Public Comment: Each speaker is limited to three minutes to present their comments to the City Council at each speaking opportunity. At the discretion of the Presiding Officer, time limits may be further adjusted.

The City Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a City Council, Successor Agency, Management of Emeryville Services Authority, or related meeting. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Council meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

CLOSED SESSION: The Mayor may convene the City Council into Closed Session at the close of the meeting to consider matters of pending or threatened litigation, personnel matters, real property negotiations, or labor negotiations, pursuant to Government Code Sections 54956.9, 54957, 54956.8, or 54957.6.

The AGENDA for this special meeting is as follows:

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **EX PARTE COMMUNICATIONS**
4. **PUBLIC COMMENT (on Closed Session Items)**
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-2024-189](#) **Agency Designated Representatives:** Paul Buddenhagen, City Manager; Lilybell Nakamura, Human Resources Director; Richard Bolanos, Liebert Cassidy Whitmore; Steven Berliner, Liebert Cassidy Whitmore; John Kennedy, City Attorney
Employee Organization: Emeryville Association of Confidential Administrative Management and Professional Employees (CAMP)
 - 5.1.2. [ID-2024-190](#) **Agency Designated Representatives:** Paul Buddenhagen, City Manager; Lilybell Nakamura, Human Resources Director; Richard Bolanos, Liebert Cassidy Whitmore; Steven Berliner, Liebert Cassidy Whitmore; John Kennedy, City Attorney
Employee Organization: Service Employees International Union (SEIU), Local 1021
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-2023-002](#) Rochelle Conner v. City of Emeryville, et al., U.S.D.C. Case No. C22-08867
- 7.1.5. [ID-2023-148](#) Duane Singleton v. City of Emeryville, et al., Alameda Superior Court Case No. 23CV029375
Claim of Duane Singleton, EM 2022-09
- 7.1.6. [ID-2024-012](#) Kyle Ching v. City of Emeryville, et al., Alameda Superior Court Case No. 23CV054260
Claim of Kyle Ching, EM 2023-04
- 7.1.7. [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
- 7.1.8. [ID-2024-017](#) Ana Biocini v. City of Emeryville, et al., Alameda Superior Court Case No. 24CV058820
Claim of Ana Biocini, EM 2023-09
- 7.1.9. [ID-2024-151](#) Nearcast, Inc. v. City of Emeryville, Alameda County Superior Court Case No. 24CV062655
- 7.1.10. [ID-2024-152](#) Grocery Outlet, Inc. v. City of Emeryville, Alameda Superior Court Case No. 24CV069470
- 7.1.11. [ID-2024-284](#) Taurice Williams v. City of Emeryville, et al., U.S. District Court, Case No. 24-CV-02105 LB
Claim of Taurice Williams, EM 2023-11

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

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

- 10.1.1. [ID-2024-229](#) Title: City Manager

11. REPORTING OUT OF CLOSED SESSION

12. ADJOURNMENT