



Emeryville City Hall
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CITY OF EMERYVILLE

ACTION MINUTES

Special Closed Session

Members:

Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

City Council/Management of Emeryville Service
Authority/Successor Agency

Tuesday, October 18, 2022

5:30 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 5:30 p.m. and the Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the extension of Brown Act waivers provided for under Assembly Bill 361, as would subsequent meetings so long as the City Council could make findings that it was necessary in order to protect public safety and the Governor's declared emergency remained in effect.

2. ROLL CALL

Present: 2 - Council Member Scott Donahue
Council Member Dianne Martinez

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 AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY

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

- 5.1.1. [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
No reportable actions were taken.

6. CLOSED SESSION - CITY OF EMERYVILLE

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

- 6.1.1. [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.
No reportable actions were taken.
- 6.1.2. [ID-2022-039](#)** Kortz v. CA Department of Transportation
Alameda County Superior Court Case No. RG17-849272
No reportable actions were taken.
- 6.1.3. [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
No reportable actions were taken.
- 6.1.4. [ID-2022-042](#)** Jon Reed, Laura Berry, Frank Eugene Moore III, Gabriel Smithson, and Where Do We Go Berkeley v. City of Emeryville, et al., U.S.D.C., Case No. 21-cv-2781-YGR

A motion was made by Mayor Bauters, seconded by Vice Mayor Medina, to approve a settlement in the amount of \$11,500. The motion carried by the following vote:

Ayes 5 - Bauters, Medina, Council Member Donahue, Council Member Martinez, and Welch
- 6.1.5. [ID-2022-043](#)** Welch v. Safe Harbor Marinas, LLC, e al., Alameda Superior Court Case No. HG21101262
No reportable actions were taken.
- 6.1.6. [ID-2022-044](#)** Harris v. City of Emeryville, Alameda Superior Court Case No. RG21108217
No reportable actions were taken.

- 6.1.7. [ID-2022-195](#) Barry Hurford v. City of Emeryville, Alameda Superior Court Case No. RG1112527

No reportable actions were taken.

- 6.1.8. [ID-2022-544](#) Michael Addy v. City of Emeryville, et al., Alameda Superior Court Case No. 22CV017988

No reportable actions were taken.

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

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

- 7.1.1. [ID-2022-202](#) Property: 5959 Horton Street, Emeryville, CA (Amtrak Station Parcel)

APN: 049-1325-001-02

Agency Negotiators: Adam Politzer, Interim 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.

No reportable actions were taken.

- 7.1.2. [ID-2022-203](#) Property: APN: 049-1325-001-04 Platform Parcel 4

Agency Negotiators: Adam Politzer, Interim 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.

No reportable actions were taken.

- 7.1.3. [ID-2022-204](#) Property: APN: 049-1325-002 Platform Parcel 3

Agency Negotiators: Adam Politzer, Interim 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.

No reportable actions were taken.

- 7.1.4. [ID-2022-205](#)** Property: 59th Street Extension (Portion)
Agency Negotiators: Adam Politzer, Interim 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.
No reportable actions were taken.

8. CLOSED SESSION - CITY OF EMERYVILLE

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

- 8.1.1. [ID-2022-196](#)** Property: APN: 049-1489-16 Platform Parcel 2
Agency Negotiators: Adam Politzer, Interim 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.
No reportable actions were taken.
- 8.1.2. [ID-2022-197](#)** Property: APN: 049-1489-010-05 Platform Parcel 1
Agency Negotiators: Adam Politzer, Interim 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.
No reportable actions were taken.
- 8.1.3. [ID-2022-198](#)** Property: APN 049-1489-015 (Portion) (Bus Bays and Parking Spaces)
Agency Negotiators: Adam Politzer, Interim 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.
No reportable actions were taken.

- 8.1.4. [ID-2022-199](#) Property: APN 049-1489-015 (Portion) (Bus Bays)
Agency Negotiators: Adam Politzer, Interim 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.

No reportable actions were taken.

- 8.1.5. [ID-2022-200](#) 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: Adam Politzer, Interim 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

No reportable actions were taken.

- 8.1.6. [ID-2022-201](#) Property: 4300 San Pablo Avenue, Emeryville, CA (APN 49-1079-014-01)
Agency Negotiators: Adam Politzer, Interim 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.

No reportable actions were taken.

9. CLOSED SESSION - CITY OF EMERYVILLE

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

- 9.1.1. [ID-2022-543](#) Claim of Sunny Pak - EM2022-06

Attachments: [Sunny Pak Claim Form](#)

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve a settlement in the amount of \$5,192.00. The motion carried by the following vote:

Ayes 5 - Bauters, Medina, Council Member Donahue, Council Member Martinez, and Welch

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-2022-527](#) City Manager

No reportable actions were taken.

11. CLOSED SESSION - CITY OF EMERYVILLE

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

11.1.1. [ID-2022-504](#) Property: 5890, 5900 and 6150 Christie Avenue
APNS: 049-1493-003, 049-1493-004 and 049-1493-005
Agency Negotiators: Adam Politzer, Interim City Manager; John Kennedy, City Attorney
Negotiating Parties: City of Emeryville and Praxis Development Group/California Landmark Group/Satellite Affordable Housing Associates; EAH Housing; Highridge Costa; The Pacific Companies; Jonathan Rose Companies/Resources for Community Development; and/or Related California/East Bay Asian Local Development Corporation
Under Negotiations: Direction regarding price and terms of real estate negotiations.

No reportable actions were taken.

11.1.2. [ID-2022-502](#) Property: 3199 Powell Street (portion of APN 049-1525-002-01)
Agency Negotiators: Adam Politzer, Interim City Manager; John Kennedy, City Attorney
Negotiating Parties: City of Emeryville and Hong Kong East Ocean Restaurant, Ltd.
Under Negotiations: Direction regarding price and terms of real estate negotiations.

No reportable actions were taken.

12. REPORTING OUT OF CLOSED SESSION

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

13. ADJOURNMENT

The meeting adjourned at 6:49 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
Acting City Clerk**