



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

City Council / City as Successor Agency to the Emeryville Redevelopment Agency

Tuesday, January 17, 2023

5:15 PM

Teleconference

A complete copy of the agenda packet is available 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. 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, Community Development Commission, Management of Emeryville Services Authority (MESA) 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, Community Development Commission, Management of Emeryville Services Authority (MESA) and related agendas in digital format for the current calendar year 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.

INFORMATION FOR CLOSED SESSION MEETING DURING A DECLARED STATE OF EMERGENCY

(to continue until further notice):

Pursuant to California Assembly Bill 361, a local legislative body is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the local legislative body by remote means only via a technology solution. As such, the City will provide various options for the public to participate in the conduct of the meeting, as indicated in detail below on this cover sheet.

The City will further adhere to the means otherwise prescribed by the Brown Act, which allows members of the public the right to observe and offer public comment during the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, the City will use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act, and

other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

The City offers many ways for you to watch and participate in City matters during this time where you may not attend in person. Our City Council meetings are streamed live and on Emeryville TV. Additionally, public comment for Council agenda items can be submitted online via our online speaker card when an agenda is posted. Written comments can also be submitted by email to city_council@emeryville.org or 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 since there is no option to attend in person.

If you prefer to participate in the meeting using Zoom, please use the information provided here:

Please click the link below to join the webinar:

<https://emeryville-org.zoom.us/j/89268595444?pwd=VEtyZ25PYjIwVEVFWGRtMExGa2xkZz09>
Passcode: 274805

*iPhone one-tap: US +16694449171,,89268595444#,,, *274805#*

Telephone: US +1 669-900-6833

Webinar ID: 892 6859 5444

Passcode: 274805

International Phone Numbers: <https://emeryville-org.zoom.us/j/89268595444?pwd=VEtyZ25PYjIwVEVFWGRtMExGa2xkZz09>

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 or ADA Coordinator 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.

Any person who desires to speak on any item listed on the Closed Session Agenda may do so during that portion of the Agenda called Public Comment. The speaker's time is limited to 3 minutes and can only be extended upon approval of the Presiding Officer. If you are submitting your comments using the online comment card, please be aware that they will be read aloud into the record and will still be limited to the 3-minute time limit.

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 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

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.
- 6.1.2. [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
- 6.1.3. [ID-2022-043](#) Welch v. Safe Harbor Marinas, LLC, e al., Alameda Superior Court Case No. HG21101262
- 6.1.4. [ID-2022-044](#) Harris v. City of Emeryville, Alameda Superior Court Case No. RG21108217
- 6.1.5. [ID-2022-195](#) Barry Hurford v. City of Emeryville, Alameda Superior Court Case No. RG1112527
- 6.1.6. [ID-2022-544](#) Michael Addy v. City of Emeryville, et al., Alameda Superior Court Case No. 22CV017988

6.1.7. [ID-2023-002](#) **Rochelle Conner v. City of Emeryville, et al.**, U.S.D.C. Case No. C22-08867

6.1.8. [ID-2023-006](#) **Stephanie Merchant v. City of Emeryville, et al.**, Alameda Superior Court Case No. 22CV024068
Claim of Stephanie Merchant - EM2022-05

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.

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.

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.

- 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.

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.
- 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.
- 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.

- 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.
- 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
- 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.

**8.2. CONFERENCE WITH LEGAL COUNSEL - PENDING CLAIMS, Pursuant to
Government Code Section 54956.9(e)(3):**

- 8.2.1. [ID-2023-003](#) Claim of Le Thi Duong - EM2022-07
Attachments: [Claim of Le Thi Duong](#)
- 8.2.2. [ID-2023-004](#) Claim of Benjamin Stein - EM2022-08
Attachments: [Claim of Benjamin Stein](#)
- 8.2.3. [ID-2023-005](#) Claim of Duane Singleton - EM2022-09
Attachments: [Claim of Duane Singleton](#)

9. REPORTING OUT OF CLOSED SESSION

10. ADJOURNMENT