



# CITY OF EMERYVILLE

## AGENDA

### City Council Closed Session

Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608

(510) 596-4300 phone  
(510) 450-7831 fax

[www.emeryville.org](http://www.emeryville.org)

#### Members:

Dianne Martinez	Mayor
Scott Donahue	Vice Mayor
Jac Asher	Council Member
Ruth Atkin	Council Member
Nora Davis	Council Member

#### Special Closed Session Meeting

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**Tuesday, October 18, 2016**

**5:45 PM**

**Council Chambers**

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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.

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) 450-7800, or ADA Coordinator, 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.

No dogs, cats, birds or any other animal or fowl 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.

**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, ROLL CALL**
- 2. PUBLIC COMMENT (on Closed Session Items)**
- 3. EX PARTE COMMUNICATIONS**
- 4. CLOSED SESSION - CITY OF EMERYVILLE**

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

- 4.1.1.**     [ID-2016-629](#)     Joint Test Claim to Commission on State Mandates re: California Water Quality Control Board, San Francisco Region, NPDES Permit No. CAS612008, Order No. RD-2009-0074.
- 4.1.2.**     [ID-2016-630](#)     City of Emeryville v. Andre Carpiaux, Alameda County Superior Court Case No. RG15779330.
- 4.1.3.**     [ID-2016-631](#)     I.A. and C.S., the minor children of Yvette Henderson, et al. v. City of Emeryville, et al., U.S.D.C. Case No. 4:15-CV-04973-DMR.
- 4.1.4.**     [ID-2016-632](#)     Sandra Parrot v. City of Emeryville, et al., Alameda County Superior Court Case No. RG16807125.
- 4.1.5.**     [ID-2016-633](#)     Lovazzano HVAC v. Archstone Emeryville Residential, LLC, et al., Alameda County Superior Court Case No. RG1579834.
- 4.1.6.**     [ID-2016-634](#)     Denise Peterson v. City of Emeryville, Alameda County Superior Court Case No. RS15780738.
- 4.1.7.**     [ID-2016-635](#)     Shana J. Amenaghawon v. EBMUD, City of Emeryville, et al., Alameda County Superior Court Case No. RG15768023.
- 4.1.8.**     [ID-2016-636](#)     Michael Henderson v. Ross Burruell, U.S. District Court, Northern District, Case No. 16-cv-01088 RMW (PR).
- 4.1.9.**     [ID-2016-637](#)     Claim of Willie & Doris McClinton, Alameda County Superior Court Case No. RG16831352.

***3.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: PENDING CLAIMS - Government Code Section 54956.9(b)(3)(c).***

- 3.2.1.**     [ID-2016-638](#)     Claim of Ann Finger - EM2016-03.
- 3.2.2.**     [ID-2016-639](#)     Claim of Evan Lomax and Chandra Bankston - EM2016-09.
- 3.2.3.**     [ID-2016-640](#)     Claim of Judy Inouye - EM2016-11.

3.2.4. [ID-2016-641](#) Claim of Michael Smith - EM2016-12.

3.2.5. [ID-2016-642](#) Claim of Kathleen Babcock - EM2016-13.

3.2.6. [ID-2016-643](#) Claim of Carol Wilson - EM2016-14.

3.2.7. [ID-2016-644](#) Claim of Eugene Baah - EM2016-15.

**3.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION,  
INITIATION OF LITIGATION, pursuant to Government Code Section 54956.9(d)  
(4)**

3.3.1. [ID-2016-645](#) City of Emeryville v. Estate of Maximillian Monroy-Miller.

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

3.4.1. [ID-2016-646](#) **Property:** 3600, 3610 & 3620 San Pablo Avenue, Emeryville, CA (APN 049-950-1; 049-950-6-1; 049-950-8-1)  
**Agency Negotiators:** Carolyn Lehr; City Manager; Michael Guina, City Attorney  
**Negotiating Partners:** City of Emeryville and Adlai Karim  
**Under Negotiations:** Direction regarding price and terms of acquisition of property.

3.4.2. [ID-2016-647](#) **Property:** Proposed Pedestrian Easement Between 53rd Street to 55th Street (APN: 049-1184-013, 049-1041-018-01; 049-1041-069; 049-1041-072)  
**Agency Negotiators:** Carolyn Lehr, City Manager; Michael Guina, City Attorney  
**Negotiating Partners:** City of Emeryville, HFH, Ltd., a California limited partnership (Throughbred - Andy Getz/Property Owner), California Syrup & Extract Co. (Pickleworks - Ron Mooney/Property Owner); and Fordham Properties (Ron Silberman)  
**Under Negotiations:** Direction regarding price and terms of acquisition of property.

3.4.3. [ID-2016-648](#) **Property:** Union Pacific Railroad Milepost 3.93 (Martinez Subdivision)  
**Agency Negotiators:** Carolyn Lehr, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville, Union Pacific Railroad  
**Under Negotiations:** Direction regarding price and terms of acquisition of property.

- 3.4.4. [ID-2016-649](#) **Property:** APN 049-1525-002 (Emeryville Marina)  
**Agency Negotiators:** Carolyn Lehr, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** Emeryville Marina, LLC  
**Under Negotiations:** Direction regarding price and terms of acquisition of property

#### 4. REPORTING OUT OF CLOSED SESSION

#### 5. ADJOURNMENT