



CITY OF EMERYVILLE AGENDA

City Council Special Closed Session

Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608

(510) 596-4300 phone
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www.emeryville.org

Members:

Scott Donahue Mayor
John J. Bauters Vice Mayor
Dianne Martinez Council Member
Ally Medina Council Member
Christian R. Patz Council Member

Tuesday, April 18, 2017

5:45 PM

Council Chambers

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 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.

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-2017-239](#)** 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-2017-240](#)** Andre Carpiaux v. City of Emeryville, Alameda County Superior Court Case No. RG15779330.
- 4.1.3. [ID-2017-241](#)** 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-2017-242](#)** Sandra Parrot v. City of Emeryville, et al., Alameda County Superior Court Case No. RG16807125.
- 4.1.5. [ID-2017-243](#)** Willie & Doris McClinton v. City of Emeryville, Alameda County Superior Court Case No. RG16831352.
- 4.1.6. [ID-2017-246](#)** California Restaurant Association v. City of Emeryville, U.S. District Court, Northern District, Case No. 16-cv-06660KAW
- 4.1.7. [ID-2017-247](#)** Carol Wilson v. City of Oakland, et al., Alameda County Superior Court Case No. RS17848661.
- 4.1.8. [ID-2017-248](#)** Kathleen Babcock v. City of Emeryville, et al., Alameda County Superior Court Case No. RG17849874.

4.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: PENDING CLAIMS - Government Code Section 54956.9(d)(3).

- 4.2.1. [ID-2017-244](#)** Claim of Ann Finger - EM2016-3
- 4.2.2. [ID-2017-245](#)** Claim of Eugene Baah - EM2016-15
State of California, Department of Fair Employment and Housing v. City of Emeryville, et al., DFEH No. 794689-257895

- 4.2.3. [ID-2017-249](#) Claim of Derrick Childs - EM2016-16
- 4.2.4. [ID-2017-250](#) Claim of Laura Penna - EM2016-17
- 4.2.5. [ID-2017-251](#) Claim of Jahlee Arakaki - EM2016-18
- 4.2.6. [ID-2017-252](#) Claim of Efrain Amado - EM2016-19
- 4.2.7. [ID-2017-253](#) Claim of Aaron Nakahara - EM2016-20
- 4.2.8. [ID-2017-254](#) Claim of Debkishore Mitra - EM2017-2
- 4.2.9. [ID-2017-255](#) Claim of Jessie Reed - EM2017-3
- 4.2.10. [ID-2017-256](#) Claim of heirs of Mahin Ashki - EM2017-4
- 4.2.11. [ID-2017-257](#) State of California, Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE), Juanita Oribello v. Emeryville Senior Center, State Case No. 46359-SACRCI
- 4.2.12. [ID-2017-258](#) Claim of Michael Henderson - EM2017-7

4.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, INITIATION OF LITIGATION, pursuant to Government Code Section 54956.9 (d) (4)

- 4.3.1. [ID-2017-259](#) City of Emeryville v. Estate of Maximillian Monroy-Miller.

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

- 4.4.1. [ID-2017-260](#) **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.

- 4.4.2. [ID-2017-261](#)** **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.
- 4.4.3. [ID-2017-262](#)** **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.
- 4.4.4. [ID-2017-263](#)** **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
- 4.4.5. [ID-2017-264](#)** **Property:** 3706 San Pablo/1025 West MacArthur Blvd (APN's 012-0951-011, 049-0951-004-02, 049-0951-005-01, 049-0951-006-01)
Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville, EAH
Under Negotiations: Direction regarding price and terms of real estate negotiations.
- 4.4.6. [ID-2017-265](#)** **Property:** PG&E Buildings "A" and "G" (APN 49-1032-14; 49-1032-013);
Agency Negotiator: Carolyn Lehr, City Manager; Michael Guina, City Attorney
Negotiating Parties: Pacific Gas & Electric, City of Emeryville
Under Negotiation: Direction regarding price and terms for real estate negotiations.

4.5. CONFERENCE WITH LABOR NEGOTIATORS, pursuant to Government Code Section 54957.6:

- 4.5.1. ID-2017-266** **Agency Designated Representatives:** Carolyn Lehr, City Manager; Lisa Lopez, Human Resources Manager; Darrell Murray, IEDA; Michael Guina, City Attorney
Employee Organization: Emeryville Police Officers Association (EPOA)

5. REPORTING OUT OF CLOSED SESSION

6. ADJOURNMENT