



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 Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Christian R. Patz

City Council / Management of Emeryville Services Authority

AMENDED

Tuesday, June 19, 2018

5:00 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:

PLEASE NOTE: Council Member Patz will participate in the meeting via teleconference from the site listed below. The meeting agenda is posted at the teleconference site and the site is accessible to the public. Anyone wishing to address the Council from the teleconference site will be provided with an opportunity to do so.

Location:

Holiday Inn Express Hotel & Suites Banning
3020 W. Ramsey Street
Banning, CA 92220
951-572-5550

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

5.1.1. [ID-2018-366](#) Title: City Attorney

5.1.2. [ID-2018-367](#) Title: City Manager

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

5.2.1. [ID-2018-369](#) **Agency Designated Representatives:** Carolyn Lehr, City Manager; Lisa Lopez, Human Resources Director; Michael Guina, City Attorney
Employee Organization: Service Employees International Union (SEIU), Local 1021

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-2018-352](#) **Farhad Abad, et. al. v. U.S. Foods, Inc. et. al.** - Alameda Superior Court Case No. RG17856272

Claims of Heirs of Mahin Ashki - EM2017-4

Claim of Farhad Abad

Claim of Keemia Aad

Claim of Arianna Abad

Claim of the Estate of Mahin Ashki

- 6.1.2. [ID-2018-353](#) **City of Emeryville v. Daniel Berrner** - Alameda Superior Court Case No. RG17886621
- 6.1.3. [ID-2018-354](#) **Michael Guina v. Marilyn Smith** - Alameda Superior Court Case No. RG18887782
- 6.1.4. [ID-2018-362](#) **MN Group dba Green Door v. City of Emeryville, et. al.**, Alameda County Superior Court Case No. RG18893293
- 6.1.5. [ID-2018-363](#) **Raq Bey v. City of Emeryville Police Department** - Alameda County Superior Court Case No. RG18897580
- 6.1.6. [ID-2018-365](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu** - Alameda County Superior Court Case No. RG18897580

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

- 6.2.1. [ID-2018-355](#) **Claim of Cesar Palacios** - EM2017-16; EM2017-23

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

- 6.3.1. [ID-2018-357](#) **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 Parties: City of Emeryville and Adlai Karim
Under Negotiations: Direction regarding price and terms of acquisition of property.
- 6.3.2. [ID-2018-358](#) **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.
- 6.3.3. [ID-2018-359](#) **Property:** 1200 65th Street, Unit No. 216, Emeryville, CA (APN 049-1541-039-00)
Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.

Negotiating Parties: Daniel Berner

Under Negotiations: Direction regarding price and terms of acquisition of property.

6.3.4. [ID-2018-360](#)

Property: Corner of Sherwin Avenue and Halleck Street, UPPR Parcel D (APN 049-1041-026-16))

Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.

Negotiating Parties: City of Emeryville and LMC Emeryville I Investor LLC

Under Negotiations: Direction regarding price and terms of real estate negotiations.

6.4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: PENDING CLAIMS - Government Code Section 54956.9(d)(4).

- 6.4.1. [ID-2018-361](#)** Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One Potential Case.

7. REPORTING OUT OF CLOSED SESSION

8. ADJOURNMENT