



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

Members:

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

City Council / City Of Emeryville As Successor Agency To The Emeryville  
Redevelopment Agency

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**Tuesday, November 19, 2019**

**5:00 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 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.

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**PLEASE NOTE:** Council Member Bauters will participate in the meeting via teleconference from the site listed below. The meeting agenda will be 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:**

**Galley Bay Hotel & Resort  
Five Islands Village  
St. John's  
Antigua & Barbuda  
(415) 999-7932**

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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**

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

- 5.1.1. [ID-2019-549](#) 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:** Christine Daniel, City Manager; Michael  
Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville and Orton  
Development, Inc., and Besler Building Owners Association.  
**Under Negotiations:** Direction regarding price and terms of  
real estate negotiations.

- 5.1.2. [ID-2019-550](#) **Property: Public Right of Way City Wide**  
**Agency Negotiators:** Christine Daniel, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville and New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company managed by AT&T Mobility, Corporation (AT&T)  
**Under Negotiations:** Direction regarding price and terms of real estate negotiations.
- 5.1.3. [ID-2019-551](#) **Property: APN 049-1554-07 (3801 San Pablo Avenue, #310, Emeryville, CA 94608)**  
**Agency Negotiators:** Christine Daniel, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville, Chutharat Saw-tong  
**Under Negotiations:** Direction regarding price and terms of real estate negotiations.
- 5.1.4. [ID-2019-552](#) **Property: APN 049-1544-06, APN 049-1544-05, APN 049-1544-1-1**  
**Agency Negotiators:** Christine Daniel, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville and BRE-BMR 53rd LP  
**Under Negotiations:** Direction regarding price and terms of Real Estate Negotiation.

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

- 5.2.1. [ID-2019-553](#) **Michael Guina v. Marilyn Smith** - Alameda Superior Court Case No. RG18887782
- 5.2.2. [ID-2019-554](#) **Raq Bey v. City of Emeryville Police Department** - Alameda County Superior Court Case No. RG18897580
- 5.2.3. [ID-2019-555](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu** - Alameda County Superior Court Case No. RG18897580
- 5.2.4. [ID-2019-556](#) **AT&T Services, Inc. v. Federal Communications, et al. (and related cases)**, D.C. Circuit Court of Appeals, Case Nos. 18-1294 (consolidated w/ 18-1305, 18-1325 and 18-1330), 18-1305, 18-1326, 18-1330
- 5.2.5. [ID-2019-557](#) **City of Emeryville v. 1270 64th Street (Laura Baldaree)** - Alameda County Superior Court Case No. RG19002032
- 5.2.6. [ID-2019-558](#) **Kortz v. CA Department of Transportation**, Alameda County Superior Court Case No. RG17-849272  
Claim of Jeanne Kortz, EM2018-11B

- 5.2.7. [ID-2019-569](#) 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

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

- 5.3.1. [ID-2019-559](#) Claim of Pamela Newton - EM 2019-03
- 5.3.2. [ID-2019-560](#) Claim of CalTrans - EM2018-11A
- 5.3.3. [ID-2019-561](#) Claim of Roberto Pasillas - EM 2019-06
- 5.3.4. [ID-2019-562](#) Claim of State Farm a/s/o Kenny Louie - EM2019-04B
- 5.3.5. [ID-2019-563](#) Claim of Cynthia D. Cornelius - EM2019-07
- 5.3.6. [ID-2019-564](#) Claim of Arcelio Reybol - EM2019-08
- 5.3.7. [ID-2019-565](#) Claim of of Elizabeth Harvey Roberts, - EM2019-10
- 5.3.8. [ID-2019-566](#) Claim of Hector Hernandez - EM2019-11

**6. CLOSED SESSION - CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY**

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

- 6.1.1. [ID-2019-567](#) Successor Agency to the Redevelopment Agency of the City of Emeryville v. California Department of Finance, et. al. - Sacramento County Superior Court, Case No. 34-2019-80003149
- 6.1.2. [ID-2019-568](#) 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

**7. REPORTING OUT OF CLOSED SESSION**

**8. ADJOURNMENT**