



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

City Council / Management of Emeryville Services Authority / Successor Agency

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**Tuesday, October 20, 2020**

**5:30 PM**

**Teleconference**

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A complete copy of the agenda packet is available on the city's website at <http://emeryville.org/88/video/agendas-reports-minutes-archive>. 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 <http://www.emeryville.org>.

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 <http://www.emeryville.org> and clicking on "Notify Me". 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 REGULAR MEETING DURING SHELTER IN PLACE ORDER (to continue until further notice):**

Pursuant to California Governor Gavin Newsom's Executive Order N 29 20, 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 add link 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 add link. Written comments can also be submitted by email to [city\\_council@emeryville.org](mailto:city_council@emeryville.org) or the City Clerk, Sheri Hartz, at [shartz@emeryville.org](mailto:shartz@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/94051311257?pwd=NjZhL2habkRvSDZhZkc1cDIKNzBpUT09>  
Passcode: 628089

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Or iPhone one-tap :

US:

+16699006833,,94051311257#,,,,,0#,,628089#

or

+13462487799,,94051311257#,,,,,0#,,628089#

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Or Telephone:

Dial (for higher quality, dial a number based on your current location):

+1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or  
+1 301 715 8592

Webinar ID: 940 5131 1257  
Passcode: 628089

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International numbers available: <https://emeryville-org.zoom.us/j/94051311257?pwd=NjZhL2habkRvSDZhZkc1cDIKNzBpUT09>

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.

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 / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY**

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

- 5.1.1. [ID-2020-481](#) **Agency Designated Representatives:** Christine Daniel, City Manager; Trish Raver, Human Resources Director; Michael Guina, City Attorney; Chief Robert Schreeder, Interim Chief of Police  
**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-2020-483](#) **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

- 6.1.2. [ID-2020-484](#) 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, WT Docket No. 19-250, RM-11849
- 6.1.3. [ID-2020-485](#) Raq Bey v. City of Emeryville Police Department  
Alameda County Superior Court Case No. RG18897580
- 6.1.4. [ID-2020-486](#) Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu  
Alameda County Superior Court Case No. RG18897580
- 6.1.5. [ID-2020-488](#) Kortz v. CA Department of Transportation  
Alameda County Superior Court Case No. RG17-849272
- 6.1.6. [ID-2020-489](#) 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

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

- 6.2.1. [ID-2020-490](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: Two Potential Cases.

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

- 6.3.1. [ID-2020-491](#) Claim of Bhaskar Welch - EM2019-12
- 6.3.2. [ID-2020-492](#) Claim of Dawn Pedersen - EM2020-04
- 6.3.3. [ID-2020-493](#) Claim of Parminder Dhingra - EM2020-05
- 6.3.4. [ID-2020-494](#) Claim of Ronald Morris - EM2020-08
- 6.3.5. [ID-2020-495](#) Claim of Gerthina Harris - EMC2020-09
- 6.3.6. [ID-2020-496](#) Claim of Lauren Frei - EMC2020-10
- 6.3.7. [ID-2020-497](#) Claim of Michelle Lamphere, ASO The Hartford - EMC2020-11

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

- 6.4.1. [ID-2020-499](#) **Property:** 3801 San Pablo Avenue, Unit 308, Emeryville, CA (APN 49-1554-25)  
**Agency Negotiators:** Christine Daniel, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville and Gary Huang.  
**Under Negotiations:** Direction regarding price and terms of real estate negotiations.

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

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

- 7.1.1. [ID-2020-500](#) 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
- 7.1.2. [ID-2020-501](#) 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

**8. REPORTING OUT OF CLOSED SESSION**

**9. ADJOURNMENT**