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CITY OF EMERYVILLE

ACTION MINUTES

Special Closed Session

Members:

Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

-- AMENDED --
City Council / Successor Agency

Tuesday, April 19, 2022

5:45 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 5:45 p.m. and the Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the extension of Brown Act waivers provided for under Assembly Bill 361, as would subsequent meetings so long as the City Council could make findings that it was necessary in order to protect public safety and the Governor's declared emergency remained in effect.

2. ROLL CALL

Present: 5 - Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

3. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

4. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

5. CLOSED SESSION - CITY OF EMERYVILLE

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

5.1.1. ID-2022-038 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, 9th Circuit Court of Appeals, Appeal No. 20-72749; WT Docket No. 19-250, RM-11849.

No reportable action was taken.

5.1.2. [ID-2022-039](#) Kortz v. CA Department of Transportation

Alameda County Superior Court Case No. RG17-849272

No reportable action was taken.

5.1.3. [ID-2022-040](#) 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

No reportable action was taken.

5.1.4. [ID-2022-042](#) Jon Reed, Laura Berry, Frank Eugene Moore III, Gabriel Smithson, and Where Do We Go Berkeley v. City of Emeryville, et al., U.S.D.C., Case No. 21-cv-2781-YGR

No reportable action was taken.

5.1.5. [ID-2022-043](#) Welch v. Safe Harbor Marinas, LLC, e al., Alameda Superior Court Case No. HG21101262

No reportable action was taken.

5.1.6. [ID-2022-044](#) Harris v. City of Emeryville, Alameda Superior Court Case No. RG21108217

No reportable action was taken.

5.1.7. [ID-2022-195](#) Barry Hurford v. City of Emeryville, Alameda Superior Court Case No. RG1112527

No reportable action was taken.

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

5.2.1. [ID-2022-172](#) Claim of Holly Sullinger - EM2022-02

A motion was made by Council Member Welch, seconded by Council Member Medina, to deny the claim that was the subject of this matter. The motion carried by the following vote:

Ayes 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

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-2022-037](#) 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**

No reportable action was taken.

7. REPORTING OUT OF CLOSED SESSION

City Attorney John Kennedy reported out of Closed Session as shown above.

8. ADJOURNMENT

The meeting adjourned at 5:53 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a special meeting of the Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency.

**/s/ Sheri Hartz, CMC
City Clerk / Secretary**