



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

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 / City as Successor Agency to the Emeryville
Redevelopment Agency / Management of Emeryville Services
Authority

Tuesday, July 19, 2022

6:30 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 6:30 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 AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY

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

5.1.1. 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.

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-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.

6.1.2. ID-2022-039 Kortz v. CA Department of Transportation
Alameda County Superior Court Case No. RG17-849272

No reportable action was taken.

6.1.3. 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.

6.1.4. 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.

6.1.5. ID-2022-043 Welch v. Safe Harbor Marinas, LLC, e al., Alameda Superior Court Case No. HG21101262

No reportable action was taken.

6.1.6. ID-2022-044 Harris v. City of Emeryville, Alameda Superior Court Case No. RG21108217

No reportable action was taken.

6.1.7. ID-2022-195 Barry Hurford v. City of Emeryville, Alameda Superior Court Case No. RG1112527

No reportable action was taken.

6.1.8. ID-2022-417 303 Creative LLC., et al. v. Aubrey Elenis, et al., U.S. Supreme Court Docket No. 21-476.

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve joining the amicus brief of local governments and Mayors in support of the respondents. The motion carried by the following vote:

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

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

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

7.1.1. ID-2022-202 Property: 5959 Horton Street, Emeryville, CA (Amtrak Station Parcel)
APN: 049-1325-001-02
Agency Negotiators: Christine Daniel, City Manager/Executive Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak); Emery Station West, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

7.1.2. ID-2022-203 Property: APN: 049-1325-001-04 Platform Parcel 4
Agency Negotiators: Christine Daniel, City Manager/Executive Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak)
Under Negotiations: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

7.1.3. ID-2022-204 Property: APN: 049-1325-002 Platform Parcel 3
Agency Negotiators: Christine Daniel, City Manager/Executive Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak)
Under Negotiations: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

7.1.4. ID-2022-205 Property: 59th Street Extension (Portion)
Agency Negotiators: Christine Daniel, City Manager/Executive

Director; John Kennedy, City Attorney/Legal Counsel; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, Emery Station West, LLC
Under Negotiation: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

8. CLOSED SESSION - CITY OF EMERYVILLE

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

8.1.1. ID-2022-196 Property: APN: 049-1489-16 Platform Parcel 2
Agency Negotiators: Christine Daniel, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak)
Under Negotiation: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

8.1.2. ID-2022-197 Property: APN: 049-1489-010-05 Platform Parcel 1
Agency Negotiators: Christine Daniel, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak)
Under Negotiation: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

8.1.3. ID-2022-198 Property: APN 049-1489-015 (Portion) (Bus Bays and Parking Spaces)
Agency Negotiators: Christine Daniel, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, Emery Station West, LLC
Under Negotiation: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

8.1.4. ID-2022-199 Property: APN 049-1489-015 (Portion) (Bus Bays)
Agency Negotiators: Christine Daniel, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak), Alameda-Contra Costa Transit District

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

No reportable action was taken.

- 8.1.5. ID-2022-200** 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; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville, 4060 Hollis Street, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations

No reportable action was taken.

- 8.1.6. ID-2022-201** Property: 4300 San Pablo Avenue, Emeryville, CA (APN 49-1079-014-01)
Agency Negotiators: Christine Daniel, City Manager; John Kennedy, City Attorney; Christie Crowl, Special Counsel
Negotiating Parties: City of Emeryville and EAH, Inc.
Under Negotiations: Direction regarding price and terms of real estate negotiations.

No reportable action was taken.

9. CLOSED SESSION - CITY OF EMERYVILLE

9.1. CONFERENCE WITH LEGAL COUNSEL - PENDING CLAIMS, Pursuant to Government Code Section 54956.9(e)(3):

- 9.1.1. ID-2022-403** Claim of Devin Bosley - EM2022-04

Attachments: [Emeryville Claim Form - Devin Bosley](#)

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve payment on the claim in the amount of \$1,246.00. The motion carried by the following vote:

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

10. CLOSED SESSION - CITY OF EMERYVILLE / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

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

- 10.1.1. ID-2022-413** City Manager

No reportable action was taken.

11. REPORTING OUT OF CLOSED SESSION

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

12. ADJOURNMENT

The meeting adjourned at 6:59 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council.

/s/ Sheri Hartz, CMC
City Clerk

DRAFT