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CITY OF EMERYVILLE ACTION MINUTES

City Council / Management of Emeryville Services Authority Special Closed Session

Members:

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

AMENDED SPECIAL CLOSED SESSION

Tuesday, February 20, 2018

5:00 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m.

2. ROLL CALL

Present 5 - Mayor John J. Bauters, Vice Mayor Ally Medina, Council Member Scott Donahue, Council Member Dianne Martinez, and Council Member Christian R. Patz

3. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

4. EX PARTE COMMUNICATIONS

Mayor Bauters recused himself from Item 7.3.6 due to a conflict of interest based on the proximity of his residence to the property being discussed.

5. ACTION ITEM - CITY OF EMERYVILLE / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

- 5.1. [ID-2018-127](#) Designate Agency Representatives For Employee Evaluations For City Manager And City Attorney.

A motion was made by Vice Mayor Medina, seconded by Council Martinez, to continue this Closed Session item to March 6, 2018. The motion was carried by the following vote:

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

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

6.1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:

6.1.1. [ID-2018-087](#) Title: City Manager

An update was provided and direction given to staff.

A motion was made by Vice Mayor Medina, seconded by Council Member Martinez, to continue this Closed Session to March 6, 2018. The motion carried by the following vote:

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

7. CLOSED SESSION - CITY OF EMERYVILLE

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

7.1.1. [ID-2018-088](#) Sandra Parrot v. City of Emeryville - Alameda Superior Court Case No. RG16807125

An update was provided.

7.1.2. [ID-2018-089](#) 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

An update was provided.

7.1.3. [ID-2018-090](#) Carpiaux v. City of Emeryville - Alameda Superior Court Case No. RG17873168

An update was provided.

7.1.4. [ID-2018-091](#) City of Emeryville v. Daniel Berner - Alameda Superior Court Case No. RG17886621

An update was provided.

7.1.5. [ID-2018-092](#) Michael Guina v. Marilyn Smith - Alameda Superior Court Case No. RG18887782

An update was provided.

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

7.2.1. [ID-2018-093](#) Claim of Eugene Baah - EM2016-15

**State of California, Department of Fair Employment and
Housing (DFEH) v. City of Emeryville**, DFEH No.
794689-257895

An update was provided.

7.2.2. [ID-2018-094](#) Claim of Juanita Oribello - EM2017-08

**State of California, Department of Industrial Relations,
Division of Labor Standards Enforcement (DLSE), Juanita
Oribello v. Emeryville Senior**, State Case No. 46359-SACRCI

An update was provided.

7.2.3. [ID-2018-095](#) Claim of Ryan Duff - EM2017-12

An update was provided.

7.2.4. [ID-2018-096](#) Claim of Heirs of Barry Hacker - EM2017-13

An update was provided.

7.2.5. [ID-2018-097](#) Claim of Willie McClinton - EM2017-15

An update was provided.

7.2.6. [ID-2018-098](#) Claim of Willie McClinton - EM2017-17

An update was provided.

7.2.7. [ID-2018-101](#) Claim of Willie McClinton - EM2017-18

An update was provided.

7.2.8. [ID-2018-099](#) Claim of Rosa Montes - EM2017-19

An update was provided.

7.2.9. [ID-2018-100](#) Claim of Cesar Palacios - EM2017-16; EM2017-23

An update was provided.

7.2.10 [ID-2018-102](#) Claim of Gabriel Thibault de Maisieres - EM2017-20

An update was provided.

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

- 7.3.1. [ID-2018-112](#) **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.

An update was provided, and direction was given.

- 7.3.2. [ID-2018-107](#) **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.

An update was provided.

- 7.3.3. [ID-2018-108](#) **Property:** APN 049-1525-002 (Emeryville Marina)
Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.
Negotiating Parties: Safe Harbors Marina, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations.

An update was provided.

- 7.3.4. [ID-2018-109](#) **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 Bernner
Under Negotiations: Direction regarding price and terms of acquisition of property.

An update was provided.

- 7.3.5. [ID-2018-110](#) **Property:** APNS 049-0618-02-02, 049-0618-029, 049-0618-004 (parking lot behind 1333 Park Avenue)
Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.

Negotiating Parties: Pacific, Gas & Electric

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

An update was provided, and direction was given.

7.3.6. [ID-2018-113](#) 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.

An update was provided, and direction was given.

7.4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, INITIATION OF LITIGATION Government Code Section 54956.9(d)(4)

7.4.1. [ID-2018-103](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One Potential Case.

An update was provided.

8. REPORTING OUT OF CLOSED SESSION

City Attorney Guina reported out of Closed Session as shown above.

9. ADJOURNMENT

The meeting adjourned at 6:31 p.m.

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

**/Sheri Hartz/
Sheri Hartz, City Clerk**