



Emeryville City Hall
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CITY OF EMERYVILLE

ACTION MINUTES

City Council / Successor Agency / MESA Meeting

Members:

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

AMENDED Joint Special Closed Session Meeting
of Emeryville City Council / City of Emeryville As Successor
Agency To The Emeryville Redevelopment Agency /
Management of Emeryville Services Authority

Tuesday, September 19, 2017

5:45 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL

The meeting was called to order at 5:46 p.m.

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

2. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

3. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

4. CLOSED SESSION - CITY OF EMERYVILLE

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

- 4.1.1. [ID-2017-581](#) **Joint Test Claim to Commission on State Mandates re: California Water Quality Control Board, San Francisco Region, NPDES Permit No. CAS612008, Order No. RD-2009-0074.**

An update was provided.

- 4.1.2. [ID-2017-582](#) **Sandra Parrot v. City of Emeryville, et al.**, Alameda County Superior Court Case No. RG16807125.

An update was provided.

- 4.1.3. [ID-2017-583](#) **California Restaurant Association v. City of Emeryville, U.S.**
District Court, Northern District, Case No. 16-cv-06660KAW

An update was provided.

- 4.1.4. [ID-2017-591](#) **Michael Guina, in his capacity as City Attorney v. Austin White**, Alameda County Superior Court Case No. RG17870514

An update was provided.

- 4.1.5. [ID-2017-592](#) **Andre Carpiaux v. City of Emeryville**, Alameda County Superior Court Case No. RG17873168

An update was provided.

- 4.1.6. [ID-2017-604](#) **Andre Carpiaux v. City of Emeryville**, Alameda County Superior Court Case No. RG15779330

An update was provided.

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

- 4.2.1 [ID-2017-584](#) **Claim of Eugene Baah - EM2016-15**
State of California, Department of Fair Employment and
Housing v. City of Emeryville, et al., DFEH No.
794689-257895

An update was provided.

- 4.2.2. [ID-2017-593](#) **Claim of Juanita Oribello - EM2017-08**
State of California, Department of Industrial Relations,
Division of Labor Standards Enforcement (DLSE), Juanita
Oribello v. Emeryville Senior Center, State Case No.
46359-SACRCI

An update was provided.

- 4.2.3. [ID-2017-594](#) **Claim of Paul Williams, Sr. - EM2017-11**

An update was provided.

- 4.2.4. [ID-2017-595](#) **Claim of Ryan Duff - EM2017-12**

An update was provided.

- 4.2.5. [ID-2017-596](#) **Claim of Heirs of Barry Hacker - EM2017-13**

An update was provided.

4.2.6. [ID-2017-598](#) **Claim of Willie McClinton** - EM2017-15

An update was provided.

4.2.7. [ID-2017-605](#) **Claim of Cesar Palacios** - EM2017-16

An update was provided.

4.2.8. [ID-2017-599](#) **Claim of Willie McClinton** - EM2017-17

An update was provided.

4.2.9. [ID-2017-600](#) **City of Emeryville v. Daniel Berner**

An update was provided.

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

4.3.1. [ID-2017-585](#) **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 Partners: City of Emeryville and Adlai Karim
Under Negotiations: Direction regarding price and terms of
acquisition of property.

An update was provided and direction given to Agency Negotiators.

4.3.2. [ID-2017-586](#) **Property:** Proposed Pedestrian Easement Between 53rd Street
to 55th Street (APN: 049-1184-013, 049-1041-018-01;
049-1041-069; 049-1041-072)
Agency Negotiators: Carolyn Lehr, City Manager; Michael
Guina, City Attorney
Negotiating Partners: City of Emeryville, HFH, Ltd., a California
limited partnership (Throughbred - Andy Getz/Property Owner),
California Syrup & Extract Co. (Pickleworks - Ron
Mooney/Property Owner); and Fordham Properties (Ron
Silberman)
Under Negotiations: Direction regarding price and terms of
acquisition of property.

An update was provided.

4.3.3. [ID-2017-587](#) **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 and direction given to Agency Negotiators.

- 4.3.4. [ID-2017-588](#) **Property:** APN 049-1525-002 (Emeryville Marina)
Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.
Negotiating Parties: Emeryville Marina, LLC
Under Negotiations: Direction regarding price and terms of acquisition of property

An update was provided.

- 4.3.5. [ID-2017-601](#) **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 Partners: Daniel Berner
Under Negotiations: Direction regarding prices and terms of acquisition of property.

An update was provided and direction given to Agency Negotiators.

- 4.3.6. [ID-2017-602](#) **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 Partners: Pacific Gas & Electric
Under Negotiations: Direction regarding price and terms for real estate negotiations.

An update was provided and direction given.

- 4.3.7. [ID-2017-589](#) **Property:** PG&E Buildings "A" and "G" (APN 49-1032-14; 49-1032-013);
Agency Negotiator: Carolyn Lehr, City Manager; Michael Guina, City Attorney
Negotiating Parties: Pacific Gas & Electric, City of Emeryville
Under Negotiation: Direction regarding price and terms for real estate negotiations.

An update was provided.

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

**5.1. CONFERENCE WITH LEGAL COUSEL - ANTICIPATED LITIGATION,
INITIATION OF LITIGATION Government Code Section 54956.9(d)(4)**

- 5.1.1. [ID-2017-609](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: **Two Potential Cases.**

One potential case: Authority was given to the City Attorney to initiate litigation.

One potential case: An update was provided.

6. CLOSED SESSION - MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

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

- 6.1.1. ID-2017-603 **Agency Designated Representatives:** Carolyn Lehr, City Manager; Lisa Lopez, Human Resources Director; Michael Guina, City Attorney; Darrell Murray, IEDA
Employee Organization: Emeryville Police Officers Association (EPOA)

An update was provided, and direction given to Agency negotiators.

7. REPORTING OUT OF CLOSED SESSION

City Attorney Michael Guina reported out of closed session as shown above.

8. ADJOURNMENT

The meeting adjourned at 10:35 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