



Emeryville City Hall  
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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

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Tuesday, April 17, 2018

5:00 PM

Council Chambers

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#### 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. EX PARTE COMMUNICATIONS

Mayor Bauters disclosed that he had communicated with EUSD Superintendent Rubio regarding Item 6.2.1.

#### 4. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

#### 5. CLOSED SESSION - CITY OF EMERYVILLE / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

The Council went into Closed Session.

##### ***5.1. PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYEE EMPLOYMENT, pursuant to Government Code Section 54957:***

5.1.1. [ID-2018-223](#) Title: City Manager

An update was provided and direction given.

##### ***5.2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:***

5.2.1. [ID-2018-222](#) Title: City Attorney

An update was provided and direction given to the City Attorney.

## 6. CLOSED SESSION - CITY OF EMERYVILLE

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

- 6.1.1. [ID-2018-220](#) **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.
- A motion was made by Mayor Bauters, seconded by Council Member Patz, to authorize the Purchase and Sale Agreement in the amount of \$700,000. The motion carried by the following vote:**
- Ayes:** 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Patz

### **6.2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: PENDING CLAIMS - Government Code Section 54956.9.**

- 6.2.1. [ID-2018-221](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One Potential Case.
- A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to authorize the settlement of this litigation. The motion carried by the following vote:**
- Ayes:** 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Patz

## 7. REPORTING OUT OF CLOSED SESSION

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

## 8. ADJOURNMENT

The meeting adjourned at 6:05 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