



Emeryville City Hall  
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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 Christian R. Patz

City Council / Successor Agency

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Tuesday, October 16, 2018

5:15 PM

Council Chambers

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**1. CALL TO ORDER**

**2. ROLL CALL**

**Present:** 4 - Mayor John J. Bauters  
Vice Mayor Ally Medina  
Council Member Scott Donahue  
Council Member Christian R. Patz  
**Absent:** 1 - Council Member Dianne Martinez

Council Member Martinez joined the Closed Session at 5:45 p.m.

**3. EX PARTE COMMUNICATIONS**

There were no ex parte communication reported.

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

There we no comments made.

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

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

**5.1.1. [ID-2018-572](#)**

**Property:** 5885 Horton Street, Emeryville, CA.

**Agency Negotiators:** Christine Daniel, City Manager; Michael Guina, City Attorney.

**Negotiating Parties:** City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation, Wareham Development Corporation, and ZAR Development Corporation

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

An update was provided.

## 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-2018-560](#) **Farhad Abad, et. al. v. U.S. Foods, Inc. et. al.** - Alameda Superior Court Case No. RG17856272

An update was provided.

- 6.1.2. [ID-2018-561](#) **Michael Guina v. Marilyn Smith** - Alameda Superior Court Case No. RG18887782

An update was provided.

- 6.1.3. [ID-2018-562](#) **MN Group dba Green Door v. City of Emeryville, et. al.,** Alameda County Superior Court Case No. RG18893293

An update was provided.

- 6.1.4. [ID-2018-563](#) **Raq Bey v. City of Emeryville Police Department** - Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.1.5. [ID-2018-564](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu** - Alameda County Superior Court Case No. RG18897580

An update was provided.

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

- 6.2.1. [ID-2018-565](#) **Claim of Sunday Parker** - EM2018-6

An update was provided.

- 6.2.2. [ID-2018-566](#) **Claim of Jessica West** - EM2018-8

An update was provided.

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

- 6.3.1. [ID-2018-567](#) **Property:** 3600, 3610 & 3620 San Pablo Avenue, Emeryville, CA (APN 049-950-1; 049-950-6-1; 049-950-8-1)  
**Agency Negotiators:** Christine Daniel, 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.

- 6.3.2. [ID-2018-568](#)** **Property:** Union Pacific Railroad Milepost 3.93 (Martinez Subdivision)  
**Agency Negotiators:** Christine Daniel, 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.

- 6.3.3. [ID-2018-569](#)** **Property:** 4060 Hollis Street (APN 049-0618-004-00)  
**Agency Negotiators:** Christine Daniel, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville and Orton Development, Inc.  
**Under Negotiations:** Direction regarding price and terms of real estate negotiations.

An update was provided.

- 6.3.4. [ID-2018-570](#)** **Property:** Corner of Sherwin Avenue and Halleck Street, UPPR Parcel D (APN 049-1041-026-16)  
**Agency Negotiators:** Christine Daniel, City Manager; Michael Guina, City Attorney.  
**Negotiating Parties:** City of Emeryville and SWACE, LLC  
**Under Negotiations:** Direction regarding price and terms of real estate negotiations.

An update was provided. Mayor Bauters was recused due to the proximity of the project to his residence.

**6.4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION - Government Code Section 54956.9(d)(4) – Three potential cases**

An update was provided on two of the cases; an update was provided and direction given on one case.

**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**

The meeting was called to order at 5:15 p.m.

DRAFT