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CITY OF EMERYVILLE

ACTION MINUTES

Special Closed Session

Members:

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

City Council / City of Emeryville as Successor Agency to the
Emeryville Redevelopment Agency

Tuesday, April 7, 2020

6:15 PM

Teleconference Meeting

1. CALL TO ORDER

The meeting convened via teleconference at 6:15 p.m. The Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Order in response to the COVID-19 State of Emergency.

2. ROLL CALL

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

3. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

4. PUBLIC COMMENT (on Closed Session Items)

There were no public comments made.

5. CLOSED SESSION - CITY OF EMERYVILLE

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

5.1.1. [ID-2020-131](#)

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; Michael Guina, City Attorney.

Negotiating Parties: City of Emeryville and Orton Development,

Inc., and Besler Building Owners Association.

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

An update was provided and direction given.

5.1.2. [ID-2020-132](#)

Property: Public Right of Way City Wide

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

Negotiating Parties: City of Emeryville and New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company managed by AT&T Mobility, Corporation (AT&T)

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

An update was provided and direction given.

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

5.2.1. [ID-2020-133](#)

Michael Guina v. Marilyn Smith

Alameda Superior Court Case No. RG18887782,
1st Appellate District Case No. A155285

An update was provided and direction given.

5.2.2. [ID-2020-134](#)

AT&T Services, Inc. v. Federal Communications, et al. (and related cases), D.C. Circuit Court of Appeals, Case Nos. 18-1294 (consolidated w/ 18-1305, 18-1325 and 18-1330), 18-1305, 18-1326, 18-1330

An update was provided.

5.2.3. [ID-2020-135](#)

Raq Bey v. City of Emeryville Police Department

Alameda County Superior Court Case No. RG18897580

An update was provided.

5.2.4. [ID-2020-136](#)

Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu

Alameda County Superior Court Case No. RG18897580

An update was provided.

5.2.5. [ID-2020-137](#)

City of Emeryville v. 1270 64th Street (Laura Baldaree)

Alameda County Superior Court Case No. RG19002032

An update was provided.

5.2.6. [ID-2020-138](#)

Kortz v. CA Department of Transportation

Alameda County Superior Court Case No. RG17-849272

An update was provided.

- 5.2.7. [ID-2020-139](#) **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

An update was provided.

- 5.2.8. [ID-2020-140](#) **Cornelius v. City of Emeryville**
Alameda Superior Court Case No. RS20053878

An update was provided.

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

- 5.3.1. [ID-2020-141](#) **Claim of CalTrans** - EM2018-11A

An update was provided.

- 5.3.2. [ID-2020-142](#) **Claim of Roberto Pasillas** - EM 2019-06

An update was provided.

- 5.3.3. [ID-2020-143](#) **Claim of Arcelio Reybol** - EM2019-08

An update was provided.

- 5.3.4. [ID-2020-144](#) **Claim of Elizabeth Harvey Roberts** - EM2019-10

An update was provided.

- 5.3.5. [ID-2020-145](#) **Claim of Hector Hernandez** - EM2019-11

An update was provided.

- 5.3.6. [ID-2020-146](#) **Claim of Bhaskar Welch** - EM2019-12

An update was provided.

- 5.3.7. [ID-2020-147](#) **Claim of GEICO aso Brielle Schaeffer Jamros** - EM2019-13

An update was provided.

- 5.3.8. [ID-2020-148](#) **Claim of Habbas, Nasser & Assoc. aso Soheily Mahbobeh** - EM2020-01

An update was provided.

- 5.3.9. [ID-2020-149](#) **Claim of Andre Joseph Poche'** - EM2020-02

An update was provided.

- 5.3.10. [ID-2020-150](#) **Claim of Xiao Yau Wan** - EM2020-03

An update was provided.

5.3.11. [ID-2020-151](#) Claim of Dawn Pedersen - EM2020-04

An update was provided.

5.3.12. [ID-2020-152](#) Claim of Parminder Dhingra - EM2020-05

An update was provided.

5.3.13. [ID-2020-153](#) Claim of Tommy Johnson - EM2020-06

A motion was made by Vice Mayor Martinez, seconded by Mayor Patz, to approve rejection of the claim that is the subject of this Closed Session Agenda Item. The motion carried by the following vote:

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

6. CLOSED SESSION - CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY**6.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(a):****6.1.1. [ID-2020-154](#) Successor Agency to the Redevelopment Agency of the City of Emeryville v. California Department of Finance, et. al. -**

Sacramento County Superior Court, Case No. 34-2019-80003149

An update was provided.

6.1.2. [ID-2020-155](#) 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

An update was provided.

7. REPORTING OUT OF CLOSED SESSION

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

8. ADJOURNMENT

The meeting adjourned at 7:21 p.m.