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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 / Successor Agency

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Tuesday, July 7, 2020

6:15 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 6:16 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 comments made.

#### 5. CLOSED SESSION - CITY OF EMERYVILLE

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

##### 5.1.1. [ID-2020-303](#)

##### Michael Guina v. Marilyn Smith

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

An update was provided and direction given.

##### 5.1.2. [ID-2020-304](#)

##### 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.

**5.1.3. [ID-2020-305](#) Raq Bey v. City of Emeryville Police Department**

Alameda County Superior Court Case No. RG18897580

An update was provided.

**5.1.4. [ID-2020-306](#) Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu**

Alameda County Superior Court Case No. RG18897580

An update was provided.

**5.1.5. [ID-2020-307](#) City of Emeryville v. 1270 64th Street (Laura Baldaree)**

Alameda County Superior Court Case No. RG19002032

An update was provided.

**5.1.6. [ID-2020-308](#) Kortz v. CA Department of Transportation**

Alameda County Superior Court Case No. RG17-849272

An update was provided.

**5.1.7. [ID-2020-309](#) 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.

**5.1.8. [ID-2020-310](#) Cornelius v. City of Emeryville**

Alameda Superior Court Case No. RS20053878

An update was provided.

**5.2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:  
Government Code Section 54956.9(d)(4).**

**5.2.1. [ID-2020-311](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One Potential Case.**

**A motion was made by Mayor Patz, seconded by Council Member Donahue, to authorize the initiation of litigation. The motion carried by the following vote:**

**Ayes** 4 - Mayor Patz, Vice Mayor Martinez, Council Member Donahue, and Council Member Medina

**Noes** 1 - Council Member Bauters

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

**5.3.1. [ID-2020-312](#) Claim of Bhaskar Welch - EM2019-12**

An update was provided.

**5.3.2. [ID-2020-313](#) Claim of GEICO aso Brielle Schaeffer Jamros - EM2019-13**

An update was provided.

**5.3.3. [ID-2020-314](#) Claim of Habbas, Nasser & Assoc. aso Soheily Mahbobeh - EM2020-01**

An update was provided.

**5.3.4. [ID-2020-315](#) Claim of Andre Joseph Poche' - EM2020-02**

An update was provided.

**5.3.5. [ID-2020-316](#) Claim of Dawn Pedersen - EM2020-04**

An update was provided.

**5.3.6. [ID-2020-317](#) Claim of Parminder Dhir - EM2020-05**

An update was provided.

**5.3.7. [ID-2020-318](#) Claim of Tommy Johnson - EM2020-06**

An update was provided.

**5.3.8. [ID-2020-319](#) Claim of Dana Perls - EMC2020-07**

An update was provided.

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

**5.4.1. [ID-2020-320](#) 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.

**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-2020-321](#) 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-2020-322](#) 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 of Closed Session as shown above.

**8. ADJOURNMENT**

The meeting adjourned at 7:05 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**