



Emeryville City Hall  
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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 / Management of Emeryville Services Authority /  
Successor Agency

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Tuesday, October 20, 2020

5:30 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 5:32 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:** 4 - Mayor Christian R. Patz  
Vice Mayor Dianne Martinez  
Council Member John J. Bauters  
Council Member Scott Donahue

**Absent:** 1 - Council Member Ally Medina

Council Member Medina joined the meeting at 5:34 p.m.

#### 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 / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

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

##### 5.1.1. [ID-2020-481](#)

**Agency Designated Representatives:** Christine Daniel, City Manager; Trish Raver, Human Resources Director; Michael Guina,

City Attorney; Chief Robert Schreeder, Interim Chief of Police  
**Employee Organization:** Service Employees International Union  
(SEIU), Local 1021

An update was provided and direction given.

## 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-2020-483](#) **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.

- 6.1.2. [ID-2020-484](#) **In the Matter of Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012**, WT Docket No. 19-250, RM-11849

An update was provided.

- 6.1.3. [ID-2020-485](#) **Raq Bey v. City of Emeryville Police Department**  
Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.1.4. [ID-2020-486](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu**  
Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.1.5. [ID-2020-488](#) **Kortz v. CA Department of Transportation**  
Alameda County Superior Court Case No. RG17-849272

An update was provided.

- 6.1.6. [ID-2020-489](#) **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.

### 6.2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: PENDING CLAIMS - Government Code Section 54956.9(d)(4).

- 6.2.1. [ID-2020-490](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: Two Potential Cases.

An update was provided and direction given.

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

**6.3.1. [ID-2020-491](#) Claim of Bhaskar Welch - EM2019-12**

An update was provided.

**6.3.2. [ID-2020-492](#) Claim of Dawn Pedersen - EM2020-04**

An update was provided.

**6.3.3. [ID-2020-493](#) Claim of Parminder Dhingra - EM2020-05**

An update was provided.

**6.3.4. [ID-2020-494](#) Claim of Ronald Morris - EM2020-08**

An update was provided.

**6.3.5. [ID-2020-495](#) Claim of Gerthina Harris - EMC2020-09**

An update was provided.

**6.3.6. [ID-2020-496](#) Claim of Lauren Frei - EMC2020-10**

An update was provided.

**6.3.7. [ID-2020-497](#) Claim of Michelle Lamphere, ASO The Hartford - EMC2020-11**

An update was provided.

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

**6.4.1. [ID-2020-499](#) Property: 3801 San Pablo Avenue, Unit 308, Emeryville, CA (APN 49-1554-25)**

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

**Negotiating Parties:** City of Emeryville and Gary Huang.

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

An update was provided.

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

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

**7.1.1. [ID-2020-500](#) 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 and direction given.

- 7.1.2. [ID-2020-501](#) **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 and direction given.

## 8. REPORTING OUT OF CLOSED SESSION

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

## 9. ADJOURNMENT

The meeting adjourned at 6:14 p.m.

**I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Management of Emeryville Services Authority.**

/Sheri Hartz/  
Sheri Hartz, Secretary

DRAFT