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CITY OF EMERYVILLE

ACTION MINUTES

Special Closed Session

Members:

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

City Council / Management of Emeryville Services Authority /
Successor Agency

Tuesday, January 19, 2021

5:30 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 5:30 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 Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina
Council Member Christian R. Patz

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-2021-042](#)

Agency Designated Representatives: Christine Daniel, City Manager; Trish Raver, Human Resources Director; Michael Guina, City Attorney; Chief Jeff Jennings, Chief of Police
Employee Organization: Emeryville Police Officers' Association

(EPOA)

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-2021-025](#) **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. 9th Circuit Court of Appeals, Appeal No. 20-72749

An update was provided.

- 6.1.2. [ID-2021-026](#) **Raq Bey v. City of Emeryville Police Department**
Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.1.3. [ID-2021-027](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu**

Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.1.4. [ID-2021-028](#) **Kortz v. CA Department of Transportation**

Alameda County Superior Court Case No. RG17-849272

An update was provided.

- 6.1.5. [ID-2021-029](#) **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(b)(3)(c).

- 6.2.1. [ID-2021-030](#) **Claim of Bhaskar Welch** - EM2019-12

An update was provided.

- 6.2.2. [ID-2021-031](#) **Claim of Parminder Dhingra** - EM2020-05

An update was provided.

- 6.2.3. [ID-2021-032](#) **Claim of Ronald Morris** - EM2020-08

An update was provided.

6.2.4. [ID-2021-033](#) Claim of Gerthina Harris - EM2020-09

An update was provided.

6.2.5. [ID-2021-034](#) Claim of Lauren Frei - EM2020-10

An update was provided.

6.2.6. [ID-2021-035](#) Claim of Michelle Lamphere, ASO The Hartford - EM2020-11

An update was provided.

6.2.7. [ID-2021-036](#) Claim of Decathlon, ASO Liberty Mutual - EM2020-12

A motion was made by Council Member Medina, seconded by Council Member Bauters, to reject the claim. The motion carried by the following vote:

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

6.2.8. [ID-2021-037](#) Claim of Fae Bidgoli - EM2020-13

An update was provided.

6.2.9. [ID-2021-038](#) Claim of Barry Hurtford - EM2020-14

An update was provided.

6.3. *CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8***6.3.1. [ID-2021-039](#) Property: 4300 San Pablo Avenue, Emeryville, CA (APN 49-1079-014-01)**

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

Negotiating Parties: City of Emeryville and EAH, Inc.

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

An update was provided and direction given.

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-2021-040](#) 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.

- 7.1.2. [ID-2021-041](#) **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.

8. REPORTING OUT OF CLOSED SESSION

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

9. ADJOURNMENT

The meeting adjourned at 6:30 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