



Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608  
(510) 596-4300 phone  
(510) 450-7831 fax  
[www.emeryville.org](http://www.emeryville.org)

## 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 (Vacant)

City Council

---

Monday, September 13, 2021

4:45 PM

Teleconference

---

#### 1. CALL TO ORDER

The meeting convened via teleconference at 4:45 p.m. and 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 Dianne Martinez  
Vice Mayor Scott Donahue  
Council Member John J. Bauters  
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 REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8*

###### 5.1.1. [ID-2021-425](#)

**Property:** 4300 San Pablo Avenue, Emeryville, CA (APN 49-1079-014-01)

**Agency Negotiators:** Christine Daniel, City Manager; Andrea Visveshwara, Interim City Attorney.

**Negotiating Parties:** City of Emeryville and EAH, Inc.

**Under Negotiations:** Direction regarding price and terms of real

estate negotiations.

There was no reportable action.

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

- 5.2.1. [ID-2021-426](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One Potential Case.

There was no reportable action.

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

- 5.3.1. [ID-2021-427](#) Jon Reed, Laura Berry, Frank Eugene Moore III, Gabriel Smithson, and Where Do We Go Berkeley v. City of Emeryville, et al., U.S.D.C., Case No. 21-cv-2781-YGR

There was no reportable action.

**6. REPORTING OUT OF CLOSED SESSION**

Interim City Attorney Visveshwara reported out on Closed Session as shown above.

**7. ADJOURNMENT**

The meeting adjourned at 5:36 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