



Emeryville City Hall
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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 (Vacant)

City Council / Successor Agency

Tuesday, October 19, 2021

5:45 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 5:46 p.m. and the Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the extension of Brown Act waivers provided for under Assembly Bill 361, and would continue doing so as long as the City Council could make findings that it was necessary in order to protect public safety.

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 AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY

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

5.1.1. [ID-2021-474](#) **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

There was no reportable action.

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-2021-475](#) **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**, 9th Circuit Court of Appeals, Appeal No. 20-72749; WT Docket No. 19-250, RM-11849.

There was no reportable action.

- 6.1.2. [ID-2021-476](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu**
Alameda County Superior Court Case No. RG18897580
9th Circuit Court of Appeals Case No. 20-16177

There was no reportable action.

- 6.1.3. [ID-2021-477](#) **Kortz v. CA Department of Transportation**
Alameda County Superior Court Case No. RG17-849272

There was no reportable action.

- 6.1.4. [ID-2021-482](#) **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

There was no reportable action.

- 6.1.5. [ID-2021-478](#) **Carpiaux v. City of Emeryville**, U.S.D.C., Case No. C21-01285-JSC

There was no reportable action.

- 6.1.6. [ID-2021-479](#) **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.

- 6.1.7. [ID-2021-480](#) **Welch v. Safe Harbor Marinas, LLC, e al.**
Alameda Superior Court Case No. HG21101262

There was no reportable action.

6.1.8. [ID-2021-481](#) Harris v. City of Emeryville, Alameda Superior Court Case No. RG21108217

A motion was made by Council Member Medina, seconded by Vice Mayor Donahue, to authorize the Interim City Attorney to defend the lawsuit. The motion carried by the following vote:

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

7. REPORTING OUT OF CLOSED SESSION

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

8. 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 Emeryville City Council

**/Sheri Hartz/
Sheri Hartz, City Clerk**

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