



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 / Successor Agency / Management of Emeryville  
Services Authority

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Tuesday, November 2, 2021

4:00 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 4:00 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, as would subsequent meetings so 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 / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

##### 5.1. PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYEE EMPLOYMENT, pursuant to Government Code § 54957:

##### 5.1.1. [ID-2021-521](#) Title: City Attorney

Mayor Martinez reported out on the matter listed under Item 5.1.1, stating that no reportable action had been taken.

**6. CLOSED SESSION - CITY OF EMERYVILLE / 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-2021-509](#) 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.

**7. CLOSED SESSION - CITY OF EMERYVILLE**

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

- 7.1.1. [ID-2021-523](#) **Property:** 1121 40th St Unit 5102, Emeryville, CA (APN 049-1546-036)  
**Agency Negotiators:** Christine Daniel, City Manager, Andrea Visveshwara, Interim City Attorney  
**Negotiating Parties:** City of Emeryville, John T Vuong and Mui Thi Ly-Vuong  
**Under Negotiation:** Direction regarding price and terms of real estate negotiations.**

**A motion was made by Council Member Medina, seconded by Mayor Martinez, that the unit not be acquired by the City. The motion carried by the following vote:**

**Ayes** 3 - Mayor Martinez, Vice Mayor Donahue, and Council Member Medina  
**Noes** 1 - Council Member Bauters

**8. REPORTING OUT OF CLOSED SESSION**

Interim City Attorney Visveshwara reported out of Closed Session as shown above, with the exception of Item 5.1.1, for which Mayor Martinez gave the report.

**9. ADJOURNMENT**

The meeting adjourned at 5:54 p.m.

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

**/Sheri Hartz/**

**Sheri Hartz, City Clerk**