



Emeryville City Hall
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CITY OF EMERYVILLE

ACTION MINUTES

City Council Special Closed Session

Members:

Dianne Martinez Mayor
Scott Donahue Vice Mayor
Jac Asher Council Member
Ruth Atkin Council Member
Nora Davis Council Member

Special Closed Session Meeting

Tuesday, October 18, 2016

5:45 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL

Present 5 - Mayor Dianne Martinez, Vice Mayor Scott Donahue, Council Member Jac Asher, Council Member Ruth Atkin, and Council Member Nora Davis

2. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

3. EX PARTE COMMUNICATIONS

4. CLOSED SESSION - CITY OF EMERYVILLE

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

- 4.1.1. [ID-2016-629](#) Joint Test Claim to Commission on State Mandates re: California Water Quality Control Board, San Francisco Region, NPDES Permit No. CAS612008, Order No. RD-2009-0074.
- 4.1.2. [ID-2016-630](#) City of Emeryville v. Andre Carpiaux, Alameda County Superior Court Case No. RG15779330.
- 4.1.3. [ID-2016-631](#) I.A. and C.S., the minor children of Yvette Henderson, et al. v. City of Emeryville, et al., U.S.D.C. Case No. 4:15-CV-04973-DMR.
- 4.1.4. [ID-2016-632](#) Sandra Parrot v. City of Emeryville, et al., Alameda County Superior Court Case No. RG16807125.
- 4.1.5. [ID-2016-633](#) Lovazzano HVAC v. Archstone Emeryville Residential, LLC, et al., Alameda County Superior Court Case No. RG1579834.
- 4.1.6. [ID-2016-634](#) Denise Peterson v. City of Emeryville, Alameda County Superior

Court Case No. RS15780738.

- 4.1.7. [ID-2016-635](#) Shana J. Amenaghawon v. EBMUD, City of Emeryville, et al., Alameda County Superior Court Case No. RG15768023.
- 4.1.8. [ID-2016-636](#) Michael Henderson v. Ross Burruell, U.S. District Court, Northern District, Case No. 16-cv-01088 RMW (PR).
- 4.1.9. [ID-2016-637](#) Claim of Willie & Doris McClinton, Alameda County Superior Court Case No. RG16831352.

Updates were provided on Items 4.1.1. through 4.1.9. There was no action taken.

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

- 3.2.1. [ID-2016-638](#) Claim of Ann Finger - EM2016-03.
- 3.2.2. [ID-2016-639](#) Claim of Evan Lomax and Chandra Bankston - EM2016-09.
- 3.2.3. [ID-2016-640](#) Claim of Judy Inouye - EM2016-11.
- 3.2.4. [ID-2016-641](#) Claim of Michael Smith - EM2016-12.
- 3.2.5. [ID-2016-642](#) Claim of Kathleen Babcock - EM2016-13.
- 3.2.6. [ID-2016-643](#) Claim of Carol Wilson - EM2016-14.
- 3.2.7. [ID-2016-644](#) Claim of Eugene Baah - EM2016-15.

Updates were provided on Items 3.2.1. through 3.2.7. There was no action taken.

**3.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION,
INITIATION OF LITIGATION, pursuant to Government Code Section 54956.9(d)(4)**

- 3.3.1. [ID-2016-645](#) City of Emeryville v. Estate of Maximillian Monroy-Miller.

A motion was made by Council Member Davis, seconded by Council Member Asher to authorize the City Attorney \$434,000 to pursue purchase of the BMR (Below Market Rate) unit.

Ayes: 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

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

- 3.4.1. [ID-2016-646](#) Property: 3600, 3610 & 3620 San Pablo Avenue, Emeryville, CA

(APN 049-950-1; 049-950-6-1; 049-950-8-1)

Agency Negotiators: Carolyn Lehr; City Manager; Michael Guina, City Attorney

Negotiating Partners: City of Emeryville and Adlai Karim

Under Negotiations: Direction regarding price and terms of acquisition of property.

- 3.4.2.** [ID-2016-647](#) Property: Proposed Pedestrian Easement Between 53rd Street to 55th Street (APN: 049-1184-013, 049-1041-018-01; 049-1041-069; 049-1041-072)

Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney

Negotiating Partners: City of Emeryville, HFH, Ltd., a California limited partnership (Throughbred - Andy Getz/Property Owner), California Syrup & Extract Co. (Pickleworks - Ron Mooney/Property Owner); and Fordham Properties (Ron Silberman)

Under Negotiations: Direction regarding price and terms of acquisition of property.

- 3.4.3.** [ID-2016-648](#) Property: Union Pacific Railroad Milepost 3.93 (Martinez Subdivision)

Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.

Negotiating Parties: City of Emeryville, Union Pacific Railroad

Under Negotiations: Direction regarding price and terms of acquisition of property.

- 3.4.4.** [ID-2016-649](#) Property: APN 049-1525-002 (Emeryville Marina)

Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.

Negotiating Parties: Emeryville Marina, LLC

Under Negotiations: Direction regarding price and terms of acquisition of property

Updates were provided on Items 3.4.1. through 3.4.4. There was no action taken.

4. REPORTING OUT OF CLOSED SESSION

City Attorney Michael Guina reported out of closed session as shown above.

5. ADJOURNMENT

The Closed Session adjourned at 7:00 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