



Emeryville City Hall
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CITY OF EMERYVILLE

ACTION MINUTES

City Council Special Closed Session

Members:

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

Tuesday, April 18, 2017

5:45 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL

The meeting was called to order at 5:45 p.m.

Present 5 - Mayor Scott Donahue, Vice Mayor John Bauters, Council Member Dianne Martinez, Council Member Ally Medina, and Council Member Christian R. Patz

2. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

3. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

4. CLOSED SESSION - CITY OF EMERYVILLE

City Council met in Closed Session at 5:46 p.m.

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

- 4.1.1. [ID-2017-239](#) 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.

An update was provided.

- 4.1.2. [ID-2017-240](#) Andre Carpiaux v. City of Emeryville, Alameda County Superior Court Case No. RG15779330.

An update was provided.

- 4.1.3. [ID-2017-241](#) 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.

The City's insurer has reached settlement with Plaintiffs, with a settlement amount to be paid to Plaintiffs in the amount of \$210,00. Plaintiffs will dismiss the case with prejudice, with each party to bear its own costs and fees. The Plaintiffs also waive their rights to pursue any future claims arising out of this set of facts pursuant to the Civil Code.

- 4.1.4. [ID-2017-242](#) Sandra Parrot v. City of Emeryville, et al., Alameda County Superior Court Case No. RG16807125.

An update was provided.

- 4.1.5. [ID-2017-243](#) Willie & Doris McClinton v. City of Emeryville, Alameda County Superior Court Case No. RG16831352.

An update was provided.

- 4.1.6. [ID-2017-246](#) California Restaurant Association v. City of Emeryville, U.S. District Court, Northern District, Case No. 16-cv-06660KAW

An update was provided.

- 4.1.7. [ID-2017-247](#) Carol Wilson v. City of Oakland, et al., Alameda Couhnty Superior Court Case No. RS17848661.

An update was provided.

- 4.1.8. [ID-2017-248](#) Kathleen Babcock v. City of Emeryville, et al., Alameda County Superior Court Case No. RG17849874.

An update was provided.

**4.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
PENDING CLAIMS - Government Code Section 54956.9(d)(3).**

- 4.2.1. [ID-2017-244](#) Claim of Ann Finger - EM2016-3

An update was provided.

- 4.2.2. [ID-2017-245](#) Claim of Eugene Baah - EM2016-15
State of California, Department of Fair Employment and Housing v.
City of Emeryville, et al., DFEH No. 794689-257895

An update was provided.

- 4.2.3. [ID-2017-249](#) Claim of Derrick Childs - EM2016-16

An update was provided.

- 4.2.4. [ID-2017-250](#) Claim of Laura Penna - EM2016-17

An update was provided.

- 4.2.5. [ID-2017-251](#) Claim of Jahlee Arakaki - EM2016-18

An update was provided.

- 4.2.6. [ID-2017-252](#) Claim of Efrain Amado - EM2016-19

An update was provided.

- 4.2.7. [ID-2017-253](#) Claim of Aaron Nakahara - EM2016-20

An update was provided.

- 4.2.8. [ID-2017-254](#) Claim of Debkishore Mitra - EM2017-2

An update was provided.

- 4.2.9. [ID-2017-255](#) Claim of Jessie Reed - EM2017-3

An update was provided.

- 4.2.10. [ID-2017-256](#) Claim of heirs of Mahin Ashki - EM2017-4

An update was provided.

- 4.2.11. [ID-2017-257](#) State of California, Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE), Juanita Oribello v. Emeryville Senior Center, State Case No. 46359-SACRCI

An update was provided.

- 4.2.12. [ID-2017-258](#) Claim of Michael Henderson - EM2017-7

An update was provided.

4.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, INITIATION OF LITIGATION, pursuant to Government Code Section 54956.9 (d) (4)

- 4.3.1. [ID-2017-259](#) City of Emeryville v. Estate of Maximillian Monroy-Miller.

An update was provided.

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

- 4.4.1. [ID-2017-260](#) 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.

An update was provided.

- 4.4.2.** [ID-2017-261](#) 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.

An update was provided.

- 4.4.3.** [ID-2017-262](#) 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.

An update was provided and direction given.

- 4.4.4.** [ID-2017-263](#) 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

An update was provided.

- 4.4.5.** [ID-2017-264](#) Property: 3706 San Pablo/1025 West MacArthur Blvd (APN's 012-0951-011, 049-0951-004-02, 049-0951-005-01, 049-0951-006-01)
Agency Negotiators: Carolyn Lehr, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville, EAH
Under Negotiations: Direction regarding price and terms of real

estate negotiations.

An update was provided.

- 4.4.6.** [ID-2017-265](#) Property: PG&E Buildings “A” and “G” (APN 49-1032-14; 49-1032-013);
Agency Negotiator: Carolyn Lehr, City Manager; Michael Guina, City Attorney
Negotiating Parties: Pacific Gas & Electric, City of Emeryville
Under Negotiation: Direction regarding price and terms for real estate negotiations.

An update was provided.

4.5. CONFERENCE WITH LABOR NEGOTIATORS, pursuant to Government Code Section 54957.6:

- 4.5.1.** **ID-2017-266** Agency Designated Representatives: Carolyn Lehr, City Manager; Lisa Lopez, Human Resources Manager; Darrell Murray, IEDA; Michael Guina, City Attorney
Employee Organization: Emeryville Police Officers Association (EPOA)

An update was provided and direction given to Agency negotiators..

5. REPORTING OUT OF CLOSED SESSION

City Attorney Guina reported out of Closed Session at 7:15 p.m. as shown above.

6. ADJOURNMENT

The meeting adjourned at 7:17 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**