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CITY OF EMERYVILLE

ACTION MINUTES

Special Closed Session

Members:

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

City Council / Successor Agency

Tuesday, October 16, 2018

5:15 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

Present: 4 - Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Christian R. Patz
Absent: 1 - Council Member Dianne Martinez

Council Member Martinez joined the Closed Session at 5:45 p.m.

3. EX PARTE COMMUNICATIONS

There were no ex parte communication reported.

4. PUBLIC COMMENT (on Closed Session Items)

There we no comments made.

5. CLOSED SESSION - CITY OF EMERYVILLE AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY / CITY OF EMERYVILLE

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

5.1.1. [ID-2018-572](#)

Property: 5885 Horton Street, Emeryville, CA.

Agency Negotiators: Christine Daniel, City Manager; Michael Guina, City Attorney.

Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation, Wareham Development Corporation, and ZAR Development Corporation

Under Negotiations: Direction regarding price and terms of real estate negotiations.

An update was provided.

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-2018-560](#) **Farhad Abad, et. al. v. U.S. Foods, Inc. et. al.** - Alameda Superior Court Case No. RG17856272

An update was provided.

- 6.1.2. [ID-2018-561](#) **Michael Guina v. Marilyn Smith** - Alameda Superior Court Case No. RG18887782

An update was provided.

- 6.1.3. [ID-2018-562](#) **MN Group dba Green Door v. City of Emeryville, et. al.,** Alameda County Superior Court Case No. RG18893293

An update was provided.

- 6.1.4. [ID-2018-563](#) **Raq Bey v. City of Emeryville Police Department** - Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.1.5. [ID-2018-564](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu** - Alameda County Superior Court Case No. RG18897580

An update was provided.

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

- 6.2.1. [ID-2018-565](#) **Claim of Sunday Parker** - EM2018-6

An update was provided.

- 6.2.2. [ID-2018-566](#) **Claim of Jessica West** - EM2018-8

An update was provided.

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

- 6.3.1. [ID-2018-567](#) **Property:** 3600, 3610 & 3620 San Pablo Avenue, Emeryville, CA (APN 049-950-1; 049-950-6-1; 049-950-8-1)
Agency Negotiators: Christine Daniel, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville and Adlai Karim
Under Negotiations: Direction regarding price and terms of acquisition of property.

An update was provided.

- 6.3.2. [ID-2018-568](#)** **Property:** Union Pacific Railroad Milepost 3.93 (Martinez Subdivision)
Agency Negotiators: Christine Daniel, 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.

- 6.3.3. [ID-2018-569](#)** **Property:** 4060 Hollis Street (APN 049-0618-004-00)
Agency Negotiators: Christine Daniel, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville and Orton Development, Inc.
Under Negotiations: Direction regarding price and terms of real estate negotiations.

An update was provided.

- 6.3.4. [ID-2018-570](#)** **Property:** Corner of Sherwin Avenue and Halleck Street, UPPR Parcel D (APN 049-1041-026-16)
Agency Negotiators: Christine Daniel, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville and SWACE, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations.

An update was provided. Mayor Bauters was recused due to the proximity of the project to his residence.

6.4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION - Government Code Section 54956.9(d)(4) – Three potential cases

An update was provided on two of the cases; an update was provided and direction given on one case.

7. REPORTING OUT OF CLOSED SESSION

City Attorney Guina reported out of Closed Session as shown above.

8. ADJOURNMENT

The meeting adjourned at 6:05 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

The meeting was called to order at 5:15 p.m.