



Emeryville City Hall
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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

Monday, December 10, 2018

6:00 PM

Council Chambers

1. CALL TO ORDER

The meeting called to order at 6:00 p.m.

2. ROLL CALL

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

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

5.1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

5.1.1. [ID-2018-634](#) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: One Potential Case.

A motion was made by Council Member Donahue, seconded by Vice Mayor Medina, to authorize the City Attorney to initiate litigation in this matter. The motion carried by the following vote:

Ayes 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Patz

5.1.2. [ID-2018-655](#) Anticipated Litigation, pursuant to paragraph (2) of subdivision (d) of Government Code 54956.9: **Kortz v. CA Department of Transportation**, Alameda County Superior Court Case No.

RG17-849272

A motion was made by Vice Mayor Medina, seconded by Council Member Martinez, to reject the tender of defense from CalTrans. The motion carried by the following vote:

Ayes 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Patz

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

**5.2.1. [ID-2018-653](#) Farhad Abad, et. al. v. U.S. Foods, Inc. et. al.
Alameda Superior Court Case No. RG17856272**

Claims of heirs of Mahin Ashki - EM2017-4

Claim of Farhad Abad

Claim of Keemia Abad

Claim of Arianna Abad

Claim of the Estate of Mahin Ashki

An update was provided.

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

5.3.1. [ID-2018-654](#) **Property: Public Right of Way adjacent to 1411 Powell Street (APN 49-1318-1-1)
Agency Negotiators: Christine Daniel City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville and AT&T
Under Negotiations: Direction regarding price and terms of real estate negotiations.**

An update was provided.

6. REPORTING OUT OF CLOSED SESSION

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

7. ADJOURNMENT

The meeting adjourned at 6:21 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