



Emeryville City Hall  
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## CITY OF EMERYVILLE

### ACTION MINUTES

#### Special Closed Session

Members:

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

City Council

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Tuesday, April 2, 2019

6:15 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 6:17 p.m.

#### 2. ROLL CALL

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

#### 3. EX PARTE COMMUNICATIONS

No ex parte communications were reported, however Council Member Bauters recused himself from Item 5.3.3 due to the proximity of his residence to the project area.

#### 4. PUBLIC COMMENT (on Closed Session Items)

John Bauters spoke as a member of the public regarding Closed Session Item 5.3.3, stating that the Park Avenue Committee had productive conversations with the developer regarding the site plan, and asked staff to insure that security be enforced by Lennar, especially in relation to fencing, security cameras and sub-contractor parking.

#### 5. CLOSED SESSION - CITY OF EMERYVILLE

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

5.1.1. [ID-2019-134](#) **Michael Guina v. Marilyn Smith** - Alameda Superior Court Case No. RG18887782

An update was provided.

- 5.1.2. [ID-2019-135](#) **MN Group dba Green Door v. City of Emeryville, et. al.**,  
Alameda County Superior Court Case No. RG18893293  
An update was provided.
- 5.1.3. [ID-2019-136](#) **Raq Bey v. City of Emeryville Police Department** - Alameda  
County Superior Court Case No. RG18897580  
An update was provided.
- 5.1.4. [ID-2019-137](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd,  
Dino Cristiani, Andrew Yu** - Alameda County Superior Court  
Case No. RG18897580  
An update was provided.
- 5.1.5. [ID-2019-123](#) **AT&T Services, Inc. v. Federal Communications, et al. (and  
related cases)**, D.C. Circuit Court of Appeals, Case Nos.  
18-1294 (consolidated w/ 18-1305, 18-1325 and 18-1330),  
18-1305, 18-1326, 18-1330  
An update was provided.
- 5.1.6. [ID-2019-138](#) **City of Emeryville v. 1270 64th Street (Laura Baldaree)** -  
Alameda County Superior Court Case No. RG19002032  
An update was provided.
- 5.1.7. [ID-2019-124](#) **City of Emeryville v. John Nady, Trustee, Nady Trust dated  
January 21, 1997, et al.** - Alameda Superior Court Case No.  
RG18924766  
An update was provided.
- 5.2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: PENDING  
CLAIMS - Government Code Section 54956.9(b)(3)(c).**
- 5.2.1. [ID-2019-139](#) **Claim of Jessica West** - EM2018-8  
An update was provided.
- 5.2.2. [ID-2019-125](#) **Claim of Anju Bhatta** - EM2018-9  
An update was provided.
- 5.2.3. [ID-2019-126](#) **Kortz v. CA Department of Transportation, Alameda County  
Superior Court Case No. RG17-849272**  
An update was provided.
- 5.2.4. [ID-2019-127](#) **Claim of CalTrans** - EM2018-11A  
An update was provided.
- 5.2.5. [ID-2019-128](#) **Claim of Jeanne Kortz** - EM2018-11B

An update was provided.

**5.2.6. [ID-2019-129](#) Claim of Douglas Eng - EM2019-01**

An update was provided.

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

**5.3.1. [ID-2019-130](#) **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.

**5.3.2. [ID-2019-131](#) **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.

**5.3.3. [ID-2019-132](#) **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 LMV II Emeryville Holdings, LP

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

Council Member Bauters recused himself from participation in the item due to the proximity of his residence to the project area.

An update was provided and direction given.

**6. REPORTING OUT OF CLOSED SESSION**

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

**7. ADJOURNMENT**

The meeting adjourned at 7:02 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**