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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 / Management of Emeryville Services Authority /
City of Emeryville as Successor Agency to the Emeryville
Redevelopment Agency

Tuesday, July 23, 2019

5:30 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 5:30 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

Council Members disclosed having received an email communication from Miroo Desai regarding Item 5.1.

4. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

5. CLOSED SESSION - CITY OF EMERYVILLE / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY

5.1. CONFERENCE WITH LABOR NEGOTIATORS, pursuant to Government Code Section 54857.6:

- 5.1.1. [ID-2019-381](#) **Agency Designated Representatives:** Christine Daniel, City Manager; Lisa Lopez, Human Resources Director; Michael Guina, City Attorney
Employee Organization: Service Employees International Union (SEIU), Local 1021
An update was provided.

6. CLOSED SESSION - CITY OF EMERYVILLE

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

- 6.1.1. [ID-2019-383](#) **Property: Public Right of Way City Wide**
Agency Negotiators: Christine Daniel, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville and GTE Mobilenet of California Limited Partnership, a California limited partnership, d/b/a Verizon Wireless ("Verizon")
Under Negotiations: Direction regarding price and terms of acquisition of property.

An update was provided and direction given.

- 6.1.2. [ID-2019-384](#) **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 and direction given.

- 6.1.3. [ID-2019-382](#) **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 and direction given.

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

- 6.2.1. [ID-2019-385](#) **Michael Guina v. Marilyn Smith** - Alameda Superior Court Case No. RG18887782

An update was provided.

- 6.2.2. [ID-2019-386](#) **MN Group dba Green Door v. City of Emeryville, et. al.**, Alameda County Superior Court Case No. RG18893293

An update was provided.

- 6.2.3. [ID-2019-387](#) **Raq Bey v. City of Emeryville Police Department** - Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.2.4. [ID-2019-388](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu** - Alameda County Superior Court Case No. RG18897580

An update was provided.

- 6.2.5. [ID-2019-389](#) **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.

- 6.2.6. [ID-2019-390](#) **City of Emeryville v. 1270 64th Street (Laura Baldaree)** - Alameda County Superior Court Case No. RG19002032

An update was provided.

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

- 6.3.1. [ID-2019-391](#) **Claim of Anju Bhatta** - EM2018-9

An update was provided.

- 6.3.2. [ID-2019-392](#) **Kortz v. CA Department of Transportation, Alameda County Superior Court Case No. RG17-849272**

An update was provided.

- 6.3.3. [ID-2019-393](#) **Claim of CalTrans** - EM2018-11A

An update was provided.

- 6.3.4. [ID-2019-394](#) **Claim of Jeanne Kortz** - EM2018-11B

An update was provided.

- 6.3.5. [ID-2019-395](#) **Claim of Douglas Eng** - EM2019-01

An update was provided.

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

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

- 7.1.1. [ID-2019-396](#) **Successor Agency to the Redevelopment Agency of the City of Emeryville v. California Department of Finance, et. al.** - Sacramento County Superior Court, Case No. 34-2019-80003149

An update was provided.

8. REPORTING OUT OF CLOSED SESSION

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

9. ADJOURNMENT

The meeting adjourned at 7:12 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