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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 / City Of Emeryville As Successor Agency To The
Emeryville Redevelopment Agency

Tuesday, November 19, 2019

5:00 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m.

2. ROLL CALL

Council Member Bauters participated in the meeting via teleconference from a noticed, publicly accessible location, as noted on the agenda.

Present: 4 - Mayor Ally Medina
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Dianne Martinez

Absent: 1 - Vice Mayor Christian R. Patz

Vice Mayor Patz joined the meeting at 5:12 p.m.

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 REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8*

5.1.1. [ID-2019-549](#) **Property:** 4060 Hollis Street (APN 049-0618-004-00)
City Hall Parking Lot (APNs 049-0618-002-02, 049-0618-003-00, 049-0618-029-00)
Agency Negotiators: Christine Daniel, City Manager; Michael

Guina, City Attorney.

Negotiating Parties: City of Emeryville and Orton Development, Inc., and Besler Building Owners Association.

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

An update was provided and direction given.

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

5.1.2. [ID-2019-550](#)

Property: Public Right of Way City Wide

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

Negotiating Parties: City of Emeryville and New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company managed by AT&T Mobility, Corporation (AT&T)

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

An update was provided and direction given.

5.1.3. [ID-2019-551](#)

Property: APN 049-1554-07 (3801 San Pablo Avenue, #310, Emeryville, CA 94608)

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

Negotiating Parties: City of Emeryville, Chutharat Saw-tong

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

An update was provided and direction given.

5.1.4. [ID-2019-552](#)

Property: APN 049-1544-06, APN 049-1544-05, APN 049-1544-1-1

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

Negotiating Parties: City of Emeryville and BRE-BMR 53rd LP

Under Negotiations: Direction regarding price and terms of Real Estate Negotiation.

An update was provided.

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

5.2.1. [ID-2019-553](#) Michael Guina v. Marilyn Smith - Alameda Superior Court Case

No. RG18887782

An update was provided.

- 5.2.2. [ID-2019-554](#) **Raq Bey v. City of Emeryville Police Department** - Alameda County Superior Court Case No. RG18897580

An update was provided.

- 5.2.3. [ID-2019-555](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu** - Alameda County Superior Court Case No. RG18897580

An update was provided.

- 5.2.4. [ID-2019-556](#) **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.

- 5.2.5. [ID-2019-557](#) **City of Emeryville v. 1270 64th Street (Laura Baldaree)** - Alameda County Superior Court Case No. RG19002032

An update was provided.

- 5.2.6. [ID-2019-558](#) **Kortz v. CA Department of Transportation, Alameda County Superior Court Case No. RG17-849272**
Claim of Jeanne Kortz, EM2018-11B

An update was provided.

- 5.2.7. [ID-2019-569](#) **The Successor Agency to the Former Emeryville Redevelopment Agency and the City of Emeryville v. Swagelok Company, et. al., U.S.D.C., Case No. 17-CV-00308-WHO**

An update was provided.

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

- 5.3.1. [ID-2019-559](#) **Claim of Pamela Newton** - EM 2019-03

An update was provided.

- 5.3.2. [ID-2019-560](#) **Claim of CalTrans** - EM2018-11A

An update was provided.

- 5.3.3. [ID-2019-561](#) **Claim of Roberto Pasillas** - EM 2019-06

A motion was made by Council Member Bauters, seconded by

Mayor Medina, to authorize rejection of this claim. The motion carried by the following vote:

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

5.3.4. [ID-2019-562](#) Claim of State Farm a/s/o Kenny Louie - EM2019-04B

An update was provided.

5.3.5. [ID-2019-563](#) Claim of Cynthia D. Cornelius - EM2019-07

An update was provided.

5.3.6. [ID-2019-564](#) Claim of Arcelio Reybol - EM2019-08

A motion was made by Mayor Medina, seconded by Council Member Donahue, to authorize rejection of this claim. The motion carried by the following vote:

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

5.3.7. [ID-2019-565](#) Claim of Elizabeth Harvey Roberts, - EM2019-10

An update was provided.

5.3.8. [ID-2019-566](#) Claim of Hector Hernandez - EM2019-11

A motion was made by Council Member Donahue, seconded by Vice Mayor Patz, to authorize rejection of this claim. The motion carried by the following vote:

Ayes 4 - Mayor Medina, Vice Mayor Patz, Council Member Donahue, and Council Member Martinez

Abstain 1 - Council Member Bauters

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

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

6.1.1. [ID-2019-567](#) 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.

6.1.2. [ID-2019-568](#) The Successor Agency to the Former Emeryville Redevelopment Agency and the City of Emeryville v. Swagelok Company, et. al., U.S.D.C., Case No. 17-CV-00308-WHO

An update was provided.

7. REPORTING OUT OF CLOSED SESSION

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

8. ADJOURNMENT

The meeting adjourned at 6:08 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