



Emeryville City Hall
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CITY OF EMERYVILLE
ACTION MINUTES
Special Closed Session

Members:

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

City Council / Successor Agency
--AMENDED--

Tuesday, April 20, 2021

5:15 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 5:15 p.m. The Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Order in response to the COVID-19 State of Emergency.

2. ROLL CALL

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

Council Member Medina joined the meeting at 5:18 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 LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(a):

5.1.1. [ID-2021-167](#) In the Matter of Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the

Spectrum Act of 2012, WT Docket No. 19-250, RM-11849. 9th Circuit Court of Appeals, Appeal No. 20-72749

An update was provided.

5.1.2. [ID-2021-168](#) Raq Bey v. City of Emeryville Police Department

Alameda County Superior Court Case No. RG18897580

An update was provided.

5.1.3. [ID-2021-169](#) Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu

Alameda County Superior Court Case No. RG18897580

An update was provided.

5.1.4. [ID-2021-170](#) Kortz v. CA Department of Transportation

Alameda County Superior Court Case No. RG17-849272

An update was provided.

5.1.5. [ID-2021-171](#) 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.

5.1.6. [ID-2021-172](#) Carpiaux v. City of Emeryville, U.S.D.C., Case no. C21-01285-JSC

A motion was made by Mayor Martinez, seconded by Council Member Medina, to authorize the City Attorney to defend the litigation against the City. The motion carried by the following vote:

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

5.1.7. [ID-2021-214](#) Jon Reed, Laura Berry, Frank Eugene Moore III, Gabriel Smithson, and Where Do We Go Berkeley v. City of Emeryville, et al., U.S.D.C., Case No. 21-cv-2781-YGR

A motion was made by Council Member Medina, seconded by Vice Mayor Donahue, to authorize the City Attorney to defend the litigation against the City and City officials. The motion carried by the following vote:

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

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

5.2.1. [ID-2021-173](#) Claim of Bhaskar Welch - EM2019-12

An update was provided.

5.2.2. [ID-2021-174](#) Claim of Parminder Dhingra - EM2020-05

An update was provided.

5.2.3. [ID-2021-175](#) Claim of Gerthina Harris - EM2020-09

An update was provided.

5.2.4. [ID-2021-176](#) Claim of Michelle Lamphere, ASO The Hartford - EM2020-11

An update was provided.

5.2.5. [ID-2021-177](#) Claim of Decathlon, ASO Liberty Mutual - EM2020-12

An update was provided.

5.2.6. [ID-2021-178](#) Claim of Fae Bidgoli - EM2020-13

An update was provided.

5.2.7. [ID-2021-179](#) Claim of Barry Hurtford - EM2020-14

A motion was made by Council Member Bauters, seconded by Mayor Martinez, authorizing denial of the claim. The motion carried by the following vote:

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

5.3. *CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8***5.3.1. [ID-2021-180](#) **Property:** 4300 San Pablo Avenue, Emeryville, CA (APN 49-1079-014-01)**

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

Negotiating Parties: City of Emeryville and EAH, Inc.

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

An update was provided.

5.3.2. [ID-2021-181](#) **Property: 4060 Hollis Street, Emeryville, CA (APN 049-0618-004-00) City Hall Parking Lot (APNs 049-0618-002-02, 049-0618-003-00, 049-0618-029-00) City Hall Parcel (APN 049-618-001, 049-618-002)**

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-2021-198](#)** **Property:** That Property Located Between Folger Avenue and 67th Street, Emeryville CA (APN 49-1513-0101)
Agency Negotiators: Christine Daniel, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville, LBA RIV-Company XII, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations.
An update was provided.

- 5.3.4. [ID-2021-207](#)** **Property:** 1500 Park Avenue, #322, Emeryville, CA (APN 049-1035-097)
Agency Negotiators: Christine Daniel, City Manager; Michael Guina, City Attorney.
Negotiating Parties: City of Emeryville, Rob Arias, Jr.
Under Negotiations: Direction regarding price and terms of real estate negotiations.

A motion was made by Council Member Bauters, seconded by Vice Mayor Donahue, to authorize purchase of the unit. The motion carried by the following vote:

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

6. CLOSED SESSION - CITY OF EMERYVILLE / 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-2021-182](#)** **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-2021-183](#)** **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 6:43 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