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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 (Vacant)

City Council / Successor Agency / Management of Emeryville
Services Authority

Tuesday, July 20, 2021

4:00 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 4:01 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: 4 - Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina

3. EX PARTE COMMUNICATIONS

Mayor Martinez stated that she had conferred with the Vice Mayor regarding the matter listed under Item 7.1.1.

4. PUBLIC COMMENT (on Closed Session Items)

There were no comments made.

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

5.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):

5.1.1. [ID-2021-371](#) 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

There was no reportable action on this matter.

- 5.1.2. [ID-2021-372](#) **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
Third District Court of Appeal, Case No. C091999
There was no reportable action on this matter.

6. CLOSED SESSION - CITY OF EMERYVILLE

6.1. *CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):*

- 6.1.1. [ID-2021-373](#) **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,** 9th Circuit Court of Appeals, Appeal No. 20-72749; WT Docket No. 19-250, RM-11849.

There was no reportable action on this matter.

- 6.1.2. [ID-2021-374](#) **Raq Bey v. Jared Malec, Kevin Goodman, Ronald Shepherd, Dino Cristiani, Andrew Yu**
Alameda County Superior Court Case No. RG18897580
9th Circuit Court of Appeals Case No. 20-16177

There was no reportable action on this matter.

- 6.1.3. [ID-2021-375](#) **Kortz v. CA Department of Transportation**
Alameda County Superior Court Case No. RG17-849272

There was no reportable action on this matter.

- 6.1.4. [ID-2021-376](#) **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

There was no reportable action on this matter.

- 6.1.5. [ID-2021-377](#) **Carpiaux v. City of Emeryville,** U.S.D.C., Case No. C21-01285-JSC

There was no reportable action on this matter.

- 6.1.6. [ID-2021-378](#) **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

There was no reportable action on this matter.

6.1.7. [ID-2021-379](#) Welch v. Safe Harbor Marinas, LLC, et al.

Alameda Superior Court Case No. HG21101262

A motion was made by Council Member Bauters, seconded by Mayor Martinez, to authorize the City Attorney to defend this lawsuit. The motion carried by the following vote:

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

6.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8**6.2.1. [ID-2021-380](#) **Property:** 1500 Park Avenue, #322, Emeryville, CA (APN 049-1035-097)**

Agency Negotiators: Christine Daniel, City Manager; Andrea Visveshwara, Interim City Attorney.

Negotiating Parties: City of Emeryville, Rob Arias, Jr.

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

There was no reportable action on this matter which is related to Item 10.7 on the regular meeting agenda.

7. CLOSED SESSION - CITY OF EMERYVILLE / MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY**7.1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Government Code Section 54957:****7.1.1. [ID-2021-381](#) Title: City Manager**

Mayor Martinez stated that there was no reportable action on this matter.

8. REPORTING OUT OF CLOSED SESSION

Interim City Attorney Visveshwara reported out on Closed Session as shown above, with the exception of Item 7.1.1, upon which matter Mayor Martinez gave the report.

9. ADJOURNMENT

The meeting adjourned at 5:12 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