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CITY OF EMERYVILLE

ACTION MINUTES

Special Closed Session

Members:

Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

City Council / Successor Agency /
Management of Emeryville Services Authority

Tuesday, January 18, 2022

4:45 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 4:46 p.m. and the Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the extension of Brown Act waivers provided for under Assembly Bill 361, as would subsequent meetings so long as the City Council could make findings that it was necessary in order to protect public safety and the Governor's declared emergency remained in effect.

2. ROLL CALL

Present: 5 - Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

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 AS SUCCESSOR AGENCY TO THE EMERYVILLE REDEVELOPMENT AGENCY

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

- 5.1.1. [ID-2022-037](#) 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

Direction was provided. There was no reportable action taken.

6. CLOSED SESSION - CITY OF EMERYVILLE

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

- 6.1.1. [ID-2022-038](#) 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.

Direction was provided. There was no reportable action taken.

- 6.1.2. [ID-2022-039](#) Kortz v. CA Department of Transportation
Alameda County Superior Court Case No. RG17-849272

Direction was provided. There was no reportable action taken.

- 6.1.3. [ID-2022-040](#) 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

Direction was provided. There was no reportable action taken.

- 6.1.4. [ID-2022-041](#) Carpiaux v. City of Emeryville, U.S.D.C., Case No. C21-01285-JSC

Direction was provided. There was no reportable action taken.

- 6.1.5. [ID-2022-042](#) 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

Direction was provided. There was no reportable action taken.

- 6.1.6. [ID-2022-043](#) Welch v. Safe Harbor Marinas, LLC, e al., Alameda Superior Court Case No. HG21101262

Direction was provided. There was no reportable action taken.

- 6.1.7. [ID-2022-044](#) Harris v. City of Emeryville, Alameda Superior Court Case No. RG21108217

Direction was provided. There was no reportable action taken.

- 6.1.8. [ID-2022-045](#) Barry Hurford v. City of Emeryville, Alameda Superior Court Case No. RG1112527

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

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

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

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

7.1.1. [ID-2022-046](#) Property: 5959 Horton Street, Emeryville, CA (Amtrak Station Parcel)
APN: 049-1325-001-02
Agency Negotiators: Christine Daniel, City Manager/Executive Director, Andrea Visveshwara, Interim City Attorney/Interim General Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak); Emery Station West, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations.

Direction was provided. There was no reportable action taken.

7.1.2. [ID-2022-047](#) Property: APN: 049-1325-001-04 Platform Parcel 4
Agency Negotiators: Christine Daniel, City Manager/Executive Director, Andrea Visveshwara, Interim City Attorney/Interim General Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak)
Under Negotiations: Direction regarding price and terms of real estate negotiations.

Direction was provided. There was no reportable action taken.

7.1.3. [ID-2022-048](#) Property: APN: 049-1325-002 Platform Parcel 3
Agency Negotiators: Christine Daniel, City Manager/Executive Director, Andrea Visveshwara, Interim City Attorney/Interim General Counsel
Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, National Railroad Passenger Corporation (Amtrak)
Under Negotiations: Direction regarding price and terms of real estate negotiations.

Direction was provided. There was no reportable action taken.

7.1.4. [ID-2022-049](#) Property: 59th Street Extension (Portion)
Agency Negotiators: Christine Daniel, City Manager/Executive

Director, Andrea Visveshwara, Interim City Attorney/Interim General Counsel

Negotiating Parties: City of Emeryville, City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, Emery Station West, LLC

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

Direction was provided. There was no reportable action taken.

8. CLOSED SESSION - CITY OF EMERYVILLE

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

8.1.1. [ID-2022-050](#) Property: APN: 049-1489-16 Platform Parcel 2
Agency Negotiators: Christine Daniel, City Manager, Andrea Visveshwara, Interim City Attorney
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak)
Under Negotiation: Direction regarding price and terms of real estate negotiations.

Direction was provided. There was no reportable action taken.

8.1.2. [ID-2022-051](#) Property: APN: 049-1489-010-05 Platform Parcel 1
Agency Negotiators: Christine Daniel, City Manager, Andrea Visveshwara, Interim City Attorney
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak)
Under Negotiation: Direction regarding price and terms of real estate negotiations.

Direction was provided. There was no reportable action taken.

8.1.3. [ID-2022-052](#) Property: APN 049-1489-015 (Portion) (Bus Bays and Parking Spaces)
Agency Negotiators: Christine Daniel, City Manager, Andrea Visveshwara, Interim City Attorney
Negotiating Parties: City of Emeryville, Emery Station West, LLC
Under Negotiation: Direction regarding price and terms of real estate negotiations.

Direction was provided. There was no reportable action taken.

8.1.4. [ID-2022-053](#) Property: APN 049-1489-015 (Portion) (Bus Bays)
Agency Negotiators: Christine Daniel, City Manager, Andrea Visveshwara, Interim City Attorney
Negotiating Parties: City of Emeryville, National Railroad Passenger Corporation (Amtrak), Alameda-Contra Costa Transit District

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

Direction was provided. There was no reportable action taken.

- 8.1.5. [ID-2022-054](#)** 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; Andrea Visveshwara, Interim City Attorney.
Negotiating Parties: City of Emeryville, 4060 Hollis Street, LLC
Under Negotiations: Direction regarding price and terms of real estate negotiations
Direction was provided. There was no reportable action taken.

- 8.1.6. [ID-2022-055](#)** Property: 4300 San Pablo Avenue, Emeryville, CA (APN 49-1079-014-01)
Agency Negotiators: Christine Daniel, City Manager; Andrea Visveshwara, Interim City Attorney.
Negotiating Parties: City of Emeryville and EAH, Inc.
Under Negotiations: Direction regarding price and terms of real estate negotiations.
Direction was provided. There was no reportable action taken.

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

9.1. *PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYEE EMPLOYMENT, pursuant to Government Code Section 54957:*

- 9.1.1. [ID-2022-060](#)** City Attorney

Direction was provided. There was no reportable action taken.

10. REPORTING OUT OF CLOSED SESSION

Interim City Attorney Visveshwara reported out on Closed Session as shown above, with the exception of Item 9.1.1, upon which Mayor Bauters reported.

11. ADJOURNMENT

The meeting adjourned at 6:38 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council / City Council as Successor Agency to the Emeryville Redevelopment Agency / Management of Emeryville Services Authority.

**/Sheri Hartz/
Sheri Hartz, City Clerk**