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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 / City as Successor Agency to the Emeryville
Redevelopment Agency

Tuesday, July 5, 2022

6:45 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 6:45 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 / 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-2022-148](#) 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

A motion was made by Council Member Donahue, seconded by Council Member Welch, to accept a Settlement Agreement which included the following terms: a lump sum cash payment to the Successor Agency of \$33 million dollars, a "structured" settlement of the three defendants' contribution claims against Hanson/Marchant which were assigned to Emeryville, and an agreement that Emeryville would continue to litigate the defendants' assigned claims as a "tag-along" to Emeryville's claims against defendant Hanson.

The motion carried by the following vote:

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

6. REPORTING OUT OF CLOSED SESSION

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

7. ADJOURNMENT

The meeting adjourned at 7:09 p.m.

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

/s/ Sheri Hartz, CMC
City Clerk / Secretary