

CITY OF OAKLAND

OFFICE OF THE CITY ATTORNEY

Oakland City Hall
One Frank H. Ogawa Plaza, Sixth Floor
Oakland, California 94612
Barbara J. Parker, City Attorney



Closed Session Agenda

Thursday, October 8, 2020
1:30 p.m. – 4:30 p.m.

VIA TELECONFERENCE (AUDIO ONLY)

Special Closed Session of the Oakland City Council

City of Oakland Closed Session Agendas Link:

<http://www2.oaklandnet.com/Government/o/CityCouncil/s/councilmeetings/ClosedSessionAgendas/index.htm>

PARTICIPATION OF CITY COUNCILMEMBERS

Pursuant to the Governor's Executive Order N-29-20, (1) all members of the City Council as well as the City Administrator, City Attorney and City Clerk will join the meeting via phone/video conference line; and (2) no teleconference locations or any physical location are required.

PUBLIC PARTICIPATION

The public may participate in the open session portion of the closed session meeting by video conference line in the two ways described below. Video will not be available.

COMMENT:

1. To comment by Zoom video conference, Register **before** Closed Session BEGINS at:
https://us02web.zoom.us/webinar/register/WN_P4ZrVa1ERlaGz77qS8lHpQ

You will receive a confirmation on screen and by email with a link you must to click to connect **before** the meeting starts.

After you click the link emailed to you, you will be prompted to use the “Raise Your Hand” button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. All public speakers will be disconnected from the line after all comments are heard and council will proceed with Closed Session. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> -Raise-Hand-In-Webinar.

2. To comment by phone, please Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or +1 301 715 8592 Then enter Webinar ID: [815 9377 6127](https://support.zoom.us/j/81593776127)

Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> -Joining-a-meeting-by-phone. You will be prompted to “**Raise Your Hand**” by pressing “*9” to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> -Joining-a-meeting-by-phone.



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**THE OAKLAND CITY COUNCIL AND
OAKLAND REDEVELOPMENT SUCCESSOR AGENCY
WILL HOLD A SPECIAL CLOSED SESSION ON
THURSDAY, OCTOBER 8, 2020 FROM 1:30 P.M. TO 4:30 P.M.**

THE MEETING WILL BE VIA TELECONFERENCE (AUDIO ONLY)

The City Council Will Convene in Open Session by Audio Teleconferencing prior to Adjourning into Closed Session and Pursuant to Government Code section 54957.1(b) will Report-Out Any Final Decisions in Writing after Concluding Closed Session

**1. Pursuant to California Government Code Section 54956.9(a), 54956.9(d)(1):
CONFERENCE WITH CITY ATTORNEY – EXISTING LITIGATION**

a) **San Francisco Bay Conservation and Development Commission Enforcement Investigation No. ER2018.028 against the City of Oakland, Port of Oakland, and the Unity Council (and proposed Commission Cease and Desist Order CCD2020.001.00 against the City of Oakland)**

b) **David Gregory, et al. v. Chor Nar Siu Ng, et al.**
Alameda County Superior Court Case No. RG16843631

And Related Cases:

c) **Matthew Bholka, et al. vs. Chor Nar Siu Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17851011

d) **David Calvera vs. Chor Nar Siu Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17869151

e) **Dennis Cline, et al. vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17862635

f) **Sadao Dennis vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17863866

- g) **Emilie Grandchamps, et al. vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17849318
- h) **John Georges Igaz vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17863541
- i) **Robert Jacobitz vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17863858
- j) **Nicole Kelber vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17861368
- k) **Adam Kennon vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17866657
- l) **Aaron Marin vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17863850
- m) **Samuel Maxwell vs. Chor Nar Siu Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17853077
- n) **Gene McArty, et al. vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17856893
- o) **Yrjo Timonen, et al. vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17851540
- p) **Maria Vega, et al. vs. Chor Nar Sin Ng, City of Oakland, et al.**
Alameda County Superior Court Case No. RG17845597

2. **Pursuant to California Government Code Section 54956.9(a), 54956.9(d)(4), 54956.9(e)(3) and 54956.9(e)(5):**

CONFERENCE WITH CITY ATTORNEY – *ANTICIPATED LITIGATION

Two (2) items of anticipated litigation

*See Attachment A

3. **Pursuant to California Government Code Section 54956.8:**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

a) **Property:** **Property: The real property located at 1220 Harbor Bay Parkway, Alameda CA 94502 (referred to as the “Oakland Raiders Training Facility”)**

City Negotiators: Betsy Lake, Larry Gallegos, and Bijal Patel

Negotiating Parties: Andrea Weddle, Rachel Johnson and Aki Nakao on behalf of the County of Alameda

Under Negotiation: Terms of co-tenancy and price and terms for disposition by City of its interest in the Oakland Raiders Training Facility.

Respectfully submitted,



DORYANNA MORENO
Chief Assistant City Attorney

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CITY OF OAKLAND



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October 2, 2020

**Contemporaneous Record of Threat of Litigation Received by City Officials
(Prepared Pursuant to Gov. Code Sec. 54956.9(e)(5))**

On August 28, 2020, Skyler Sanders, the General Counsel of California Capital & Investment Group, Inc., informed me, by email communication that his client intends to file an action for declaratory relief if the City and his client are unable to reach terms of a proposed settlement agreement. The parties are in dispute regarding the calculation of percentage rent under the Oakland Army Base Billboard Franchise and Lease Agreement.

A copy of this memorandum and the attached email (labelled "Exhibit A") are available in "Attachment A" to the Council closed session agenda dated October 8, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bijal M. Patel", written over a horizontal line.

BIJAL M. PATEL
Special Counsel

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From: Skyler Sanders <ssanders@californiagroup.com>
Sent: Friday, August 28, 2020 10:48 AM
To: Monetta, John <JMonetta@oaklandca.gov>; Lake, Betsy <ELake@oaklandca.gov>; Patel, Bijal <BPatel@oaklandcityattorney.org>
Cc: Mark McClure <mmcclure@californiagroup.com>; Len Epstein - California Commercial Investment Group (Lenatcci@aol.com) <Lenatcci@aol.com>
Subject: RE: Billboard Revenue Resolution
Importance: High

John, Betsy and Bijal,

I understand that we are all busy, but another week has gone by without even the courtesy of a response from the City.

I feel like I/CCIG have been patient with this process, and I have really been hoping that we would be able to reach a solution, but my patience is wearing thin. I believe we are there on the actual amendments and the only thing missing is the Settlement and Release that the City was to provide back in April. Does the City has a form Settlement & Release agreement and I will prepare the document for the City's review?

Ultimately this cannot continue to drag out. So unless I receive a response from the City by Friday, September 4 at 5pm PST, I will assume that the City no longer wishes to settle the matter and will proceed with filing a request for declaratory relief.

Regards,

Skyler Sanders
General Counsel
California Capital & Investment Group, Inc.