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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

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

-- AMENDED --

Tuesday, March 15, 2022

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:35 p.m. The Mayor had previously 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. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Donahue, seconded by Council Member Welch, to approve the Final Agenda. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2022-147](#) Dorieann O'Brien, Vice Consul General of Ireland - Global Greening Initiative. (Mayor Bauters)
Vice Consul General O'Brien made remarks in honor of the St. Patrick's Day season and Irish-American Heritage Month, and stated

that 2022 marked the important anniversaries of both the centenary of the formation Ireland's first independent state and 100 years since the publication of James Joyce's Ulysses. She added that Ireland stood in solidarity with the people of Ukraine, and was providing tangible support through efforts with the European Union, and by waiving travel visa requirements for immigrants, and spoke about the gradual lifting of public health restrictions imposed during the global pandemic.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk reported that a recruitment was in progress to fill unexpected committee vacancies, and announced the upcoming deadline to apply.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Donahue reported that a letter had been received from Gillian Belcher regarding Emery Bay Drive. Mayor Bauters reported that the ACTC Policy Committee had approved the San Pablo Avenue Corridor Plan.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Each of the Council Members reported having received an email from Don Gravestock of the Foxwater Group regarding Item 12.1.

9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

1. Brian Donahue stated that a letter he sent to the entire Council regarding Item 11.1 had not been mentioned during the ex parte communications report, and added that staff had not disclosed that the applicant had violated the noise ordinance, causing the Police Department to shut down the work.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Donahue, seconded by Vice Mayor Medina, to approve the Consent Agenda. The motion carried by the following vote:

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

10.1. [ID-2022-135](#) Warrants. (Brad Farmer)

Attachments: [Staff Report City](#)
[Wire Transfers City](#)
[Check Register City](#)

- 10.2. [ID-2022-136](#) Action Minutes of the March 1, 2022 Special City Council / Management of Emeryville Services Authority Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2022-137](#) Action Minutes of the March 1, 2022 Special City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2022-141](#) Action Minutes of March 1, 2022, City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2022-114](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Purchase Four Marked Ford Explorer Hybrid Police Enforcement Vehicles In An Amount Not To Exceed \$239,249.68 From Folsom Lake Ford. (Chief Jeff Jennings / Captain Oliver Collins / Sergeant Andrew Cassianos)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: Folsom Lake Ford Bid](#)

[Exhibit B: Lehr Bid](#)

[APPROVED Resolution No. 22-028](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-28

- 10.6. [ID-2022-128](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2021 General Plan Annual Progress Report And Authorizing Submittal To The Governor's Office Of Planning And Research And To The California Department Of Housing And Community Development (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15378) (Charles S. Bryant / Navarre Oaks / Valerie F. Bernardo)

Attachments: [Staff Report](#)
[Sites Inventory Update 2021](#)
[Draft Resolution](#)
[2021 General Plan Annual Report](#)
[APPROVED Resolution No. 22-029](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-29

- 10.7. [ID-2022-132](#) Resolution Of The City Council Of The City Of Emeryville Appropriating Two Thousand Five Hundred Dollars (\$2,500) From The Measure BB Bicycle/Pedestrian Fund 264 For 2022 Bike To Wherever Day (BTWD) Sponsorship. (Mohamed Alaoui / Nancy Humphrey / Matt Anderson)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A](#)
[Exhibit B](#)
[APPROVED Resolution No. 22-030](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-30

11. PUBLIC HEARINGS

- 11.1. [ID-2022-129](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To JS Builders LLC For Saturday Work On March 19, March 26 And April 2, 2022 From 8:00 A.M. To 4:30 P.M. At 6701 Shellmound Street (Formerly Known As The "Nady Site" And Now Known As "Bayview Apartments") And Designating Conditions Of Approval (APN: 49-1490-2) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Applicant Request Letter](#)

Senior Planner Miroo Desai gave the staff presentation and responded to Council Member questions. Applicant Carol Schwartz from JS Builders was also present to respond.

PUBLIC HEARING OPEN: 7:59 p.m.

1. Brian Donahue stated that he had sent a communication to the

entire Council that was not disclosed, and commented on a noise ordinance violation he said had occurred at the job site.

PUBLIC HEARING CLOSED: 8:04 p.m.

A motion was made by Vice Mayor Medina, seconded by Council Member Welch, to deny the Resolution. The motion carried by the following vote:

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

Noes: 1 - Mayor Bauters

12. ACTION ITEMS

- 12.1. [ID-2022-143](#) Letter of Support, Update, and Review of the Alameda CTC San Pablo Avenue Multimodal Improvement Project. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)

[Exhibit A - Project Information and Map](#)

[ACTC Presentation - March 15 Council.pdf](#)

[Letter of Support for ACTC San Pablo Project to ACTC and Project Partners](#)

[2nd Letter of Support Direct to ACTC](#)

Carolyn Clevenger and Tess Lengyel, ACTC, gave the presentation and responded to Council Member questions.

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve sending the letters of support. The motion carried by the following vote:

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

- 12.2. [ID-2022-113](#) Resolution Of The City Council Of The City Of Emeryville Requesting East Bay Community Energy Enroll All Residential, Commercial And Industrial Accounts In Renewable 100 (100% California-Based Wind And Solar) Service, With The Exception Of Those Participating In A) Medical Baseline, B) California Alternate Rates For Energy (CARE), C) Family Electric Rate Assistance (FERA), Or D) Direct Access Electric Service Programs Or E) Those Who Have Previously Opted To A Specific EBCE Service Level, And F) Those Who Have Opted Out Of EBCE Service; CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3).

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A](#)
[Exhibit B 1](#)
[Exhibit B 2](#)
[Exhibit B 3](#)
[APPROVED Resolution No. 22-031](#)

Environmental Supervisor Nancy Humphrey gave the staff presentation and responded to Council Member questions.

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve this Resolution. The motion carried by the following vote:

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

Enactment No: Reso No. 22-31

- 12.3.** [ID-2022-130](#) First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 41 To Title 5 Of The Emeryville Municipal Code, "Right to Recall For Hotel And Card Room Employees" (CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3) And 15378(a)). (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)
[Draft Ordinance](#)
[Amended Draft Ordinance](#)

Economic Development and Housing Manager Chad Smalley gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT

1. Ty Hudson spoke in support of the ordinance and expressed appreciation on behalf of union members.
2. Lucy, employee of Hilton Garden Inn, stated she had been laid off for eight months, but had returned to work, and supported passage of the ordinance so that co-workers and colleagues could also get their jobs back.
3. Bruno, employee of the Hyatt House, stated he had been laid off and then brought back, but others were not so lucky, and supported passage of the ordinance. (*Comments translated by T. Hudson*)
4. Maria Gonzalez, Hyatt House, stated she had been laid off for a

year after 15 years of service, and was brought back, but hoped the City could help colleagues who had not gotten their jobs back.

(Comments translated by T. Hudson)

A motion was made by Mayor Bauters, seconded by Council Member Donahue, to approve the first reading and introduction of this Ordinance. The motion carried by the following vote:

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

- 12.4.** [ID-2022-146](#) Resolution Of The City Council Of The City Of Emeryville Making Required Findings To Allow The Continuation Of Remotely Held Meetings Of The City Council Pursuant To AB 361. (Sheri Hartz)
(In Conjunction With MESA Agenda Item 7.1 And Successor Agency Agenda Item 7.1)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-032](#)

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve this Resolution. The motion carried by the following vote:

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

Enactment No: Reso No. 22-32

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Welch requested and received majority support for an item to be added to a future agenda to discuss what information should be included in a noise waiver request staff report.

15. ADJOURNMENT

The meeting adjourned at 9:36 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