



Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608  
(510) 596-4300 phone  
(510) 450-7831 fax  
[www.emeryville.org](http://www.emeryville.org)

## 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--

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Tuesday, June 7, 2022

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 7:38 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. APPROVAL OF FINAL AGENDA

**A motion was made by Council Member Martinez, 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-2022-330](#) Proclaiming June 2022 As LGBTQI+ Pride Month In The City Of Emeryville. (Mayor John J. Bauters)

**Attachments:** [Proclamation](#)

Mayor Bauters read the Proclamation aloud and made brief comments about his personal experiences.

**5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES**

The City Clerk announced that the annual recruitments had closed and appointments were expected to be made at the Council's June 21, 2022, meeting. The Mayor requested, and received majority support, for the application deadline to be extended to June 15th.

**6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE**

Council Member Martinez announced that StopWaste at its annual Business Awards would be honoring Emeryville caterer Just Fare for its focus on fair trade. Vice Mayor Medina reported that the East Bay EDA's Innovation Awards were upcoming, and that five Emeryville companies were nominated for awards. Mayor Bauters stated that he had recently traveled to Washington DC where he learned that ACTC would be issued a grant for rail crossing safety improvements, and reported on the recent tour taken by Congress Member Barbara Lee, where the Emeryville Christie Sites were on the itinerary.

**7. CITY MANAGER'S REPORT**

The City Manager announced the upcoming groundbreaking ceremony for the Quiet Zone project.

**8. EX PARTE COMMUNICATIONS**

No ex parte communications were reported.

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

There were no comments made.

**10. CONSENT ITEMS*****Approval of the Consent Agenda***

**A motion was made by Vice Mayor Medina, seconded by Council Member Welch, 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-2022-286](#) Warrants. (Brad Farmer)**

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

**A motion was made to accept this Informational Report.**

**10.2. [ID-2022-288](#) Action Minutes Of The May 17, 2022, Special Study Session.**

(Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.3. [ID-2022-290](#) Action Minutes Of The May 17, 2022, Regular City Council Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.4. [ID-2022-291](#) Action Minutes Of The May 17, 2022, Special City Council / Management of Emeryville Services Authority (MESA) Closed Session. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.5. [ID-2022-281](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Second Sight Video And Multimedia For Fiscal Years 2022-2023 And 2023-2024, To Provide Broadcasting, Recording And Related Services For A Total Amount Of \$96,000.00. (Sheri Hartz / Lorrayne Leong)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 22-57](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-57

- 10.6. [ID-2022-297](#) Resolution Of The City Council Of The City Of Emeryville Establishing A Threshold For Reporting Leases In Accordance With Governmental Accounting Standards Board Statement No. 87. (Brad Farmer / Monica Centeno)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - City Leases](#)

[APPROVED Resolution No. 22-58](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-58

- 10.7. [ID-2022-280](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With KBA Docusys To Extend The Lease Of Twelve Kyocera Multi-Function Printing Devices, Including All Service And Support For An Additional Twelve Months In The Amount \$4,548.00 Per Month Or \$54,576 Over The Course Of The Lease; And To Sign All Necessary Documents Pertaining To The Execution Of The Lease. (Michael Parenti)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[KBA Docusys Agreement](#)

[APPROVED Resolution No. 22-59](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-59

- 10.8. [ID-2022-279](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Extend The Existing Agreement With TPx To Provide Fiber Internet Connectivity For An Additional Three Years In The Amount Of Ninety-Nine Thousand Seven Hundred And Twenty Dollars (\$99,720). (Michael Parenti)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[TPX Agreement](#)

[APPROVED Resolution No. 22-60](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-60

- 10.9. [ID-2022-244](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With Kidango, Inc. In An Amount Not To Exceed \$88,000 For Fiscal Year To Provide Food Services At The Emeryville Child Development Center. (Pedro Jimenez / Quera Owens)

**Attachments:** [Staff Report](#)

[Request for Proposals - ECDC Vended Meals FY2022-23](#)

[Draft Resolution](#)

[Vended Meal Food Service Proposal 2022](#)

[Professional Services Contract](#)

[APPROVED Resolution No. 22-61](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-61

- 10.10. [ID-2022-268](#)** Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Execute And Enter Into An Agreement With The Emery Unified School District Consenting To Installation Of A Solar Project At Emery Center Of Community Life As Referenced In The Joint Occupancy Agreement, Attachment F, Section 10 And 6.1 To Annually Contribute To The Operations And Maintenance Budget. (Pedro Jimenez)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Agreement with Emery Unified School District](#)

[Late Correspondence: Draft Energy Service Agreement, Syserco and EUSD](#)

[APPROVED Resolution No. 22-62](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-62

- 10.11. [ID-2022-272](#)** Resolution Of The City Council Of The City Of Emeryville Adopting The Public Art Committee's Recommendation To Approve The Design Proposal By Guillaume Ollivier For The Public Art Mural Project At the Hollis Façade Of 1456 63rd Street, Authorizing The City Manager To Execute An Artist Agreement With Guillaume Ollivier In An Amount Not To Exceed \$80,000 For Final Design And Installation Of The Artwork, And Authorizing The City Manager To Execute A License Agreement With Klinknerville Court LLC And Guillaume Ollivier For The Installation Of The Artwork. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Attachment 1 - Artist Agreement](#)

[Attachment 2 - License Agreement](#)

[APPROVED Resolution No. 22-63](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-63

- 10.12. [ID-2022-282](#)** Resolution Of The City Council Of The City Of Emeryville Prioritizing Upcoming Projects For Grant Applications; And Authorizing The City Manager To Submit Applications In Response To The California Transportation Commission's ATP Cycle 6 Call-For-Projects, Alameda County Transportation Commission's 2024 CIP Call For Projects, And Any Other Grant Opportunity That

Arises In Fiscal Years 2022-2024 For The Prioritized Projects; And Authorize The Mayor To Write Letters In Support Of The Prioritized Projects. (Mohamed Alaoui / Ryan O'Connell)

**Attachments:** [Staff Report](#)

[Attachment A - ATP Cycle 6 Guidelines.pdf](#)

[Attachment B - ACTC 2024 CIP Guidelines.pdf](#)

[Attachment C - Grant Projects Priority Ranking.pptx](#)

[Draft Resolution](#)

[Late Correspondence - Supplemental Staff Report and Resolution.pdf](#)

[APPROVED Resolution No. 22-64](#)

**A motion was made to approve this CC Resolution.**

Enactment No: Reso No. 22-64

**10.13. [ID-2022-307](#)**

Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Eliminating Bicycle License And Registration Requirements In Sections 4-1.03 Through 4-1.05 Of Title 4 Of The Emeryville Municipal Code ("Bicycles"). (John Kennedy / Christie Crawl)

**Attachments:** [Staff Report](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 22-002](#)

**A motion was made to approve the second reading and adoption of this Ordinance.**

Enactment No: Ord No. 22-002

**11. PUBLIC HEARINGS**

There were no Public Hearings listed.

**12. ACTION ITEMS**

**12.1. [ID-2022-273](#)**

Modifying Expiration Date Of Ordinance No. 20-016 Related To Expedited Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic: (Charles S. Bryant)

**Attachments:** [Staff Report](#)

[Attachment 1 - Ordinance No 20-016 COVID Outdoor Dining](#)

Community Development Director Charles Bryant gave the staff presentation and responded to Council Member questions.

**12.1.1. [ID-2022-274](#)**

An Urgency Ordinance Of The City Council Of The City Of Emeryville Modifying The Expiration Date Of Ordinance No. 20-016 Related To

Expedited Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3)

**Attachments:** [Proposed Urgency Ordinance](#)

[APPROVED Ordinance No. 22-003](#)

**A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to read the Ordinance by title only. 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: Ord No. 22-003

**A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to adopt 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

Enactment No: Ord No. 22-003

**12.1.2. [ID-2022-275](#)** An Ordinance Of The City Council Of The City Of Emeryville Modifying The Expiration Date Of Ordinance No. 20-016 Related To Expedited Permitting For Temporary Outdoor Seating For Restaurants And Bars During COVID-19 Pandemic; CEQA Determination: Exempt Pursuant to California Public Resources Code Section 21080(b)(4) and State CEQA Guidelines 15269(c) and 15061(b)(3)

**Attachments:** [Proposed Regular Ordinance](#)

**A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to read this Ordinance by title only. The motion carried by the following vote:**

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

**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

**12.2. [ID-2022-284](#)** Resolution Of The City Council Of The City Of Emeryville Adopting The Operating Budget For Fiscal Year 2022-23 ("Operating Budget"), And Appropriating Funds For Fiscal Year 2022-2023. (Brad Farmer /

Monica Centeno)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Proposed Fiscal Year 2022-23 Budget](#)  
[APPROVED Resolution No. 22-65](#)

Director Farmer gave the staff presentation and responded to Council Member questions.

**A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to approve this CC 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. 22-65

- 12.3. [ID-2022-269](#)** Resolution Of The City Council Of The City Of Emeryville Adopting An Appropriations Limit For The 2022-23 Fiscal Year Of \$132,398,346. (Brad Farmer / Monica Centeno)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Appendix A – Gann Appropriations Limit Calculation FY 2022-23](#)  
[APPROVED Resolution No. 22-66](#)

**A motion was made by Vice Mayor Medina, seconded by Council Member Martinez, to approve this CC 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. 22-66

- 12.4. [ID-2022-306](#)** Discussion on Whether To Add A Future Agenda Item To Consider Amending The Rules Of Procedure For Local Boards, Committees And Commissions To Change The Terms Of Community Advisory Body Members To Align With The Calendar Year Rather Than The Fiscal Year. (Mayor Bauters)

**Attachments:** [Staff Report](#)  
[Rules of Procedure Local Boards, Committees & Commissions](#)

The Council discussed and there was no action taken on this item.

- 12.5. [ID-2022-295](#)** 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 6.2 And Successor Agency



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Agenda Item 7.2)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-67](#)

**A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve this CC 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. 22-67

### 13. DEPARTMENT HEAD REPORTS

**13.1.** [ID-2022-276](#) Planning Director's report on Planning Commission actions at the May 26, 2022 meeting:

(a) Housing Element of the General Plan. A study session to review the draft 2023-2031 Housing Element of the General Plan.

(b) Marketplace Redevelopment Project Parcels A, B and F. A study session to review a proposed amendment to the Planned Unit Development/Preliminary Development Plan for the Marketplace Redevelopment Project, an amendment to the associated Development Agreement, and a new Final Development Plan (FDP) for Parcels A and B along Shellmound Street between Shellmound Way and 63rd Street. The proposed FDP would include three buildings on Parcels A and B comprised of a ten-level approximately 421,000 square foot Research and Development building, a pavilion building of about 3,000 square feet of ground floor retail space, and a six-level parking garage accommodating 711 parking spaces.

(c) The Lab Master Sign Program. Consideration of a Major Sign Permit for a Master Sign Program for multi-tenant and building signage for The Lab, located at 4383 Horton Street fronting Horton Street and Sherwin Avenue.\*

(d) EmeryStation Overland. Consideration of a Conditional Use Permit and Design Review Permit to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating 496 parking spaces on an approximately 113,325 square foot site on the block bounded by Overland Avenue and 62nd, 63rd and Hollis Streets. The proposal includes preservation of the existing Hollis Street Building that accommodates Ruby's Café and 41 live-work units, and demolition of all other structures on the western

portion of the block. The proposal also includes a Tree Removal Permit to remove 18 street trees located on 62nd Street, Overland Avenue and 63rd Street.\*\*

(e) Mass Timber. Consideration of an amendment to Section 9-4.204(e) of the Planning Regulations to add a community benefits category for the use of Mass Timber construction in place of traditional steel-and-concrete construction in order for a project to earn development bonus points.\*\*

\* Item subject to "call for review" (i.e. appeal) by motion of the City Council pursuant to Section 9-7.1406 of the Planning Regulations.

\*\* Items require City Council approval, and are scheduled for consideration by the Council on July 5, 2022.

The packet for the May 26, 2022 Planning Commission meeting can be viewed online at <<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>>

#### **14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

Mayor Bauters requested and received majority support to bring two items forward on the June 21st agenda: allowing the Mayor to issue off-agenda ceremonial proclamations in honor or recognition of community members, and authorizing travel for the Mayor and Council Members.

#### **15. ADJOURNMENT**

The meeting adjourned at 8:31 p.m.

**I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council.**

**/s/ Sheri Hartz, CMC**  
**City Clerk**