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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

Tuesday, March 1, 2022

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:24 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 Martinez, 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

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the current open recruitment to fill unexpected vacancies and stated that appointments would be made

at an upcoming Council meeting.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Vice Mayor Medina reported on her attendance of the Gilman Fields JPA meeting, stating that a budget shortfall was reported.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Mayor Bauters reported having had communications with David Smith regarding Item 11.1, and various emails regarding Items 12.2 and 12.3.

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

The City Clerk read into the record a comment received via the online comment card portal:

Beto Lopez commented about the recent closure of the Aloha Roller Rink, stating that the decision had been made too quickly and could have been avoided.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Donahue, seconded by Council Member Martinez, 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-2022-110](#) 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-2022-115](#) Action Minutes of the February 15, 2022 Special City Council Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2022-118](#) Action Minutes of February 15, 2022, City Council Regular

Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2022-108](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids On The Marina Park And Powell Street Lighting Project, EPW-20103 (CIP No. 17495012); CEQA Determination: Exempt Pursuant to CEQA Guideline 15301(c). (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Project Overview Map](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-23

11. PUBLIC HEARINGS

- 11.1.** [ID-2022-105](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To BMZ Enterprises, LLC, dba Rudy's Can't Fail Café, For Calendar Year 2022. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: Conditions of Approval](#)

The Council waived staff's presentation.

PUBLIC HEARING OPEN: 7:32 p.m.

No testimony was given.

PUBLIC HEARING CLOSED: 7:33 p.m.

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. 22-24

12. ACTION ITEMS

- 12.1.** [ID-2022-106](#) Resolution Of The City Council Of The City Of Emeryville Approving

And Consenting To The Agreement Of Employment Between The Management Of Emeryville Services Authority (MESA) And John Kennedy As City Attorney And Authorizing The Chair Of The Board Of Directors To Execute The Agreement. (Mayor Bauters)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Employment Agreement](#)

Mayor Bauters introduced new City Attorney John Kennedy, who made brief comments of appreciation for the opportunity.

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. 22-25

- 12.2. [ID-2022-103](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Establish A Pilot Program To Augment The Community Grant Program With \$50,000 From The Art In Public Places Fund For Visual Arts Grants. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Draft Resolution](#)

Community and Economic Development Coordinator Amber Evans gave the staff presentation and responded to Council Member questions.

A motion was made by Council Member Welch, seconded by Vice Mayor Medina, 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. 22-26

- 12.3. [ID-2022-109](#)** Resolution Of The City Council Of The City Of Emeryville Adopting The Community Grant Sub Committee Recommendations To Select Artists Working Together, Berkeley FILM Foundation, ECAP Emeryville Video Project, Friends of Golden Gate Library, Head Over Heels Athletic Arts, Kala ART Institute, New Arts Foundation, Scientific Adventures for Girls, Three Thirty Three Arts, Resilience Birthright, Inc As The Recipients For The Emeryville Community Grant Program. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A: Community Grant Application Packets](#)

Community Services Director Pedro Jimenez gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT:

1. Isabella Miller from Berkeley Film Foundation expressed gratitude for the grant funding and listed the names of film maker recipients.
2. Jessica Robinson, on behalf of the Young Lions After School program, expressed her thanks for the funding.
3. Nancy Karp thanked the Council for their approval of the grant funding.

A motion was made by Council Member Donahue, seconded by Council Member Welch, 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. 22-27

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2022-104](#) Planning Director's report on Planning Commission actions at the February 24, 2022 meeting:

- (a) General Plan Annual Progress Report. Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2021, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.
- (b) Emeryville Center of Innovation Master Sign Program. Consideration of a Major Sign Permit for a Master Sign Program for the Emeryville Center of Innovation, a new research and development campus which includes four research and development buildings fronting Hollis, 53rd, and Horton Streets, as well as a parking structure fronting Horton Street.
- (c) Bay Street Grocery Store. Consideration of a Final Development Plan (FDP) for Parcel B of the South Bayfront

Retail/Mixed Use Project ("Bay Street"). The proposed FDP is for a new 48,446 square foot grocery store with open rooftop parking that will accommodate approximately 105 parking spaces. It will also involve demolition of the existing building housing the EQ3 furniture store and other retail stores, and that formerly housed the Old Navy store and Elephant Bar restaurant.

- (d) EmeryStation Overland. A second study session to review a proposal to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating approximately 495 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 site.
- (e) 58Fifty Shellmound Life Sciences Tower. A second study session to review a proposed 14-story, 265-foot-high building accommodating 388,090 square feet of life science use ("Research and Development") with approximately 10,000 square feet of ground floor retail/amenity space at 5850 Shellmound Way. The project includes demolition of an existing 61,000 square foot office building. This study session focused primarily on the issue of mix of uses.

The packet for the February 24, 2022 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Director Bryant presented the report and responded to Council Member questions.

PUBLIC COMMENT

The City Clerk read into the record a comment received via the online comment card portal:

Ron Henmi, regarding item (e), expressed concerns about the project related to the building height and traffic impacts.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Mayor Bauters requested and received majority support to add an

item to a future agenda to discuss aligning advisory body appointments with the calendar year rather than the fiscal year.

15. ADJOURNMENT

The meeting was adjourned at 8:11 p.m. in memory of Terry Sandoval.

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**

DRAFT