



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
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--

Tuesday, November 1, 2022

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened at 7:22 p.m. via teleconference. 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

Council Member Welch's absence was excused per the Council Rules of Procedure.

Present: 4 - Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez

Absent: 1 - Council Member Courtney Welch

3. APPROVAL OF FINAL AGENDA

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

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

Absent: 1 - Council Member Welch

4. SPECIAL ORDERS OF THE DAY

- 4.1. **ID-2022-541** Proclamation Of The City Council Of The City Of Emeryville Proclaiming November 13-19, 2022, As “United Against Hate Week” In The City Of Emeryville

Attachments: [Proclamation](#)

- 4.2. **ID-2022-574** Proclamation Of The City Council Of The City Of Emeryville In Support Of Human Rights In Iran

Attachments: [Proclamation](#)

The Mayor presented the Proclamation to Jaleh Niazi and Kevah Niazi, who thanked the Council for their support.

- 4.3. **ID-2022-575** Proclamation Of The City Council Of The City Of Emeryville Declaring Saturday, November 26, 2022, Small Business Saturday In The City of Emeryville

Attachments: [Proclamation](#)

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk April Richardson announced that the Committee Recruitment is open and applications are due on November 21, 2022.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

The Mayor congratulated the Emery High School students who participated in the soil sample lead testing; stated that he and three other Council Members had attended the Halloween parade at City Hall with the Emeryville Child Development Center children and their families; and gave kudos to all the staff that were involved in the submission of the Draft Housing Element, which received no comments from the state and is ready for submission.

7. CITY MANAGER'S REPORT

Interim City Manager Adam Politzer announced that he had attended the Halloween Parade at City Hall and thanked Council, staff, and the children and families from ECDC for their participation; that the Harvest Festival over the weekend was a big success and a great event; that the recruitment for the Finance Director will begin this week; and that the recruitment for the Community Services Director will open soon too.

8. EX PARTE COMMUNICATIONS

The Mayor announced that he has spoken with the organizer's of the e-Scooter event for item 11.2.

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

Brian Donahue stated that he does not agree with the Housing Element revisions.

10. CONSENT ITEMS

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

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

Absent: 1 - Council Member Welch

10.1. ID-2022-557 Warrants. (Peggy Xu)

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

A motion was made to adopt this Informational Report.

10.2. ID-2022-560 Action Minutes Of The October 18, 2022, Special City Council / MESA / Successor Agency Closed Session. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the minutes.

10.3. ID-2022-562 Action Minutes Of The October 18, 2022, City Council Study Session. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the minutes.

10.4. ID-2022-561 Action Minutes Of The October 18, 2022, Regular City Council Meeting. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the minutes.

10.5. ID-2022-548 Annual Development Impact Fee Report - Fiscal Year 2021-2022 (Charles S. Bryant)

Attachments: [Staff Report](#)[Attachment 1 - Public Facilities Funded by Development Impact Fees](#)[Attachment 2 - Impact Fees Revenues, Expenditures, and Fund Balances - FY21-22](#)[Attachment 3 - Impact Fee Budgets from FY 21-22 Budget](#)[Attachment 4 - City of Emeryville Development Impact Fees FY21-22](#)

A motion was made to adopt this Informational Report.

- 10.6. ID-2022-549** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Closeout Agreement By And Between The United States Environmental Protection Agency And The City Of Emeryville For The Purpose Of Managing Program Income From The Brownfield Revolving Loan Fund (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Form of Closeout Agreement](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-141

- 10.7. ID-2022-577** Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To A Side Letter Of Agreement Between The Management Of Emeryville Services Authority (MESA) And SEIU Regarding Dispatch Shift Differential. (Trish Raver)
(In Conjunction With MESA Item 6.1)

Attachments: [Staff Report](#)[Draft Resolution](#)[Attachment 2 - Side Letter of Agreement](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-142

- 10.8. ID-2022-545** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Purchasing and License Agreement with Sun Ridge Systems, Inc. For The Software Licensing, Services, Support, and Hardware Necessary to Implement A Computer Aided Dispatch / Records Management System (CAD & RMS) For The Police Department In An Amount Not to Exceed \$422,000. (Jeff Jennings/Oliver Collins)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Sun Ridge Systems Contract](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-143

- 10.9. ID-2022-547** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement with PlaceWorks In An Amount Not To Exceed \$80,124.00 For A Comprehensive Street Tree Audit And Roadmap To Future Expansion Of Emeryville's Street Tree Inventory. CEQA Determination: Exempt Under Section 15061(b)(3). (Mohamed Alaoui/Nancy Humphrey)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Contract](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 22-144

- 10.10. ID-2022-559** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract In The Amount Of \$190,000.00 With Crossroad Lab For On-Call Active Transportation Design Consultant Services For The Annual Street Rehabilitation And Preventive Maintenance Project, (CIP No. 17240005). (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Professional Services Contract \(Crossroad Lab\)](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 22-145

- 10.11. ID-2022-551** Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Article 15 Of Chapter 5 Of The Planning Regulations In Title 9 Of The Emeryville Municipal Code To Make Permanent Certain Temporary Regulations Pertaining To Sidewalk Cafes And Parklets That Were Enacted Due To The COVID-19 Pandemic, And To Make Other Related Amendments (Charles S. Bryant)

Attachments: [Staff Report](#)[Attachment 1 - Staff Report from October 18, 2022](#)[Proposed Ordinance](#)**A motion was made to adopt this Ordinance.**

Enactment No: 22-011

- 10.12. ID-2022-555** Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 4 Of Title 5 Of The Emeryville Municipal Code, "Cabarets And Dances" (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15061(b)(3), 15378(a) And 15378(b)(3)) (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Attachment 1 - Staff Report from October 18, 2022](#)

[Proposed Ordinance](#)

A motion was made to adopt this Ordinance.

Enactment No: Ord No. 22-012

11. ACTION ITEMS

- 11.1. ID-2022-579** Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Agreement Of Employment Between The Management Of Emeryville Services Authority (MESA) And Paul Buddenhagen As City Manager And Authorizing The Chair Of The Board Of Directors To Execute Said Agreement On Behalf Of MESA. (John Bauters)
(In Conjunction With MESA Agenda Item 7.1)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Agreement of Employment](#)

Human Resources Director Trish Raver gave a brief overview of the recruitment process. Mr. Buddenhagen made comments and expressed his excitement about working for Emeryville. Council members congratulated Mr. Buddenhagen.

PUBLIC COMMENT:

Brian Donahue stated that he hopes the new City Manager will be open and transparent.

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

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

Absent: 1 - Council Member Welch

Enactment No: Reso No. 22-146

- 11.2. ID-2022-580** Resolution Of The City Council Of The City Of Emeryville Appointing _____ And _____ To An Ad-Hoc Subcommittee For Planning The eSC eSkootr Championship: Emeryville Event And Authorizing The City Manager To Execute A Non-Binding Letter Of Intent To Negotiate And Enter Into An Event Hosting Agreement With WES Management (Charles Bryant/Chadrick Smalley)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Letter of Intent](#)

Richard Norton and Khalil Beschir gave a presentation and answered Council Member questions about the event. John Bauters and Ally Medina were appointed to the Ad-hoc Subcommittee.

A motion was made by Mayor Bauters, seconded by Council Member Martinez, to approve this Resolution amended to include the appointment of John Bauters and Ally Medina to the Ad-Hoc Subcommittee. The motion carried by the following vote:

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

Absent: 1 - Council Member Welch

Enactment No: Reso No. 22-147

- 11.3. ID-2022-564** 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. (April Richardson) (In Conjunction With MESA Agenda Item 7.2 And Successor Agency Agenda Item 7.1)

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

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

Absent: 1 - Council Member Welch

Enactment No: Reso No. 22-148

- 11.4. ID-2022-570** Adoption Of 2022 California Building Standards Code And Local Amendments. (Charles S. Bryant / Victor Gonzales)

Attachments: [Staff Report](#)

- 11.4.1. ID-2022-571** Introduction And Waiver Of First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, And 10 Of Title 8 Of The Emeryville Municipal Code, Entitled "Building Regulations", And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15061(b)(3) And 15378(b)(2))

Attachments: [Proposed 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: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

Absent: 1 - Council Member Welch

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

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

Absent: 1 - Council Member Welch

- 11.4.2. ID-2022-572** Introduction And Waiver Of First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapter 5 Of Title 4 Of The Emeryville Municipal Code, Entitled "Fire Code" And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15061(b)(3) And 15378(b)(2))

Attachments: [Proposed Ordinance](#)

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

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

Absent: 1 - Council Member Welch

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

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

Absent: 1 - Council Member Welch

12. DEPARTMENT HEAD REPORTS

12.1. ID-2022-556 Planning Director's report on Planning Commission actions at the October 27, 2022 meeting:

(a) 58Fifty Shellmound Life Sciences Tower. A fourth study session to review a proposed 14-story, 265-foot-high building accommodating 353,540 square feet of life science use ("Research and Development"), 30 affordable residential units, and approximately 2,300 square feet of ground floor community amenity space at 5850 Shellmound Way. The project includes demolition of an existing 61,000 square foot office building.

(b) Marketplace Redevelopment Project Parcels A and B. Consideration of a new Final Development Plan to construct a new 432,158 square foot "Research and Development" building, a 5,182 square foot building "pavilion" building accommodating retail space and long term employee bicycle space, and a new parking garage accommodating 710 parking spaces on Parcels A and B of the Marketplace Redevelopment Project; and rescinding previously approved Final Development Plans for 167 residential units on Parcel A (FDP14-002), and for 150,00 square feet of "Research and Development" use on Parcel B (FDP18-001). The proposal also includes a Tree Removal Permit to remove five street trees located on Shellmound Street.*

(c) RATIO Identification Signs. Consideration of a Major Sign Permit for sitewide identification signs for the "RATIO" Business Center located at 6401 Hollis Street and 1480 64th Street. Proposed signs include an internally illuminated monument sign fronting 64th Street, a non-illuminated wall sign and non-illuminated monument sign fronting Overland Avenue, and two halo-lit wall signs fronting Hollis Street.*

(d) Bay Street Identification Signs. Consideration of a Major Sign Permit for an illuminated "Bay St" monument sign at the northeast corner of Shellmound Street and Ohlone Way, and two painted "Bay St" wall signs on the parking garage portion of Building A.*

* 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.

The packet for the October 27, 2022 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Rec ent>

Deputy Director of Community Services Chadrick Smalley gave a brief update on the Planning Commission's actions.

13. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

There were no requests.

14. 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