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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--
Special Meeting I

Monday, December 12, 2022

6:30 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 6:30 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 Vice Mayor Medina, seconded by Council Member Donahue, 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. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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

1. Anonymous commented that the City is violating their 4th Amendment right by requiring registration/identification on the virtual platform to join the meeting.

2. Marc Goldstein submitted a written comment that asked the Council to consider the submitted Rules for a Reasonable Future.

6. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Medina, 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

6.1. [ID-2022-640](#) Warrants. (Bill Zenoni)

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

A motion was made to accept this Informational Report.

6.2. [ID-2022-628](#) Action Minutes Of The November 15, 2022, Special City Council Closed Session. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

6.3. [ID-2022-632](#) Action Minutes Of The November 15, 2022, Regular City Council Meeting. (April Richardson)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

6.4. [ID-2022-609](#) Resolution Of The City Council Of The City Of Emeryville Granting An Annual Card Room License To The Oaks Card Club For The Calendar Year 2023. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Conditions of Approval](#)
[APPROVED Resolution No. 22-156](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-156

6.5. [ID-2022-643](#) Resolution Of The City Council Of The City Of Emeryville Authorizing An Amendment To The Staffing Summary For The Fiscal Year 2022-2023 Operating Budget For The Addition Of A

Community Preservation Officer Position And A Management Analyst Position. (Trish Raver)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A](#)

[APPROVED Resolution No. 22-157](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-157

- 6.6. [ID-2022-598](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Award Funds From Volkswagen Environmental Mitigation Trust To Purchase One 15 Passenger Max Capacity Wheelchair Accessible Electric Vehicle (EV) Bus, In An Amount Not To Exceed \$173,118, From Green Power Motor Company And Transfer \$13,368.00 From Fund 660-91200 To Fund 254 And Appropriate VW Funds Of \$160,000.00 To Fund 254 When Received. (Rebecca Sermeno / Kim Burrowes)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[City of Emeryville \(VW\) Agreement](#)

[GreenPower Motor Company EV Star Side ADA Price Sheet - RFB 2](#)

[APPROVED Resolution No. 22-158](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-158

7. PUBLIC HEARINGS

- 7.1. [ID-2022-633](#) At the Recommendation by the Planning Commission, A Resolution Of The City Council Of The City Of Emeryville Adopting The 2023-2031 Housing Element Of The City Of Emeryville General Plan And Approving It For Submittal To The California Department Of Housing And Community Development For Certification And Approving An Addendum To The General Plan EIR. (Charles S. Bryant / Navarre Oaks / Valerie Bernardo)

Attachments: [Staff Report](#)[Attachment 1 - Letter of Compliance from HCD, October 31, 2022](#)[Attachment 2 - General Plan EIR Addendum](#)[Draft Resolution](#)[Exhibit A – 2023-2031 Housing Element \(redline version\)](#)[Exhibit B – 2023-2031 Housing Element \(clean version\)](#)[Late Correspondence - Brian Donahue](#)[APPROVED Resolution No. 22-159](#)

Associate Planner Navarre Oaks and Community and Economic Development Coordinator Valerie Bernardo made a presentation and answered Council Member questions.

Public Hearing opened: 7:06 p.m.

1. Anonymous commented that park acreage has not kept up with housing units built.
2. A phone caller commented that they like the plan.

Public Hearing closed: 7:11 p.m.

A motion was made by Council Member Donahue, seconded by Council Member Martinez, 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. 22-159

8. ACTION ITEMS

- 8.1. [ID-2022-647](#) Removing Criminal Penalties From The Emeryville Municipal Code; CEQA Determination - Not A Project Under CEQA Guidelines 15378(B)(5): (John Kennedy / Christie Crowl)

Attachments: [Staff Report](#)[Attachment A - Chart of Municipal Code Violations Notes](#)

City Attorney John Kennedy and Christie Crowl made a presentation and answered Council Member questions.

- 8.1.1. [ID-2022-648](#) Introduction And Waiver Of First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Sections 1-2.01 (D), (E) And (F) Of Chapter 2 Of Title 1 ("Penalty Provisions") For Violations Of The Emeryville Municipal Code

Attachments: [Draft Ordinance \(Penalty Provisions\)](#)

Public comment

1. Anonymous commented on the previous public commenter.

A motion was made by Council Member Martinez, seconded by Council Member Welch, to read these Ordinances 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 Council Member Martinez, seconded by Vice Mayor Medina, to approve first reading 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

8.1.2. [ID-2022-624](#) Introduction And Waiver Of First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapter 6 Of Title 5 ("Criminal Records: Security"), Chapter 7 Of Title 5 ("Fortunetelling"), Chapter 12 Of Title 5 ("Minors"), And Chapter 15 Of Title 5 ("Patrol Services") In Their Entirety

Attachments: [Draft Ordinance \(Criminal Records\)](#)

A motion was made by Mayor Bauters, seconded by Council Member Welch, to approve first reading 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

8.2. [ID-2022-642](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Council Rules of Procedure To Discontinue The Role Of Council Member Liaison To Emeryville Community Advisory Committees/Commissions And Amending Department Head Attendance Requirements At City Council Meetings. (April Richardson)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Draft City Council Rules of Procedure](#)
[APPROVED Resolution No. 22-160](#)

A motion was made by Council Member Martinez, 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. 22-160

8.3. [ID-2022-606](#) 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 6.1 And Successor Agency Agenda Item 7.1)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-161](#)

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. 22-161

9. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

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

/s/ April Richardson, CMC
City Clerk