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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, December 21, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:25 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 Vice Mayor Medina, 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

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that a new recruitment to fill unscheduled vacancies would be opened in the new year.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Vice Mayor Medina reported on her attendance of the recent East Bay EDA meeting, where a 2022 Legislative Platform Committee was formed and to which she was appointed.

7. CITY MANAGER'S REPORT

The City Manager wished everyone a happy holiday season.

8. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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

1. Elizabeth Montgomery had submitted a comment online which the City Clerk read into the record, which stated that the City Council and City staff should adopt a Code of Ethics and Conduct.

2. Brian Donahue commented on a statement made by the Police Chief regarding the ticketing of vehicles parked in bike lanes.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Martinez, 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-2021-587](#) 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-2021-589](#) Action Minutes of December 7, 2021, City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2021-601](#) Action Minutes of December 7, 2021, City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2021-595](#)** 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 And All City Committees And Commissions, (Except The Planning Commission Which Will Make Its Own Findings), Pursuant To AB 361. (Sheri Hartz)
(In Conjunction With Successor Agency Agenda Item 6.3 And MESA Agenda Item 6.2)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-135](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 21-135

- 10.5. [ID-2021-586](#)** Resolution Of The City Council Of The City Of Emeryville Consenting To The Executive Director Of The Management Of Emeryville Services Authority Executing An Amended And Restated Public Agency Retirement System Alternate Retirement System (PARS-ARS) Plan Effective January 1, 2021 And An Amendment To The PARS-ARS Plan. (Trish Raver)
(In Conjunction With MESA Agenda Item 6.3)

Attachments: [Staff Report \(City Council\)](#)

[Draft Resolution \(City Council\)](#)

[Exhibit A](#)

[Exhibit B](#)

[APPROVED Resolution No. 21-136](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 21-136

- 10.6. [ID-2021-575](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Seifel Consulting, Inc. To Provide Due Diligence Analysis Associated With The Marketplace Redevelopment Project Parcels A, B And F For A Total Contract Amount Not To Exceed \$24,500. (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 21-137](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 21-137

- 10.7. [ID-2021-574](#) 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 The 40th Street Bridge Railing And Lumec Light Pole Painting Project, EPW-20103 (CIP No. 15475015 And 15475028); CEQA Determination: Exempt Pursuant to CEQA Guideline 15301(c). (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Project Overview Map](#)[APPROVED Resolution No. 21-138](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-138

- 10.8. [ID-2021-573](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment To The Professional Services Contract with MNS Engineers, Inc., To Revise The Work Scope, And To Increase the Total Compensation Amount by \$65,130, For A Not To Exceed Amount of \$2,709,236.00, For Construction Management Services For The South Bayfront Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006 and 17237003). (Mohamed Alaoui/Todd Teachout)

Attachments: [Staff Report](#)[Resolution No. 17-161 \(SC Engineers\)](#)[Professional Services Agreement \(SC Engineers\)](#)[Resolution No. 21-30 \(MNS\)](#)[PSC 1st Amendment \(MNS\)](#)[Draft Resolution \(MNS\)](#)[Exhibit A: PSC Amendment 2 \(MNS\)](#)[APPROVED Resolution No. 21-139](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-139

11. PUBLIC HEARINGS

- 11.1. [ID-2021-576](#) Resolution Of The City Council Of The City Of Emeryville Approving A

Conditional Use Permit And Design Review Permit To Demolish Two Existing Uninhabitable Residential Structures And Replace Them With Two New Residential Structures At 1270 64th Street (APN: 49-1470-10-3) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) And 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Conditions of Approval](#)

[Project Plans Dated 10-12-2021](#)

[Late Correspondence - Building Permit Fee Charts 1270 64th Street \(12/16/21\)](#)

[APPROVED Resolution No. 21-140](#)

Associate Planner Navarre Oaks gave the staff presentation and then introduced Leo Escaroz, the architect, who gave a brief presentation, and both responded to Council Member questions.

PUBLIC HEARING OPEN: 7:55 p.m.

1. Brian Donahue objected to the design of the project.

PUBLIC HEARING CLOSED: 7:59 p.m.

A motion was made by Vice Mayor Medina, 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. 21-140

- 11.2.** [ID-2021-577](#) Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Major Design Review Permit To Demolish Four Residential Units And Replace Them With Four New Residential Units At A Site That Was Previously Approved To Add Additional Floor Area To An Existing Four-Unit Residential Building At 1271 64th Street (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) And 15061(b)(3)) (APN: 49-1471-15). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)[Attachment 1 - Applicant's Summary of Project Revisions](#)[Attachment 2 - Previous Plans dated 11-30-2016](#)[Draft Resolution](#)[Exhibit A - Conditions of Approval](#)[Exhibit B - Proposed Plans dated 10-12-2021](#)[Late Correspondence - Building Permit Fee Chart 1271 64th Street \(12/16/21\)](#)[APPROVED Resolution No. 21-141](#)

Associate Planner Oaks gave the staff presentation on this item, followed by Travis Tarr presenting on behalf of the applicant. They, along with applicant Aquis Bryant, responded to Council Member questions.

PUBLIC HEARING OPEN: 8:21 p.m.

1. Brian Donahue spoke regarding the proposed rain gutters, stating that they exceeded the height limitations of the project.
2. Joy Ashe spoke regarding the lack of available parking for all of the added units.

PUBLIC HEARING CLOSED: 8:28 p.m.

A motion was made by Vice Mayor Medina, seconded by Council Member Welch, to approve this Resolution as amended by Council direction. 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. 21-141

12. ACTION ITEMS

- 12.1.** [ID-2021-598](#) Proposed 2022 State and Federal Legislative Agenda and Summary of 2021 Outcomes. (Christine Daniel)

Attachments: [Staff Report](#)

[TPA Memo: 2022 Legislative Platform](#)

Niccolo De Luca, Senior Advisor for Townsend Public Affairs, Inc. (TPA), the City's legislative consultant, gave a brief presentation and responded to Council Member questions.

- 12.2.** [ID-2021-578](#) Paid Parking Program: (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

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

12.2.1 [ID-2021-579](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Paid Parking Project (CIP #T-07) As Complete

Attachments: [Draft Resolution](#)

[APPROVED Resolution No. 21-142](#)

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. 21-142

12.2.2 [ID-2021-580](#) Resolution Of The City Council Of The City Of Emeryville Revising The Locations Of Parking Meters In The North Hollis And Triangle Parking Meter Zones (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15301(c))

Attachments: [Draft Resolution](#)

[APPROVED Resolution No. 21-143](#)

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. 21-143

12.2.3 [ID-2021-581](#) Resolution Of The City Council Of The City Of Emeryville Designating A 15-Minute Time Limited Parking Zone Adjacent To 3986 Adeline Street (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15301(c))

Attachments: [Draft Resolution](#)

[APPROVED Resolution No. 21-144](#)

A motion was made by Vice Mayor Medina, 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. 21-144

- 12.3. [ID-2021-604](#) Resolution Of The City Council Of The City Of Emeryville Amending The 2021 Regular Meeting Schedule Of The Emeryville City Council To Add A Meeting In January 2022 (Sheri Hartz)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 21-145](#)

A motion was made by Council Member Martinez, 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. 21-145

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2021-582](#) Planning Director's report on Planning Commission actions at the December 9, 2021 meeting:

- (a) 65th Street Multi-Unit Residential. Consideration of a Conditional Use Permit and Design Review for a new 24-unit residential building consisting of all 2- and 3-bedroom units at 1225 65th Street requiring a variance for the setback on the west side of the property and a tree removal permit.
- (b) Duplex Conversion. Study session to review a Conditional Use Permit and Design Review application to modify an existing single unit building at 1291 55th Street into two units.
- (c) "The Emery" Master Sign Program. Study session for a Major Sign Permit for a Master Sign Program for "The Emery", formerly known as "Sherwin-Williams", along Sherwin Avenue and Horton Street, including adjacent portions of Hubbard Street and 46th Street.

The packet for the December 9, 2021 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

Council Member Donahue requested support for an item to be brought back regarding a City Code of Ethics. The matter was referred to the

Budget and Governance Committee.

Mayor Bauters requested and received majority support for the following items to be added to future agendas:

- January 18th:
 - move the item to make findings to continue remote meetings from the Consent to Action calendar.
 - consider whether to approve a permanent resolution to fly the Pan-African Flag at City Hall each year during the month of February.
 - consider directing staff to conduct a city-wide tree survey.
- Late spring: Hold a study session on the small parcel at Adeline and 36th.
- Discussion about potentially making COVID-related parklets permanent and encourage more of them, timing to be at City Manager's discretion.

15. ADJOURNMENT

The meeting adjourned at 9:31 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