



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 --

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Tuesday, January 18, 2022

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 8:02 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 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. SPECIAL ORDERS OF THE DAY

No Special Orders were listed.

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

The City Clerk announced that a new recruitment to fill unexpected vacancies would open soon.

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

No announcements were made.

## 7. CITY MANAGER'S REPORT

The City Manager expressed appreciation on behalf of the City for the work of outgoing Assistant City Attorney Andrea Visveshwara upon the occasion of her leaving Emeryville for other employment, and especially for her service as Interim City Attorney over the previous several months. The Mayor and Council Members also made remarks of appreciation and gave their well-wishes to Ms. Visveshwara for her future endeavors.

## 8. EX PARTE COMMUNICATIONS

Council Member Welch reported that she had communicated with her candidates for standby officer positions related to Item 10.7. Mayor Bauters reported having contact, regarding Item 12.3, with representatives from ACTC, CalTrans, City of Berkeley and other staff.

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

1. Fran Quittel requested that the City Council revisit the concept of enacting an older building accountability program requiring routine building inspection and maintenance, which had been the subject of her previous request a few months ago.

2. Brian Donahue spoke regarding the Christie Avenue sites that had been the subject of the earlier study session, stating that Council Member Martinez had previously expressed an opinion on housing numbers.

## 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-2022-022](#)** 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-2022-019](#) Action Minutes of the December 10, 2021 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.3. [ID-2022-020](#) Action Minutes of the December 21, 2021 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.4. [ID-2022-030](#) Action Minutes of December 21, 2021, City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.5. [ID-2022-035](#) Action Minutes of the January 4, 2022 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.6. [ID-2022-008](#) Resolution of the City Council Of The City of Emeryville Authorizing The City Manager To Execute The Conveyance Agreement Between The City Of Emeryville ("City") And The City Of Emeryville As The Successor Agency To The Emeryville Redevelopment Agency ("Successor Agency") (1) To Transfer Platform Parcels 3 (portion of APN 049-1325-002) and 4 (APN 1325-001-04) and 59th Street Extension (portion of APN 049-1325-002) From The Successor Agency To The City And (2) To Assign To The City The Successor Agency's Right To Acquire The Station Parcel (APN 049-1325-001-2) To The City, And Authorizing the City Manager To Take Related Actions; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3). (Andrea Visveshwara)  
**(In Conjunction With Successor Agency Agenda Item 6.5)**

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Conveyance Agreement](#)  
[APPROVED Resolution No. 22-01](#)

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

Enactment No: Reso No. 22-001

- 10.7. [ID-2022-062](#) Resolution Of The City Council Of The City Of Emeryville Appointing Standby Officers For Succession Of Council Member Courtney Welch In The Event Of A Declared Emergency For Calendar Year 2022. (Sheri Hartz / Lorraine Leong)

**Attachments:** [Staff Report](#)  
[Attachment - Government Code Sections 8635-8644](#)  
[Draft Resolution](#)  
[Exhibit A : Revised - 2022 City Council Emergency Standby Officers Roster](#)  
[APPROVED Resolution No. 22-02](#)

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

Enactment No: Reso No. 22-002

- 10.8. [ID-2022-004](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With David Paul Rosen And Associates To Provide Developer Selection, Negotiation And Closing Assistance Services Associated With The Christie Sites For A Total Contract Amount Not To Exceed \$150,000. (Charles S. Bryant / Chadrick Smalley)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Professional Services Contract](#)  
[APPROVED Resolution No. 22-03](#)

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

Enactment No: Reso No. 22-003

- 10.9. [ID-2022-005](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With PES Environmental, Inc. To Provide Environmental Consulting Services Associated With The Christie Sites For A Total Contract Amount Not To Exceed \$100,000. (Charles S. Bryant / Chadrick Smalley)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Professional Services Contract](#)  
[APPROVED Resolution No. 22-04](#)

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

Enactment No: Reso No. 22-004

- 10.10. [ID-2022-002](#)** 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 For The Construction Of The Annual Street Rehabilitation And Preventive Maintenance Project Fiscal Year 2021/2022, Project No. EPW-21102 (CIP No. 17240005); 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. 22-05](#)

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

Enactment No: Reso No. 22-005

- 10.11. [ID-2022-001](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Fourth Amendment To The Professional Services Agreement With AECOM To Amend The Scope Of Work, To Increase The Total Compensation By An Additional \$64,635.00, For A Total Amount Not to Exceed \$434,066.00 And To Extend The Term Of Service To The Later Of Sixty Days After Council Acceptance Of Construction Or September 28, 2022 For Archeological Services For The South Bayfront Pedestrian Bicycle Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006 And CIP#17237003). (Mohamed Alaoui / Todd Teachout)

**Attachments:** [Staff Report](#)[Original Professional Services Agreement](#)[AECOM PSA 1st Amendment](#)[AECOM PSA 2nd Amendment](#)[AECOM PSA 3rd Amendment](#)[Draft Resolution](#)[AECOM PSA Proposed 4th Amendment](#)[Exhibit A: AECOM 4th Amendment Workslope](#)[APPROVED Resolution No. 22-06](#)

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

Enactment No: Reso No. 22-006

**11. PUBLIC HEARINGS**

There were no Public Hearings listed.

**12. ACTION ITEMS**

- 12.1. [ID-2022-017](#)** 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 7.1 And Successor Agency Agenda Item 7.1)**

**Attachments:** [Staff Report](#)[Draft Resolution](#)[APPROVED Resolution No. 22-07](#)

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

Enactment No: Reso No. 22-007

- 12.2. [ID-2022-024](#)** City Council Consideration of Survey Results and Direction Concerning Revenue Measure Development for Voter Consideration. (Christine Daniel / Sheri Hartz)

**Attachments:** [Staff Report](#)[Attachment A: Survey Results Presentation](#)

City Manager Daniel introduced the item and then turned it over to the City's consultant, Miranda Everitt from FM3, who gave the presentation and responded to Council Member questions.

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PUBLIC COMMENT:

1. Charlotte stated she had been contacted for the survey and stated she had been unsure whether the contractor pollster was legitimate.

2. Brian Donahue stated that the Council should not be overly confident in the survey findings as previous measures that had polled well had failed.

Council gave direction to not pursue a measure for the June ballot, and to refer the other measure to the Budget and Governance Committee for further review.

- 12.3. [ID-2022-006](#) Letter of Support, Update, and Review of the I-80/Ashby Avenue (Route 13) Interchange Improvements Draft Environmental Document (Mohamed Alaoui / Ryan O'Connell)

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

[Exhibit A - Project Information and Map](#)

[Exhibit B -](#)

[Ashby Interchange Draft Environmental Document RPT\\_Dec2021](#)

[Exhibit C - Ashby Interchange DED Appendices RPT\\_Dec2021](#)

[Draft Letter of Support - Ashby Interchange Project](#)

[Draft Letter of Support - Ashby Interchange Project --REVISED--](#)

Senior Civil Engineer Ryan O'Connell introduced the item and turned it over to Wajahat Nyaz, ACTC, who gave the presentation and responded to Council Member questions.

PUBLIC COMMENT:

1. Fran Quittel commented on the messaging and budgets for the project, and stated that the project location was in an upsetting condition and received only sporadic cleaning.

The Council directed that the letter be sent, following the directed revisions having been made.

- 12.4. [ID-2022-012](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Comprehensive Annual Financial Report And Associated Compliance Audit Reports And Auditor Correspondence For The Fiscal Year Ended June 30, 2021. (Christine Daniel)

**Attachments:** [Staff Report](#)[Draft Resolution](#)[Attachment 1 - Comprehensive Annual Financial Report](#)[Attachment 2 - Child Development Center Compliance Audit](#)[Attachment 3 - Measure B Compliance Audit](#)[Attachment 4 - Measure BB Compliance Audit](#)[Attachment 5 - Vehicle License Fee Compliance Audit](#)[Attachment 6 - Auditors Communication Letter](#)[Attachment 7 - Auditors Memorandum on Internal Control](#)[Attachment 8 - Appropriations Limit Calculation](#)[APPROVED Resolution No. 22-08](#)

Council waived presentation on this item. Before making the motion to approve, Council Member Martinez complimented staff's hard work in completing the audit and receiving no negative findings.

**A motion was made by Council Member Martinez, seconded by Mayor Bauters, 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. 22-008

- 12.5.** [ID-2022-015](#) Discussion on Whether to Add A Future Agenda Item To Consider Directing Staff To Conduct A Tree Survey. (Mayor Bauters)

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

Mayor Bauters reported on his reasons for requesting this item and received majority support for it to be added as a study session on a future agenda.

**PUBLIC COMMENT:**

1. Brian Donahue spoke in support of this matter going forward.
2. Ken Bukowski spoke in support but asked how the program would be regulated.

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

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

- 12.6.** [ID-2022-014](#) Discussion on Whether to Fly The Pan-African Flag At City Hall Each Year In February In Recognition Of The Significance Of Black History

Month. (Mayor Bauters)

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

Mayor Bauters stated his reasons for requesting this item to be added and received majority support for its approval, with the corresponding resolution to come back to Council at its February 1, 2022, meeting.

**PUBLIC COMMENT:**

1. Brian Donahue stated that the BLM flag should be flown at City Hall as well.

**A motion was made by Vice Mayor Medina, seconded by Council Member Welch, to approve this Other Item. The motion carried by the following vote:**

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

- 12.7.** [ID-2022-059](#) Resolution Of The City Council Of The City Of Emeryville Approving A Legal Services Agreement with Jarvis Fay & Gibson, LLP, for Interim City Attorney Services. (Mayor Bauters)

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

[Draft Resolution](#)

[Exhibit 1: Legal Services Agreement for Interim City Attorney Services 1-7-22 \(003\)](#)

[APPROVED Resolution No. 22-09](#)

**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. 22-009

**13. DEPARTMENT HEAD REPORTS**

There were no reports given.

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

No future agenda items were requested.

**15. ADJOURNMENT**

The meeting was adjourned at 9:50 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**

DRAFT