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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, July 19, 2022

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:28 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 Mayor Bauters, seconded by Vice Mayor Medina, to approve the Final Agenda, amended to change the order of items with Items 12.7 and 12.1 moved ahead of the Public Hearings. 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

The Council Members made comments in appreciation of the City Manager on the occasion of her retirement from the City.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that a training was held for recently appointed committee members, and that another recruitment was

planned in the fall to fill remaining unexpected vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

No announcements were made.

7. CITY MANAGER'S REPORT

City Manager Christine Daniel announced two upcoming events: ECCL movie night on July 29th and National Night Out on August 2nd at Doyle Hollis Park.

8. EX PARTE COMMUNICATIONS

Council Member Martinez, Vice Mayor Medina and Mayor Bauters all reported ex parte communications related to Item 11.1 with representatives from Wareham and the Public Market.

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

1. Laura McCamy submitted an online speaker card which was read into the record which expressed support for Item 10.5 on a grant for improving traffic, pedestrian and bike safety.
2. Brian Donahue questioned why there were not traffic counts and stated that there was a lack of transparency and accountability under the current City Manager.
3. Lucy Pettway spoke about the low income housing lottery.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Donahue, seconded by Council Member Welch, 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-2022-385 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-2022-392 Action Minutes Of The July 5, 2022, Special City Council / City Of Emeryville As Successor Agency To The Emeryville

Redevelopment Agency Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. ID-2022-398** Action Minutes Of The July 5, 2022, Regular City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. ID-2022-358** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Issue A Request For Proposals (RFP) For An Upgraded CAD/RMS System For The Police Department. (Chief Jeff Jennings / Capt. Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution 22-111](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-111

- 10.5. ID-2022-377** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept And Appropriate A Grant Award On Behalf Of The Police Department, From The California Office Of Traffic Safety, Selective Traffic Enforcement Program (STEP) In The Amount Of \$48,000 For Funds Related To Improving Traffic, Bicycle, And Pedestrian Safety Within The City. (Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Grant Application](#)

[APPROVED Resolution No. 22-97](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-97

- 10.6. ID-2022-415** Resolution Of The City Council Of The City Of Emeryville Consenting To Amend The Pay And Benefits Plan For Unrepresented Employees Effective July 16, 2022. (Trish Raver) (In Conjunction With MESA Agenda Item 6.2)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: Pay and Benefits Plan, Unrepresented Employees](#)

[APPROVED Resolution No. 22-98](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-98

- 10.7. ID-2022-299** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement By And Between The County Of Alameda And The City Of Emeryville For The Purpose Of Carrying Out The Community Development Block Grant Program (CDBG) For Fiscal Year 2022-23, Amending The Fiscal Year 2022-2023 Operating Budget Of The CDBG Fund (Fund No. 205) To Increase Revenues And Expenditures By \$33,081 And Transfer \$15,500 From (Fund 205, Account 88430 To Accounts 71040-72250). (Charles S. Bryant / Chadrick Smalley / Valerie F. Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A to Resolution - CDBG Agreement](#)

[APPROVED Resolution No. 22-99](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-99

- 10.8. ID-2022-390** Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Enter Into A Contract With CF Contracting, Inc. In An Amount Of \$1,628,218.00; Authorizing The City Manager To Approve Payments Of Possible Additional Costs As Contingency Expenditures Up To \$100,000, All For The Construction Of The Annual Street Rehabilitation And Preventive Maintenance Project Fiscal Year 2021/2022, Project No. EPW-21102 (CIP No. 17240005); And Transferring \$100,000 From Fund 250 In CIP No. 17250016 And \$250,000 From Fund 475 In CIP No. 15475023 Into CIP No. 17240005. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Construction Contract \(Large File\)](#)

[Exhibit A](#)

[Late Correspondence - Staff Report](#)

[APPROVED Resolution No. 22-100](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-100

- 10.9. ID-2022-380** Resolution Of The City Council Of The City Of Emeryville Approving Curb Color Designations At The Lennar Multifamily Communities Sherwin Williams Mixed Use Project On Sherwin Avenue, Horton Street, Hubbard Street, and 46th Street. (Mohamed Alaoui / Michael Roberts)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A: Curb Color Proposal Map](#)[APPROVED Resolution No. 22-101](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 22-101

- 10.10. ID-2022-387** Resolution Of The City Council Of The City Of Emeryville To Reject All Bids And To Approve Revised Scope Of Work For The 40th Street Bridge Railing Painting, Lumec Light Pole Painting, And Marina Lighting Replacement Project, Project No. EPW-20103 (CIP No. 15475015, 15475028, And 17495012). (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A \(Lumec\).pdf](#)[Exhibit B \(Marina\).pdf](#)[APPROVED Resolution No. 22-102](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 22-102

- 10.11. ID-2022-384** Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations By Adding Mass Timber Construction As A Community Benefit Eligible For Development Bonus Points In Section 9-4.204(e) Of The Emeryville Municipal Code. CEQA Determination: Exempt Under Section 15061(b)(3). (Charles S. Bryant / Mohamed Alaoui / Nancy Humphrey)

Attachments: [Staff Report](#)[Attachment 1 - CBSC Information Bulletin 20-04 \(Revised\)](#)[Attachment 2 - Tall Wood Buildings in the 2021 IBC](#)[Proposed Ordinance](#)[APPROVED Ordinance No.22-005](#)

A motion was made to approve the second reading and adoption of this Ordinance.

Enactment No: Ord No. 22-005

12. ACTION ITEMS

Items 12.7 and 12.1 were taken out of sequence per the Council's direction under Approval of Final Agenda.

- 12.7. ID-2022-411** Resolution Of The City Council Consenting To The Appointment Of Adam Politzer As Interim City Manager And To The Approval Of An Employment Agreement Between MESA And Adam Politzer As Interim City Manager. (Trish Raver)
(In Conjunction With MESA Agenda Item 7.3)

Attachments: [Staff Report](#)[Draft Resolution](#)[Interim City Manager Employment Agreement](#)[APPROVED Resolution No. 22-110](#)

Human Resources Director Trish Raver gave a presentation.

PUBLIC COMMENT:

1. Brian Donahue continued comments from the previous meeting criticizing the current City Manager.

A motion was made by Vice Mayor Medina, seconded by Council Member Welch, to approve the 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. 22-110

- 12.1. ID-2022-369** Report To The City Council Of The City Of Emeryville On Recommendations Made By The Commission On Aging In Support Of The City Of Emeryville's Paid Parking Program And Improving Emeryville's Website As A Resource For Older Adults. (Pedro Jimenez / Kim Burrowes)

Attachments: [Staff Report](#)

[Attachment 1: Website Recommendations](#)

[Attachment 2: Letter of Support for Paid Parking](#)

Assistant City Manager Pedro Jimenez and Community Services Program Coordinator Kim Burrows gave a presentation.

PUBLIC COMMENT:

1. Brian Donahue commented about the lack of transparency and accountability in the program.

The City Council accepted the informational report.

11. PUBLIC HEARINGS

11.1. ID-2022-404 EmeryStation Overland Project: (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Attachment 1 - Project Plans](#)

[Attachment 2 - Arborist Report](#)

[Attachment 3 - CHS Parking Study](#)

[Attachment 4 - Fehr & Peers Non-CEQA Memo](#)

[Fehr & Peers Non-CEQA Memo Appendices](#)

[Attachment 5 - Fehr & Peers CEQA Memo](#)

Community Development Director Charles Bryant and Senior Planner Miroo Desni gave a presentation and responded to Council Member questions. The appellant gave a presentation. Other staff and consultants present included Brandon Northart, Geoff Sears, Matthew Malone, Mohammed Alaoui, and Jordan Brooks.

PUBLIC HEARING OPENED: 8:33 p.m.

1. Brian Donahue commented that Greg Sears has no credibility and wants to cut down trees.

2. Jordan Wax commented that there are many projects in the vicinity that include parking.

3. Steven Keller submitted an online speaker card which was read into the record, and which stated the reasons he felt the conditional use permit for the additional parking should not be approved.

PUBLIC HEARING CLOSED: 8:41 p.m.

11.1.1. ID-2022-405 Resolution Of The City Council Of The City Of Emeryville

Approving A Conditional Use Permit And Design Review To Construct A New 300,000 Square Foot Research And Development Building And A Six Level Parking Structure Accommodating 496 Parking Spaces On An Approximately 113,325 Square Foot Site On The Block Bounded By Overland Avenue And 62nd, 63rd And Hollis Streets. (APN: 49-1488-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15332 and 15061(b)(3))

Attachments: [Draft Resolution](#)

[Exhibit A - Conditions of Approval](#)

[APPROVED Resolution No. 22-103](#)

A motion was made by Mayor Bauters, seconded by Vice Mayor Medina, to adopt this Resolution as amended. 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. 22-103

11.1.2. ID-2022-406 Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review To Construct A New 300,000 Square Foot Research And Development Building And A Parking Structure, And Denying A Conditional Use Permit For Parking Spaces More Than The Maximum Allowed On An Approximately 113,325 Square Foot Site On The Block Bounded By Overland Avenue And 62nd, 63rd And Hollis Streets. (APN: 49-1488-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15332 and 15061(b)(3))

Attachments: [Draft Resolution](#)

[Exhibit A - Conditions of Approval](#)

11.2. ID-2022-374 4300 and 4310 San Pablo Avenue Intergenerational Affordable Housing Project: (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

Economic Development and Housing Coordinator Valerie Bernardo gave the staff presentation and responded to Council Member questions. Also present were Steve Pratt, Bianca Neumann and Tim Koehler.

PUBLIC HEARING OPEN: 9:17 p.m.

1. Brian Donahue spoke in opposition to adding more parking spots to this project.

PUBLIC HEARING CLOSED: 9:20 p.m.

- 11.2.1. ID-2022-375** Resolution Of The City Council Of The City Of Emeryville Declaring The Properties At 4300 And 4310 San Pablo Avenue, Emeryville, California (APN 049-1079-014-01 And 049-1079-017-01) As Exempt Surplus Land Pursuant To Government Code Section 54221(f)(1)(A)

Attachments: [Draft Resolution](#)

[Exhibit A - Assessor Parcel Map](#)

[APPROVED Resolution No. 22-104](#)

A motion was made by Council Member Martinez, seconded by Council Member Welch, to approve the 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. 22-104

- 11.2.2. ID-2022-376** Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Enter Into And Execute A Lease Disposition And Development Agreement Between The City Of Emeryville And EAH, Inc. And Related Ground Lease For The Development And Operation Of An Intergenerational Affordable Housing Project At 4300 And 4310 San Pablo Avenue, Emeryville, California (APN 049-1079-014-01 And 049-1079-017-01) And Authorizing The City Manager To Take Action To Effectuate The Lease Disposition and Development Agreement And Related Ground Lease

Attachments: [Proposed Ordinance](#)

[Exhibit A - Lease Disposition and Development Agreement](#)

A motion was made by Mayor Bauters, seconded by Council Member Donahue, to read the Ordinance 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 Council Member Welch, to approve the first reading of the 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

- 11.3. ID-2022-395** Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance For The Union Pacific Railroad Grade Crossings At 67th, 66th, and 65th Streets For A Seven Consecutive Day Period On Dates To Be Determined Between August 1, 2022 And December 31, 2022 To The City Of Emeryville, Bay Cities Paving & Grading Inc., And Union Pacific Railroad Corporation For Work Related To Track and Grade Crossing Improvements As Part Of The TCEP - Quiet Zone Safety Engineering Measures, Project No. EPW-18103 (CIP No. 19475008) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Ryan O'Connell / Mohamed Alaoui)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-105](#)

Senior Civil Engineer Mike Roberts made a presentation and responded to Council Member questions.

PUBLIC HEARING OPEN: 9:30 p.m.

1. Lucy Pettway submitted a comment that was read into the record, objecting to further railway noise being allowed.

PUBLIC HEARING CLOSED: 9:31 p.m.

A motion was made by Mayor Bauters, seconded by Council Member Donahue, to adopt the Resolution as amended. 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. 22-105

- 11.4. ID-2022-416** Introduction And Waiver Of First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adopting Emeryville Police Department Policy 707: Military Equipment. (Christie Crowl / Chief Jeff Jennings)

Attachments: [Staff Report](#)

[Attachment A: April 19, 2022 Staff Report](#)

[Draft Ordinance](#)

[Exhibit A: Emeryville Police Department Policy Manual](#)

[Exhibit B: AB 481 Inventory](#)

Special Counsel Christie Crowl gave a presentation and Captain Oliver Collins answered Council Member questions.

PUBLIC HEARING OPEN: 9:40 p.m.

1. Brain Donahue stated he was not allowed to speak previously and made suppositions about Police Officers' political affiliations.

PUBLIC HEARING CLOSED: 9:44 p.m.

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to read the Ordinance 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 Vice Mayor Medina, seconded by Council Member Martinez, to approve first reading 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

12. ACTION ITEMS

12.2. ID-2022-318 Adeline Sites RFP and Exemption from Surplus Lands Act (Charles S. Bryant / Chadrick Smalley / Valerie F. Bernardo)

Attachments: [Staff Report](#)

Economic Development and Housing Coordinator Valerie Bernardo gave the staff presentation and answered Council Member questions.

PUBLIC COMMENT:

1. Brian Donahue reported on how he intended to participate in public comment at future meetings.

12.2.1. ID-2022-319 Resolution Of The City Council Of The City Of Emeryville Authorizing The Release Of A Request For Proposals For The Redevelopment Of 3602 Adeline And 1132 36th Street (APNs 005-0480-001-01, 005-0480-004 And 005-0480-003)

Attachments: [Draft Resolution - Adeline Sites RFP Release](#)

[Exhibit A to Resolution - Adeline Sites RFP](#)

[APPROVED Resolution No. 22-106](#)

A motion was made by Vice Mayor Medina, seconded by Council Member Martinez, to adopt this Resolution as amended. 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. 22-106

- 12.2.2. ID-2022-320** Resolution Of The City Council Of The City Of Emeryville Declaring The Properties At 3602 Adeline and 1132 36th Street (APNs 005-0480-001-01, 005-0480-004 And 005-0480-003) As Exempt Surplus Land Pursuant To Government Code Section 54221(f)(1)(A)

Attachments: [Draft Resolution - Adeline Sites Exempt Surplus](#)
[Exhibit A - Adeline Sites Assessor Map and Data](#)
[APPROVED Resolution No. 22-107](#)

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. 22-107

- 12.3. ID-2022-378** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract For Investment Advisory Services With Chandler Asset Management For Fiscal Year 2022-2023, With The Option To Extend For Two Additional Years, For A Total Amount Not To Exceed \$260,000. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)
[*NEW Presentation - Chandler Assets](#)
[Draft Resolution](#)
[Professional Services Agreement: Chandler Asset Management](#)
[APPROVED Resolution No. 22-108](#)

Finance Director Brad Farmer gave the staff presentation and responded to Council Member questions.

Carlos Oblites, from Chandler Asset Management, made brief remarks and responded to Council questions.

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. 22-108

- 12.4. ID-2022-401** 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. 22-109](#)

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. 22-109

- 12.5. ID-2022-408** Discussion On Whether To Add A Special Meeting Of The City Council Of The City Of Emeryville To A Date And Time In August As Directed By The Board For The Purpose Of Considering Making Findings To Continue Meeting Remotely. (Sheri Hartz)
(In Conjunction With MESA Agenda Item 7.2 And Successor Agency Agenda Item 7.2)

Attachments: [Staff Report](#)

The Council discussed the item and decided to call a special meeting on August 16, 2022, at 5:00 p.m.

A motion was made by Vice Mayor Medina, seconded by Council Member Welch, to call a special meeting on August 16, 2022. The motion carried by the following:

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

- 12.6. ID-2022-409** Discussion On Whether To Amend Section 2-2.201 Of Article 2 Of Chapter 2 Of Title 2 Of The Emeryville Municipal Code Regarding An Increase In City Council Member Salaries. (Sheri Hartz)

Attachments: [Staff Report](#)

[Attachment A: Municipal Code Section](#)

[Attachment B: CA Government Code Section 36516](#)

The Council Members discussed the item and asked for a staff report including a 5% increase for each year since 2017 to be agendized for September.

PUBLIC COMMENT:

1. Brian Donahue expressed support for the item.

2. Chris McCormick expressed support for the item.

13. DEPARTMENT HEAD REPORTS

There were no reports.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

There were no requests.

15. ADJOURNMENT

The meeting adjourned at 10:35 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