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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

Tuesday, September 6, 2022

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 8:02 p.m. Mayor Bauters 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 Martinez, 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

Deputy City Clerk Richardson announced the upcoming recruitment to fill unexpected vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez reported on the statewide flex alerts and encouraged limiting electricity use to avoid power outages. Mayor Bauters announced the upcoming seawall art mural events. Council Member Welch stated that she would be attending the Annual Conference in Long Beach.

7. CITY MANAGER'S REPORT

The Interim City Manager reported out on his activities during his first five weeks in Emeryville.

8. EX PARTE COMMUNICATIONS

Mayor Bauters reported on having communicated with the applicant related to Item 11.1.

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

There were no comments made.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Medina, 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-2022-443 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-2022-447 Action Minutes Of The July 19, 2022, Special City Council / MESA / 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-2022-450 Action Minutes Of The July 19, 2022, Regular City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. ID-2022-453** Action Minutes Of The August 16, 2022, Special City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. ID-2022-428** Appointments of Interim City Treasurer: (Trish Raver / Brad Farmer / /Monica Centeno)

Attachments: [Staff Report](#)

A motion was made to accept this Informational Report.

- 10.5.1 ID-2022-454** Resolution Of The City Council Of The City Of Emeryville Appointing Emily Plummer-Boyd As The Interim Finance Director And Interim City Treasurer Pursuant To Government Code Section 21221(H) Effective September 7, 2022

Attachments: [Draft Resolution](#)

[Exhibit A](#)

[APPROVED Resolution No. 22-112](#)

Enactment No: Reso No. 22-112

- 10.5.2 ID-2022-455** Resolution Of The City Council Of The City Of Emeryville Appointing William Zenoni As The Interim Finance Director And Interim City Treasurer Pursuant To Government Code Section 21221(H) Effective October 17, 2022

Attachments: [Draft Resolution](#)

[Exhibit A](#)

[APPROVED Resolution No. 22-113](#)

A motion was made to approve this Resolution.

Enactment No: 22-113

- 10.6. ID-2022-436** Resolution Of The City Council Of The City Of Emeryville Authorizing Continued Investment In The Local Agency Investment Fund and Authorizing Certain City Officers Or Staff Members To Deposit Monies In Or Withdraw Monies From The Local Agency Investment Fund. (Brad Farmer / Peggy Xu / Monica Centeno)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-114](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-114

- 10.7. ID-2022-433** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With HdL Companies For A Total Amount Not To Exceed \$165,000 For of Consulting Services Contract For Business License Tax Revenue Services For The City Of Emeryville During Fiscal Years 2022-2023, 2023-2024 And 2024-2025. (Brad Farmer/Monica Centeno)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Professional Services Contract](#)[Exhibit B - Request for Proposal \(RFP\)](#)[Exhibit C - HDL's response to RFP](#)[APPROVED Resolution No. 22-115](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 22-115

- 10.8. ID-2022-429** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With Xerillion Corporation To Provide File Migration Services and Microsoft Licensing In The Amount Of Eighty-Six Thousand Four Hundred Eighty-Seven Dollars (\$86,487). (Michael Parenti)

Attachments: [Staff Report](#)[Draft Resolution](#)[Exhibit A - Professional Services Agreement](#)[Xerillion Price Sheet](#)[APPROVED Resolution No. 22-116](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 22-116

- 10.9. ID-2022-442** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds And Execute Funding Agreement With The California Transportation Commission For The 40th Street Transit-Only Lanes And Multimodal Enhancements Project. (Mohamed Alaoui / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Master Agreement](#)
[Exhibit B - Supplement Agreement](#)
[APPROVED Resolution No. 22-117](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-117

- 10.10. ID-2022-457** Second 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](#)
[APPROVED Ordinance No. 22-006](#)

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

Enactment No: Ord No. 22-006

- 10.11. ID-2022-424** Second 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 (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)
[Attachment 1 - Staff Report from July 19, 2022](#)
[Proposed Ordinance](#)
[Exhibit A - Lease Disposition and Development Agreement](#)
[APPROVED Ordinance No. 22-007](#)

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

Enactment No: Ord No. 22-007

11. PUBLIC HEARINGS

- 11.1. ID-2022-445** Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue A 2022 Annual Cabaret License To The Bureau of Emeryville, LLC dba The Bureau 510. (Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A Conditions of Approval](#)
[APPROVED Resolution No. 22-118](#)

Council waived staff's presentation on this item.

PUBLIC HEARING OPEN: 8:11 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 8:11 p.m.

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. 22-118

12. ACTION ITEMS

- 12.1. ID-2022-426** Resolution Of The City Council Of The City Of Emeryville Authorizing Submittal Of A Prohousing Designation Program Application To The California Department Of Housing And Community Development (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)
[Attachment 1 - Preliminary Prohousing Score Sheet](#)
[Draft Resolution](#)
[APPROVED Resolution No. 22-119](#)

Associate Planner Navarre Oaks gave the staff presentation and responded to Council Member questions.

A motion was made by Mayor Bauters, 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. 22-119

- 12.2. ID-2022-446** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Purchase Five 2023 F150 Lightning EV Trucks To Be Used For Emeryville Public Works Department In A Total Amount Not To Exceed \$273,904.45 From San Leandro Ford. (Pedro Jimenez / Mohamed Alaoui / Daniel Gonzales)

Attachments: [Staff Report](#)

[Attachment A: Alameda County Master Contract #901979](#)

[Attachment B: F150 Lightning Quote](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-120](#)

Public Works Director Mohamed Alaoui introduced new Public Works & Operations Manager Daniel Gonzales, who gave the staff presentation and responded to Council Member questions,

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. 22-120

- 12.3. ID-2022-267** Resolution Of The City Council Of The City Of Emeryville Approving The 2022 Amendment Of The City Of Emeryville Conflict Of Interest Code. (Sheri Hartz)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Appendix A](#)

[Appendix B Redline](#)

[Appendix C Redline](#)

[Form 804](#)

[APPROVED Resolution No. 22-121](#)

City Clerk Sheri Hartz gave a brief staff introduction to the item.

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. 22-121

- 12.4. ID-2022-422** Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending 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](#)

[Draft Ordinance](#)

[CA Government Code Section 36516](#)

Council Members Martinez and Donahue reported on the reasons they felt an increase in the Council Members' salaries was appropriate.

A motion was made by Council Member Martinez, seconded by Mayor Bauters, to read this 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 Donahue, to approve the first reading and introduction of this Ordinance, and provided direction that the increase consist of 5% for each of the five years since the last increase in 2017. The motion carried by the following vote:

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

- 12.5. ID-2022-439** 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 6.1 And Successor Agency Agenda Item 7.1)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-122](#)

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. 22-122

13. DEPARTMENT HEAD REPORTS

- 13.1. ID-2022-427** Planning Director's report on Planning Commission actions at the August 25, 2022 meeting:

(a) Marketplace Redevelopment Project Parcels A, B and F. Consideration of an amendment to the Marketplace Redevelopment

Project Planned Unit Development/Preliminary Development Plan (PUD/PDP) to transfer requirement for 10 townhome units from Parcel A (referred to as the "Shellmound Building" in the approved PUD/PDP) to Parcel F (referred to as "Retail Pad #1" in the approved PUD/PDP); and an amendment to the Development Agreement to allow for no residential development on Parcel A, and to provide for a monetary contribution of \$20 million to the City in lieu of providing 18 affordable housing units on Parcel A, and other related amendments.*

(b) 1034, 1036, 1038 and 1042 47th Street Certificate of Compliance Appeal. Consideration of an appeal of staff's determination that a Parcel Map, rather than a Certificate of Compliance, is the required legal method for creating four separate parcels for each of four existing houses at 1034, 1036, 1038 and 1042 47th Street. Pursuant to Planning Regulations Section 9-7.1404(b), the Planning Commission may either (1) affirm the decision of the Director and dismiss the appeal based on a determination that the facts ascertainable from the record do not warrant further hearing; (2) set a date for a public hearing on the appeal; or (3) remand the matter to the Director to cure a deficiency in the record or the proceedings.

* Item requires City Council approval, and is scheduled for consideration by the Council on September 20, 2022.

The packet for the August 25, 2022 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Rec ent>

Director Bryant gave the Planning Director's report.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

No Future Agenda items were requested.

15. ADJOURNMENT

The meeting adjourned at 8:56 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