



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 Christian R. Patz
Vice Mayor Dianne Martinez
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Ally Medina

Tuesday, September 15, 2020

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:20 p.m. The Mayor read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the Brown Act waivers provided for under the Governor's Executive Order in response to the COVID-19 State of Emergency.

2. ROLL CALL

Present: 5 - Mayor Christian R. Patz
Vice Mayor Dianne Martinez
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Ally Medina

3. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Donahue, seconded by Vice Mayor Martinez, to approve the Final Agenda, adding that the meeting would be adjourned in memory of former longtime Council Member Nora Davis . The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

No announcement was made.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Bauters reported on his attendance of the ACTC meeting, stating that a proposal to amend the Transportation Expenditure Plan for 2014 (Measure BB) had been discussed, and that the Committee recommended removing the BART to Livermore expenditure and replacing it with the Valley Link proposal, to include amendments the Council Member added. He said that the matter would be voted on at September 24th and that a super-majority vote was needed.

Council Member Medina reported that she and Council Member Bauters had both attended the ACTC Interagency Liaison Committee Meeting, and that the San Pablo corridor redesign pilot would move forward for Emeryville and Oakland.

Vice Mayor Martinez reported on her attendance of the Fire Advisory Committee meeting, stating that the new Fire Chief had been introduced, and that there would be discussion on including diversity, equity and inclusion in recruitment and hiring practices going forward in the Fire Service. She also asked that the meeting be adjourned in memory of longtime former Council Member Nora Davis and added that she had requested that the Commission on Aging brainstorm ways that the City could honor Council Member Davis.

Mayor Patz provided highlights on Council Member Davis' long tenure on the Council, and asked Community Development Director Charles Bryant to share some thoughts about her. Both the Vice Mayor and Council Member Donahue added their comments as well. The Mayor announced his attendance at the Mayors' Conference, where the topic of Halloween was discussed. He also attended the HACA meeting where a stagnant non-profit was disbanded. He concluded by announcing the upcoming Celebration of the Arts.

7. CITY MANAGER'S REPORT

No announcement was made.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported having had conversations with members of Secure Justice and other social justice organizations related to Item 12.1; and, communication with the League and the Public Safety Committee related to Item 12.2. He later added that he had also received the same emails from the applicant related to Item 11.1 as disclosed by the other Council Members.

Council Member Medina stated she had received email from the applicant on Item 11.1, and Council Member Donahue and Mayor Patz stated they had as well. Vice Mayor Martinez stated she would be

recusing herself from consideration of Item 11.1, and said she would provide the details when the matter came up.

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

1. Matt (online comment read aloud by City Clerk), wrote in opposition to Proposition 16.
2. Anonymous (online comment read aloud by City Clerk), wrote regarding Council practices at meetings.
3. Brian Donahue spoke regarding Council practices on free speech.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Medina, seconded by Vice Mayor Martinez, to approve the Consent Agenda. The motion carried by the following vote:

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

10.1. [ID-2020-430](#) Warrants. (Bill Zenoni)

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

A motion was made to accept this Informational Report.

10.2. [ID-2020-407](#) Action Minutes of September 1, 2020 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-2020-409](#) Action Minutes of September 1, 2020 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2020-432](#) Action Minutes of September 1, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2020-411](#) Resolution of the City Council Accepting Approving a Parking Processing Agency Procedure Manual as Required by California Vehicle Code Section 40200.6. (Interim Chief Schreeder)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Parking Processing Agency Procedure Manual](#)

[APPROVED Resolution No. 20-98](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-98

- 10.6. [ID-2020-413](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Lexington Planning LLC To Prepare Objective Design And Development Standards In An Amount Not To Exceed \$160,000 (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Attachment 1 - Request for Proposals](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 20-99](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-99

- 10.7. [ID-2020-403](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Year Maintenance Contract In The Amount Of \$720,914.00 With George S. Hall, Inc. For Citywide Maintenance / Construction Services At Various City Owned Buildings For Fiscal Years 2020/21, 2021/22, And 2022/23, And Authorizing The City Manager To Execute Up To Two (2) Additional One-year Extensions Not To Exceed A Total Of \$547,036.00, Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$1,267,950.00. (Mary Grace Houlihan / Joseph Aguilera)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[GSH Maintenance Services Contract](#)

[APPROVED Resolution No. 20-100](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-100

- 10.8.** [ID-2020-422](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Second Amendment To The Professional Services Agreement With Coastland Civil Engineering, Inc. Extending The Contract To June 30, 2021 With An Additional \$359,100 For A Total Contract Amount Not To Exceed \$654,648 For City Engineering & Inspection Services, Capital Projects Delivery Support, And Construction Management Services

Attachments: [Staff Report](#)

[Professional Services Contract](#)

[Professional Services Contract - 1st Amendment](#)

[Draft Resolution](#)

[Professional Services Contract - 2nd Amendment](#)

[Exhibit A-2](#)

[APPROVED Resolution No. 20-101](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-101

- 10.9.** [ID-2020-421](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Construction Of Traffic Signals At 40th Street - Harlan Street And Powell Street - Doyle Street, Project No. EPW-17113 (CIP No. 03444125 And 16475001) As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Mary Grace Houlihan/ Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 20-102](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-102

- 10.10.** [ID-2020-427](#) 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 4060 Hollis, LLC And Related Ground Lease For The Development And Operation Of An Art Center At 4060 Hollis Street, Emeryville, California (APN 049-0618-004) And Authorizing The City Manager To Take Action To Effectuate The Lease Disposition and Development Agreement And Related Ground Lease (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15301 and 15332)

Attachments: [Staff Report](#)[Attachment 1 - Staff Report from September 1, 2020](#)[Proposed Ordinance](#)[Exhibit A - Lease Disposition and Development Agreement](#)[APPROVED Ordinance No. 20-020](#)

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

Enactment No: Ordinance No. 20-020

10.11. [ID-2020-412](#)

An Ordinance Of The City Council Of The City Of Emeryville Amending Article 2 Of Chapter 3 And Article 22 Of Chapter 5 Of The Planning Regulations At Title 9 Of The Emeryville Municipal Code To Allow Cannabis Manufacturing Businesses In Additional Zoning Districts And To Allow Reduced Distances Between Cannabis Sales Activities And Parks, Greenways And Other Sensitive Uses (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15332 And 15061(b)(3)) (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)[Attachment 1 - Staff Report from September 1, 2020](#)[Proposed Ordinance](#)[APPROVED Ordinance No. 20-021](#)

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

Enactment No: Ordinance No. 20-021

10.12. [ID-2020-425](#)

Ordinance of the City Council of the City of Emeryville Amending Emeryville Municipal Code Section 4-9.01 To Expand the Scope of the Transportation Committee to Consolidate the Transportation Committee with the Public Works Committee Created by Resolution No. 95-131; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3)

Attachments: [Staff Report](#)[Draft Ordinance](#)[APPROVED Ordinance No. 20-022](#)

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

Enactment No: Ordinance No. 20-022

11. PUBLIC HEARINGS

- 11.1. [ID-2020-414](#) 47th Street Homes, 1034-1042 47th Street (UPDR18-002) (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[Attachment 1 - Applicant Statement 05-04-20](#)

[Attachment 2 - Site Photographs and Locations](#)

[Attachment 3 - 47th Street Housing Conditions Photos](#)

[Attachment 4 - Tree Inventory & Assessment 06-04-20](#)

[Attachment 5 - City Arborist Peer Review 06-03-20](#)

[Attachment 6 - Correspondence to Planning Commission 06-25-20](#)

[Attachment 7 - Applicant Response Letter 08-25-20](#)

[Attachment 8 - Plans Dated 06-25-20](#)

Vice Mayor Martinez announced that she would recuse herself from consideration of this matter due to the proximity of her residence to the project.

Assistant Planner Navarre Oaks gave the staff presentation, which was followed by a presentation from the applicant by Mark Rhoades.

PUBLIC HEARING OPENED: 8:09 P.M.

1. Katie Mulcoy (online comment read aloud by City Clerk) wrote in opposition to the project on multiple grounds.
2. A speaker (online comment read aloud by City Clerk) wrote in opposition to the project.
3. Dana Westmoreland spoke in opposition to the project, stating it would be detrimental to the neighborhood.
4. Jeff Seidel spoke in opposition to the project, stating that it would change the character of the neighborhood.
5. Brian Donahue credited staff for providing Council with options to decide the matter, and spoke in opposition to the project.
6. Alu de Urquiza, a neighbor, spoke in opposition to the project.

PUBLIC HEARING CLOSED: 8:21 P.M.

Council discussion ensued, and a recess was called at 8:30 p.m. to allow staff time to research the answer to a question. The meeting reconvened at 8:39 p.m.

A motion was made by Council Member Bauters, seconded by Mayor Patz, to continue this Public Hearing to the City Council Regular meeting of October 6, 2020. The motion carried by the following vote:

Ayes: 3 - Mayor Patz, Council Member Bauters, and Council Member Donahue

Abstain: 1 - Council Member Medina

Recused: 1 - Vice Mayor Martinez

[ID-2020-415](#) Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review Permit For "47th Street Homes", To Demolish Four Existing Single-Unit Homes And Replace Them With Three Duplexes On One Parcel At 1034-1042 47th Street (APN: 49-1175-8-3) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) and 15061(b)(3))

Attachments: [Draft Resolution](#)

[Exhibit A - Conditions of Approval](#)

--OR--

[ID-2020-416](#) Resolution Of The City Council Of The City Of Emeryville Denying A Conditional Use Permit And Design Review Permit For "47th Street Homes", To Demolish Four Existing Single-Unit Homes And Replace Them With Three Duplexes On One Parcel (APN: 49-1175-8-3) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15270)

Attachments: [Draft Resolution](#)

12. ACTION ITEMS

12.1. [ID-2020-424](#) Consideration Of Eliminating Criminal Penalties For Violations Of The Emeryville Municipal Code. (Michael Guina)

Attachments: [Staff Report](#)

[Attachment 1 Comparison of Penalties](#)

Assistant City Attorney Andrea Visveshwara gave the staff presentation and responded to Council Member questions. Council discussion ensued, and direction was given to staff to create and present to Council a chart showing all misdemeanors, all infractions, process changes if any for administering citations, and cost estimates for enforcement, by year's end.

12.2. [ID-2020-418](#) League Of California Cities 2020 Annual Conference Resolutions Packet. (Sheri Hartz)

Attachments: [Staff Report](#)

[2020 Resolution Packet](#)

The Council discussed the one resolution submitted for the League of California Cities Annual Conference and concurred that Council Member Bauters, the voting delegate, should oppose it.

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Donahue began to make a request but it was determined to continue the discussion offline since the subject matter was not on the published agenda.

15. ADJOURNMENT

At 9:28 p.m., the meeting was adjourned in memory of former Council Member Nora Davis.

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