



Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608  
(510) 596-4300 phone  
(510) 450-7831 fax  
[www.emeryville.org](http://www.emeryville.org)

## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Members:

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

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Tuesday, December 15, 2020

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 7:39 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 Dianne Martinez  
Vice Mayor Scott Donahue  
Council Member John J. Bauters  
Council Member Ally Medina  
Council Member Christian R. Patz

#### 3. APPROVAL OF FINAL AGENDA

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

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

#### 4. SPECIAL ORDERS OF THE DAY

Mayor Martinez read aloud a Proclamation in recognition of Diana Keena on the occasion of her retirement from the City of Emeryville.

- 4.1.** [ID-2020-575](#) Proclamation: Honoring And Commending Associate Planner Diana Keena Upon Her Retirement From The Planning Division Of The Community Development Department Of The City Of Emeryville After Over Twenty-Four Years Of Continuous And Outstanding Service

(Charles S. Bryant)

Attachments: [Proclamation](#)

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

City Clerk Sheri Hartz announced the timeline for applying to fill unexpected vacancies on the City's community advisory bodies.

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

Council Member Medina reported on her attendance of the East Bay Economic Development Alliance meeting, where a discussion was held regarding the recent CARES Act funding distribution, and where she raised the issue of an equity component being included in future funding initiatives, and volunteered to serve on an ad hoc committee to determine what those considerations might be. She also reported on her attendance, along with Council Member Bauters, of the AC Transit meeting where a discussion ensued regarding the San Pablo Avenue corridor redesign pilot, and stated that the program could result into protected bike lanes to be under construction in Emeryville in 2023.

Council Member Bauters reported that the City, in partnership with CalTrans, AC Transit and ACTC regarding the Bay Bridge Forward plan which will be moving forward with an opportunity to redesign the south entrance to 580/I-80 to a bus-only/HOV lane.

Mayor Martinez reported on having participated in a recent CAL-OES call where the arrival of COVID-19 vaccine doses were announced, with more coming by Christmas. She added that there was an app available to community members that would provide the ability to be alerted to contact tracing and that they could sign up for by visiting [CANotify.ca.gov](https://CANotify.ca.gov).

**7. CITY MANAGER'S REPORT**

City Manager Christine Daniel announced the hiring of new Police Chief Jeffrey Jennings, who would be sworn in and begin employment on December 28, 2020.

**8. EX PARTE COMMUNICATIONS**

No ex parte communications were reported.

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

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

- 10.1. [ID-2020-596](#) Warrants. (Brad Farmer)

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

A motion was made to accept this Informational Report.

- 10.2. [ID-2020-592](#) Action Minutes of December 1, 2020 Special Closed Session (City Council / Management of Emeryville Services Authority / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency). (Sheri Hartz)

**Attachments:** [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2020-593](#) Action Minutes of December 1, 2020 Emeryville City Council Special Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2020-595](#) Action Minutes of December 1, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2020-583](#) First Quarter Fiscal Year 2020-21 Financial Update. (Brad Farmer)

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

A motion was made to accept this Informational Report.

- 10.6. [ID-2020-581](#) Resolution Of The City Council Of The City Of Emeryville Approving An Updated Section 125 Plan And Authorizing The City Manager To Enter Into A Contract With A New Flexible Benefits

Plan Provider. (Trish Raver)

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

[Draft Resolution](#)

[City of Emeryville/MESA Section 125 Flexible Benefits Plan](#)

[APPROVED Resolution No. 20-133](#)

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

Enactment No: Resolution No. 20-133

- 10.7.** [ID-2020-564](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager to Submit A Five Thousand Dollar (\$5,000) Funding Request To The California Department Of Resources Recycling And Recovery Beverage Container Recycling Grant Program (CalRecycle). (Mary Grace Houlihan)

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

[Draft Resolution](#)

[Program Guidelines](#)

[APPROVED Resolution No. 20-134](#)

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

Enactment No: Resolution No. 20-134

- 10.8.** [ID-2020-566](#) 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 \$623,835 With DC Electric Group, Inc. For On-Call Traffic Signal And Street Light Maintenance For 2021, 2022, and 2023 (Mary Grace Houlihan / Ryan O'Connell)

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

[Draft Resolution](#)

[Maintenance Services Contract \(DC Electric\)](#)

[APPROVED Resolution No. 20-135](#)

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

Enactment No: Resolution No. 20-135

- 10.9.** [ID-2020-586](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Execute, Enter Into And Implement A Loan Agreement In An Amount Not To Exceed \$250,000 By And Between The City Of Emeryville And The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency To Be Used For Costs Incurred By The Successor Agency In Response To Imminent And Substantial

Endangerment Determination And Order And Remedial Action Order Issued By The California Environmental Protection Agency, Department Of Substances Control Related To The Presence Of Hazardous Substances At The Marchant/Whitney Site, 5679 Horton Street, Emeryville, California. (Michael Guina)

**In Conjunction with Successor Agency Item 6.5**

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

[Draft Resolution](#)

[Loan Agreement](#)

[APPROVED Resolution No. 20-136](#)

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

Enactment No: Resolution No. 20-136

**10.10. [ID-2020-576](#)**

Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 And The Building Regulations In Title 8 Of The Emeryville Municipal Code Regarding Accessory Dwelling Units And Junior Accessory Dwelling Units (CEQA Status: Exempt Pursuant To Public Resources Code Section 21080.17) (Charles S. Bryant / Diana Keena)

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

[Attachment 1 - Staff Report from December 1, 2020](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 20-027](#)

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

Enactment No: Ordinance No. 20-027

## 11. PUBLIC HEARINGS

There were no Public Hearings listed.

## 12. ACTION ITEMS

- 12.1. [ID-2020-589](#) Proposed 2021 State and Federal Legislative Agenda and Sustainability Committee Recommendations For Legislative Program. (Christine Daniel)

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

[TPA Memo: 2021 Legislative Platform](#)

[Sustainability Legislative Recommendations](#)

Townsend Public Affairs Senior Director Niccolo De Luca gave a presentation and responded to Council Member questions.

**A motion was made by Mayor Martinez, seconded by Council Member Patz, to approve the Legislative Platform, as amended to add items on labor standards and earmarks. The motion carried by the following vote:**

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

- 12.2. [ID-2020-591](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Annual Audit Report, Which Includes The Audited Basic Financial Statements And Auditors' Opinion, For The City Of Emeryville For The Fiscal Year Ending June 30, 2020. (Brad Farmer)

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

[Draft Resolution](#)

[Attachment 2 - Comprehensive Annual Financial Report](#)

[Attachment 3 - Appropriations Limit Calculation](#)

[Attachment 4 - Child Development Program Compliance Audit](#)

[Attachment 5 - Measure B Compliance Audit](#)

[Attachment 6 - Measure BB Compliance Audit](#)

[Attachment 7 - Vehicle License Fee Compliance Audit](#)

[Attachment 8 - Housing Compliance Audit](#)

[Attachment 9 - Audit Communication Letter](#)

[Attachment 10 - Report on Internal Control](#)

[APPROVED Resolution No. 20-137](#)

Brendon Young, CPA from auditors Lance, Soll and Lunghard, gave a report and, along with Finance Director Brad Farmer and City Manager Daniel, responded to Council Member questions.

**A motion was made by Council Member Bauters, seconded by Mayor Martinez, to approve this Resolution. The motion carried by the**

**following vote:**

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

Enactment No: Resolution No. 20-137

- 12.3.** [ID-2020-578](#) Economic Development Strategy Annual Implementation Report (Charles S. Bryant / Chadrick Smalley)

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

[Attachment 1 - Economic Development Strategy](#)

[Attachment 2 - Annual Implementation Report](#)

Economic Development Manager Chadrick Smalley gave the staff presentation and responded to Council Member questions.

- 12.4.** [ID-2020-580](#) Consideration of Eliminating Criminal Penalties for Violations of the Emeryville Municipal Code (Guina/Visveshwara)

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

[Chart of Municipal Code Violations](#)

Assistant City Attorney Andrea Visveshwara gave the staff presentation and responded to Council Member questions. Discussion ensued, with the Council ultimately giving direction on each line item from the chart attachment to:

1. Accept the staff recommendation on all items where staff's recommendation was to either eliminate the criminal penalty or repeal, or
2. Refer to one of the Council's committees, or
3. Refer to a City Council study session to be scheduled at a future date, or
4. Refer to a City Council study session within the context of the Code Enforcement Officer issue.

### 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2020-579](#) Planning Director's report on Planning Commission actions at the December 10, 2020 meeting:

- (a) Sherwin Williams Building 1-31 Adaptive Reuse. Consideration of a Final Development Plan for adaptive reuse of the existing Building 1-31 in the Sherwin Williams Planned Unit Development/Preliminary Development Plan (PUD/PDP) that includes the design of the pedestrian and bicycle pass-through required by the PUD/PDP. The PUD/PDP was approved by the City Council on November 1, 2016.
- (b) Elevation 22 Street Tree Removal. Consideration of a Tree Removal Permit to allow removal and replacement of three Camphor (*Cinnamomum camphora*) trees on the west side of Doyle Street north of Powell Street, and one Marina madrone (*Arbutus* X 'Marina') tree on the Emeryville Greenway near the corner of Hollis Street and Powell Street.

The packet for the December 10, 2020 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 Bauters raised the issue of a Special Meeting being needed to discuss the Funding Commitment Letter for RCD for the 3600 San Pablo Avenue project, and it was agreed that a meeting be set for 10:00 a.m. on January 19, 2021. He also requested and received majority support for a study session to be scheduled at a future meeting to discuss a policy to ensure that prevailing wage, apprenticeship programs and medical coverage be required for those working in the trades in Emeryville.

Council Member Medina asked that the matter of cannabis ordinance related permit renewals be discussed at the soonest possible future meeting.

### 15. ADJOURNMENT

The meeting adjourned at 11:08 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