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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

Tuesday, April 6, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:52 p.m. The Mayor had previously 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 Patz, seconded by Council Member Medina, 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

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the annual recruitment to fill expired terms on the City's Community Advisory bodies, which would close on May 17th, with appointments to be made at the June 15th Council meeting.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Vice Mayor Donahue announced that he had attended the East Bay League of Cities meeting where a presentation on rezoning commercial and retail areas to allow residential development was discussed.

Council Member Bauters thanked Community Services staff for the recent Bunny Hop event which was a great success, stated that the Doyle Street improvements would be a highlighted project in an upcoming ACTC report and reported on the status of SB 591, stating that updates would be provided.

Mayor Martinez also expressed appreciation for the Bunny Hop, stating that it was a great event for families, and announced the upcoming Curbside Cinema event.

7. CITY MANAGER'S REPORT

City Manager Daniel added her appreciation for the Community Services Department staff who, with their Bunny Hop event, created such an enjoyable day for the 150 members of the community who attended.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported having communicated with representatives of the Bay Area Air Quality Management District regarding Item 12.2.

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, pulling Item 10.8 for separate consideration as Council Member Medina would need to recuse herself due to a potential economic conflict of interest. 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-2021-139](#) Warrants. (Brad Farmer)

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

A motion was made to accept this Informational Report.

- 10.2.** [ID-2021-147](#) Action Minutes of March 16, 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-2021-148](#) Action Minutes of March 16, 2021 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2021-150](#) Action Minutes of March 16, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2021-146](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (TMA) 2021 Budget And Setting Compensation To The TMA To Operate The Emery Go Round Shuttle Service During The 2021 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Six Hundred Thirty Nine Thousand And Three Hundred Eighty Dollars (\$4,639,380); And Authorize An Additional Five Hundred Thousand, Fifty-Six Thousand, Three Hundred Sixty Eight Dollars (\$556,368) From The Emeryville Property Based Business Improvement District (PBID) Fund 805 To Cover Additional General Benefit Contribution. (Brad Farmer)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[TMA 2021 Budget](#)
[APPROVED Resolution No. 21-24](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-24

- 10.6. [ID-2021-114](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Fifth Amendment To The Professional Services Agreement With Biggs Cardosa Associates, Inc. To Revise Workscope And Budget For Engineering Design Services Related To The South Bayfront Pedestrian Bicycle Bridge/Horton Landing Park Project, EPW 17-113 (CIP No. 164750006 and CIP No. 17237003). (Mary Grace Houlihan / Todd Teachout)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Professional Services Contract](#)

[1st Amendment](#)

[2nd Amendment](#)

[3rd Amendment](#)

[4th Amendment](#)

[5th Amendment](#)

[Exhibit A-5](#)

[APPROVED Resolution No. 21-25](#)

A motion was made to accept this Resolution.

Enactment No: Resolution No. 21-25

- 10.7. [ID-2021-137](#) Resolution Of The City Council Of The City Of Emeryville Appropriating Two Thousand Five Hundred Dollars (\$2,500) From Capital Improvement Project 15240017, Bicycle And Pedestrian Plan Implementation Using Measure BB Bicycle/Pedestrian Fund 264 For 2021 Bike To Wherever Day (BTWD) Sponsorship. (Matt Anderson / Nancy Humphrey / Mary Grace Houlihan)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - BTWD 2020 Report](#)

[Exhibit B - BTWD 2021 Sponsorship](#)

[APPROVED Resolution No. 21-26](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-26

- 10.8. [ID-2021-132](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 5-28.06(d) Of The Emeryville Municipal Code, "Cannabis, Review of Applications - Appeal of Disapprovals and Suspensions" (CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3)). (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Attachment 1 - Staff report from March 16, 2021](#)

[Proposed Ordinance](#)

[APPROVED Ordinance No. 21-002](#)

A motion was made by Mayor Martinez, seconded by Council Member Bauters, to approve the second reading and adoption of this Ordinance. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, and Council Member Patz

Recused: 1 - Council Member Medina

Enactment No: Ordinance No. 21-002

11. PUBLIC HEARINGS

There were no Public Hearings listed.

12. ACTION ITEMS

- 12.1.** [ID-2021-151](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Maze & Associates To Audit The Financial Records Of The City Of Emeryville And The Successor Agency To The Former Emeryville Redevelopment Agency For An Amount Not To Exceed \$103,481 Per Year For Fiscal Years Ending June 30, 2021, 2022, And 2023, For A Total Contract Amount Not To Exceed \$310,443; With An Option To Extend For Fiscal Years 2024 And 2025. (Brad Farmer)

Attachments: [Staff Report](#)

[Professional Services Contract](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-27](#)

The Council waived staff's presentation of this item.

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. 21-27

- 12.2.** [ID-2021-133](#) Discussion on Prohibiting Crematories in Emeryville (Charles S. Bryant)

Attachments: [Staff Report](#)

[Attachment 1 - Pacific Interment CUP Documents](#)

Community Development Director gave the verbal presentation and responded to Council Member questions. The Council gave direction to proceed with the process outlined in the report and take the matter to the Planning Commission and then back to Council for its final action.

13. CITY COUNCIL AS DISASTER COUNCIL

- 13.1. [ID-2021-136](#) Approval by The City Council / Disaster Council Of The City Of Emeryville Authorizing the April 1, 2021 through June 3, 2021 CERT Academy Training. (Trish Raver / Lori Elefant)

Attachments: [Staff Report](#)

[CERT Academy Flyer](#)

A motion was made by Council Member Patz, seconded by Council Member Medina, to approve this item. The motion carried by the following vote:

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

14. DEPARTMENT HEAD REPORTS

- 14.1. [ID-2021-134](#) Planning Director's report on Planning Commission actions at the March 25, 2021 meeting:

- (a) 6613 Hollis Cannabis Manufacturing and Non-Storefront Dispensary Incubator Facility Amendment. Consideration of an amendment to Conditional Use Permit UP17-003 to convert second floor space (approximately 1,200 square feet) for cannabis manufacturing use and minor changes to the building floor plan to accommodate the proposed use. The Conditional Use Permit was originally approved by the Planning Commission on January 25, 2018.
- (b) 3637 Adeline Supportive Housing. Study session to review a proposal for redevelopment of a 0.29-acre site with a 7-story, 90-unit, 100% affordable supportive housing project. The applicant proposes that the project be processed under SB 35, which mandates ministerial approval (i.e. staff level), and AB 1763, which specifies no density limit for projects within one-half mile of transit.

The packet for the March 25, 2021 Planning Commission meeting can be viewed online at

<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

15. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Patz requested and received majority support that, if County Supervisor seats go through a redistricting process as a result of the recent U.S. Census numbers, the City send a letter in support of an equitable process. He also requested and received support that two years of data on Noise Ordinance waiver requests, and how many are approved or denied, be compiled and presented to Council.

Mayor Martinez requested and received majority support to three items: that the Commission on Aging recommendation to honor late Council Member Nora Davis be brought forward to the Council for consideration; that the Council approve a Resolution Against Anti-Asian Hate at the next Council meeting, and that the Mayor's Monarch Pledge on preserving Monarch butterflies be considered at an upcoming meeting.

Council Member Medina requested and received majority support for a letter of support of AB 1238, Decriminalizing Jaywalking, be discussed at a future meeting.

16. ADJOURNMENT

The meeting adjourned at 8:36 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