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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

--AMENDED--

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Tuesday, May 4, 2021

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 7:22 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 Mayor Martinez, seconded by Council Member Medina, to approve the Final Agenda, but moving Item 10.7 to the Action Calendar for separate consideration. 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 that the annual recruitment to fill committee and commission positions with expired terms was continuing, and that the deadline to apply was May 17th.

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

Council Member Medina reported on her attendance of the East Bay EDA meeting where the legislative agenda for the current year was discussed and she requested that transportation and housing be elevated in priority, and thanked Council Member Patz for acting as her alternate at the recent Gilman Fields JPA meeting. The Mayor asked whether a discussion of the benefit of parklets during the pandemic had been discussed and Member Medina offered to bring the question to a colleague and report back.

Council Member Bauters reported that SB 591 - Intergenerational Housing, had passed and would move to the senate floor with no notable opposition.

Council Member Patz reported on his attendance of the Gilman Fields meeting, stating that there was no report. He then announced that, due to an employment opportunity, he would be moving away from Emeryville and therefore would be resigning his Council Member seat. He stated that he would announce his departure date and submit his letter of resignation after conferring with City staff on what time frame would work best for the City.

## 7. CITY MANAGER'S REPORT

The City Manager made no report, other than to express her sadness at Council Member Patz' departure.

## 8. EX PARTE COMMUNICATIONS

Council Member Patz reported that he had discussed his legislative item, 12.4, with Sarah Landon. Council Member Bauters disclosed having communicated with the non-profit Housing Association of California regarding Item 12.6. Council Member Medina stated that she had discussed Item 12.5 with Laura McCamey and members of Bike East Bay.

## 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 Mayor Martinez, seconded by Council Member Medina, 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-2021-208](#) Warrants. (Brad Farmer)

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

**A motion was made to accept this Informational Report.**

- 10.2. [ID-2021-222](#) Action Minutes of April 20, 2021 Special Closed Session (City Council / 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-2021-232](#) Action Minutes of April 20, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

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

**A motion was made to approve the Minutes.**

- 10.4. [ID-2021-223](#) Action Minutes of April 20, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

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

**A motion was made to approve the Minutes.**

- 10.5. [ID-2021-211](#) Resolution Of The City Council Approving A Side Letter Of Agreement Between The City And Service Employees International Union, Local 1021 (SEIU) Regarding A Memorandum Of Understanding (MOU) Extension. (Trish Raver)

**In Conjunction with MESA Special Meeting Agenda Item No. 6.1**

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Side Letter of Agreement – SEIU MOU Extension](#)  
[APPROVED Resolution No. 21-37](#)

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

Enactment No: Resolution No. 21-37

- 10.6. [ID-2020-577](#) Resolution Of The City Council Of The City Of Emeryville Authorizing A First Amendment Of The Professional Services Contract With West Coast Code Consultants For Fiscal Years

2019-2020 And 2020-2021 For Plan Checking And Field Inspection Services In An Amount Of \$596,320 To Cover Expanded Services For A Total Amount Not To Exceed \$2,665,520. (Charles S. Bryant / Victor R. Gonzales)

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

[Draft Resolution](#)

[Professional Services Contract](#)

[Exhibit A - Contract Amendment](#)

[APPROVED Resolution No. 21-38](#)

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

Enactment No: Resolution No. 21-38

**10.7. [ID-2021-213](#)**

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Easement Agreement With Foundry31 owner (DE) LLC Access And Maintain A Pedestrian Bridge To Access The Property At 3100 San Pablo Avenue. (Mary Grace Houlihan)

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

[Draft Resolution](#)

[MOU: Cities of Berkeley, Oakland, Emeryville](#)

[MOU: City of Emeryville/LBA RIV Company](#)

[Easement Agreement with Exhibits A, B, C](#)

[APPROVED Resolution No. 21-39](#)

This item was moved from the Consent to the Action Calendar for separate consideration due to the fact that a technical error in the publication of the agenda caused the staff report not to be published. The draft resolution and other exhibits were published as normal.

Public Works Director Mary Grace Houlihan gave a brief staff presentation and responded to Council Member questions.

**A motion was made by Council Member Bauters, seconded by Council Member Medina, 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. 21-39

**11. PUBLIC HEARINGS**

There were no Public Hearings listed.

**12. ACTION ITEMS**

**12.1. [ID-2021-230](#)** Budget Planning Discussion FY 2021-22. (Brad Farmer)

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

[All Funds Budget Summary](#)

Finance Director Brad Farmer gave the staff presentation and responded to Council Member questions, following which City Manager Daniel went through the progress on Council Goals.

**12.2. [ID-2021-219](#)** Consideration Of Commission On Aging Recommendation To Name A Day Of Service To Honor Nora Davis. (Pedro Jimenez)

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

Community Services Director Pedro Jimenez gave the staff presentation and responded to Council Member questions.

**A motion was made by Council Member Bauters, seconded by Council Member Patz, 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

**12.3. [ID-2021-205](#)** Ordinance Of The City Council Of The City Of Emeryville Amending Section 4-13.02 of the Emeryville Municipal Code, "Dockless Shared Mobility System Operator Permits" And Section 4-13.10 of the Emeryville Municipal Code, "System Data and Reports", To Modify The Permit Term And Remove Reference To A Standard; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3). (Mary Grace Houlihan / Nancy Humphrey)

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

[Draft Ordinance](#)

The Council waived staff's presentation on this item.

**A motion was made by Council Member Medina, seconded by Mayor Martinez, to read the Ordinance by title only. The motion carried by the following vote:**

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

**A motion was made by Vice Mayor Donahue, seconded by Council Member Medina, to approve the first reading of this Ordinance. The motion carried by the following vote:**

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

**12.4. [ID-2021-235](#)** Resolution Of The City Council Of The City Of Emeryville In Support Of

An Inclusive Redistricting Process for Alameda County in 2021.  
(Council Member Patz)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Fair Redistricting Fact Sheet](#)  
[AB 849 Full Text](#)  
[AB 1276 Full Text](#)  
[APPROVED Resolution No. 21-40](#)

Council Member Patz gave a brief presentation on why he had brought the matter forward and asked for Council's support.

**A motion was made by Council Member Patz, seconded by Council Member Bauters, to approve this Resolution and to also send a letter of support from the Mayor on behalf of the entire Council. 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. 21-40

- 12.5.** [ID-2021-234](#) Resolution Of The City Council Of The City Of Emeryville In Support Of Assembly Bill 1238 (Ting) - The Freedom to Walk Act. (Council Member Medina)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Draft Letter of Support](#)  
[AB 1238 Full Text](#)  
[APPROVED Resolution No. 21-41](#)

Council Member Medina gave a presentation on the item and asked Council for its support.

PUBLIC COMMENT:

1. Brian Donahue spoke in support of this resolution.

**A motion was made by Council Member Medina, seconded by Mayor Martinez, to approve this Resolution and to send the letter of support from the Mayor to Assembly Member Ting's office. 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. 21-41

- 12.6.** [ID-2021-229](#) Resolution Of The City Council Of The City Of Emeryville In Support Of

Assembly Bill 1271 (Ting) - Surplus Land Act. (Council Member Bauters)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Draft Letter of Support](#)  
[AB 1271 Fact Sheet](#)  
[APPROVED Resolution No. 21-42](#)

Council Member Bauters gave a short presentation and asked for Council's support.

PUBLIC COMMENT:

1. Brian Donohue spoke in support of this item, and added comments of appreciation for Council Member Patz on the occasion of his impending resignation, especially in the area of labor.

**A motion was made by Council Member Bauters, seconded by Council Member Patz, to approve this Resolution and to send a letter of support from the Mayor to Assembly Member Ting's office. 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. 21-42

**13. DEPARTMENT HEAD REPORTS**

Prior to the Planning Director giving his report, the Mayor called for Public Comment.

PUBLIC COMMENT:

1. The City Clerk read into the record a comment that had been submitted electronically by Kenneth J. Carey, requesting that the City address the inadequate parking along the 62nd side of the Hollis General Complex.

2. Brian Donahue spoke regarding Item 13.1.A, stating that the developer had a history of pushing the issues of his projects onto the residents, such as parking shortages and bike lane obstruction, and should be monitored.

**13.1.** [ID-2021-210](#) Planning Director's report on Planning Commission actions at the April 22, 2021 meeting:

- (a) EmeryStation Overland. A study session to review a proposal to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating 495 parking spaces on an approximately 172,560 square foot parcel bounded by Overland Avenue and 62nd, 63rd and Hollis Streets. The proposal includes preservation of the existing Hollis Street Building that accommodates Ruby's Café and 41 live-work units, and demolition of all other structures on the western portion of the site.
- (b) 65th Street Multi-Unit Residential. A third study session to review a proposal for a new 24-unit residential building consisting of all 2- and 3-bedroom units at 1225 65th Street requiring a variance for the setback on the west side of the property and a tree removal permit.
- (c) Objective Standards. A study session to review an Issues and Options paper discussing requirements and opportunities to streamline the development review process for multifamily and mixed use residential projects requiring ministerial approval to comply with State law by making targeted changes to the City's Planning Regulations.

The packet for the April 22, 2021 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Planning Director Bryant gave his report and responded to Council Member questions.

#### **14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

Mayor Martinez requested and received majority support to work with staff to bring forward agenda items as necessary to fill the vacancy created by Council Member Patz' impending resignation as expeditiously as possible.

Council Member Medina requested and received majority support for an item to be brought forward to address the B/PAC's recommendation to discuss AB 122 - the Safety Stop Act (Idaho Stop).

Council Member Donahue requested support to bring forward a discussion on human composting, as proposed by AB 501- Reduction of Human Remains (Garcia). Discussion ensued, with the final



determination being that the Vice Mayor would work with City staff to create a letter of support should the bill, which is currently in the suspense file, move forward.

#### **15. ADJOURNMENT**

At 9:20 p.m., the Mayor adjourned the meeting in memory of former Vice President, Walter Mondale.

**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