



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

-- AMENDED --

Tuesday, May 18, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:23 p.m. The Mayor 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 Mayor Martinez, seconded by Council Member Bauters, to approve the Final Agenda, moving Item 11.1 to be heard following Items 12.1 and 12.2 for procedural reasons. 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 committee/commission application period had closed on May 17, 2021, and the appointments to fill expired terms would be made at a special Council meeting on June

15th.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Bauters announced that there would be a virtual groundbreaking held for the I-80/Gilman Interchange Project on Thursday, May 20th.

7. CITY MANAGER'S REPORT

City Manager Daniel reported on the upcoming COVID-19 vaccine clinic at the Senior Center, for which registration was open.

8. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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

1. Brian Donahue spoke in opposition to the Council's recent approval of naming a day of service in honor of late Council Member Nora Davis.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Patz, seconded by Vice Mayor Donahue, 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-2021-238](#) Warrants. (Brad Farmer)

Attachments: [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

A motion was made to approve this Item.

10.2. [ID-2021-245](#) Action Minutes of May 4, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2021-206](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Construction Of The Annual Street Rehabilitation And Preventive Maintenance Project Fiscal Year 2019/2020, Project No. EPW-19101 (CIP No. 17240005) As Complete; And

Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk; And Appropriating \$75,000 Of ACTC COVID-19 Rapid Response Bicycle And Pedestrian Grant Funds to Fund 242 (CIP No. 17240005). (Mary Grace Houlihan/ Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-43](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-43

10.4. [ID-2021-236](#)

Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids The Construction Of The Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008); And Appropriating \$4,200,000 Of TCEP Grant Funds And \$1,800,000 Of ACTC Grant Funds To Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008). (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Project Overview Map](#)

[APPROVED Resolution No. 21-44](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-44

10.5. [ID-2021-216](#)

Second Reading of An 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](#)

[APPROVED Ordinance No. 21-003](#)

A motion was made to approve this Ordinance.

Enactment No: Ordinance No. 21-003

12. ACTION ITEMS

- 12.1. [ID-2021-203](#) First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Establishing A Vehicle Share Policy As Chapter 14 Of Title 4 Of The Emeryville Municipal Code, Program And Fees (CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15061(b) (3) (Mary Grace Houlihan / Nancy Humphrey)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[Attachment 1 - City Council 12/5/17 Staff Report](#)

Environmental Programs Supervisor Nancy Humphrey gave the staff presentation and responded to Council Member questions.

A motion was made by Mayor Martinez, seconded by Council Member Patz, 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

PUBLIC COMMENT:

1. Brian Donahue spoke again in opposition to the viewpoints of late Council Member Nora Davis.

- [ID-2021-203](#) First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Establishing A Vehicle Share Policy As Chapter 14 Of Title 4 Of The Emeryville Municipal Code, Program And Fees (CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15061(b) (3) (Mary Grace Houlihan / Nancy Humphrey)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[Attachment 1 - City Council 12/5/17 Staff Report](#)

A motion was made by Mayor Martinez, seconded by Council Member Bauters, 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

- 12.2. [ID-2021-249](#) Discussion and Direction On How To Fill A City Council Vacancy; Government Code Section 36512. (Christine Daniel)

Attachments: [Staff Report](#)

[Attachment A: Gov't Code 36512](#)

City Manager Christine Daniel gave a brief staff presentation and responded to Council Member questions.

PUBLIC COMMENT:

1. Brian Donahue inquired as to whether there was a way to avoid bearing the full cost of the election.

In the absence of a letter of resignation from Council Member Patz, the Council provided no direction on the matter.

11. PUBLIC HEARINGS

- 11.1. [ID-2021-204](#) Resolution Of The City Council Of The City Of Emeryville Amending the Emeryville Master Fee Schedule For Fiscal Year 2021-22, Which Was Adopted by Resolution No. 21-032, To Set Fees For Vehicle Share Programs. (Mary Grace Houlihan / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A](#)
[Exhibit B](#)
[APPROVED Resolution No. 21-45](#)

Environmental Programs Supervisor Nancy Humphrey gave the staff presentation and responded to Council Member questions.

PUBLIC HEARING OPENED: 8:16 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 8:17 p.m.

A motion was made by Council Member Medina, 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. 21-45

13. DEPARTMENT HEAD REPORTS

There were no Department Head reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Vice Mayor Donahue requested and received majority support that an item to discuss gun regulations be referred to the Public Safety Committee. Mayor Martinez requested and received majority support

to bring forward an item to consider filling vacancies on Council and other committees that would result from the potential resignation of Council Member Patz. She also requested that an item be referred to the Sustainability Committee regarding consideration of a zero emission vehicle ordinance, and that a presentation be given to Council by representatives from All Homes, both of which received majority support.

15. ADJOURNMENT

The meeting adjourned at 8:25 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