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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 (Vacant)

--AMENDED--

Tuesday, July 20, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The Council took a brief recess at 8:02 p.m. and convened this meeting at 8:08 p.m.

The meeting convened via teleconference and 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: 4 - Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina

3. APPROVAL OF FINAL AGENDA

A motion was made by Mayor Martinez, seconded by Council Member Bauters, to approve the Final Agenda, amended to move Item 14 to be heard between Items 12.2 and 12.3.. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

No Special Orders were listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the recruitment that was open to fill unexpected vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Medina reported on her attendance of the Gilman Fields meeting, stating that financial problems were discussed. Council Member Bauters reported that the ACTC Project and Planning Committee had given unanimous approval to cities for projects, of which two were in Emeryville.

7. CITY MANAGER'S REPORT

City Manager Daniel announced that the first scooter permit had been issued, with two more expected.

8. EX PARTE COMMUNICATIONS

Council Member Bauters stated that he would be recusing himself from participating in consideration of Item 12.3 due to the proximity of the project to his residence. Council Member Medina reported on communications with Lennar and Bike East Bay regarding Item 12.3.

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

1. Fran Quittel requested that the City adopt an older building accountability program.
2. Brian Donahue spoke regarding the cutting down of street trees.

10. CONSENT ITEMS

Approval of the Consent Agenda

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

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

10.1. [ID-2021-349](#) Warrants. (Brad Farmer)

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

A motion was made to accept this Informational Report.

10.2. [ID-2021-360](#) Action Minutes of July 6, 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-2021-361](#) Action Minutes of July 6, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2021-362](#) Action Minutes of July 6, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2021-352](#) Resolution Of The City Council Of The City Of Emeryville Amending The 2021 City Council Regular Meeting Calendar. (Sheri Hartz / Lorraine Leong)

(In Conjunction with Successor Agency Agenda Item 6.3)

Attachments: [Staff Report](#)

[Draft Resolution \(City Council\)](#)

[Proposed Amended 2021 Meeting Calendar](#)

[APPROVED Resolution No. 21-82](#)

A motion was made to approve this Resolution, amended to specify a 5:31 p.m. meeting start time.

Enactment No: Resolution No. 21-82

- 10.6. [ID-2021-347](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A One-Year Professional Services Contract With Second Sight Video & Multimedia For Fiscal Year 2021-2022 To Provide Broadcasting, Recording And Related Services For A Total Amount Of \$48,000.00. (Sheri Hartz / Lorraine Leong)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 21-83](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-83

- 10.7. [ID-2021-341](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute All Documents Necessary To Effectuate The Sale Of A Below Market Rate Unit

Located At 1500 Park Avenue #322 For \$338,200; Amending The Fiscal Year 2021-2022 Operating Budget To Increase Revenues To, And Expenditures From, The Affordable Housing Fund (Fund No. 299) By The Net Proceeds Collected Upon The Close Of The Sale Of The Property; And Appropriating The Net Proceeds Collected To The Fiscal Year 2021-2022 Capital Improvement Program Budget For The Below Market Rate Acquisition Program (CIP Project # H-06). (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Resale Restriction Agreement](#)

[APPROVED Resolution No. 21-84](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-84

10.8. [ID-2021-340](#)

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Grant Recipient Contract With Emeryville Citizens Assistance Program In The Amount Of \$73,957 To Support Food And Clothing Distribution To Persons Experiencing Homelessness And Those Near-Homelessness For Fiscal Year 2021-2022 And To Execute Minor Amendments. (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)

[Attachment 1 - ECAP Annual Report FY20-21](#)

[Attachment 2 - ECAP Grant Application FY 21-22](#)

[Draft Resolution](#)

[Exhibit A - Grant Recipient Contract](#)

[APPROVED Resolution No. 21-85](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-85

10.9. [ID-2021-351](#)

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three Year Professional Services Contract With Wood Rodgers, Inc. For On-Call Civil/Environmental Engineering Consultant Services And Authorizing The City Manager To Execute Up To Two (2) Additional One Year Extensions For A Total Contract Amount Not To Exceed \$657,958. (Christine Daniel / Keely Nelson)

Attachments: [Staff Report](#)
[Wood Rodgers Statement of Qualifications](#)
[Draft Resolution](#)
[Exhibit A - Professional Services Contract](#)
[APPROVED Resolution No. 21-86](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-86

10.10. [ID-2021-354](#)

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Engineer To Advertise For Public Bids The Davenport Mini Park Rehabilitation, (CIP No. 16475017) And Transfer \$70,399 From The Marina Park Improvement Funds, CIP No. 16495005, To The Davenport Mini Park Rehabilitation, CIP No. 16475017; CEQA Determination: Exempt Pursuant to CEQA Guideline 15301(c) (Pedro Jimenez)

Attachments: [Staff Report](#)
[Davenport Park Site Plan](#)
[Draft Resolution](#)
[APPROVED Resolution No. 21-87](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-87

10.11. [ID-2021-339](#)

Second Reading of An Ordinance Of The City Council Of The City Of Emeryville Amending Article 2 Of Chapter 3 Of The Planning Regulations At Title 9 Of The Emeryville Municipal Code To Prohibit Crematories In All Zoning Districts (CEQA Status: Not A "Project" Under Public Resources Code Section 21065, And Common Sense Exemption At CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant)

Attachments: [Staff Report](#)
[Attachment 1 - Staff Report From July 6, 2021](#)
[Proposed Ordinance](#)
[APPROVED Ordinance No. 21-005](#)

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

Enactment No: Ordinance No. 21-005

11. PUBLIC HEARINGS

- 11.1. [ID-2021-365](#) Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 10 ("Energy Code") of Title 8 ("Building Regulations") Of The Emeryville Municipal Code To Amend The 2019 California Energy Code Of The 2019 Edition Of The California Building Standards Code (California Code Of Regulations, Title 24, Part 6); CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3). (Christine Daniel / Nancy Humphrey)

Attachments: [Staff Report](#)

[Proposed Ordinance](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

Environmental Programs Supervisor Nancy Humphrey gave the staff presentation and, along with Farhad Farahmand, TRC Companies, Inc., responded to Council Member questions.

PUBLIC HEARING OPENED: 8:42 p.m.

No testimony was given

PUBLIC HEARING CLOSED: 8:43 p.m.

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

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

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

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

12. ACTION ITEMS

- 12.1. [ID-2021-355](#) Consideration Of Dissolving Current Roster Of City Council Ad Hoc Committees. (Sheri Hartz / Lorrayne Leong)

Attachments: [Staff Report](#)

A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve the Item. The motion carried by the following vote:

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

- 12.2.** [ID-2021-367](#) Designation Of Voting Delegate And Alternate(s) To The League Of California Cities Annual Conference. (Sheri Hartz)

Attachments: [Staff Report](#)

[2021 Annual Conference Voting Procedures](#)

[2021 Voting Delegate/Alternate Form](#)

A motion was made by Mayor Martinez, seconded by Vice Mayor Donahue, to approve Mayor Martinez as the voting delegate and Council Member Medina as alternate. The motion carried by the following vote:

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

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Bauters requested and received majority support for a high level study session to be brought back to the Council in the first quarter of 2022 on the topic raised by Fran Quittel during Public Comment. Council Member Medina requested and received majority support for a discussion on exemptions to the transit overlay map. Mayor Martinez requested and received majority support to receive a presentation regarding Muwekma/Ohlone descendants regaining Federal recognition

- 12.3.** [ID-2021-346](#) Resolution Of The City Council Of The City Of Emeryville Approving The Conceptual Design And Directing Lennar Multifamily Communities To Proceed With Final Design And Installation Of Bicycle Boulevard Level 4 And 5 Traffic Calming Measures. (Christine Daniel / Michael Roberts)

Attachments: [Staff Report](#)

[Exhibit A - Level 4 Treatment Measures](#)

[Exhibit B - 40th Concept Plan](#)

[Exhibit C - 40th/Horton Street Turn Pocket Extension](#)

[Exhibit D - 53rd Concept Plan](#)

[Exhibit E - Excerpt from Table 1 from the Fehr & Peers Dec 12, 2014 Memorandum RE: Sherwin-Williams – Horton Street Turn Restriction Assessment](#)

[Exhibit F - 40th/Horton Traffic Analysis](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-88](#)

Council Member Bauters re-announced his intention to recuse himself from consideration of this matter due to the proximity of the project to

his residence, and left the dais.

Senior Civil Engineer Michael Roberts gave the staff presentation and responded to Council questions. Jeff Knowles from ALTA and Nathan Tuttle from Lennar were also present.

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

Ayes: 3 - Mayor Martinez, Vice Mayor Donahue, and Council Member Medina

Recused: 1 - Council Member Bauters

Enactment No: Resolution No. 21-88

13. DEPARTMENT HEAD REPORTS

There were no reports given.

15. ADJOURNMENT

The meeting adjourned at 9:35 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