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## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Members:

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

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Tuesday, January 21, 2020

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:46 p.m.

#### 2. ROLL CALL

**Present:** 5 - Mayor Christian R. Patz  
Vice Mayor Dianne Martinez  
Council Member John J. Bauters  
Council Member Scott Donahue  
Council Member Ally Medina

#### 3. APPROVAL OF FINAL AGENDA

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

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

#### 4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2020-022](#) Proclamation: January is National Blood Donor Month  
Mayor Patz read the proclamation aloud and encouraged everyone to become blood donors. Council Member Bauters stated that members of particular communities should no longer be precluded from donating blood, as rapid HIV/AIDS and other testing were now readily available.

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

The City Clerk announced that a recruitment to fill expected vacancies was open until February 10th, with appointments to be made at the March 3, 2020 City Council meeting.

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

There were no announcements made.

**7. CITY MANAGER'S REPORT**

City Manager Daniel announced the temporary closure and relocation of the Emeryville Child Development Center (ECDC) for a reroofing project and other maintenance.

**8. EX PARTE COMMUNICATIONS**

Each of the Council Members reported having spoken to John Gooding on behalf of Wareham Development regarding Item 11.1. Council Member Bauters reported additionally having communicated with Mark Stefan, Public Market.

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

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

**10.1. [ID-2020-014](#)** Warrants. (Susan Hsieh)

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

**A motion was made to approve this Informational Item.**

**10.2. [ID-2020-016](#)** Action Minutes of the December 17, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

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

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

**10.3. [ID-2020-017](#)** Action Minutes of the December 17, 2019 Emeryville City Council Special Study Session. (Sheri Hartz)

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

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

- 10.4. [ID-2020-019](#) Action Minutes of the December 17, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

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

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

- 10.5. [ID-2020-001](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Public Works Director 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). (Christine Daniel / Nancy Humphrey / Marcy Greenhut)

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

[Draft Resolution](#)

[Program Guidelines](#)

[APPROVED Resolution No. 20-01](#)

Enactment No: Resolution No. 20-01

- 10.6. [ID-2020-013](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Two And A Half Year Maintenance Contract In The Amount Of \$366,000.00 With West Coast Arborist Incorporated For The Maintenance Of Trees Subject To City Jurisdiction, In The Prorated Amounts Of \$91,000.00 For FY 2019-20, \$135,000.00 For FY 2020-21, And \$140,000.00 For FY 2021-22 And Authorizing The City Manager To Execute Up To Two (2) Additional One Year Extensions In The Amount Of \$144,900.00.00 For FY 2022-23 And \$149,971.00 For FY 2023-24 Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Years For A Total Contract Amount Not To Exceed \$660,871.00. (Christine Daniel / Joseph Aguilera)

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

[Draft Resolution](#)

[Contract: West Coast Arborists, Inc.](#)

[Contract Exhibit A](#)

[Contract Exhibit B](#)

[Contract Exhibit C](#)

[APPROVED Resolution No. 20-02](#)

Enactment No: Resolution No. 20-02

## 11. PUBLIC HEARINGS

**11.1. [ID-2019-498](#)** Marketplace Parcel B Appeal. (Charles S. Bryant / Miroo Desai)

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

[Project Plans dated January 3, 2020](#)

[Link to Administrative Record](#)

[Late Correspondence - RUTAN & TUCKER, LLP](#)

[Draft Conditions of Approval](#)

Senior Planner Miroo Desai gave the staff presentation, which was followed by the City Attorney who outlined the proposed process to be followed for the Public Hearing.

Council Member Bauters recommended altering the process to allow the Applicant and Appellant ten minutes each instead of fifteen minutes for their presentations, and allowing no rebuttals.

**A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve the hearing process as recommended by Council Member Bauters. The motion carried by the following vote:**

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

The Applicant presentation was given by Mark Stefan, Civic Center Realty Partners/Public Market; Christopher Pizzi, Hart Howerton, and Chelsea MacClean, legal counsel.

The Appellant presentation was made by Matthew Francois, Rutan and Tucker, on behalf of Wareham Development.

PUBLIC HEARING OPENED: 8:35 p.m.

1. Jonathan Singh spoke in favor of approval of the project, stating that it would provide needed parking for future development projects.
2. A speaker stated that all parties associated with this project were despicable, and that it should not be approved.

PUBLIC HEARING CLOSED: 8:40 p.m.

**11.1.1 [ID-2020-023](#)** Resolution Of The City Council Of The City Of Emeryville Approving The Planning Commission's Approval Of A Final Development Plan (Resolution No. FDP18-001R) For "Parcel B" Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-12) With Additional Conditions, And Rescinding Final Development Plan FDP15-001 That Was Approved By The Planning Commission

(Resolution No. FDP15-001). (CEQA Determination: Environmental Impact Report For Marketplace Redevelopment Project PUD Certified By City Council On January 15, 2008; No Subsequent EIR Is Required To Be Prepared Pursuant To CEQA Guidelines Section 15162).

**Attachments:** [Draft Resolution to Approve Project](#)

[Exhibit A - Conditions of Approval](#)

[APPROVED Resolution No. 20-03](#)

A motion was made by Council Member Bauters, seconded by Vice Mayor Martinez, to approve this Resolution, amending the Exhibit "Conditions of Approval" as recommended by the red-lined exhibit provided by staff; and to amend Condition VI.C.3 to read as follows: "Valet Parking. Any use of the public right of way for valet parking shall be subject to all applicable city approvals, including but not limited to a review by the Bicycle/Pedestrian Advisory Committee, the Transportation Committee and the City Council. The motion carried by the following vote:

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

Enactment No: Resolution No. 20-03

**-OR-**

- 11.1.2** [ID-2020-024](#) Resolution Of The City Council Of The City Of Emeryville Disapproving The Planning Commission's Approval Of A Final Development Plan (Resolution No. FDP18-001R) For "Parcel B" Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-12).

**Attachments:** [Draft Resolution to Deny Project](#)

No action was taken on this matter.

## **12. ACTION ITEMS**

There were no Action Items listed.

## **13. DEPARTMENT HEAD REPORTS**

Director Bryant announced an upcoming tenant/landlord workshop. Acting Public Works Director Daniel announced that piledriving for the South Bayfront Bridget project would begin soon.

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

Council Member Bauters requested and received majority approval that a resolution in support of a bus only lane on the Bay Bridge be added to the agenda for the February 4, 2020 Council meeting.

## **15. ADJOURNMENT**

The meeting adjourned at 8:50 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**