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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

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Tuesday, March 2, 2021

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 7:21 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 Vice Mayor Donahue, seconded by Mayor Martinez, 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 open recruitment to fill unexpected Committee vacancies and encouraged interested community members to apply before the March 15th deadline.

**7. CITY MANAGER'S REPORT**

City Manager Daniel announced that the City's paid parking program had commenced.

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

Council Member Bauters reported on the recent Alameda County Healthy Homes meeting where it was reported that three brands of organic baby food had been identified as containing toxic heavy metals and that there would be an independent investigation on the matter, with a report to follow.

Mayor Martinez expressed condolences to the family, friends and colleagues of Alicia Raffel, Public Art Committee Member, on the occasion of Ms. Raffel's recent passing. The Mayor also expressed appreciation for the Police Department's virtual ride-along on Instagram over the past weekend.

**8. EX PARTE COMMUNICATIONS**

Council Member Bauters disclosed having met with members of the building trades regarding Item 12.2. and having had multiple meetings with the City's lobbyist, Townsend Public Affairs, regarding Item 12.4. He stated that he would be recusing himself from Item 13.1.c due to the proximity of the project to his residence. Council Member Medina stated that she, along with the rest of the Council, had received a letter from the Pool and Hot Tub Association 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 Patz, 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-2021-087](#) Warrants. (Brad Farmer)**

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

[Wire Transfers](#)

[Check Register](#)

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

- 10.2. [ID-2021-093](#) Action Minutes of February 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-2021-094](#) Action Minutes of February 16, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

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

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

- 10.4. [ID-2021-096](#) Action Minutes of February 16, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

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

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

- 10.5. [ID-2021-085](#) Resolution of the City Council of the City of Emeryville Acknowledging Receipt of The Report From The Alameda County Fire Department of Fire Inspections For The Fiscal Year 2019-2020. (William McDonald / David Yoder)

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

[Draft Resolution](#)

[Attachment A - SB 1205 Report from Alameda County Fire Department](#)

[APPROVED Resolution No. 21-11](#)

Enactment No: Resolution No. 21-11

## 11. PUBLIC HEARINGS

- 11.1. [ID-2021-074](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2020-21 Regarding Dockless Shared Mobility Systems. (Mary Grace Houlihan / Nancy Humphrey)

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

[Draft Resolution](#)

[Exhibit A MFS Amendments](#)

[APPROVED Resolution No. 21-12](#)

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

PUBLIC HEARING OPEN: 7:33 p.m.

There was no testimony given

PUBLIC HEARING CLOSED: 7:33 p.m.

**A motion was made by Council Member Medina, seconded by Council Member Bauters, 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. 21-12

## 12. ACTION ITEMS

- 12.1.** [ID-2021-086](#) Consideration Of Budget Advisory Committee Recommendation Of Additional Requirements For Budget Advisory Committee Membership. (Brad Farmer)

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

Finance Director Brad Farmer introduced Committee Chair William Reuter, who gave a brief synopsis of what was being recommended by the Committee. Council Member Bauters, in his role as Council Liaison to the Budget Advisory Committee, and, after asking the City Clerk for some clarification on the City's current appointment practices, recommended that the Council give direction to staff to add a feature to the online application that allows the upload of a resume. Council Member Bauters did not support a residency requirement for committee members. The Council agreed with Council Member Bauters' recommendations.

- 12.2.** [ID-2021-075](#) Consideration Of Energy And Building Reach Codes. (Mary Grace Houlihan / Nancy Humphrey)

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

[Exhibit A: List of Cities' Reach Codes](#)

[Exhibit B: 2019 Nonresidential New Construction Reach Code Cost Effectiveness Study](#)

[Exhibit C: 2019 Cost-effectiveness Study: Low-Rise Residential New Construction](#)

[Exhibit D: 2019 Mid-Rise New Construction Reach Code Cost-Effectiveness Study](#)

Ms. Humphrey, along with Farhad Farahmand, Project Manager from TRC, gave a presentation and responded to Council questions.

PUBLIC COMMENT:

1. M. De la Pena-Medina spoke in opposition to moving forward without conducting further research to avoid unintended consequences.
2. Geoffrey Sears spoke in support of increases sustainability and reduction of climate change impacts, but was also concerned about the unintended consequences that might arise from not conducting thorough research.
3. Melissa Yu, Sierra Club, spoke in support of the electrification project.
4. Salil Payappilly supported green house gas reduction but stated that requirements to go all electric needed more research.

Council Member Medina proposed, and the Council agreed, to take this item back to the Sustainability Committee for further study and to bring return to Council with recommendations on individual Reach Codes, starting with electrification. The Council also expressed interest in receiving a cost effectiveness study which is specific to the building types constructed in Emeryville.

- 12.3.** [ID-2021-068](#) Resolution Of The City Council Of The City Emeryville Adopting The Affordable Housing Bond Administration And Expenditure Plan, And Appointing The Budget Advisory Committee To Serve As The Bond Oversight Committee (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Affordable Housing Bond Administration and Expenditure Plan](#)  
[APPROVED Resolution No. 21-13](#)

Valerie Bernardo, Community and Economic Development Coordinator, gave the staff presentation and responded to Council Member questions.

**A motion was made by Council Member Bauters, seconded by Vice Mayor Donahue, 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. 21-13

- 12.4.** [ID-2021-089](#) Resolution Of The City Council Of The City Of Emeryville Confirming The City Of Emeryville As A Sponsor Of SB 591 State Legislation Concerning Intergenerational Housing, And Authorizing The Mayor To Sign A Letter Of Support. (Charles S. Bryant / Chadrick Smalley)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[SB 591 State Legislation Bill Text](#)  
[APPROVED Resolution No. 21-14](#)

Council Member Bauters gave a brief presentation on this matter, stating that signing on as a sponsor of the bill would support the City's intergenerational housing project at 4300 San Pablo Avenue.

**A motion was made by Vice Mayor Donahue, 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. 21-14

### 13. DEPARTMENT HEAD REPORTS

**13.1.** [ID-2021-083](#) Planning Director's report on Planning Commission actions at the February 25, 2021 meeting:

- (a) General Plan Annual Progress Report. Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2020, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.
- (b) Sherwin Williams Building 1-31 Adaptive Reuse. Consideration of a Final Development Plan for adaptive reuse of the existing Building 1-31 in the Sherwin Williams Planned Unit Development/Preliminary Development Plan (PUD/PDP) that includes the design of the pedestrian and bicycle pass-through required by the PUD/PDP. The PUD/PDP was approved by the City Council on November 1, 2016. (This project was heard and approved by the Planning Commission on December 10, 2020, but due to a noticing defect, it needed to be re-heard and re-approved.)
- (c) BMR Emeryville Center of Innovation. Consideration of a Final Development Plan to demolish two existing buildings and surface parking and construct four new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the "Chiron PUD/PDP" (PUD 93-2), that was approved by the City Council on August 15, 1995. The project includes utility improvements and circulation improvements including one-way cycle tracks in each direction on Horton Street from 53rd Street to 45th Street; one-way cycle tracks in each direction on 53rd Street from Horton Street to Hollis Street; a diverter at Stanford Avenue and Horton Street; a Pedestrian Hybrid Beacon protected crosswalk at the parking structure on Horton Street; and a traffic signal at the intersection of Horton Street and 53rd Street. The project also includes an application for a Tree Removal Permit for 22 street trees including six European Hornbeams (*Carpinus betulus*) on the north side of 53rd Street between Chiron Way and Horton Street, seven

Red Maples (*Acer rubrum*) on the east side of Horton Street north of 53rd Street, and six Brazilian Peppers (*Schinus terebinthifolius*) and three Chinese Pistache (*Pistacia chinensis*) on the west side of Horton Street north of new 46th Street.

The packet for the February 25, 2021 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Council Member Bauters recused himself from participation in Items 13.1.b and 13.1.c and stepped away from the virtual dias.

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

Council Member Medina requested and received majority support for a resolution in support of SB 271 to come back on the March 16th agenda. Council Member Bauters requested and received majority support for a resolution in support of AB 1400 to come back, also on the March 16th agenda.

City Manager Daniel announced that the study session on the Ashley Interchange, originally scheduled for the Council's next meeting, would be delayed to a later meeting.

#### **15. ADJOURNMENT**

The meeting adjourned at 9:29 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