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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--

Tuesday, April 20, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 8:18 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 Vice Mayor Donahue, seconded by Council Member Medina, 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 annual recruitment for the City's committees and commissions, stating that applications were due by May 17th for appointments to be made June 15th.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

The Council Members made comments in appreciation of City Attorney Michael Guina's years of service to the City of Emeryville on the occasion of his last City Council meeting before leaving for his new position with the City of Burlingame, and wished him well.

7. CITY MANAGER'S REPORT

City Manager Daniel also expressed her appreciation for Mr. Guina's service, stating that his collaborative approach would be missed by all.

8. EX PARTE COMMUNICATIONS

Mayor Martinez reported that she had received many communications from residents expressing gratitude for the resolution denouncing racism against Asian-American and Pacific Islander communities.

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

1. The City Clerk read into the record an online speaker card submitted by Brandon Soublet related to unsafe traffic conditions at the 53rd Street turnaround.

2. Elizabeth Portillo spoke again in support of the matter discussed during the Study Session.

3. Caller/iPad was allowed to speak but did not make a comment.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Donahue, 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-2021-158](#) Warrants. (Brad Farmer)

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

A motion was made to approve this Informational Item.

10.2. [ID-2021-188](#) Action Minutes of April 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-2021-190](#) Action Minutes of April 6, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2021-185](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With Schaaf And Wheeler In An Amount Not To Exceed \$88,528.00 For Engineering Services Related to Storm Drain Large Trash Separators Project, EPW 107-18, (CIP #18475009); CEQA Determination: Exempt Pursuant To State CEQA Guidelines 15061(b)(3) And 15063

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Professional Services Contract](#)

[APPROVED Resolution No. 21-28](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-28

- 10.5. [ID-2021-107](#) Resolution Of The City Council Of The City Of Emeryville Authorizing the City Manager to Enter Into A Professional Services Agreement With NV5 Inc., For An Amount Not To Exceed \$61,595 For Engineering Design and Regulatory Permitting Services For Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16475021). (Mary Grace Houlihan / Michael Roberts)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[First Amendment to PSA](#)

[NV5 Professional Services Agreement](#)

[NCI First Amendment and NCI Original Agreement](#)

[APPROVED Resolution No. 21-29](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-29

- 10.6. [ID-2020-582](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To

The Professional Services Contract with MNS Engineers, Inc., To Revise The Work Scope; And To Increase the Total Compensation Amount by \$75,475, For A Not To Exceed Amount of \$2,644,106, For Construction Management Services For The South Bayfront Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006 and 17237003) (Mary Grace Houlihan / Todd Teachout)

Attachments: [Staff Report](#)

[Professional Services Agreement](#)

[Draft Resolution](#)

[Professional Services Contract - 1st Amendment](#)

[APPROVED Resolution No. 21-30](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-30

11. PUBLIC HEARINGS

- 11.1. [ID-2021-154](#) Resolution Of The City Council Of The City Of Emeryville Establishing Updated Development Impact Fees For Fiscal Year 2021-2022 (Charles S. Bryant)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Development Impact Fees FY21-22](#)

[APPROVED Resolution No. 21-31](#)

The Council waived staff's presentation.

PUBLIC HEARING OPENED: 8:35 p.m.

The was no testimony given.

PUBLIC HEARING CLOSED: 8:37 p.m.

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. 21-31

- 11.2. [ID-2021-165](#)

Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2021-22. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)
[Draft Master Fee Schedule \(Redline\)](#)
[Draft Resolution](#)
[Exhibit A – FY 21-22 Proposed Master Fee Schedule \(Clean\)](#)
[APPROVED Resolution No. 21-32](#)

Council waived staff's presentation.

PUBLIC HEARING OPENED: 8:38 p.m.

Elizabeth Portillo commented in support of the subject matter from the Study Session.

PUBLIC HEARING CLOSED: 8:40 p.m.

A motion was made by Council Member Patz, 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. 21-32

12. ACTION ITEMS

- 12.1.** [ID-2021-196](#) Resolution Of The City Council Of The City Of Emeryville Denouncing Xenophobia And Anti-Asian Racism Arising Due To Fears Of The COVID-19 Pandemic And Affirming The City Of Emeryville's Commitment To The Well-being And Safety Of Asian American And Pacific Islander Communities. (Mayor Martinez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 21-33](#)

Mayor Martinez introduced the item, stating that she had placed the item on the agenda, and had received several email messages in support.

A motion was made by Mayor Martinez, seconded by Council Member Patz, 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. 21-33

- 12.2.** [ID-2021-164](#) Mid-Year Review Of Fiscal Year 2020-21 And Proposed Budget Amendments: Resolution Of The City Council Of The City Of

Emeryville Amending The Budget For Fiscal Year 2020-21. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Appendix A FY 20-21 Proposed Budget Adjustments to General Fund](#)

[Appendix B FY 20-21 Proposed Budget Adjustments Other Funds](#)

[APPROVED Resolution No. 21-34](#)

Finance Director Brad Farmer gave the staff presentation and responded to Council Member questions.

A motion was made by Vice Mayor Donahue, 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. 21-34

- 12.3.** [ID-2021-186](#) Potential Partnership With Resources For Community Development ("RCD") For The Affordable Housing Sustainable Communities ("AHSC") Funding Opportunity To Support For 40th And San Pablo Bus Hub Project And 3600 San Pablo Avenue Apartments Project (Charles S. Bryant / Mary Grace Houlihan / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Exhibit A – 40th Street AHSC Concept Plan](#)

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

PUBLIC COMMENT:

1. Brian Donahue spoke regarding the project improvements, stating that they will make travel less safe for bicyclists.

2. Jake Rosen, Project Manager for Resources For Community Development, spoke in support of the partnership.

A motion was made by Council Member Medina, seconded by Council Member Bauters, 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

- 12.4. [ID-2021-200](#)** Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Agreement Of Employment Between The Management Of Emeryville Services Authority And Andrea Visveshwara As Interim City Attorney/General Counsel For The Period Of April 24, 2021 Through October 31, 2021. (Trish Raver)
(In Conjunction With MESA Agenda Item 7.1)

Attachments: [Staff Report](#)
[Draft Resolution \(City Council\)](#)
[Exhibit A](#)
[APPROVED Resolution No. 21-35](#)

Council waived staff's presentation.

A motion was made by Mayor Martinez, seconded by Council Member Patz, 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. 21-35

- 12.5. [ID-2021-194](#)** Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Agreement Of Employment Between The Management Of Emeryville Services Authority And Michael Guina As City Attorney/General Counsel For The Period Of July 1, 2018, Through July 30, 2020; And From August 1, 2020, Through July 31, 2022. (Michael Guina, Trish Raver)
(In Conjunction with MESA Agenda Item No. 7.2)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Ex. A - 2018-2020 Amended Agreement of Employment.Guina](#)
[Ex. B - 2020-2022 Amended Agreement of Employment.Guina](#)
[APPROVED Resolution No. 21-36](#)

Council waived staff's presentation.

A motion was made by Mayor Martinez, seconded by Council Member Patz, 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. 21-36

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Bauters requested and received majority support to bring an item to the May 4, 2021 agenda to take a position on AB 1271 (Ting) - Surplus Lands Act. He also requested and received majority support to have a discussion about repealing the bicycle license/registration regulations.

Mayor Martinez asked that the issue raised by Mr. Soublet during Public Comment be referred to the Transportation Committee.

15. ADJOURNMENT

At 9:35 p.m., the meeting was adjourned in memory of George Floyd.

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