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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, June 1, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:27 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 Council Member Bauters, seconded by Mayor Martinez, to approve the Final Agenda, with Council Member Bauters announcing that he would be recusing himself from Item 12.4 due to the proximity of the project to his residence. 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 Items listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that interviews and appointments for commission and committee seats would be held at a special meeting

to be held on June 15, 2021.

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

Council Member Bauters reported that BAAQMD would be considering Rule 6-5 regarding the reduction of emissions at its next meeting, and wished the community Happy Pride.

7. CITY MANAGER'S REPORT

City Manager Daniel announced that the Pride flag had been raised at City Hall and would fly for the month of June.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported that he had been in communication with John Fricke regarding Item 12. 1.

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

1. Brian Donahue spoke in favor of Item 10.6, and commented on the voting record of late Council Member Nora Davis.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Bauters, 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-2021-258](#) Warrants. (Brad Farmer)

Attachments: [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

A motion was made to accept this Informational Report.

10.2. [ID-2021-268](#) Action Minutes of May 18, 2021 Special Closed Session (City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency). (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2021-270](#) Action Minutes of May 18, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2021-271](#) Action Minutes of May 18, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2021-261](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Appropriations Limit For FY 2021-22. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Appendix A - Gann Appropriations Limit Calculation FY 2021-22](#)

[APPROVED Resolution No. 21-46](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-46

- 10.6.** [ID-2021-260](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Notice Of Exercise Of Option To Acquire 1500 Park Avenue #322 And Any Other Documents Required To Complete The City's Acquisition Of 1500 Park Avenue #322 At A Purchase Price Not To Exceed \$338,200 And To Expend Up To \$16,800 For Repairs, Holding Costs And Any Additional Transactional Costs For A Total Expenditure Not To Exceed \$355,000 From The Affordable Housing Fund (Fund 299) As Appropriated To The Capital Improvement Program For Below Market Rate Unit Acquisition Program (CIP No. # H-06) (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Attachment A - Notice of Exercise of Option to Acquire](#)

[Exhibit A to Notice of Exercise of Option to Acquire](#)

[APPROVED Resolution No. 21-47](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-47

- 10.7.** [ID-2021-156](#) 3600 San Pablo Affordable Housing Project (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

A motion was made to approve this Other Item.

- 10.7.1** [ID-2021-225](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The First Amendment To Predevelopment Loan Agreement By And Between The City Of Emeryville And Evoy, L.P., An Affiliate Of Resources For Community Development, A California Nonprofit Public Benefit Corporation, For The Development Of Affordable Housing At 3600, 3610 And 3620 San Pablo Avenue, Increasing The Predevelopment Loan Amount By \$1,500,000 To A Total Amount Not To Exceed \$3,500,000; Appropriating \$1,500,000 From The Low And Moderate Income Housing Fund (Fund 298) To The Fiscal Year 2020-2021 Budget For Capital Improvement Project No. H-07; And Authorizing The Allocation Of 89 Affordable Rental Units Of The City's Article 34 Authority

Attachments: [Draft Resolution](#)

[Exhibit A - Predevelopment Loan Agreement Amendment](#)

[APPROVED Resolution No. 21-48](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-48

- 10.7.2** [ID-2021-226](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The AHSC Implementation And Mutual Indemnity Agreement Between The City Of Emeryville And Resources For Community Development

Attachments: [Draft Resolution](#)

[Exhibit A - AHSC Implementation Agreement](#)

[APPROVED Resolution No. 21-49](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-49

- 10.8.** [ID-2021-237](#) Resolution Of The City Council Of The City Of Emeryville Approving The Proposed SB 1 Project List And Appropriation For Fiscal Year 2021-2022. (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - 2021-2022 SB1 Project List](#)

[APPROVED Resolution No. 21-50](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-50

- 10.9.** [ID-2021-255](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Third Amendment To The Professional Services Agreement With Coastland Civil Engineering, Inc. For City Engineering & Inspection Services, Capital Projects Delivery Support, And Construction Management Services To Extend the Termination Date To June 30, 2022, And To Increase The Contract Amount By An Additional \$218,500 For A Total Contract Amount Not To Exceed \$873,148, And To Authorize The City Manager To Execute Amendments To Further Extend The Termination Date, Amend the Scope Of Work And To Increase The Contract Amount By An Additional Cumulative Amount of \$45,000. (Mary Grace Houlihan)

Attachments: [Staff Report](#)
[Initial PSC- Coastland](#)
[1st Amendment](#)
[2nd Amendment](#)
[Draft Resolution](#)
[3rd Amendment](#)
[Exhibit A-3 Scope of Services](#)
[APPROVED Resolution No. 21-51](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-51

- 10.10.** [ID-2021-243](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 3 To The Professional Services Agreement With EKI Environment and Water, Inc. increasing the Not-To-Exceed Contract Amount And Extending Time For Environmental Services Related To The South Bayfront Pedestrian Bicycle Bridge Project, EPW17-112 (CIP #16475006). (Mary Grace Houlihan / Todd Teachout)

Attachments: [Staff Report](#)
[Professional Services Agreement](#)
[1st Amendment](#)
[2nd Amendment](#)
[Draft Resolution](#)
[3rd Amendment](#)
[Exhibit A-3](#)
[APPROVED Resolution No. 21-52](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-52

- 10.11.** [ID-2021-254](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With Rubicon Landscape Corporation In An Amount Not To Exceed \$150,117 For City-Wide Landscape Maintenance For Fiscal Year 2021/22. (Mary Grace Houlihan)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Rubicon Landscape Maintenance Services Contract FY 21-22](#)
[Exhibit A - Scope of Work](#)
[Exhibit B - Insurance Requirements](#)
[Exhibit C - Other Requirements](#)
[APPROVED Resolution No. 21-53](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-53

- 10.12.** [ID-2021-217](#) Second 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](#)
[Staff Report May 18 2021](#)
[APPROVED Ordinance No. 21-004](#)

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

Enactment No: Ordinance No. 21-004

11. PUBLIC HEARINGS

There were no Public Hearings listed.

12. ACTION ITEMS

- 12.1. [ID-2021-281](#) Consideration Of A Request For An ADA Blue Disabled Parking Zone At 1055 43rd Street, Emeryville, California. (Mary Grace Houlihan / Lorrayne Leong)

Attachments: [Staff Report](#)

[Exhibit A - ADA Blue Zone Application \(Burkhalter\)](#)

[Exhibit B - Proposed Location](#)

[Exhibit C - ADA Blue Zone Map](#)

Public Works Director Mary Grace Houlihan gave the staff presentation and responded to Council Member questions

PUBLIC COMMENT:

1. John Fricke spoke in opposition to the blue curb being installed and displayed location photos through the Clerk.
2. Brian Donahue spoke in support of Mr. Fricke's comments.
3. Glennis Burkhalter, the applicant, stated her reasons for having requested the blue curb installation and requested that the Council decide in favor of granting the request.

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

- 12.2. [ID-2021-263](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Operating Budget For Fiscal Year 2021-22 ("Operating Budget"), And Appropriating Funds And Projecting Funds As Set Forth In The Operating Budget. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Proposed FY 2021-22 Budget](#)

[APPROVED Resolution No. 21-54](#)

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 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. 21-54

- 12.3.** [ID-2021-262](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement By And Between The County Of Alameda And The City Of Emeryville For The Purpose Of Carrying Out The Community Development Block Grant (CDBG) Program For Fiscal Year 2021-22, Amending The Fiscal Year 2021-2022 Operating Budget To Increase Revenues To The CDBG Fund (Fund No. 205) By \$53,105 To \$63,500 And Increase The Appropriation For Meals On Wheels Programs (Fund No. 205) By \$5,105 To \$15,500, And Appropriating \$48,000 To The Fiscal Year 2021-2022 Capital Improvement Program Budget For Senior Center Accessibility Improvements (General Major Maintenance CIP Project No. FM-01). (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - CDBG Annual Agreement](#)
[APPROVED Resolution No. 21-55](#)

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

A motion was made by Mayor Martinez, seconded by Council Member Medina, 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. 21-55

Prior to the start of consideration of Item 12.4, Council Member Bauters recused himself due to the proximity of his residence (4260 Halleck Street, Emeryville) to the project, and left the meeting.

- 12.4.** [ID-2021-253](#) 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. (Mary Grace Houlihan / Michael Roberts)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Level 4 Treatment Measures](#)
[Exhibit B - 40th/Horton Street Turn Restrictions](#)
[Exhibit C - 40th/Horton Street Turn Pocket Extension](#)
[Exhibit D - 53rd/Horton Turn Restriction](#)
[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](#)
[Workshop Presentation](#)

Michael Roberts, Senior Civil Engineer, gave the staff presentation and responded to Council Member questions. Also presenting were consultants to the developer Jeff Knowles, Nathan Tuttle, Desiree Morgan and Jason Neary.

PUBLIC COMMENT:

1. Brian Donahue stated that the Council had attacked he and the other commenter during discussion of Item 12.1. He also asked for assurances that, if the traffic calming measures as proposed did not work, they would be improved.

Following discussion, the Council took no action and directed staff to return to the Council meeting on July 20, 2021 with a more final design.

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2021-257](#) Planning Director's report on Planning Commission actions at the May 27, 2021 meeting:

- (a) Two Unit Replacement, 1270 64th Street. A study session to review a proposal to demolish two existing uninhabitable residential structures and replace them with two new residential structures at 1270 64th Street.
- (b) 4700 San Pablo Mixed Use Project. A study session on a proposal to demolish existing commercial and light industrial buildings and construct a new 63,000 square foot life science and office building and nine residential units including four townhouse units and five loft type units on a 1.24-acre parcel.
- (c) Planning Regulations Amendment to Prohibit Crematories. Consideration of a proposed ordinance amending the Planning

Regulations in Title 9 of the Emeryville Municipal Code to prohibit Crematories in all zoning districts.

The packet for the May 27, 2021 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Vice Mayor Donahue requested that a commercial vacancy tax be considered, and received majority support that it be referred to the Budget and Governance Committee as a part of its analysis of potential revenue measures. Mayor Martinez restated her support for EDAC to look at possibilities in the cannabis tourism area and reminded staff to check in with the City of Oakland regarding their tool lending library for special equipment.

15. ADJOURNMENT

The meeting adjourned at 9:32 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