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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)

Tuesday, July 6, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:47 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: 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 Council Member Medina, seconded by Vice Mayor Donahue, to approve the Final Agenda. 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

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the open recruitments for Planning Commissioners and other advisory body seats, and stated the deadlines to apply.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Medina reported on her attendance of the recent ABAG/MTC meeting, stating that the budget had been adopted, and that a discussion on considering allowing flexibility on RHNA numbers was held. Council Member Bauters announced that the BAAQMD meeting to discuss imposing strict conditions on Bay Area refineries would be continued to its next meeting. Mayor Martinez stated that wind turbines were currently providing power in Alameda County through a power procurement agreement executed by East Bay Community Energy.

7. CITY MANAGER'S REPORT

City Manager Christine Daniel announced that City Hall had re-opened to the public and employees who weren't already doing so had returned to in-person work as of July 6, 2021.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported having communicated with Anna Nikitaras, Bank Club, regarding Item 11.1; with Roni Hatstrup regarding Item 11.2; with EPA and BAAQMD staff regarding Item 11.3; with ACTC staff regarding Item 12.2 and with Jovanka Beckles' office regarding Item 12.7.

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

1. Brian Donahue stated that the sidewalks on both sides of the street had been closed during construction on the Lennar project.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Medina, 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-2021-312](#) Warrants. (Brad Farmer)

Attachments: [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

A motion was made to accept this Informational Report.

10.2. [ID-2021-326](#) Action Minutes of June 15, 2021 Emeryville City Council Special

Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2021-327](#) Action Minutes of June 15, 2021 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2021-328](#) Action Minutes of June 15, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2021-329](#) Action Minutes of June 15, 2021 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6. [ID-2021-287](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract #CSPP-1009 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2021-2022 In The Amount of \$184,604 And Any Future Amendments And Appropriate Said Funds When Received To Accounts 230-53600 and 230-52300 (Pedro Jimenez)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Contract CSPP -1009](#)

[APPROVED Resolution No. 21-70](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-70

- 10.7. [ID-2021-273](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Contract With Econolite Systems, Inc., For An Additional Amount Not To Exceed \$146,342.00 For The Emeryville Innovative Deployment To Enhance Arterials (IDEA) Project, For A Total Contract Amount Not To Exceed \$679,349.00; Appropriating \$136,936 Of MTC IDEA Grant Funding In

FY2021/2022 To CIP Project No. 20254001; Transferring and Appropriating \$245,000 from CIP Project No. 1645036 Fund 475 to CIP Project No. 20254001 Fund 475. (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)

[Attachment A - Original PSC](#)

[Draft Resolution](#)

[First Amendment PSC \(Signed\)](#)

[Exhibit A-1 - Additional Scope of Work](#)

[APPROVED Resolution No. 21-71](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 21-71

11. PUBLIC HEARINGS

- 11.1. [ID-2021-314](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue A 2021 Annual Cabaret License To Bank Club Café. (Chief Jennings / Captain Collins)

Attachments: [Staff Report](#)

[Cabaret Permit Application](#)

[Bank Club Cafe Payment](#)

[Draft Resolution](#)

[Records Check Report 2021](#)

[APPROVED Resolution No. 21-72](#)

No presentation was requested on this item.

PUBLIC HEARING OPENED: 7:58 p.m.

1. Anna Nikitaras, the applicant, thanked the Council for its consideration of her request for a cabaret license.

PUBLIC HEARING CLOSED: 8:00 p.m.

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

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

Enactment No: Resolution No. 21-72

- 11.2. [ID-2021-320](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2021-221 Property And Business Improvement

District (“PBID”) Annual Assessment Levy For The Respective Parcels Within The Improvement District With No Increase In Assessment For All Parcels, And Approving The Preliminary Budget Submitted By The Emeryville Transportation Management Association (“ETMA”) For Service Year 2022. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[1. ETMA 2022 Preliminary Budget](#)

[2. ETMA 2020 Annual Report and 2014-2020 Ridership Report](#)

[3. Fiscal Year 2021-22 Preliminary Assessment Levy 3% Increase](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-73](#)

Council waived presentation on this item, however Roni Hattrup, Executive Director, Emeryville Transportation Management Association, was present and gave a brief report, and answered Council Member questions.

PUBLIC HEARING OPENED: 8:06 p.m.

1. Bobby Lee thanked the Emery Go Round staff for looking into where ridership numbers are going and where the cost environment is headed.

2. Brian Donahue asked how it had been determined that ridership would be affected into 2024.

Ms. Hattrup provided a brief response that, while the COVID-19 emergency might be receding, its effects on ridership could be expected to continue.

3. Geoff Sears spoke regarding the ETMA Board requests for increases in prior years, but that this request for a zero increase shows that they are responsive to current conditions and be good stewards of the funds. He added that the permanent bus yard was nearing completion, and thanked the Council for its support of a great project.

4. Betsy Cooley echoed the comments of the previous speakers and thanked the staff for keeping the buses running during a difficult time.

PUBLIC HEARING CLOSED: 8:14 p.m.

Enactment No: Resolution No. 21-73

11.3. [ID-2021-306](#) 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](#)

[Proposed Ordinance](#)

Senior Planner Miroo Desai gave the staff presentation and responded to Council Member questions.

PUBLIC HEARING OPENED: 8:28 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 8:29 p.m.

A motion was made by Council Member Bauters, seconded by Council Member Medina, to read this 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 Bauters, seconded by Vice Mayor Donahue, to approve the first reading and introduction of this 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-2021-336](#) Consideration Of A Request For An ADA Blue Disabled Parking Zone At 1270 62nd Street, Emeryville, California. (Christine Daniel / Lorryne Leong)

Attachments: [Staff Report](#)

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

[Exhibit B - ADA Blue Parking Zone Proposed Location](#)

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

The Council waived presentation on this item.

PUBLIC COMMENT:

1. Brian Donahue spoke regarding requirements for blue zones and whether ADA conditions were met.

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

- 12.2.** [ID-2021-308](#) 40th Street Pedestrian /Bike Improvements Grant Support. (Mary Grace Houlihan / Ryan O'Connell)

Attachments: [Staff Report](#)

The Council waived presentation on this item.

Council Member Bauters expressed his thanks to ACTC and City staff for their work on this item.

- 12.2.1** [ID-2021-330](#) Resolution Of The City Council Of The City Of Emeryville Transferring And Appropriating \$154,500.90 From T-01 (CIP Project No. 17240005) Fund 242 To T-13 (CIP Project No. NEW) Fund 242 And Upon Receipt From ACTC For Local Matching Funds, Returning Said Funds To T-01 (CIP Project No. 17240005) Fund 242.

Attachments: [Draft Resolution - Local Matching Funds](#)

[APPROVED Resolution No. 21-74](#)

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

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

Enactment No: Resolution No. 21-74

- 12.2.2** [ID-2021-331](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Filing Of An Application For Funding Assigned To Metropolitan Transportation Commission And Committing Any Necessary Matching Funds And Stating Assurance To Complete The Project.

Attachments: [Draft Resolution - Local Support ATP 40th Street](#)

[APPROVED Resolution No. 21-75](#)

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

Enactment No: Resolution No. 21-75

- 12.3.** [ID-2021-284](#) Resolution Of The City Council Of The City Of Emeryville Calling For A Municipal Election To Be Held On November 2, 2021, To Fill A City Council Vacancy; Requesting That Said Special Municipal Election Be Consolidated with A Statewide Election And/Or Any Other Election Held By Other Jurisdictions Within the Territory Of The City Of Emeryville, Should Another Election(s) Be Held On That Date; Requesting the County Registrar of Voters To Perform Specified Services In Connection with Said Municipal Election; Authorizing The City Manager On Behalf Of The City Of Emeryville To Reimburse The County Registrar Of Voters For Election Services Performed; And Determining How a Successful Candidate Will Be Selected If A Tie-Vote. (Sheri Hartz)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-76](#)

City Manager Daniel gave a brief report on the process that would be undertaken to conduct an election to fill the City Council Member vacancy left by the resignation of Council Member Patz.

PUBLIC COMMENT:

1. Brian Donahue spoke regarding the cost of the special election.

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

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

Enactment No: Resolution No. 21-76

- 12.4.** [ID-2021-323](#) Appointment Of Council Members To Fill Vacancies On Local And Regional Bodies Created By Council Member Patz Resignation: (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

City Clerk Hartz gave a brief introduction and responded to Council Member questions.

- 12.4.1** [ID-2021-332](#) Resolution Of The City Council Of The City Of Emeryville Appointing City Council Members To Serve On City Council Committees Commencing Immediately Through December 31, 2021, Or Until Replaced; And Amending The FY2021-22 Local Roster Of Boards, Commissions And Committees Accordingly

Attachments: [Draft Resolution](#)

[Exhibit A - Local Bodies Rosters](#)

[APPROVED Resolution No. 21-77](#)

A motion was made by Council Member Medina, seconded by Council Member Bauters, to appoint Council Member Medina to the Community Services Committee and Council Member Bauters to the Public Safety Committee. The motion carried by the following vote:

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

Enactment No: Resolution No. 21-77

Regarding the Council's Ad Hoc Committees, Council Member Bauters proposed and received majority support that, rather than filling the vacant seats, the committees be dissolved as they were all inactive. He further requested that an item be added to the July 20, 2021 agenda to consider dissolving the remaining Ad Hoc Committees.

12.4.2 [ID-2021-333](#) Resolution Of The City Council Of The City Of Emeryville Appointing City Representatives To County, Regional And Statewide Bodies Commencing Immediately Through December 31, 2021, Or Until Replaced; Amending The Publicly Noticed FPPC Form 806 As Required By FPPC Regulation 18702.5; And Amending The 2021 City Roster Of County, Regional And Statewide Bodies Accordingly

Attachments: [Draft Resolution](#)

[Exhibit A - Regional Bodies Rosters](#)

[APPROVED Resolution No. 21-78](#)

A motion was made by Mayor Martinez, seconded by Council Member Medina, to approve this Resolution making appointments as follows: Council Member Medina as Alternate on the Alameda County Fire Advisory Committee; Council Member Bauters as Alternate on Association of Bay Area Governments (ABAG); Vice Mayor Donahue as Member on Housing Authority (HACA) and Mayor Martinez as Member on the League of California Cities, East Bay Division . The motion carried by the following vote:

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

Enactment No: Resolution No. 21-78

12.4.3 [ID-2021-334](#) Resolution Of The City Council Of The City Of Emeryville Appointing A City Council Member To Serve As City Council Member Liaison To The Public Art Committee Commencing Immediately Through

December 31, 2021, Or Until Replaced; And Amending The FY2021-22 Local Roster Of Boards, Commissions And Committees Accordingly

Attachments: [Draft Resolution](#)

[Exhibit A - Committee Liaison Rosters](#)

[APPROVED Resolution No. 21-79](#)

A motion was made by Mayor Martinez, seconded by Council Member Bauters, to approve this Resolution, appointing Vice Mayor Donahue as the Council Liaison to the Public Art Committee. The motion carried by the following vote:

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

Enactment No: Resolution No. 21-79

- 12.5.** [ID-2021-335](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As City Representative To Serve On The Alameda County Mosquito Abatement District Commencing Immediately And Ending December 31, 2024; Amending The Publicly Noticed FPPC Form 806 As Required By FPPC Regulation 18702.5; And Amending The 2021 City Roster Of County, Regional And Statewide Bodies Accordingly. (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - AC Mosquito Abatement District Roster](#)

City Clerk Hartz responded to Council Member questions. City Manager Daniel thanked outgoing member Betsy Cooley for her service on the Mosquito Abatement District Board representing the City.

PUBLIC COMMENT:

1. Betsy Cooley thanked the Council for having appointed her and encouraged others to apply.

The Council directed the City Clerk's Office to open a recruitment for a resident representative.

No action was taken on this Resolution.

- 12.6.** [ID-2021-317](#) Discussion on Whether to Amend the City Council 2021 Regular Meeting Calendar. (Council Member Bauters)

Attachments: [Staff Report](#)

[City Council/Successor Agency 2021 Regular Meeting Calendar \(Final\)](#)

In conjunction with the earlier Successor Agency Item 7.1, Council Member Bauters requested and received majority support to add a regular meeting on Monday, September 13, 2021, at 5:30 p.m. and to cancel the August 31 and September 21, 2021, regular meetings.

A motion was made by Mayor Martinez, seconded by Council Member Bauters, to approve this Item and bring back a resolution on the July 20, 2021 to amend the City Council meeting calendar. The motion carried by the following vote:

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

- 12.7.** [ID-2021-309](#) Resolution Urging The Metropolitan Transportation Commission (MTC) To Immediately Program \$1.67 Billion In American Rescue Plan (ARP) Transit Funds For Use In Restoring Bay Area Transit Service And For Immediate Use. (Council Member Bauters)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-80](#)

Council Member Bauters made brief remarks on this item describing why he had requested it, and recommended that the Council vote to approve it.

PUBLIC COMMENT:

1. Ken Bukowski initially attempted to comment in the Zoom meeting, but ultimately sent in a written comment in support of the item.

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

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

Enactment No: Resolution No. 21-80

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2021-307](#) Planning Director's report on Planning Commission actions at the June 24, 2021 meeting:

(a) Emeryville Center for the Arts. Consideration of modifications to a previously approved Conditional Use Permit and Design Review permit for an adaptive reuse proposal that will involve renovation of an existing, 30,000 square foot vacant building at 4060 Hollis Street to accommodate an arts and cultural center. This project was previously approved by the Planning Commission on August 27, 2020.

The packet for the June 24, 2021 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Senior Planner Miroo Desai gave the Planning Director's Report in Director Bryant's absence, and stated that if the Council wished to appeal the Planning Commission's decision on Item 13.1 (a), this was their opportunity to do so.

A motion was made by Council Member Bauters, seconded by Mayor Martinez, to appeal the Planning Commission decision on this matter. 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 that an item be placed on the July 20, 2021, agenda to consider dissolving the Council's remaining Ad Hoc Committees.

15. ADJOURNMENT

The meeting adjourned at 9:10 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