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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, November 2, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:28 p.m. The Mayor had previously read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the extension of Brown Act waivers provided for under Assembly Bill 361, as would subsequent meetings so long as the City Council could make findings that it was necessary in order to protect public safety.

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 Mayor Martinez, seconded by Council Member Bauters, 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

4.1. [ID-2021-473](#) Proclamation: United Against Hate Week

Attachments: [Proclamation](#)

The Mayor read aloud the Proclamation, proclaiming November 14 through 20, 2021, as United Against Hate Week in the City of Emeryville.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk made an announcement about the recruitment that was open to fill unexpected vacancies on the City's committees and commissions.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Medina reported that she had attended the East Bay EDA meeting, where using Oakland Airport was strongly encouraged. Council Member Bauters stated that he would be part of a delegation travelling to Glasgow, Scotland to attend the COP26 conference, and would be broadcasting from there daily. Mayor Martinez reported that the League's East Bay Division meeting had featured a presentation from ACTC.

7. CITY MANAGER'S REPORT

The City Manager expressed appreciation to the City's Public Works Maintenance team for their work during the recent "atmospheric river" storm, and several Council Members joined her in thanks.

8. EX PARTE COMMUNICATIONS

Mayor Martinez stated she had been in communication with Oakland Mayor Libby Schaaf 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 Medina, seconded by Vice Mayor Donahue, to approve the Consent Agenda, with Item 10.6 being moved to the Action Items calendar for separate consideration. The motion carried by the following vote:

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

10.1. [ID-2021-500](#) Warrants. (Brad Farmer)

Attachments: [Staff Report](#)

[Wire Transfers](#)

[Check Register](#)

10.2. [ID-2021-511](#) Action Minutes of October 19, 2021 Special Closed Session (City Council / City of Emeryville as Successor Agency to the Redevelopment Agency). (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2021-510](#) Action Minutes of October 19, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2021-512](#) Action Minutes of October 19, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2021-503](#) Resolution Of The City Council Of The City Of Emeryville Making Required Findings To Allow The Continuation Of Remotely Held Meetings Of The City Council And All City Committees And Commissions, (Except The Planning Commission Which Will Make Its Own Findings), Pursuant To AB 361. (Sheri Hartz)
(In Conjunction with Successor Agency Agenda Item 6.4, and MESA Agenda Item 6.2)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-114](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 21-114

- 10.7. [ID-2021-502](#) Resolution of The City Council of The City of Emeryville Accepting The \$28,500 Grant Funds Awarded By The California Department of Justice (DOJ) USAEG-BR Program, For Evidence Kit Testing And Authorizing the City Manager To Execute Related Agreement. (Chief Jennings / Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Grant Application](#)

[APPROVED Resolution No. 21-116](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 21-116

- 10.8. [ID-2021-492](#) Annual Development Impact Fee Report - Fiscal Year 2020-2021 (Charles S. Bryant)

Attachments: [Staff Report](#)[Attachment 1 - Public Facilities Funded by Development Impact Fees](#)[Attachment 2 - Impact Fees Revenues, Expenditures, and Fund Balances - FY20-21](#)[Attachment 3 - Impact Fee Budgets from FY 19-21 Budget](#)[Attachment 4 - City of Emeryville Development Impact Fees FY20-21](#)**A motion was made to accept this Informational Report.**

- 10.9. [ID-2021-415](#) Resolution Of The City Of Emeryville Approving Applications And Taking Related Actions For The Per Capita Grant Funds And Authorizing City Manager to Execute Grant Application(s) for the Proposition 68 Parks Per Capita Program (Pedro Jimenez)

Attachments: [Staff Report](#)[Draft Resolution](#)[APPROVED Resolution No. 21-117](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-117

- 10.10. [ID-2021-483](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A 1st Amendment To The Sewer Service Charge Billing And Collection Agreement With East Bay Municipal Utility District (EBMUD) To Implement A Customer Assistance Program For Certain Low Income Residents. (Mohamed Alaoui / Daraja Wagner)

Attachments: [Staff Report](#)[Original Agreement](#)[Draft Resolution](#)[Attachment A: 1st Amendment to City of Emeryville Sewer Collection Agreement](#)[Attachment B: EBMUD Brochure](#)[APPROVED Resolution No. 21-118](#)**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-118

11. PUBLIC HEARINGS

- 11.1. [ID-2021-499](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Matrix, HG, Inc. For A Crane Lift To Replace Boilers On Saturday, November 20, 2021 From 8:00 A.M. To 5:00 P.M. At 6001 Shellmound Street And Designation Of Conditions Of Approval (APN: 49-1556-24) (CEQA Status: Exempt

Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Applicant Request Letter](#)
[APPROVED Resolution No. 21-119](#)

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

PUBLIC HEARING OPEN: 7:43 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 7:44 p.m.

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

Enactment No: Reso No. 21-119

12. ACTION ITEMS

- 10.6.** [ID-2021-517](#) Adoption Of A Resolution Authorizing The City Manager To Execute A Contract With Clifford Moss In An Amount Not To Exceed \$63,250 To Assess Possible Revenue Measure Opportunities For 2022; And Consideration Of Appointment Of An Ad Hoc Committee For Revenue Measure Development. (Brad Farmer)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Professional Services Contract](#)
[APPROVED Resolution No. 21-115](#)

A motion was made by Mayor Martinez, seconded by Council Member Medina, to appoint Council Member Medina and Mayor Martinez to serve on an ad hoc committee to research and recommend potential revenue measures for the 2022 election year, and to approve the Resolution. The motion carried by the following vote:

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

Enactment No: Reso No. 21-115

- 12.1.** [ID-2021-506](#) Ordinance Of The City Council Of The City Of Emeryville Adding Section 6-4.25, "Organics Reduction And Recycling", To The City Of Emeryville Municipal Code To Adopt By Reference Ordinance No. 2021-02, "Organics Reduction and Recycling Ordinance" ("ORRO") Of The Alameda County Waste Management Authority; Authorizing The Alameda County Waste Management Authority and Alameda County Department of Environmental Health To Enforce ORRO In The City Of Emeryville; And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement Of The ORRO; CEQA Determination: Exempt Pursuant to CEQA Guideline Section 15308. (Mohamed Alaoui / Matt Anderson)

Attachments: [Staff Report](#)
[Draft Ordinance](#)
[Exhibit 1 - WMA Ordinance](#)

Environmental Programs Technician Matt Anderson gave the staff presentation and responded to Council Member questions.

A motion was made by Vice Mayor Donahue, seconded by Council Member Medina, to read the 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 Vice Mayor Donahue, seconded by Council Member Medina, to approve the first reading and introduction of the Ordinance. The motion carried by the following vote:

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

- 12.2.** [ID-2021-516](#) Council Consideration of Adopting A Resolution Of Support For The Waterfront Ballpark District at Howard Terminal. (Mayor Martinez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Draft Letter to Alameda County Board of Supervisors](#)

Mayor Martinez gave a brief description of the item and asked for Council support.

A motion was made by Mayor Martinez, seconded by Vice Mayor Donahue, to approve this Resolution. The motion failed by the following vote:

Ayes: 2 - Mayor Martinez, and Vice Mayor Donahue

Abstain: 2 - Council Member Bauters, and Council Member Medina

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

Martinez, to continue this matter until the Board of Supervisors took further action. The motion carried by the following vote:

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

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2021-493](#) Planning Director's report on Planning Commission actions at the October 28, 2021 meeting:

- (a) Two Unit Replacement, 1270 64th Street. Consideration of a Conditional Use Permit and Design Review to demolish two existing uninhabitable residential structures and replace them with two new residential structures at 1270 64th Street and a Tree Removal Permit to allow for the removal and replacement of one street tree.
- (b) Four-Unit Replacement, 1271 64th Street. Consideration of a Conditional Use Permit and Design Review proposal to construct four new units and demolish four existing units at a site that was previously approved to add additional floor area to an existing four-unit residential building at 1271 64th Street.
- (c) Marketplace Redevelopment Project Parcels A, B and F. A study session on a new Final Development Plan to construct approximately 406,178 square feet of research and development space, 7,460 square feet of retail space and an 883-space parking structure on Parcels A and B, and 18 affordable housing units on Parcel F.
- (d) Housing Element of the General Plan - A study session to provide an overview of the 2023-2031 Housing Element requirements and the initial housing needs assessment.

The packet for the October 28, 2021 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Planning Director Charles Bryant presented the report.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Medina requested and received majority support that an item be referred to the Transportation Committee regarding next steps related to AB 43, which would allow speed limit reductions without a speed study.

15. ADJOURNMENT

The meeting adjourned at 8:14 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