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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)

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Tuesday, November 16, 2021

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 7:48 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 and the Governor's declared emergency remained in effect.

#### 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 and noting that she would be adjourning the meeting in memory of Supervisor Wilma Chan. 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 that a recruitment was currently open to fill unexpected vacancies on various City advisory bodies and

encouraged participation.

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

Council Member Bauters reported on his recent trip to Glasgow, Scotland as part of the United States' subdelegation of representatives to the United Nations' Climate Change Conference, COP26, and encouraged interested parties to contact him for more information on the goals and accomplishments of the conference.

**7. CITY MANAGER'S REPORT**

City Manager Daniel announce the upcoming Holiday Parade and Tree Lighting which would this year be held in conjunction with the ribbon cutting ceremony for the opening of the South Bayfront Pedestrian/Bicycle Bridge on Friday, December 3rd starting at 5:30 p.m.

**8. EX PARTE COMMUNICATIONS**

No ex parte communications were reported.

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

1. Elisabeth Montgomery submitted comment via online speaker card, which was read into the record by the City Clerk. Her comment called for the City Council to enact a Code of Ethics and Conduct, in order to guide City officials in facing ethical questions, effectively use social media and support diversity on committees.

2. Ken Bukowski stated he was excited to hear about the ribbon cutting for the long awaited bridge project.

Mayor Martinez responded briefly to the first speaker, stating that the Council Members attend ethics training biannually pursuant to AB 1234, and stated that more information can be found at [www.FPPC.gov](http://www.FPPC.gov).

3. Brian Donahue stated that prevailing wage and back wages should be paid to workers on projects within the City.

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

- 10.1. [ID-2021-531](#) Warrants. (Brad Farmer)

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

**A motion was made to approve this Informational Item.**

- 10.2. [ID-2021-537](#) Action Minutes of the November 2, 2021 Special Closed Session (City Council / City of Emeryville as Successor Agency to the Redevelopment Agency / Management of Emeryville Services Authority). (Sheri Hartz)

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

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

- 10.3. [ID-2021-539](#) Action Minutes of November 2, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)

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

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

- 10.4. [ID-2021-540](#) Action Minutes of November 2, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

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

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

- 10.5. [ID-2021-530](#) 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 / Thai Nam Pham)  
(In Conjunction with Successor Agency Agenda Item 6.4, and MESA Agenda Item 6.3)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 21-120](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-120

- 10.6.** [ID-2021-508](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2022 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2022 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Two Hundred Forty-Five Thousand, Four Hundred And Fifty-Three Dollars (\$4,245,453); And Authorizing Payment From The Emeryville Property Based Business Improvement District (PBID) Fund 805; And Authorizing An Additional Five Hundred Sixty-Four Thousand, Seven Hundred Twenty-Six Dollars (\$564,726) From The Emeryville Property Based Business Improvement District (PBID) Fund 805 To Cover The General Benefit Contribution. (Brad Farmer)

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

[Draft Resolution](#)

[Exhibit A: ETMA 2022 Budget](#)

[APPROVED Resolution No. 21-121](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-121

- 10.7.** [ID-2021-533](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Attorney To Execute National And State Participation Agreements And Take Related Actions To Receive Funding From The National Opioid Settlement Involving Distributors McKesson, Cardinal Health And AmerisourceBergen And Manufacturers Jansen Pharmaceuticals, Inc. And Johnson & Johnson. (Andrea Visveshwara)

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

[Attachment A - Opioid Remediation Uses](#)

[Attachment B - Sample Participation Form](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-122](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-122

- 10.8.** [ID-2021-498](#) Resolution Of The City Council Of The City Of Emeryville Approving The Annual Development Impact Fee Report For Fiscal Year 2020-2021 (Charles S. Bryant)

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

[Exhibit A - Impact Fee Annual Report FY 20-21](#)

[Draft Resolution](#)

[APPROVED Resolution No. 21-123](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-123

- 10.9.** [ID-2021-524](#) Consideration of Accepting Funds and Executing Funding Agreements with the Alameda County Transportation Commission for Emery Go-Round FY 2021-23 and the 40th Street Transit-Only Lanes and Multimodal Enhancements Project. (Mohamed Alaoui / Ryan O'Connell)

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

- 10.9.1** [ID-2021-526](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds And Execute Funding Agreement With The Alameda County Transportation Commission For Emery Go-Round Operating Expenses (FY2021-FY2023)

**Attachments:** [Draft Resolution – Emery Go-Round Operating Expenses](#)

[Attachment – Funding Agreement for Emery Go-Round Operating Expenses](#)

[APPROVED Resolution No. 21-124](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-124

- 10.9.2** [ID-2021-527](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept Funds And Execute Funding Agreement With The Alameda County Transportation Commission For The 40th Street Transit-Only Lanes And Multimodal Enhancements Project. (Mohamed Alaoui / Ryan O'Connell)

**Attachments:** [Draft Resolution – 40th Street Transit-Only Lanes and Multimodal Enhancements](#)

[Attachment – Funding Agreement for 40th Street Transit-Only Lanes and Multimodal Enhancements](#)

[APPROVED Resolution No. 21-125](#)

**A motion was made to approve this Resolution.**

Enactment No: Reso No. 21-125

## 11. PUBLIC HEARINGS

- 11.1. [ID-2021-541](#) Second Reading Of An 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 / Nancy Humphrey / Matt Anderson)

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

[Attachment A - Draft Ordinance](#)

[Exhibit 1](#)

[APPROVED Ordinance No. 21-008](#)

The Council waived presentation on this item.

PUBLIC HEARING OPENED: 8:02 p.m.

No testimony was given.

PUBLIC HEARING CLOSED: 8:03 p.m.

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

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

Enactment No: Ord No. 21-008

## 12. ACTION ITEMS

- 12.1. [ID-2021-495](#) 2023-2031 Housing Element (Charles S. Bryant / Chadrick Smalley / Navarre Oaks)

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

[Attachment 1 - Presentation Slides](#)

Associate Planner Navarre Oaks gave a brief staff introduction and then Nicole West, Placeworks, gave the presentation on the Housing Element.

**PUBLIC COMMENT:**

1. Ken Bukowski inquired if the cost of service has been calculated for these new residents associated to the Housing Element. Staff provided a brief response to his inquiry.

2. Brian Donahue posed a question to Ms. West to which she was not able to respond.

**13. DEPARTMENT HEAD REPORTS**

There were no reports given.

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

There were no future agenda items requested.

**15. ADJOURNMENT**

At 8:50 p.m., the Mayor adjourned the meeting in memory of Supervisor Wilma Chan, and the City Council observed a moment of silence.

**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**