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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

#### Special Meeting

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Tuesday, June 15, 2021

8:00 PM

Teleconference

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#### 1. CALL TO ORDER

The meeting convened via teleconference at 8:11 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 Council Member Patz, seconded by Council Member Bauters, 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. EX PARTE COMMUNICATIONS

Mayor Martinez, Vice Mayor Donahue, and Council Members Patz and Medina each disclosed having had communications with Nathan Tuttle, Lennar, on this matter. The Vice Mayor additionally disclosed having discussed it with Senior Planner Miroo Desai and Public Works Director Mary Grace Houlihan.

Council Member Bauters announced that he would be recusing himself

from consideration and discussion of this matter due to a potential conflict created by the proximity of his residence to the project location, and stated his address for the record.

## 5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

1. Brian Donahue stated that it should be assumed that a corporation is always lying in order to make a profit, and that it was up to the Council to protect the public's interest.

## 6. ACTION ITEMS

Council Member Bauters again announced his intention to recuse himself from discussion of this matter and left the virtual dais, his status being changed to "attendee".

- 6.1. [ID-2021-304](#) Resolution Of The City Council Of The City Emeryville Finding That The Trees On The West Side Of Horton Street From Sherwin Avenue To 46th Street (as Addressed in Conditions of Approval SW VTM 8357 III.A.3.b.i.k" , "FDP 17-002 IV.A.1.d" , and "FDP-17002IV.D.1" for the Sherwin Williams development) Are Nuisance Trees As Defined In EMC Section 7-10.03(h) And Directing The Public Works Director To Send Notice To Property Owner As Prescribed In EMC 7-10.07(a). (Mary Grace Houlihan)

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

[Sherwin Williams Attachment A](#)

[Sherwin Williams Attachment B](#)

[Sherwin Williams Attachment C](#)

[Sherwin Williams Attachment D](#)

[Draft Resolution](#)

[Late Correspondence - Park Ave Residents' Committee](#)

[APPROVED Resolution No. 21-69](#)

City Manager Daniel introduced Public Works Director Houlihan who gave a brief staff presentation and responded to Council Member questions. Also present were the City's Arborist, Molly Batchelder, Nathan Tuttle and Desiree Morgan from Lennar, and John Leffingwell, Hortscience/Bartlett Consulting.

### PUBLIC COMMENT:

1. Jack Ghizzoni, PARC, spoke regarding the letter previously sent in and added as late correspondence, stating that PARC would amend its position and go along with the recommendation of the City's arborist as to tree size, adding that the most important goal was to achieve healthy, vibrant trees.

2. Brian Donahue stated that all of the information given in the report was previously known and that the developer was not showing respect to the elected officials, adding that other cities have successfully saved trees in similar circumstances.

Mayor Martinez stated, in response to the second speaker's comments that, while some of the facts were previously known, new information had emerged in the meantime.

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

**Ayes:** 3 - Mayor Martinez, Council Member Medina, and Council Member Patz

**Noes:** 1 - Vice Mayor Donahue

**Recused:** 1 - Council Member Bauters

Enactment No: Resolution No. 21-69

## **7. ADJOURNMENT**

The meeting adjourned at 9:17 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**