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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

Tuesday, February 1, 2022

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:19 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: 5 - Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Dianne Martinez
Council Member Courtney Welch

3. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Welch, seconded by Council Member Donahue, to approve the Final Agenda. The motion carried by the following vote:

Ayes: 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

No announcement was made.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Mayor Bauters reported that he had been appointed as Chair of ACTC.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Mayor Bauters reported that he had communicated with the ownership of the Bank Club regarding Item 11.1, with ownership of Rob Ben's regarding item 11.2 and with the Alameda County Fire Chief regarding Item 12.1.

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

There were no comments made.

10. CONSENT ITEMS

Regarding Item 10.6, Council Member Donahue expressed thanks to Community Services staff members Pedro Jimenez and Kim Burrowes for identifying and purchasing an electric vehicle. Mayor Bauters announced that, as a follow up to Item 10.5, there would be a flag-raising ceremony held the following morning at City Hall in recognition of Black History Month. He also announced that Fire Captain Randall West would be named Chief for the City of Emeryville under upcoming Item 12.1.

Approval of the Consent Agenda

A motion was made by Council Member Welch, seconded by Council Member Donahue, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

10.1. [ID-2022-065](#) Warrants. (Brad Farmer)

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

A motion was made to accept this Informational Report.

10.2. [ID-2022-072](#) Action Minutes of the January 18, 2022 Special Closed Session (City Council / City Council 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-2022-073](#) Action Minutes of the January 18, 2022, City Council Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2022-076](#) Action Minutes of January 18, 2022, City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2022-013](#) Resolution Of The City Council Of The City Of Emeryville Recognizing The Significance Of Black History Month And Directing That The Pan-African Flag Be Flown At City Hall Each Year For The Month Of February. (Sheri Hartz)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-10](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-10

- 10.6. [ID-2022-064](#) Resolution Of The City Council Of The City Of Emeryville Rejecting All Bids For The Purchase And Delivery Of A 22-26 Passenger Wheelchair Accessible Bus And Authorizing The City Manager To Purchase One 19 Passenger Max Capacity Wheelchair Accessible Electric Vehicle (EV) Bus To Be Used For Emeryville Senior Center Group Trips Program, In A Total Amount Not To Exceed \$196,618.50 From Green Power Motor Company And Transfer \$61,187 From Fund 261 And \$3,432.00 From Fund 660-91200 To Fund 254 And Reappropriate \$132,000.00 Of The ACTC Grant Of Resolution No. 19-133 To Fund 254 When Received. (Pedro Jimenez / Kim Burrowes)

Attachments: [Staff Report](#)

[Vehicle Quote](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-11](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-11

11. PUBLIC HEARINGS

- 11.1. [ID-2022-031](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Bank Club Café For Calendar Year 2022. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A Conditions of Approval](#)
[APPROVED Resolution No. 22-12](#)

The Council waived presentation on this item.

PUBLIC HEARING OPEN: 7: 28 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 7:29 p.m.

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

Ayes: 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

Enactment No: Reso No. 22-12

- 11.2. [ID-2022-071](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Rob Ben's Restaurant and Lounge For Calendar Year 2022. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A Conditions of Approval](#)
[APPROVED Resolution No. 22-13](#)

The Council waived presentation on this item.

PUBLIC HEARING OPEN: 7: 29 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 7:30 p.m.

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

Ayes: 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

Enactment No: Reso No. 22-13

- 11.3. [ID-2022-033](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Emeryville Parcel CFG (DE) LLC (The Public Market) For Calendar Year 2022. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A Conditions of Approval](#)
[APPROVED Resolution No. 22-14](#)

The Council waived presentation on this item.

PUBLIC HEARING OPEN: 7: 30 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 7:31 p.m.

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

Ayes: 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

Enactment No: Reso No. 22-14

- 11.4. [ID-2022-034](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Trader Vic's For Calendar Year 2022. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A Conditions of Approval](#)
[APPROVED Resolution No. 22-15](#)

The Council waived presentation on this item.

PUBLIC HEARING OPEN: 7: 31 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 7:31 p.m.

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

Ayes: 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

Enactment No: Reso No. 22-15

- 11.5.** [ID-2022-036](#) Resolution Of The City Council Of The City Of Emeryville Granting An Annual Card Room License To The Oaks Card Club For Calendar Year 2022. (Chief Jeff Jennings / Captain Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-16](#)

The Council waived presentation on this item.

PUBLIC HEARING OPEN: 7: 32 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 7:32 p.m.

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

Ayes: 5 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, Council Member Martinez, and Council Member Welch

Enactment No: Reso No. 22-16

12. ACTION ITEMS

- 12.1.** [ID-2022-069](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Second Amendment To The Agreement Between The City Of Emeryville And The Alameda County Fire Department Regarding Fire And Emergency Services For The Term July 1, 2022 Through June 30, 2024. (Christine Daniel)

Attachments: [Staff Report](#)[Attachment A: 2018 Contract](#)[Attachment B: Fiscal Year 2021-2022 Budget and Five-Year Projection](#)[Attachment C: 2022 Quality of Services Provided Report](#)[Draft Resolution](#)[Exhibit A: Fire Contract Second Amendment](#)[APPROVED Resolution No. 22-17](#)

City Manager Christine Daniel gave a brief presentation on the item and introduced Fire Chief William McDonald, who announced that ACFD had designated Randall West as Emeryville's Chief. The Council Members welcomed Chief West and expressed thanks to outgoing Chief David Yoder.

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-17

- 12.2.** [ID-2022-067](#) Report To The City Council Of The City Of Emeryville Of Recommendation Made By The Parks And Recreation Committee For Council Consideration. (Pedro Jimenez)

Attachments: [Staff Report](#)

Community Services Director Pedro Jimenez gave a brief staff report and responded to Council Member questions. The Council unanimously supported referring this matter to the Transportation Committee.

13. DEPARTMENT HEAD REPORTS

- 13.1.** [ID-2022-063](#) Planning Director's report on Planning Commission actions at the January 27, 2022 meeting:

(a) Duplex Conversion. Consideration of a Conditional Use Permit and Design Review application to modify an existing single unit building at 1291 55th Street into two units.

(b) "The Emery" Master Sign Program. Consideration of a Major Sign Permit for a Master Sign Program for "The Emery", formerly known as "Sherwin-Williams", along Sherwin Avenue and Horton Street, including adjacent portions of Hubbard Street and 46th Street.

(c) Emeryville Center of Innovation Master Sign Program. Study session for a Major Sign Permit for a Master Sign Program for the Emeryville Center of Innovation, a new research and development campus which includes four research and development buildings fronting Hollis, 53rd, and Horton Streets, as well as a parking structure

fronting Horton Street.

(d) Bay Street Grocery Store. A second study session to review a proposed Final Development Plan (FDP) for Parcel B of the South Bayfront Retail/Mixed Use Project ("Bay Street"). The proposed FDP is for a new 48,446 square foot grocery store with open rooftop parking that will accommodate approximately 139 parking spaces. It will also involve demolition of the existing building housing the EQ3 furniture store and other retail stores, and that formerly housed the Old Navy store and Elephant Bar restaurant.

(e) Christie Avenue Mixed Use Project. Study session to review a proposed mixed-use project on a 3.76-acre site at 5801-5861 Christie Avenue, including a 12-story, 123-foot high residential tower with 98 units, a 13-story, 230-foot high commercial tower with approximately 464,000 square feet of research and development and office space, and a 9-story, 100-foot high parking structure accommodating 748 parking spaces. The project will include a new half-acre public park fronting Christie Avenue and will demolish all existing buildings on the site.

The packet for the January 27, 2022 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

Mayor Bauters requested and received majority support that the development of an administrative process for approving cabaret licenses be referred to the Budget and Governance Committee, for eventual report back to the Council.

15. ADJOURNMENT

The meeting adjourned at 7:56 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council.

/s/ Sheri Hartz, CMC
City Clerk