



Emeryville City Hall
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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, May 3, 2022

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:32 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 Martinez, seconded by Council Member Welch, 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

The Deputy City Clerk announced the annual recruitment to fill expiring terms on Community Advisory Committees is underway.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez announced a resource for recycling found on StopWaste.org at resource.stopwaste.org/curbside/Emeryville. Council Member Martinez also shared a greeting to fellow Islamic citizens.

Vice Mayor Medina gave recognition to community support at the annual Shoreline Clean-Up at Shorebird Park, with special congratulations to Matt Anderson for retrieving the largest piece of trash.

Mayor Bauters announced an upcoming virtual Town Hall on May 9, 2022, to address on-going City services. The Mayor also announced that he will be joining a countywide lobbying effort in Washington D.C. for transportation infrastructure funding in the Easy Bay; and announced a new ACTC video on how to load a bicycle onto buses.

7. CITY MANAGER'S REPORT

City Manager Christine Daniel announced a page on the City's website with a link to a survey for citizens to participate in sharing their feedback on on-going City services. The City Manager also thanked staff and the community for their participation in the annual Shoreline Clean-Up efforts, and announced the upcoming Bike-To-Wherever Day on May 20, 2022.

8. EX PARTE COMMUNICATIONS

Mayor Bauters reported having contact with Honor Bay, Townhouse and Doyle Street Cafe in regards to Agenda Item 12.3 on the agenda.

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 Martinez, seconded by Vice Mayor Medina, 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-2022-208](#) 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-2022-215](#) Action Minutes of the April 19, 2022 Special City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3.** [ID-2022-216](#) Action Minutes of the April 19, 2022 Special City Council Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2022-219](#) Action Minutes of April 19, 2022, City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2022-212](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute An Amendment To The Contract With Clifford Moss In An Amount Not To Exceed \$60,000 To Assess Possible Revenue Measure Opportunities For 2022. (Sheri Hartz)

Attachments: [Staff Report](#)
[Clifford Moss Professional Services Contract](#)
[Draft Resolution](#)
[Clifford Moss Professional Services Contract 1st Amendment](#)
[APPROVED Resolution No. 22-46](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-46

- 10.6.** [ID-2022-211](#) Resolution Of The City Council Of The City Of Emeryville Acknowledging Receipt of The Report From The Alameda County Fire Department of Fire Inspections For The Calendar Year 2021. (Chief William McDonald)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: SB1205 Annual Report CY 2021](#)

[APPROVED Resolution No. 22-47](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-47

- 10.7. [ID-2022-242](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Mayor To Sign A Letter Supporting The Extension And Expansion Of The California Cultural District Program. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Attachment 1 - CAC Marketing Materials.pdf](#)

[Attachment 2 - Coalition Letter.pdf](#)

[Draft Resolution](#)

[Exhibit A - Draft Support Letter](#)

[APPROVED Resolution No. 22-48](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 22-48

11. PUBLIC HEARINGS

- 11.1. [ID-2022-221](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2022-23. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[Draft Master Fee Schedule \(Redline\)](#)

[Draft Resolution](#)

[Exhibit A – FY 22-23 Proposed Master Fee Schedule \(Clean\)](#)

[APPROVED Resolution No. 22-49](#)

Council waived staff presentation on this item.

PUBLIC HEARING OPENED: 7:42 p.m.

No testimony was given.

PUBLIC HEARING CLOSED: 7:43 p.m.

A motion was made by Council Member Martinez, seconded by Mayor Bauters, to approve this CC 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. 22-49

12. ACTION ITEMS

- 12.1. [ID-2022-238](#) Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2021-22. (Brad Farmer)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Appendix A - FY 21-22 Proposed Budget Adjustments to the General Fund](#)

[Appendix B - FY 21-22 Proposed Budget Adjustments to Other Funds](#)

[APPROVED Resolution No. 22-50](#)

Finance Director Brad Farmer gave the presentation and responded to Council Member questions.

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to approve this CC 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. 22-50

- 12.2. [ID-2022-239](#) Discussion of Preliminary Budget For FY 2022-2023. (Brad Farmer / Monica Centeno)

Attachments: [Staff Report](#)

[Preliminary FY 2022-23 Budget Summary](#)

Finance Director Brad Farmer and City Manager Christine Daniel gave the presentation on this item and responded to Council Member questions. Council provided direction to staff.

- 12.3. [ID-2022-180](#) Discussion of Making COVID Parklets Permanent. (Charles S. Bryant)

Attachments: [Staff Report](#)

[Attachment 1 - Ordinance No 20-016 COVID Outdoor Dining](#)

[Attachment 2 - Sidewalk Cafe and Parklet Regulations](#)

Community Development Director Charles Bryant gave the presentation on this item and responded to Council Member questions. Council provided direction to staff.

- 12.4. [ID-2022-223](#) Resolution Of The City Council Of The City Of Emeryville Approving A Side Letter Of Agreement Between The City And The Emeryville

Police Officers' Association (EPOA) Regarding A Memorandum Of Understanding (MOU) Extension. (Trish Raver)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A: EPOA MOU Extension Side Letter](#)

[APPROVED Resolution No. 22-51](#)

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, 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. 22-51

12.5. [ID-2022-228](#) Labor Memorandum of Understanding Extensions: (Trish Raver)
(In Conjunction With MESA Agenda Item 7.1)

Attachments: [Staff Report \(City\)](#)

12.5.1. [ID-2022-229](#) Resolution Of The City Council Of The City Of Emeryville Consenting To A Side Letter Of Agreement Between The City And The Emeryville Association Of Confidential, Administrative, Managerial And Professional (CAMP) Employees Regarding A Memorandum Of Understanding (MOU) Extension

Attachments: [Draft Resolution](#)

[Exhibit A: Side Letter of Agreement – CAMP MOU Extension](#)

[APPROVED Resolution No. 22-52](#)

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, 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. 22-52

12.5.2. [ID-2022-230](#) Resolution Of The City Council Of The City Of Emeryville Consenting To A Side Letter Of Agreement Between The Management of Emeryville Services Authority And Service Employees International Union, Local 1021 (SEIU) Regarding A Memorandum Of Understanding (MOU) Extension

Attachments: [Draft Resolution](#)

[Exhibit A: Side Letter of Agreement – SEIU MOU Extension](#)

[APPROVED Resolution No. 22-53](#)

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, 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. 22-53

- 12.5.3. [ID-2022-231](#)** Resolution Of The City Council Of The City Of Emeryville Consenting To The Amendment To The MESA Pay And Benefits Plan For Unrepresented Employees Effective May 3, 2022

Attachments: [Draft Resolution](#)

[Exhibit A \(Red-Lined\): Unrepresented Pay and Benefits Plan](#)

[Exhibit A \(Final\): Unrepresented Pay and Benefits Plan](#)

[APPROVED Resolution No. 22-54](#)

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, 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. 22-54

- 12.6 [ID-2022-210](#)** 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 Pursuant To AB 361. (Sheri Hartz) (In Conjunction With MESA Agenda Item 7.2 And Successor Agency Agenda Item 7.1)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 22-55](#)

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, 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. 22-55

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2022-207](#)** Planning Director's report on Planning Commission actions at the April 28, 2022 meeting:
(a) EmeryStation Overland* Consideration of a Conditional Use

Permit and Design Review Permit to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating approximately 495 parking spaces on an approximately 113,325 square foot site on the block bounded by Overland Avenue and 62nd, 63rd, and Hollis Streets. The proposal includes preservation of the existing Hollis Street Building that accommodates Ruby's Café and 41 live-work units, and demolition of all other structures on the western portion of the site.

(b) 58Fifty Shellmound Life Sciences Tower. A third study session to review a proposed 14-story, 265-foot-high building accommodating 385,740 square feet of life science use ("Research and Development"), six townhouse residential units, and approximately 2,300 square feet of ground floor retail/amenity space at 5850 Shellmound Way. The project includes demolition of an existing 61,000 square foot office building.

(c) Marketplace Redevelopment Project Parcels A, B and F. A study session to review a proposed amendment to the Planned Unit Development/Preliminary Development Plan for the Marketplace Redevelopment Project, an amendment to the associated Development Agreement, and a new Final Development Plan (FDP) for Parcels A and B along Shellmound Street between Shellmound Way and 63rd Street. The proposed FDP would include three buildings on Parcels A and B comprised of an eight-level 322,744 square foot Research and Development building, a four level, 83,434 square foot Research and Development building with 7,460 square feet of ground floor retail space, and a six-level parking garage accommodating 711 parking spaces.

(d) Mass Timber. A study session to review a proposal to add a community benefits category to the Planning Regulations for the use of Mass Timber construction in place of traditional steel-and-concrete construction in order for a project to earn development bonus points.

* This project requires City Council approval, and is scheduled for consideration by the Council on May 17, 2022.

The packet for the April 28, 2022 Planning Commission meeting can be viewed online at <<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>>

Community Development Director Charles Bryant presented the report and responded to Council Member questions.

There were no public comments made.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Mayor Bauters requested a Study Session item to be placed on the May 17, 2022, agenda to discuss recommendations from the ad-hoc committee regarding the Emeryville Public Market.

15. ADJOURNMENT

The meeting adjourned at 8:56 p.m.

LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

ID-2022-220

Please Note: This list is for informational purposes only. All items shown here are tentative at this time and are not confirmed until the agendas for the meeting dates are published and posted, 11 days prior to the meeting. Other items may be added. Also note that this list shows working titles, which may be revised slightly before the item becomes final.

Additional Note during COVID-19 Public Health Emergency: City Council meeting have been held remotely since March 17, 2020, and remain so in accordance with the Brown Act exemptions provided for by AB 361. City Council and other public meetings will continue to be held remotely until further notice, and certain non-essential items may be postponed or cancelled. Please continue to check the final, published agenda for the latest information.

May 17, 2022 City Council Meeting

- Study Session: 5850 Shellmound Life Science Tower
- Public Hearing: EmeryStation Overland

June 7, 2022 City Council Meeting

- Study Session: Housing Element Public Review Draft
- Proposed FY 22/23 Budget Approval
- Pro-Housing Policy
- Discussion of Whether to Change Community Advisory Committee Member Terms to Calendar Year Basis

When published, the packets for City Council meetings can be viewed online at www.emeryville.org/citycouncil.

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, MAY 17, 2022, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.

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

/s/ Lorraine Leong
Deputy City Clerk