



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

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Tuesday, September 20, 2022

7:16 PM

Teleconference

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#### 1. CALL TO ORDER

#### 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 Vice Mayor Medina, 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

- 4.1. [ID-2022-464](#) Proclamation In Recognition Of Sharon Wilchar's Contributions To The Emeryville Community And Ongoing Efforts As An Artist And Arts Advocate For Over 30 Years

**Attachments:** [Proclamation](#)

- 4.2. [ID-2022-485](#) Proclamation In Recognition Of Emeryville City Clerk Sheri Hartz, CMC, Upon Her Retirement

#### 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

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

7. CITY MANAGER'S REPORT
8. EX PARTE COMMUNICATIONS
9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA
10. CONSENT ITEMS

A motion was made by Vice Mayor Medina, seconded by Council Member Welch, to approve the Consent Agenda with the following amendment: add Vice Mayor Medina as the second committee member on item 10.7. 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-2022-469](#) Warrants. (Peggy Xu)

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

**A motion was made to approve this informational report.**

- 10.2. [ID-2022-475](#) Action Minutes Of The September 6, 2022, Special City Council / MESA / 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-2022-476](#) Action Minutes Of The September 6, 2022, City Council Study Session. (Sheri Hartz)

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

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

- 10.4. [ID-2022-479](#) Action Minutes Of The September 6, 2022, Regular City Council Meeting. (Sheri Hartz)

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

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

- 10.5. [ID-2022-425](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With Urban Planning Partners (UPP) In An Amount Not To Exceed \$315,234 For Preparation Of A CEQA Compliant Environmental Document For The 5801 Christie Avenue Mixed Use Project Located

At 5801 and 5681 Christie Avenue And Appropriating \$215,234 In Expenditures To Division 1725, "Planning Reimbursables", Account 80050, Professional Services, And Adding \$130,860 In Revenues To Account 58760, Planning Reimbursements (Charles S. Bryant / Miroo Desai)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Professional Services Contract](#)  
[APPROVED Resolution No. 22-123](#)

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

- 10.6.** [ID-2022-308](#) Resolution Of The City Council Of The City Of Emeryville In Support Of Resources For Community Development's Application To The State Of California Department Of Housing And Community Development For Infill Infrastructure Grant Program ("IIG") Funding For The Nellie Hannon Gateway Project Located At 3600, 3610 And 3620 San Pablo Avenue (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Letter of Support](#)  
[APPROVED Resolution No. 22-124](#)

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

- 10.7.** [ID-2022-465](#) Resolution Of The City Council Of The City Of Emeryville Naming the Bus Shelter Temporary Art Program In Sharon Wilchar's Honor, Acknowledging The Public Art Committee's Recommendation To Commission A Plaque Honoring Sharon Wilchar, And Re-establishing The City Council Subcommittee On The City's Recognition Policy By Appointing Mayor Bauters And \_\_\_\_\_ As Members Of The Subcommittee (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Council Policy 1, Naming and Dedication of City Facilities](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-125](#)

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

- 10.8.** [ID-2022-418](#) Resolution of the City Council Authorizing the City Manager to Accept a Grant Award on Behalf of the Police Department, From the FY2022 Byrne Justice Assistance Grant (JAG) in the amount of \$10,191.60 For Funds Related to Conducted Energy Devices. (Oliver Collins)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - FY2022 JAG Award Letter](#)  
[APPROVED Resolution No. 22-126](#)

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

- 10.9.** [ID-2022-458](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Pursue A No-Cost Study For Potential Enhancement Of Solar And Battery Energy Systems At Critical Municipal Facilities In Partnership With East Bay Community Energy (EBCE) And Making Findings Of CEQA Exemption Under Section 15061(b)(3) (Nancy Humphrey)

**Attachments:** [Staff Report](#)  
[Critical Municipal Facilities Presentation](#)  
[Critical Municipal Facility Initial Analysis](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 22-127](#)

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

- 10.10.** [ID-2022-484](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-2.201 Of Article 2 Of Chapter 2 Of Title 2 Of The Emeryville Municipal Code Regarding An Increase In City Council Member Salaries, Effective January 1, 2023. (Sheri Hartz)

**Attachments:** [Staff Report](#)  
[Attachment: 9/6/2022 Staff Report](#)  
[Draft Ordinance](#)  
[CA Government Code Section 36516](#)  
[APPROVED Ordinance No. 22-008](#)

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

## **11. PUBLIC HEARINGS**

- 11.1.** [ID-2022-466](#) Marketplace Redevelopment Project: Amendments To Planned Unit Development/Preliminary Development Plan And Development Agreement (Charles S. Bryant / Miroo Desai)

**Attachments:** [Staff Report](#)[Attachment 1 - 2008 Approved Marketplace PDP Build-Out](#)[Attachment 2 - Preliminary Plan for Pedestrianization of Market Drive](#)[Attachment 3 - Marketplace Environmental Checklist August 2022](#)[Attachment 3A - Public Market TDM Plan](#)[Attachment 3B - Public Market GHG Assessment](#)[Attachment 3C - Public Market Pedestrian Wind Study](#)

- 11.1.1. [ID-2022-467](#)** Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Marketplace Redevelopment Project Planned Unit Development/Preliminary Development Plan (PUD/PDP) To Transfer The Requirement For 10 Townhome Units From Parcel A (Referred To As The “Shellmound Building” In The Approved PUD/PDP) To Parcel F (Referred To As “Retail Pad #1” In The Approved PUD/PDP) And To Change The Maximum Height On Parcel B From 120 Feet To 175 Feet (APN Nos. 49-1556-15; -16; And -17) (CEQA Determination: Environmental Impact Report For Marketplace Redevelopment Project Certified By City Council On January 15, 2008)

**Attachments:** [Proposed Ordinance](#)[Exhibit A - Conditions of Approval](#)

**A motion was made by Council Member Welch, seconded by Council Member Donahue, to read by title only this Ordinance. The motion carried by the following vote:**

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

**A motion was made by Council Member Donahue, seconded by Council Member Welch, to approve the first reading of this Ordinance. The motion carried by the following vote:**

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

- 11.1.2. [ID-2022-468](#)** Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Development Agreement For The Public Market Project (Also Known As The Marketplace Redevelopment Project) To Remove The Parcel A Residential Development Obligation, And To Provide For A Monetary Contribution Of \$20 Million To The City In Exchange For Removal Of The Obligation To Provide 18 Affordable Housing Units On Parcel A, And Other Related Amendments (APN Nos. 49-1556-15; -16; -17, And -24) (CEQA Determination: Environmental Impact Report For Marketplace Redevelopment Project Certified By City Council On January 15, 2008)

**Attachments:** [Proposed Ordinance](#)

[Exhibit A - First Major Amendment to the Public Market Development Agreement](#)

**A motion was made by Council Member Welch, seconded by Vice Mayor Medina, to read by title only this Ordinance. The motion carried by the following vote:**

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

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

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

## **12. ACTION ITEMS**

- 12.1.** [ID-2022-440](#) Requesting The Direction Of The City Council Of The City Of Emeryville On Exemption Of Certain Business (B) Occupancies and New Restaurant Construction (A-2) Occupancies In A Proposed Energy Reach Code Ordinance Amending Chapter 8 ("Green Building Standards Code") Of Title 8 ("Building Regulations") Of The Emeryville Municipal Code To Amend The 2022 Edition Of The California Building Standards Code (California Code Of Regulations, Title 24, Part 11); CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3)

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

[Exhibit A - City Policies in California](#)

[Exhibit B California Building Code Changes 2022](#)

[Late Correspondence: Matt Sutton](#)

## **13. DEPARTMENT HEAD REPORTS**

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

## **15. ADJOURNMENT**

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

**/s/ April Richardson, CMC  
Acting City Clerk**