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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Scott Donahue	Mayor
John J. Bauters	Vice Mayor
Dianne Martinez	Council Member
Ally Medina	Council Member
Christian R. Patz	Council Member

Special Meeting

Tuesday, January 17, 2017

7:16 PM

Council Chambers

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting called to order at 7:38 p.m. The Pledge of Allegiance was not recited as it would be discussed as an agenda item later in the meeting.

2. ROLL CALL

Present: 5 - Mayor Scott Donahue
Vice Mayor John J. Bauters
Council Member Dianne Martinez
Council Member Ally Medina
Council Member Christian R. Patz

3. SPECIAL ORDERS OF THE DAY

- 3.1. [ID-2017-006](#) Recognition of Employee of the Quarter: Amber Evans (Cynthia Kasten)

The Mayor read aloud a report on Ms. Evans' accomplishments and years of service.

- 3.2. [ID-2017-031](#) Introduction of Rowena Tomaneng, Berkeley City College's New President. (Sheri Hartz)

Ms. Tomaneng gave a brief presentation about the mission, vision and programs of the College.

4. PUBLIC COMMENTS

Brian Donahue spoke regarding the crime statistics released by the City, questioning the description of the suspects.

Andre Carpiaux spoke about the recent agenda item which raised

Council Member salaries.

5. CITY MANAGER'S REPORT

City Manager Lehr announced the upcoming public art installations to be held at ECCL.

6. EX PARTE COMMUNICATIONS

Council Members Martinez, Medina and Patz each reported that they had met with representatives from Wareham. Mayor Donahue reported that he had also met with Wareham, as did Vice Mayor Bauters, who also reported having met with Marilyn Boucher.

7. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Bauters, seconded by Council Member Patz, to approve the Consent Agenda. The motion carried by the following vote:

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

- 7.1. [ID-2017-007](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

- 7.2. [ID-2017-002](#) Action Minutes of the December 6, 2016 Emeryville City Council/City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 7.3. [ID-2017-008](#) Action Minutes of the December 6, 2016 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 7.4. [ID-2017-009](#) Action Minutes of the December 6, 2016 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 7.5. [ID-2017-010](#) Resolution Of The City Council Of The City Of Emeryville Setting Compensation To The Emeryville Transportation Management Association (TMA) To Operate The Emery Go Round Shuttle Service During The 2017 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Three Million Two Hundred Ninety Eight Thousand Six Hundred And Eighty One Dollars (\$3,298,681) And Authorize Payment From The Emeryville Property Based Business Improvement District (PBID) Fund 805; Approve The (TMA) 2017 Operating Budget And Authorize An Additional Thirty One Thousand Nine Hundred And Fifty Nine Dollars (\$31,959) To Be Appropriated To Fund 805 From The General Fund. (Cindy Montero)

Attachments: [Staff Report](#)

[Resolution](#)

[2017 TMA Budget](#)

[APPROVED Resolution No. 17-01](#)

A motion was made to approve this Resolution.

Enactment No: 17-01

- 7.6. [ID-2017-012](#) Resolution Of The City Council Of The City Of Emeryville Amending Appointments Of City Representatives To Various County, Regional And Statewide Boards, Commissions And Committees For Calendar Year 2017, And Amending The 2017 Roster Of County, Regional And Statewide Bodies Accordingly. (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)

[Resolution](#)

[Proposed 2017 City Roster of County, Regional and Statewide Bodies](#)

[APPROVED Resolution No. 17-02](#)

A motion was made to approve this Resolution.

Enactment No: 17-02

- 7.7. [ID-2017-013](#) Resolution Of The City Council Of The City Of Emeryville Accepting Trefoil, A Sculpture By Paul Vexler Suspended From The Ceiling In The Lobby Of The Welcome Center At The Emeryville Center Of Community Life, As Complete (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Installed Artwork](#)
[APPROVED Resolution No. 17-03](#)

A motion was made to approve this Resolution.

Enactment No: 17-03

- 7.8. [ID-2017-014](#) Resolution Of The City Council Of The City Of Emeryville Accepting Basking In Knowledge, A Sculpture By Madeline Weiner In The Exterior Courtyard Between the Library And The Welcome Center At The Emeryville Center Of Community Life, As Complete (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Installed Artwork](#)
[APPROVED Resolution No. 17-04](#)

A motion was made to approve this Resolution.

Enactment No: 17-04

8. PUBLIC HEARINGS

- 8.1. [ID-2017-015](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Madison Marquette For Calendar Year 2017. (Jennifer Tejada)

Attachments: [Staff Report](#)
[Resolution](#)
[Sgt. Bosetti Report](#)
[Madison Marquette Application](#)
[Bay Street Calendar of Events 2017](#)
[Exhibit A: Conditions of Approval](#)
[APPROVED Resolution No. 17-05](#)

Chief Tejada gave the staff presentation and responded to Council Member questions.

The Public Hearing opened at 8:08 p.m.

Brian Donahue spoke in opposition to granting the Annual License due to past incidents.

The Public Hearing closed at 8:10 p.m.

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

Enactment No: 17-05

9. ACTION ITEMS

- 9.1. [ID-2017-025](#) 3706 San Pablo Avenue Affordable Housing Project (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)

[Attachment 1 - Sources and Uses of Funds](#)

[Attachment 2 - Project Development Schedule](#)

Housing Coordinator Catherine Firpo gave the staff report and responded to Council questions.

PUBLIC COMMENT

Ruth Major spoke regarding grants that are available for affordable housing.

- 9.1.1. [ID-2017-026](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Commit To An Additional Development Loan In The Amount Of \$1,000,000 For A Total Loan Amount Of \$4.5 Million Between The City Of Emeryville And EAH Inc., A California Nonprofit Public Benefit Corporation, For The Development Of Affordable Housing At 3706 San Pablo Avenue/1025 West Macarthur Boulevard, Emeryville, California

Attachments: [Resolution](#)

[Exhibit A - Loan Commitment Letter](#)

[APPROVED Resolution No. 17-06](#)

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

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

Enactment No: 17-06

- 9.1.2. [ID-2017-027](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Execution Of The State Of California Standard Agreement For

The Affordable Housing And Sustainable Communities Grant Program
In The Amount Not To Exceed \$100,000

Attachments: [Resolution](#)

[APPROVED Resolution No. 17-07](#)

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

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

Enactment No: 17-07

- 9.2.** [ID-2017-021](#) Resolution Of The City Council Of The City Of Emeryville Approving A Transportation Facility Impact Fee Credit Of \$728,633.13 To Wareham Property Group, On Behalf Of ES West Associates, LLC, For The EmeryStation West/Transit Center Project (Charles S. Bryant)

Attachments: [Staff Report](#)

[Resolution](#)

[Attachments](#)

[Late Correspondence](#)

Community Development Director Bryant gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

Geoff Sears, Wareham Development, spoke regarding the project and Wareham's contributions to the community.

Ruth Major spoke in opposition to approving the fee credit.

Brian Donahue spoke in opposition to the approval of the fee credit.

A motion was made by Council Member Martinez to approve this Resolution, amended to lower the fee credit to \$500,000.00. The motion failed for lack of a second.

A substitute motion was made by Council Member Medina, seconded by Mayor Donahue, to table this Resolution. The substitute motion carried by the following vote:

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

- 9.3.** [ID-2017-016](#) Fourth Quarter Update on the City Council Goals, Priorities and

Strategies. (Carolyn Lehr)

Attachments: [Staff Report](#)

[Progress Report 4th Quarter Council Goals](#)

City Manager Lehr gave a brief staff presentation and responded to Council questions.

- 9.4. [ID-2017-017](#) Resolution Of The City Council Of The City Of Emeryville Declaring The City Of Emeryville A Welcoming City (Councilmembers Bauters and Medina)

Attachments: [Staff Report](#)

[Resolution](#)

[Attachment](#)

[Supplemental Attachment 1: EUSD Reso No. 6](#)

[Supplemental Attachment 2: Federal Funding History and Prospect](#)

[APPROVED Resolution No. 17-08](#)

City Attorney Guina gave the staff report.

PUBLIC COMMENT

Ruth Major thanked the Council for taking the action.

Brian Donahue spoke regarding the order of events and stated that the City's use of racial stereotyping were in conflict with the resolution.

A motion was made by Vice Mayor Bauters, seconded by Council Member Medina, to approve as amended this Resolution. The motion carried by the following vote:

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

Enactment No: 17-08

Council directed staff to make its own determination as to whether adopting an ordinance on this matter would be advisable, and to report back. The Council subcommittee members offered to be available for assistance if needed.

- 9.5. [ID-2017-018](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Council Rules Of Procedure (Sheri Hartz)

Attachments: [Staff Report](#)
[Resolution](#)
[Current Council Rules of Procedure](#)
[Revised Rules of Procedure.Redline Version](#)
[Research on Pledge of Allegiance Alternatives](#)
[APPROVED Resolution No. 17-09](#)

City Clerk Hartz went through the draft revised Rules of Procedures, noting changes proposed and receiving Council direction.

PUBLIC COMMENT

Brian Donahue spoke regarding various sections of the Rules.

A motion was made by Vice Mayor Bauters, seconded by Council Member Patz, to approve as amended this Resolution. The motion carried by the following vote:

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

Enactment No: 17-09

Council discussion ensued on whether to replace reciting the Pledge of Allegiance with some other practice.

PUBLIC COMMENT

Brian Donahue spoke in support of singing This Land is Your Land.

A motion was made by Council Member Patz, seconded by Council Member Medina, to begin the business of the Council Meeting immediately following the Roll Call, rather than reciting the Pledge of Allegiance, and not replace the Pledge with anything. The motion failed on the following vote:

Ayes: 2 - Council Member Medina, and Council Member Patz

Noes: 3 - Mayor Donahue, Vice Mayor Bauters, and Council Member Martinez

Enactment No: 17-09

A motion was made by Mayor Donahue, seconded by Vice Mayor Bauters, to approve reciting a modified Oath of Allegiance and singing the first verse of "This Land is Your Land" as an alternative to reciting the Pledge of Allegiance at the start of the Council Meeting. The motion carried by the following vote:

Ayes: 3 - Mayor Donahue, Vice Mayor Bauters, and Council Member Martinez

Noes: 2 - Council Member Medina, and Council Member Patz

Enactment No: 17-09

At 10:27 p.m., the Council took a brief recess and reconvened at 10:32 p.m.

- 9.6. [ID-2017-019](#) Resolution Of The City Council Of The City Of Emeryville Adopting The 2017 Regular Meeting Calendar For The City Council (Sheri Hartz / Lorraine Leong)
(In Conjunction with Successor Agency Item 7.2.)

Attachments: [Staff Report](#)
[Resolution](#)
[Draft City Council/Successor Agency 2017 Meeting Calendar](#)
[2017 City Observed Holidays](#)
[Final City Council/Successor Agency Regular Meeting Calendar](#)
[APPROVED Resolution No. 17-10](#)

At 10:27 p.m., the Council took a brief recess and reconvened at 10:32 p.m.

A motion was made by Vice Mayor Bauters, seconded by Council Member Patz, to approve as amended this Resolution, providing direction that the July 2017 meetings will be held on July 11 and 25. The motion carried by the following vote:

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

Enactment No: 17-10

- 9.7. [ID-2017-020](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Business Representative (Small) To Serve On The Economic Development Advisory Committee For A Term Effective January 17, 2017, And Ending June 30, 2017, And Amending The FY2016-2017 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)

Attachments: [Staff Report](#)
[Resolution](#)
[Application: Boucher, Marilyn](#)
[Application: Kritzberg, David](#)
[APPROVED Resolution No. 17-11](#)

Applicants Boucher and Kritzberg each briefly expressed their interest

in the position.

PUBLIC COMMENT

Rob Arias spoke in support of Ms. Boucher.

A motion was made by Vice Mayor Bauters, seconded by Council Member Patz, to approve the Resolution appointing Marilyn Boucher. The motion carried by the following vote:

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

Enactment No: 17-11

- 9.8. [ID-2017-032](#) 2nd Quarter FY16-17 Financial Update. (Susan Hsieh)

Attachments: [Staff Report](#)

Finance Director Hsieh was present to answer questions from Council.

- 9.9. [ID-2017-022](#) Consideration Of Transportation Committee Recommendation For Reestablishing A Two-Way Street On 61st Street From Hollis Street To Vallejo Street And Removal Of One Parking Space On South Side Of 61st Street Nearest Hollis Street To Accommodate The Two-Way Traffic; CEQA Determination: Exempt Pursuant To CEQA Guideline 15301 (Maurice Kaufman)

Attachments: [Staff Report](#)

Public Works Director Kaufman gave the staff report and responded to Council questions.

A motion was made by Vice Mayor Bauters, seconded by Council Member Martinez, to approve this item, with the addition of signage as discussed. The motion carried by the following vote:

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

- 9.10. [ID-2017-023](#) Consideration Of Transportation Committee Recommendation For Approval Of Converting Existing Angled-In On-Street Parking Spaces To Parallel Parking Spaces With Passenger Loading Only Restrictions Between 8:00AM - 9:00AM and 5:00PM - 6:00PM On School Days On The North Side Of 63rd Street At LePort School: Exempt Pursuant to CEQA Guideline 15301(c). (Navarre Oaks / Maurice Kaufman)

Attachments: [Staff Report](#)

[LePort School Circulation Plan](#)

Assistant Planner Oaks gave the staff presentation and responded to Council questions. Applicant Greg Marick, Vice President of Operations and Development for LePort School, was also present to respond to questions.

PUBLIC COMMENT

Brian Donahue objected to the Council discussion prior to Public Comment and spoke in support of removing the angled parking spaces.

A motion was made by Vice Mayor Bauters, seconded by Council Member Martinez, to approve this Item. The motion carried by the following vote:

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

- 9.11. [ID-2017-024](#) Consideration Of Transportation Committee Recommendation For Removing On-Street Parking On Hollis Street Between 61st And 62nd Streets Adjacent To Doyle Hollis Park To Accommodate A New Traffic Signal at 62nd And Hollis Streets; CEQA Determination: Exempt Pursuant To CEQA Guideline 15301. (Maurice Kaufman)

Attachments: [Staff Report](#)
[Striping Plan for Hollis Street and 62nd Traffic Signal.pdf](#)

A motion was made by Vice Mayor Bauters, seconded by Council Member Medina, to approve this Item. The motion carried by the following vote:

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

10. COMMUNICATION AND REPORTS

10.1. Department Heads

- 10.1.1. [ID-2017-040](#) Alameda County Fire Department Quarterly Report. (Dave Winnacker)

Chief Winnacker gave a brief report.

10.2. Council Members

Vice Mayor Bauters requested and received majority Council support to add the following two items to an upcoming City Council meeting agenda. The items were tentatively scheduled to be heard at the March 7, 2017 meeting.

- 10.2.1. [ID-2017-042](#) Presentation by Alameda County Healthy Homes Department.

(Vice Mayor John J. Bauters)

- 10.2.2. [ID-2017-041](#) Consideration Of Adoption Of An Ordinance Related To Lead Safety. (Vice Mayor John J. Bauters)

10.3. Council Members Reporting on Meetings Attended

Mayor Donahue reported on a meeting he had attended regarding limited equity artist housing was among the housing topics discussed.

Vice Mayor Bauters reported that he attended the Mayor's Conference in Oakland on behalf of the Mayor where the Ghost Ship fire response was discussed and a disaster preparedness presentation was given by Cal-OES.

Council Member Martinez asked that the Council adjourn the meeting in memory of Alex Zavell, a paralegal in the law office of Robert Raich and a cannabis activist, who would be sorely missed.

11. ADJOURNMENT

The meeting adjourned at 11:34 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