



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608

(510) 596-4300 phone
(510) 450-7831 fax

www.emeryville.org

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

Amended

Tuesday, May 16, 2017

7:16 PM

Council Chambers

1. CALL TO ORDER AND COUNCIL MEMBER OATH AND SONG

The meeting was called to order at 7:44 p.m.

Mayor Donahue made comments in recognition and appreciation of Public Works Director Maurice Kaufman upon the occasion of his resignation.

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. APPROVAL OF FINAL AGENDA

Council Member Dianne Martinez requested the meeting be adjourned in memory of Richard Ambro.

Council Member Christian Patz requested that Agenda Item 10.8 be pulled from Consent Items.

A motion was made by Council Member Martinez, seconded by Council Member Patz, to approve the Final Agenda, amended to pull Item 10.8 from the Consent Calendar for further discussion . The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2017-322](#) Commemoration of June as Elder Abuse Awareness Month in the City of Emeryville and June 15th as World Elder Abuse Awareness Day. (Cindy Montero)

Cheryl Poncini, Deputy District Attorney, and Lisa Brand from Adult Protective Services, were present to make remarks on the issue of elder abuse.

PUBLIC COMMENTS

1. Andre Carpiaux spoke regarding his personal situation.

- 4.2. [ID-2017-337](#) Proclamation Of The City Council Of The City Of Emeryville Recognizing The Month Of May As Small Business Month In Emeryville. (Chadrack Smalley/Emi Theriault)

Mayor Scott Donahue read the proclamation aloud.

Economic Development and Housing Manager Chad Smalley was present to accept the proclamation on behalf of Emeryville's small business community.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Sheri Hartz announced gave a brief report on current and upcoming vacancies on City advisory bodies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

Vice Mayor Bauters thanked staff for setting up the small business forum, which he reported had been extremely productive, with many viewpoints shared. He announced that he and Mayor Donahue had participated in the Cultural Arts District walking tour, thanked those involved in the response to the recent fire at 3800 San Pablo Avenue and concluded by thanking Noah and Max, 8th graders at Escuela Bilingue Internacional for their project on homelessness.

Council Member Martinez recognized staff members Nancy Humphrey, former Civic Spark Fellow Hoi Fei Mok, current Fellow Fanny Yang and Public Works Intern Matt Anderson for their recent presentation to a visiting Chinese delegation.

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

Rob Arias acknowledged Richard Ambro, spoke regarding the Emeryville Historical Society and a recent grant offer made by Wareham, and spoke about the special small business forum, stating that an offer of assistance to those impacted by the fire should be

made.

Andre Carpiaux made remarks in memory of Mr. Ambro, suggesting that a street be named after him.

8. CITY MANAGER'S REPORT

City Manager Lehr ceded her time to Police Chief Tejada, who gave an update on the recent fire.

9. EX PARTE COMMUNICATIONS

Each of the Council Members, with the exception of Council Member Martinez, disclosed having communicated with Mary Murtagh from EAH Housing with respect to Item 11.1.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Patz, seconded by Vice Mayor Bauters, 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

- 10.1. [ID-2017-333](#) Warrants. (Susan Hsieh)

A motion was made to accept this Informational Report.

- 10.2. [ID-2017-317](#) Action Minutes of the April 27, 2017 City Council Special Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.3. [ID-2017-332](#) Action Minutes of the April 27, 2017 Emeryville City Council Special Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.4. [ID-2017-338](#) Action Minutes of the April 27, 2017 Emeryville City Council/Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.5. [ID-2017-318](#) Action Minutes of the May 2, 2017 Emeryville City Council/City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.6. [ID-2017-319](#) Action Minutes of the May 2, 2017 City Council Special Study Session. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.7. [ID-2017-321](#) Action Minutes of the May 2, 2017 Emeryville City Council Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.8. [ID-2017-335](#) Letter Of Opposition To AB 1250 (Jones-Sawyer) Counties And Cities: Contracts For Personal Services (As Amended 04/25/17). (Mayor Scott Donahue / Sheri Hartz)

Item was pulled off of the Consent Agenda by Council Member Patz for further discussion.

PUBLIC COMMENT

1. Andre Carpiaux stated that the public had not been informed about this issue.

The item failed for lack of a motion to approve.

- 10.9. [ID-2017-312](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 9-5.1907(b) Of Article 5 Of The Planning Regulations In Title 9 Of The Emeryville Municipal Code Regarding Development Impact Fees For Changes Of Use (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3) (Charles S. Bryant)

A motion was made to approve this Ordinance.

Enactment No: 17-005

- 10.10. [ID-2017-340](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Authorizing An Amendment To The Contract Between The City Of Emeryville And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) With Respect To Public Safety Employees (Cynthia Kasten / Michael Guina)

A motion was made to approve this Ordinance.

Enactment No: 17-006

- 10.11. [ID-2017-310](#) Resolution Of The City Council Of The City Of Emeryville Accepting

As Complete Seyed Alavi's Sign Of The Times, A Collection Of 25 Art Pieces Installed On Utility Boxes Throughout The City (Charles S. Bryant / Chadrick Smalley / Amber Evans)

A motion was made to approve this Resolution.

Enactment No: 17-65

- 10.12. [ID-2017-306](#) Resolution Authorizing The City Of Emeryville To Enter Into An Agreement With Alameda County Waste Management Authority (StopWaste) For A \$15,000 Grant To Begin Design Work On Conversion Of Old City Hall Lawn To Bay-Friendly Certified Landscape. (Maurice Kaufman / Nancy Humphrey)

A motion was made to approve this Resolution.

Enactment No: 17-66

- 10.13. [ID-2017-331](#) Second Reading Of An Ordinance Of The City Of Emeryville Amending Section 2-3.309 Of Article Three Of Title Two Of The Emeryville Municipal Code, "Vacancies"; CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15061(b)(3) And 15378(b)(3). (Sheri Hartz)

A motion was made to approve this Ordinance.

Enactment No: 17-007

- 10.14. [ID-2017-324](#) Resolution Of The City Council Of The City Of Emeryville Adopting A Framework For Green Infrastructure Plan Development. (Maurice Kaufman / Nancy Humphrey)

A motion was made to approve this Resolution.

Enactment No: 17-67

11. PUBLIC HEARINGS

- 11.1. [ID-2017-275](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Ground Lease Disposition And Development Agreement (DDA) For The Development Of Affordable Housing At 3706 San Pablo Avenue/1025 West MacArthur Boulevard; Approving EAH, Inc.'s Assignment Of Its Interest In The DDA To 3706 San Pablo Emeryville, L.P., A California Limited Partnership; Approving A Loan In The Amount Of \$4,500,000 To 3706 San Pablo Emeryville, L.P., For The Purposes Of Constructing Affordable Housing At 3706 San Pablo Avenue/1025 West MacArthur Boulevard; Appropriating \$1,000,000 From The Affordable Housing Impact Fee Fund (Fund 239); And Authorizing The City Manager To Enter Into A Loan Agreement For The Loan Contingent Upon 3706 San Pablo Emeryville, L.P. Executing A

Promissory Note And Performance Leasehold Deed Of Trust (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

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

PUBLIC HEARING OPENED: 8:32 p.m.

1. Mary Murtagh, EAH Housing, addressed a question that Vice Mayor Bauters had asked previously, stating that EAH avoids evictions to the greatest extent possible and has no history of foreclosures.

2. Andre Carpiaux asked whether solar power was included in the design and what the parking plan was.

PUBLIC HEARING CLOSED: 8:37 p.m.

A motion was made by Council Member Martinez, 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: 17-68

12. ACTION ITEMS

12.1. [ID-2017-227](#) Committee Appointments To The Bicycle/Pedestrian Advisory Committee, The Parks And Recreation Committee, And The Public Art Committee: (Sheri Hartz / Lorrayne Leong)

12.1.1. [ID-2017-228](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Community Member To Serve On The Bicycle/Pedestrian Advisory Committee For A Term Ending June 30, 2017, And Amending The FY2016-17 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

PUBLIC COMMENTS

1. Andre Carpiaux recommended tricycles as a mode of transportation.

2. Applicant Evan Lovett-Harris made brief comments regarding his interest in serving.

A motion was made by Mayor Donahue, seconded by Vice Mayor Bauters, to approve the nomination and appointment by Resolution of Evan Lovett-Harris. 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: 17-69

- 12.1.2. [ID-2017-229](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Resident To Serve On The Parks And Recreation Committee For A Term Ending June 30, 2017, And Amending The FY2016-17 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

Applicant: Zoe Chafe

Applicant: Clinton Cleveland

PUBLIC COMMENTS

There were no public comments made.

A motion was made by Council Member Medina, seconded by Vice Mayor Bauters, to approve the nomination and appointment by Resolution of Zoe Chafe. 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: 17-70

- 12.1.3. [ID-2017-230](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As Business Representative To Serve On The Public Art Committee For A Term Ending June 30, 2017, And Amending The FY2016-17 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

Applicant: Wendy Arbeit

PUBLIC COMMENTS

There were no public comments made.

A motion was made by Council Member Medina, seconded by Council Member Martinez, to approve the nomination and appointment by Resolution of Wendy Arbeit. 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: 17-71

- 12.2. [ID-2017-309](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids The Construction Of The Annual Street Rehabilitation And Pavement Preservation Project Fiscal Year

2017/2018, Project No. EPW 17-104, CIP No. 15240027 And Approving The Concept For Weekend Construction On Powell Street And The Shellmound Loop for Said Project; CEQA Determination: Exempt Pursuant To 15301(c). (Maurice Kaufman / Ryan O'Connell)

Public Works Director Maurice Kaufman and Engineer Ryan O'Connell gave the staff presentation and responded to Council questions.

PUBLIC COMMENTS

1. Evan Lovett-Harris asked clarifying questions regarding the project.

A motion was made by Vice Mayor Bauters, seconded by Council Member Medina, 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: 17-72

- 12.3.** [ID-2017-200](#) Resolution Of The City Council Of The City Of Emeryville Approving A Façade Improvement Grant Program And Appropriating \$200,000 From The Economic Development Fund (Fund 202) To Façade Grant Program (Account Number 202-87380) In The Economic Development And Housing Division Budget For Fiscal Year 2017-18 (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Economic Development Coordinator Emi Theriault gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

1. Bill Reuters spoke in favor of the facade program.

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: 17-73

13. COMMUNICATION AND REPORTS

13.1. Department Heads

There were no reports given.

13.2. Council Members Reporting on Meetings Attended

Council Member Patz reported on his attendance of the recent HACA meeting. Vice Mayor Bauters reported that he and Mayor Donahue had attended the north county meeting on homelessness to discuss next steps on a collaborative effort to address the issue. Council Member Martinez stated that she had attended the recent StopWaste meeting and that the ban on tee-shirt type plastic bags had been expanded and will expand further into restaurants in November.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Martinez requested and received support to schedule an agenda item on June 6th to discuss a City/Schools committee mission prior to that item being on the City/Schools agenda in July.

Mayor Donahue requested a future study session item to discuss the business license tax with respect to the meaning of gross receipts, and for staff evaluate potential revenue losses.

Vice Mayor Bauthers requested an update and timeline on the noise ordinance, to which City Attorney Guina responded that a consultant would be contracted this summer to perform a baseline study.

Council Member Medina requested a study of an "Idaho" stop ordinance, stating that it was not urgent.

15. ADJOURNMENT

The meeting was adjourned at 10:03 p.m., in the memory of Richard Ambro.

PASSED, Approved and Adopted

this ____ day of ____, 2017

Sheri Hartz, City Clerk/Secretary