



Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608  
(510) 596-4300 phone  
(510) 450-7831 fax  
[www.emeryville.org](http://www.emeryville.org)

## 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 Christian R. Patz

#### AMENDED

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Tuesday, February 20, 2018

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting called to order at 7:16 p.m.

#### 2. ROLL CALL

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

#### 3. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Patz, 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 Patz

#### 4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2018-030](#) Recognition Of Employee Of The Quarter: Fred Dauer. (Lisa Lopez)

Mayor Bauters presented the Employee of the Quarter plaque to Police Lt. Frederick Dauer.

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

City Clerk Hartz announced a vacancy on the Housing Committee.

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

Council Member Patz reported that he had attended the County housing meeting.

Mayor Bauters stated that he would be participating in a panel to discuss youth and others who have recently or are currently experiencing homelessness, to be held in San Leandro. He also announce the availability of the Alameda County alert system, AC Alert, to which people could subscribe.

## 7. CITY MANAGER'S REPORT

There was no report given.

## 8. EX PARTE COMMUNICATIONS

Mayor Bauters reported that he had spoken with Elizabeth Jewel related to Item 11.2 on the agenda.

At this time, Vice Mayor Medina announced that, related to Item 10.10 on the Consent Agenda, District Attorney O'Malley had announced that she would move forward with the retroactive application of Proposition 64 to misdemeanor and felony cannabis convictions.

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

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

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

- 10.1. [ID-2018-083](#) Warrants. (Susan Hsieh)

**A motion was made to accept this Informational Report.**

- 10.2. [ID-2018-080](#) Action Minutes of the February 6, 2018 Emeryville City Council/City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency/Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

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

- 10.3. [ID-2018-079](#) Action Minutes of the February 6, 2018 Emeryville City Council

Special Meeting. (Sheri Hartz)

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

- 10.4. [ID-2018-082](#) Action Minutes of the February 6, 2018 Emeryville City Council Meeting. (Sheri Hartz)

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

- 10.5. [ID-2018-075](#) Resolution Of The City Council Of The City Of Emeryville To Approve An Application To The California Office Of Traffic Safety (OTS), For A Traffic Safety Grant In The Amount Of \$102,522.00 And To Accept The Traffic Safety Funding If Awarded. (Captain Oliver Collins)

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

Enactment No: 18-14

- 10.6. [ID-2018-050](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Submit Applications To The Metropolitan Transportation Commission (MTC) And The Association Of Bay Area Governments (ABAG) For Priority Development Area (PDA) Technical And Staffing Assistance (Charles S. Bryant / Chadrick Smalley / Amber Evans / Catherine Firpo)

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

Enactment No: 18-15

- 10.7. [ID-2018-057](#) Resolution Of The City Council Of The City Of Emeryville Authorizing the City Manager to Submit and Accept A Five Thousand Dollar (\$5,000) Funding Request To The California Department Of Resources Recycling And Recovery Beverage Container Recycling Grant Program (Cal Recycle) And Appropriate The Funds When Received To Fund 254 Project #01254105. (Andrew Clough / Marcy Greenhut)

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

Enactment No: 18-16

- 10.8. [ID-2018-074](#) Resolution Authorizing The City Manager Of The City Of Emeryville To Execute A Funding Agreement With The Bay Area Air Quality Management District (BAAQMD) For Installation Of Electric Vehicle Charging Equipment In Glashaus Public Parking Garage. (Andrew Clough / Nancy Humphrey)

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

Enactment No: 18-17

- 10.9. [ID-2018-076](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To File An Application For Innovative Deployments to Enhance Arterials (IDEA) Program Funding Assigned To The Metropolitan Transportation Commission, Committing Any Necessary Matching Funds, And Assuring Completion Of The City Of Emeryville's IDEA Project. (Andrew Clough / Ryan O'Connell)

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

Enactment No: 18-18

- 10.10. [ID-2018-104](#) Letter To Alameda County District Attorney Requesting Retroactive Application Of Proposition 64, Which Legalized Possession And Recreational Use Of Marijuana For Adults Ages 21 Years Or Older, To Misdemeanor And Felony Convictions Dating Back To 1975. (Vice Mayor Medina)

**A motion was made to approve this Other Item.**

## 11. PUBLIC HEARINGS

- 11.1. [ID-2018-071](#) Resolution Of The City Council Of The City Of Emeryville Confirming the Public Works Director's Report And Authorizing Costs Incurred by the City of Emeryville In the Matter of the Appeal From Notice and Order of Intention to Demolish Property Owned by Andre Carpiaux, 1264 Ocean Avenue, Emeryville CA (APN 049-1469-008), Case No. ADBC 15-001 To Be Charged As A Special Assessment In the Amount of \$50,145.75 Against the Property; And Directing the City Manager To Take Related Actions. (Michael Guina / Andrea Visveshwara)

City Attorney Guina directed Council's attention to a message from Mr. Carpiaux stating that he would not be present and asking for the matter to be continued. Mr. Guina reported that it was within Council's discretion to continue to public hearing to a future date certain.

PUBLIC HEARING OPEN: 7:29 p.m.

1. Michael Smith spoke on behalf of Andre Carpiaux, stating that the demolition of his home was unconscionable. He asked that the hearing be delayed.

2. Patrick Carpiaux, Mr. Carpiaux's son, spoke on behalf of his father, and requested a continuance.

PUBLIC HEARING CLOSED: 7:33 p.m.

Council discussion ensued, with Council Members Donahue and Martinez, along with Vice Mayor Medina and Mayor Bauters, supporting the continuance of the hearing. Council Member Patz stated that was not about the particular person involved and this action was coming at the end of a very long process.

**A motion was made by Mayor Bauters, seconded by Council Member Martinez, to continue this item to March 20, 2018. The motion carried by the following vote:**

**Ayes:** 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

**Noes:** 1 - Council Member Patz

- 11.2. [ID-2018-073](#) Resolution Of The City Council Of The City Of Emeryville Amending the City of Emeryville Master Fee Schedule For Fiscal Year 2017-2018 Effective On February 21, 2018. (Susan Hsieh / Charles S. Bryant / Andrew Cough)

Finance Manager Susan Hsieh made brief introductory remarks and responded to Council questions.

PUBLIC HEARING OPEN: 7:39 p.m.

1. Matt Yurkovich spoke in opposition to the proposed light pole attachment agreement rate

2. Darren Chan, ATT External Affairs Manager, asked that item be continued to allow further discussions on the proposed fee.

PUBLIC HEARING CLOSED: 7:43 p.m.

**A motion was made by Vice Mayor Medina, 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 Patz

Enactment No: 18-19

## 12. ACTION ITEMS

- 12.1. [ID-2018-072](#) Commission on Aging's Annual Report On Committee Goals, Principles And Accomplishments For Year 2017; And Proposed Committee Priorities For Year 2018. (Pedro Jimenez / BradHelfenberger / Kim Burrowes)

Commission on Aging Chair Joyce Jacobson gave the presentation,

along with Commissioner Mary Farrell.

The City Council accepted the report.

- 12.2.**     [ID-2018-058](#)     Public Art Committee's Annual Report On Committee Goals, Principles And Accomplishments For Year 2017; And Proposed Committee Priorities For Year 2018 (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Chair Sharon Wilchar gave the presentation and responded to Council questions, stating that Vice Chair Jean Goldman was also in attendance.

The City Council accepted the report.

- 12.3.**     [ID-2018-114](#)     Budget Advisory Committee's Annual Report on Committee Goals, Principles and Accomplishments for Year 2017; and Proposed Committee Priorities for Year 2018. (Susan Hsieh)

Budget Advisory Committee Chair William Reuter gave the presentation and responded to Council questions.

The City Council accepted the report.

- 12.4.**     [ID-2018-059](#)     Economic Development Advisory Committee's Annual Report On Committee Goals, Principles And Accomplishments For Year 2017; And Proposed Committee Priorities For Year 2018 (Charles S. Bryant / Chadrick Smalley)

Chad Smalley introduced EDAC Chair Alex Laroche, who gave the presentation.

#### PUBLIC COMMENT

1. Benay Curtis asked whether public transit was being considered by the Committee along with solutions for parking management.

The City Council accepted the report.

- 12.5.**     [ID-2018-115](#)     Housing Bond Measure For June 2018 Ballot. (Susan Hsieh / Michael Guina)

City Attorney Michael Guina gave the staff report and responded to Council questions.

#### PUBLIC COMMENT

1. Geoff Sears, Wareham Development, stated that he supported the idea of citizen oversight of the use of the funds, but recommended that

it not be done by the Budget Advisory Committee.

2. Ruth Major asked for clarification on how the maximum interest rate of 12% was arrived at.

- 12.5.1**     [ID-2018-126](#)     Resolution Of The City Council Of The City Of Emeryville Calling A Special Municipal Election On June 5, 2018; Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Approve Issuance Of An Affordable Housing Bond; Requesting That the Alameda County Board Of Supervisors Permit Consolidation Of The Emeryville Special Municipal Election With The Statewide Direct Primary Election To Be Held On The Same Date; Requesting That The County Registrar Perform Certain Election Services In Connection With Said Consolidated Election; And Authorizing The City To Reimburse The County Registrar Of Voters For Election Services Performed. (Susan Hsieh / Michael Guina / Sheri Hartz)

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

Enactment No: 18-20

- 12.5.2**     [ID-2018-117](#)     Resolution Of The City Council Of The City Of Emeryville Determining That The Public Interest And Necessity Demand The Development Of Affordable Housing Projects And The Financing Of Projects Relating Thereto Through The Issuance Of General Obligation Bonds. (Susan Hsieh / Michael Guina)

**A motion was made by Vice Mayor Medina, seconded by Council Member Patz, to approve as amended 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 Patz

Enactment No: 18-21

- 12.5.3**     [ID-2018-119](#)     Introduction Of An Ordinance Of The City Council Of The City Of Emeryville Calling A Special Election And Ordering The Submission Of A Proposition Incurring Bonded Debt For The Purpose Of Financing Affordable Housing Projects To The Qualified Voters Of The City Of Emeryville At The Special Municipal Election To Be Held On June 5, 2018. (Susan Hsieh / Michael Guina)

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

**A motion was made by Mayor Bauters, seconded by Council Member Martinez, to approve as amended the introduction and first reading of the Ordinance. The motion carried by the following vote:**

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

- 12.6.**     [ID-2018-032](#)     Resolution Of The City Council Of The City Of Emeryville Adopting The Public Art Committee's Recommendation To Approve The Design Proposal By Joey Rose Studio For The Public Art Mural Project At The Emeryville Greenway, Powell To Stanford Segment, And Authorizing The City Manager To Execute An Agreement With Joey Rose Studio In An Amount Not-To-Exceed \$46,935 For Final Design And Installation Of The Artwork. (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

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

**A motion was made by Council Member Donahue, seconded by Council Member Patz, 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 Patz

Enactment No: 18-22

### **13. DEPARTMENT HEAD REPORTS**

There were no reports given.

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

No future agenda items were requested.

### **15. ADJOURNMENT**

The meeting was adjourned at 9:53 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**



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