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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

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

-AMENDED-

Tuesday, February 4, 2020

7:16 PM

Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

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

3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Martinez, seconded by Council Member Medina, to approve the Final Agenda. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2020-041](#) Proclamation: Eating Disorders Awareness Week 2020
Mayor Patz read the proclamation aloud, and then presented it to Connie Sobczak, Co-Founder of The Body Positive, and Signe Darpinian.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz announced that the current recruitment for committee vacancies would close on February 10th.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Bauters announced his pending reappointment to the

Bay Area Air Quality Management District Board, stating that building decarbonization would be the priority for his upcoming term. Council Member Medina added that he had been selected as Vice Chair for ACTC.

Vice Mayor Martinez reported on Stop Waste, stating that regarding the options on either a countywide or model ordinance to stop single use foodware, Stop Waste had offered a third option in the form of a limited pilot program to help assess the needs and infrastructure to be put in place.

Mayor Patz reported on his attendance of the Mayors Conference on Homelessness, stating that regional solutions were being looked at, and ways that funds should be allocated and put to best use.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Each of the Council Members reported having received several emails regarding Items 12.1 and 12.2 which had all been made a part of the record. Mayor Patz and Council Member Bauters also reported having had conversations with community members on the same matters.

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 Vice Mayor Martinez, seconded by Council Member Bauters, to approve the Consent Agenda with the exception of Item 10.6 which was pulled by Council Member Donahue for separate consideration. The motion carried by the following vote:

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

- 10.1. [ID-2020-038](#) Warrants. (Susan Hsieh)

A motion was made to accept this Informational Report.

- 10.2. [ID-2020-030](#) Action Minutes of the January 21, 2020 Emeryville City Council / Successor Agency Special Closed Session. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.3. [ID-2020-031](#) Action Minutes of the January 21, 2020 Emeryville City Council

Special Study Session. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.4. [ID-2020-033](#) Action Minutes of the January 21, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.5. [ID-2020-029](#) Resolution Of The City Council Of The City of Emeryville Appropriating Two Thousand Five Hundred Dollars (\$2,500) From The Measure BB Bicycle/Pedestrian Fund 264 For 2020 Bike To Work Day (BTWD) Sponsorship. (Christine Daniel / Nancy Humphrey / Marcy Greenhut)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-04

- 10.6. [ID-2020-036](#) Resolution Of The City Council Of The City Of Emeryville In Support Of A Bus-Only Transit Lane on the Bay Bridge. (Christine Daniel)

Council Member Donahue pulled Item 10.6 for separate discussion. He requested that Greg Harper be allowed to speak on the matter in his capacity as a representative for AC Transit.

PUBLIC COMMENT

1. Mr. Harper stated that it was too early to ask for support for the bill at this time, and that a bus-only lane on the Bay Bridge, in and of itself, would make traffic worse.

2. Andre Carpiaux stated that there were other options besides designating a bus-only lane.

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

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

Noes: 1 - Council Member Donahue

Enactment No: Resolution No. 20-05

11. PUBLIC HEARINGS

- 11.1. [ID-2020-037](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Public Market. (Chief Tejada)

Council waived the staff presentation.

PUBLIC HEARING OPENED: 7:41 p.m.

There was no public testimony given.

PUBLIC HEARING CLOSED: 7:41 p.m.

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

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

Enactment No: Resolution No. 20-06

12. ACTION ITEMS

- 12.1. [ID-2020-005](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute An Agreement To Provide Parking Technology And Related Services With IPS Group, Inc., In An Amount Not To Exceed \$1,468,483 In Fiscal Year 2019-20, And For Services Not To Exceed \$416,395 In Fiscal Year 2020-21, \$428,887 In Fiscal Year 2021-22, \$441,753 In Fiscal Year 2022-23, And \$455,006 In Fiscal Year 2023-24, For A Total Contract Amount Not To Exceed \$3,210,524, For Implementation Of Paid Parking In The North Hollis And Triangle Commercial Areas. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

City Manager Daniel introduced the next two items, explaining some additional materials that had been entered into the record, and then turned the presentation over to Amber Evans, Community and Economic Development Coordinator, who gave the staff report. A representative from IPS was also present to provide information.

PUBLIC COMMENT

1. Brian Hofer, Executive Director, Secure Justice, supported the amended resolution and was opposed to the City using contractors who provide license plate reader information to ICE.
2. Tim Kingston, SF Public Defender, spoke in opposition to the use of Vigilant as a contractor due to their practice of cooperating with ICE.
3. Sameena Usman spoke in opposition to the City contracting with

Vigilant.

A motion was made by Council Member Bauters, seconded by Mayor Patz, to approve this Resolution as amended to direct the City Manager to replace the subcontractor for Automated License Plant Readers with Genetec, AutoVu and to make all necessary and conforming changes to Exhibit A. The motion carried by the following vote:

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

Enactment No: Resolution No. 20-07

- 12.2.** [ID-2020-007](#) Implementation of Emeryville Paid Parking Framework (Charles S. Bryant / Chadrick Smalley / Amber Evans)
Ms. Evans gave the staff report on this related item, and responded to Council Member questions.

PUBLIC COMMENT

1. Albert Repola, Ruby's Cafe owner, requested that the green zone in front of his business remain rather than having parking meters located there.
2. Betsy Cooley spoke in support of the previous speaker.
3. Ron Silberman spoke in support of the Council exercising flexibility in implementation of the plan.
4. Renee Araneda, Campus Manager, National Holistic Institute, stated that the school did not have sufficient parking nearby, and that many of their students and staff are low income and would be impacted by having to pay for parking.
5. Nasser Azimi, Ohana Cannabis, spoke in support of the parking plan, stating that they lose revenue due to customers' inability to park near the business.
6. A speaker stated that it is difficult to park already near her residence on 61st Street, and asked whether they will be exempt. She stated that a better idea would be creating community by holding events.

- 12.2.1** [ID-2020-008](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing Sections 4-9.02 Through 4-9.14 Of Chapter 9 Of Title 4 Of The Emeryville Municipal

Code Pertaining To Parking Meters, And Adding Chapter 10 To Title 4 Of The Emeryville Municipal Code, Entitled "Parking Meters" (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15301(c))

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

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

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

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

12.2.2 [ID-2020-009](#)

Resolution Of The City Council Of The City Of Emeryville Establishing Parking Meter Rates And Locations In The North Hollis And Triangle Parking Meter Zones And Authorizing Issuance Of Preferential Parking Permits To Employees Of The Emery Unified School District And The City Of Emeryville (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15301(c))

A motion was made by Council Member Bauters, seconded by Council Member Donahue, to approve this Resolution, amended to retain 66 feet of green curb along the west side of Hollis between 62nd and 63rd Streets, in front of Ruby's Cafe. The motion carried by the following vote:

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

Enactment No: Resolution No. 20-08

12.3. [ID-2020-040](#)

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute, With Adjusted Terms, An Extension Of The Collection Service Agreement For Solid Waste Services Executed Between The City Of Emeryville And Waste Management Of Alameda County, Inc., Dated February 1, 2011 For An Additional Ten (10) Years From January 1, 2021 To December 31, 2030. (Christine Daniel / Nancy Humphrey)

Environmental Programs Supervisor Nancy Humphrey gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT:

Todd Nienhouse, Senior District Manager, Waste Management, thanked the Council for considering the contract extension.

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

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

Enactment No: Resolution No. 20-09

- 12.4. [ID-2020-034](#)** Resolution Of The City Council Of The City Of Emeryville Declaring A State Of Urgent Action With Regard To Bicycle And Pedestrian Safety In The City And Directing The City Manager To Undertake Certain Actions. (Christine Daniel / Ryan O'Connell)

City Manager Daniel gave the staff report and responded to Council Member questions.

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

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

Enactment No: Resolution No. 20-10

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2020-028](#)** Planning Director's report on Planning Commission actions at the January 23, 2020 meeting:

- (a) Ohana Cannabis Retail Dispensary and Restaurant. Study session on a proposal to relocate the existing Ohana retail cannabis dispensary at 5745 Peladeau Street (previously known as East Bay Therapeutics) to 5768 Peladeau Street currently occupied by Broken Rack Sports Bar and Billiards. The applicant seeks to occupy a portion of the building with the relocated cannabis dispensary with the remaining area to be run as a restaurant.
- (b) Public Market Master Sign Program. Study session on a proposed Master Sign Program for the Public Market along Shellmound Street between Shellmound Way and 63rd Street, including adjacent portions of 62nd Street and an interior courtyard.
- (c) Hilton Garden Inn Appeal. Public hearing on an appeal of the

Community Development Director's approval of a Minor Conditional Use Permit to convert existing storage and meeting rooms on the top floor of an existing hotel at 1800 Powell Street into 23 new guest rooms and to convert storage on the second floor into two new guest rooms.

- (d) Public Storage Signs and Façade. Consideration of a Major Design Review Permit for new signs and exterior paint at an existing personal storage facility at 6501 Shellmound Street.

The packet for the January 23, 2020 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Donahue requested that a study session be brought forward to discuss the cross-laminant timber mode of building construction, and the potential of changing the City's building regulations to allow it in advance of the State's approval. Council Member Medina suggested that the City's lobbyist be asked to report on this matter when he addresses the Council in April, and received majority support for that approach.

Council Member Bauters asked whether staff could review the City's data collection contracts to check for affiliations with ICE. Vice Mayor Martinez suggested that a requirement be added to the proposal process indicating whether proposers have a contract with ICE to provide information.

15. ADJOURNMENT

The meeting adjourned at 9:11 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