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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 Christian R. Patz

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Tuesday, January 16, 2018

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:49 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 Martinez, 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-2018-014](#) Presentation: Overview Of East Bay Community Energy (EBCE) Alameda County Community Governed Power Supplier. (Council Member Dianne Martinez)

Shawn Marshall, Co-founder and Executive Director, LEAN Energy US, gave a presentation to Council about the services provided by East Bay Community Energy (EBCE).

#### PUBLIC COMMENT

1. Betsy Cooley asked about the impact to customers of going to this

model.

Ms. Marshall responded, stating that this is a partnership with PG&E, and that nothing would change for customers.

2. Brian Donahue stated that moving away from PG&E would be a good thing.

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

City Clerk Hartz gave a brief report on current vacancies.

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

Council Member Martinez reported on Stop Waste, which had recently reported its five year program review, stating that Emeryville was on a positive trend toward composting, and putting less waste into landfill.

Mayor Bauters announced the upcoming Black History Month celebration to be held on February 6, 2018, and reported on his attendance at the January ACTC meeting, stating that Emeryville would likely be receiving funding for quiet zones.

## **7. CITY MANAGER'S REPORT**

City Manager Lehr announced upcoming grant opportunities and provided contact information.

## **8. EX PARTE COMMUNICATIONS**

Council Member Donahue reported having communicated with representatives regarding the Alta Bates Hospital closure and also with representation from Trader Vic's.

Council Member Martinez reported having met with Rhett Rosen of Trader Vic's, and exchanging emails with Watergate residents Joe Lutz and Ron Freund related to the noise ordinance matter.

Vice Mayor Medina and Council Member Patz each reported having met with a representative from Trader Vic's, and exchanging emails with residents from Watergate.

Mayor Bauters reported having met with Rhett Rosen from Trader Vics, and meeting with seven members of the Watergate community.

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

1. Brian Donahue spoke against the granting of noise waivers.
2. Parissa Peymani spoke regarding many problems in the neighborhood where her business is located.

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

**A motion was made by Council Member Patz, seconded by Vice Mayor Medina, 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-2018-019](#)     Warrants. (Susan Hsieh)

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

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

- 10.2.**     [ID-2018-002](#)     Action Minutes of the December 19, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

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

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

- 10.3.**     [ID-2018-003](#)     Action Minutes of the December 19, 2017 Emeryville City Council Special Study Session. (Sheri Hartz)

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

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

- 10.4.**     [ID-2018-005](#)     Action Minutes of the December 19, 2017 Emeryville City Council Meeting. (Sheri Hartz)

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

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

- 10.5.**     [ID-2018-020](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 2 To The Professional Services Agreement With Biggs Cardosa Associates Inc. For The Design Update Of The South Bayfront Pedestrian Bicycle Bridge, CIP# 16475006 Extending the Termination Date to March 31, 2018 (Andrew Clough / Todd

Teachout)

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

[Proposed Resolution](#)

[PSA Amendment No. 2](#)

[PSA Original with Attachments](#)

[PSA Amend 1](#)

[APPROVED Resolution No. 18-01](#)

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

Enactment No: 18-01

- 10.6.**     [ID-2018-021](#)     Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Public Safety Regulations In Title 4 Of The Emeryville Municipal Code Regarding Speed Limits (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Andrew Clough / Ryan O'Connell)

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

[Proposed Ordinance](#)

[Exhibit A](#)

[Exhibit B](#)

[APPROVED Ordinance No. 18-001](#)

**A motion was made to approve the second reading and adoption of this Ordinance.**

Enactment No: 18-001

- 10.7.**     [ID-2018-022](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To File An Application For SB 1 Transportation Corridors Enhancement Program Funding Assigned To The Metropolitan Transportation Commission, Committing Any Necessary Matching Funds, And Assuring Completion Of The Quiet Zones On 65th Street, 66th Street, And 67th Street Project (Andrew Clough / Ryan O'Connell)

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

[Proposed Resolution](#)

[Exhibit A](#)

[APPROVED Resolution No. 18-02](#)

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

Enactment No: 18-02

- 10.8.**     [ID-2018-023](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional

Services Agreement With The Safe Transportation Research And Education Center (SafeTREC) In The Amount Of \$81,877.00 To Perform A Pedestrian And Bicycle Safety Evaluation At Selected Emeryville Intersections. (Andrew Clough / Nancy Humphrey)

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

[Proposed Resolution](#)

[Contract](#)

[Proposal](#)

[APPROVED Resolution No. 18-03](#)

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

Enactment No: 18-03

## 11. PUBLIC HEARINGS

- 11.1. [ID-2018-024](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To DPR Construction For Crane Work In The Public Right-Of-Way On Saturday, January 20, 2018; Saturday, January 27, 2018; Saturday, February 10, 2018; And Saturday, February 24, 2018 Between The Hours Of 9:00 A.M. And 5:00 P.M. At The EmeryStation West/Transit Center Project Located At 5959 Horton Street (APN: 49-1489-15) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Charles S. Bryant / Navarre Oaks)

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

[Proposed Resolution](#)

[Exhibit A - Applicant Request Letter](#)

[APPROVED Resolution No. 18-04](#)

Assistant Planner Oaks gave the staff presentation and responded to Council Member questions.

Applicant Lane McCray spoke to the necessity of performing the work on Saturday to avoid heavy bicycle and other public traffic.

PUBLIC HEARING OPEN: 8:20 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 8:20 p.m.

**A motion was made by Council Member Patz, seconded by Vice Mayor Medina, 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: 18-04

- 11.2.**     [ID-2018-025](#)     Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Arrow Sign Company On Saturday, February 3, 2018 Between The Hours Of 6:00 A.M. And 5:00 P.M. For Removal Of The Art.com Signs At 2100 Powell Street (APN: 49-1495-9) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Charles S. Bryant / Navarre Oaks)

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

[Proposed Resolution](#)

[Exhibit A - Applicant Request Letter](#)

[APPROVED Resolution No. 18-05](#)

Assistant Planner Oaks also gave this staff presentation and responded to Council questions.

The representative from applicant Arrow Sign Company introduced himself and answered Council questions.

PUBLIC HEARING OPEN: 8:30 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 8:30 p.m.

**A motion was made by Council Member Patz, 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: 18-05

## **12. ACTION ITEMS**

- 12.1.**     [ID-2018-026](#)     Update Of City Noise Ordinance (Charles S. Bryant / Miroo Desai)

**Attachments:** [Staff Report](#)[Attachment 1 - Existing Noise Ordinance](#)[Attachment 2 - Existing Performance Standards](#)[Attachment 3 - Emeryville General Plan Noise Provisions](#)[Attachment 4 - Staff Report from February 16, 2016 City Council study session](#)[Attachment 5 - ESA Report dated December 7, 2017](#)[Attachment 6 - Email from Watergate resident Joe Lutz, December 14, 2017](#)[PUBLIC COMMENT: Lutz Joe.Email.01/16/18](#)

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

**PUBLIC COMMENT**

1. Fran Chiapetta, Watergate resident, read aloud an email statement from Joe Lutz.
2. Mary Farrell supported revising the noise ordinance and asked that night time remain defined as beginning at 9:00 p.m.
3. George Martin spoke to regulation of interior noise, asking how that is defined.

Following some discussion, the Council directed staff to forward this item to the Public Safety Committee for further consideration.

- 12.2.**     [ID-2018-027](#)     Resolution Of The City Council Of The City Of Emeryville Accepting As Complete Shellmound Gateway, A Public Art Installation By Rosario Marquardt And Roberto Behar Of R&R Studios, Located On Shellmound Street Under The Powell Street Bridge (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**Attachments:** [Staff Report](#)[Proposed Resolution](#)[Exhibit A - Image of Completed Work](#)[APPROVED Resolution No. 18-06](#)

The Council did not request a staff presentation and there were no public comments made.

**A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, 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: 18-06

- 12.3.**     [ID-2018-028](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The Contribution Of \$5,000 Toward The Cost Of A Health Impact Assessment (HIA) Related To The Imminent Closure Of Alta Bates Hospital (Council Member Scott Donahue / Sheri Hartz)

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

[Draft Resolution](#)

[APPROVED Resolution No. 18-07](#)

Council Member Donahue presented the item and answered questions. There were no public comments made.

**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: 18-07

- 12.4.**     [ID-2018-009](#)     Update On Potential Bond Measures For The June 2018 Election (Susan Hsieh / Michael Guina / Sheri Hartz)

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

Mayor Bauters introduced the item and staff briefly outlined the item. There were no public comments made.

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

Public Works Interim Director Clough gave an update regarding an ECCL Cal Recycle education recognition event.

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

There were no requests made.

### **15. ADJOURNMENT**

The meeting adjourned at 9:58 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**



