



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:

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

---

Tuesday, February 7, 2017

7:16 PM

Council Chambers

---

#### 1. CALL TO ORDER AND COUNCIL MEMBER OATH AND SONG

The meeting called to order at 8:42 p.m.

#### 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

A motion was made by Council Member Martinez, seconded by Council Member Medina, to approve the final agenda. The motion was 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-2017-061](#) Introduction of Community and Economic Development Coordinator II Emi Theriault (Charles S. Bryant / Chadrick Smalley)
- Chad Smalley, Community and Economic Development Manager, introduced Ms. Theriot who made brief remarks.

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

City Clerk Sheri Hartz announced the current and upcoming vacancies on the City's advisory bodies.

#### 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

Vice Mayor Bauters announced an upcoming conference in Washington, DC., for young people who identified as LGBT and wanted to learn more about their government, stating a scholarship was available through the Victory Fund.

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

1. Jennifer Lin spoke about Fair Work Week implementation.
2. Brian Donahue spoke regarding Item 10.7, stating objection to granting Wareham Development the fee credit they requested, and also objected to the description of suspects used in a Police Department report.
3. Ruth Major reiterated Mr. Donahue's comment about money going to the Wareham developer.

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

There was no report given.

## **9. EX PARTE COMMUNICATIONS**

No ex parte communications were reported by Council Members. City Manager Lehr reported that she had communicated via telephone with a Wareham representative regarding Item 10.7.

## **10. CONSENT ITEMS**

### ***Approval of the Consent Agenda***

**A motion was made by Vice Mayor Bauters, seconded by Council Member Medina, 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-2017-071](#)   Warrants. (Susan Hsieh)

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

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

- 10.2.**     [ID-2017-062](#)   Action Minutes of the January 17, 2017 Emeryville City Council/Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

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

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

- 10.3. [ID-2017-065](#) Action Minutes of the January 17, 2017 Emeryville City Council Meeting. (Sheri Hartz)

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

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

- 10.4. [ID-2017-34](#) Resolution Of The City Council Of The City Of Emeryville Accepting the Award of the Sustainability Directors Network Sustainable Consumption in Cities Grant, Authorizing the City Manager to Take Actions Necessary to Secure the Award And Appropriating Said Grant Funds In The Amount Of \$6,108 To General Fund Account 4050-55300 To Develop A Pilot Program To Reduce Food Waste At The Emeryville Center For Community Life (ECCL) And In Community Services' Events (Maurice Kaufman / Nancy Humphrey)

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

[Resolution](#)

[Award Letter](#)

[APPROVED Resolution No. 17-12](#)

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

Enactment No: 17-12

- 10.5. [ID-2017-058](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute An Amendment To Contract #CSPP-6008 With The Department Of Education, Office Of Child Development, For Fiscal Year 2016-2017 Reducing The Amount From \$171,424 To \$150,572 And Appropriate Said Funds When Received To Account 230-53600. (Pedro Jimenez)

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

[Resolution](#)

[Attachment: Resolution No. 16-115.State.ECDC.081616](#)

[Amended Contract CSPP #6008](#)

[APPROVED Resolution No. 17-13](#)

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

Enactment No: 17-13

- 10.6. [ID-2017-080](#) Resolution Of The City Council Of The City Of Emeryville Appropriating \$40,000 From The Affordable Housing Fund (Fund

299) To Homeless Programs In The Economic Development And Housing Division Budget For Fiscal Year 2016-17 (Account Number 299-87420) For Homeless Services (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

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

[Resolution](#)

[Attachment 2 - Homeless Strategy](#)

[APPROVED Resolution No. 17-14](#)

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

Enactment No: 17-14

- 10.7. [ID-2017-068](#) Postponement Or Consideration Of 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](#)

[Item from January 17, 2017 City Council agenda](#)

**A motion was made to postpone the Item to a future agenda.**

- 10.8. [ID-2017-060](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Contract With DC Electric Inc. In An Amount Not To Exceed \$193,928 For The Construction Of The Lumec Streetlight LED Retrofit Project, EPW 106-16 (CIP #15475015). (Maurice Kaufman / Michael Roberts)

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

[Resolution](#)

[Agreement - DC Electric](#)

[Exhibit A: Lumec LED Project Overview Map](#)

[APPROVED Resolution No. 17-15](#)

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

Enactment No: 17-15

## 11. PUBLIC HEARINGS

- 11.1. [ID-2017-066](#) 3706 San Pablo Avenue Affordable Housing Project (Charles S. Bryant / Chadrick Smalley)

Public Hearing In Accordance With The Tax And Equity Fiscal Responsibility Act ("TEFRA") In Connection With The Proposed Issuance Of Revenue Bonds By The California Municipal Finance

Authority ("CMFA"), A Joint Exercise Of Powers Authority And Public Entity Of The State Of California, In An Aggregate Amount Not To Exceed \$50,000,000, For The Development Of Affordable Housing At 3706 San Pablo Avenue/1025 West MacArthur Boulevard, Emeryville, California ("Project")

Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The Execution Of A Joint Exercise Of Powers Agreement Relating To The California Municipal Finance Authority And Approving The Issuance Of Revenue Bonds By The Authority To Finance An 87-Unit Affordable Multifamily Rental Housing Facility For The Benefit Of 3706 San Pablo Emeryville, L.P., Or Another Limited Partnership To Be Formed By EAH Inc. (Or An Affiliate) And Certain Other Matters Relating Thereto

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A - Joint Exercise of Powers Agreement](#)  
[APPROVED Resolution No. 17-16](#)

Mr. Smalley gave the staff presentation and responded to Council questions.

The Public Hearing opened at 9:15 p.m. There being no public testimony, the Public Hearing closed at 9:16 p.m.

**A motion was made by Vice Mayor Bauters, 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: 17-16

## 12. ACTION ITEMS

### 12.1. [ID-2017-079](#) Discussion Of State And Federal Legislative Priorities (Carolyn Lehr)

**Attachments:** [Staff Report](#)  
[2017 Legislative Agenda](#)

Niccolo DeLuca, the City's Senior Advisor for Townsend Public Affairs, gave a presentation and responded to Council questions.

Vice Mayor Bauters brought forward five letters of support, requesting and receiving Council approval to have staff prepare them for the Mayor's signature and send to the legislature.

**Moved by Vice Mayor Bauters, seconded by Council Member Patz, to approve sending the letters. The motion carried by the following vote:**

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

- 12.2.**     [ID-2017-069](#)     Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Public Safety Committee To The Second Thursday Of Every Month At 4:00 PM, And Amending The FY2016-2017 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Proposed Public Safety Committee Roster](#)  
[APPROVED Resolution No. 17-17](#)

**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: 17-17

- 12.3.**     [ID-2017-067](#)     Resolution Of The City Council Of The City Of Emeryville Confirming \_\_\_\_\_ As The Mayor's Appointment To The Emeryville Oversight Board Pursuant To Health And Safety Code Section 34179(a)(2). (Sheri Hartz / Lorraine Leong)

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[APPROVED Resolution No. 17-18](#)

Vice Mayor Bauters nominated Council Member Martinez as the appointee.

**Moved by Vice Mayor Bauters, seconded by Council Member Patz to appoint Council Member Martinez. 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: 17-18

- 12.4.**     [ID-2017-070](#)     Resolution Of The City Council Of The City Of Emeryville Confirming the Appointment By the Mayor of the City of Emeryville of a Member Of The Emeryville Association Of Confidential, Administrative, Managerial And Professional Employees ("CAMP") To The Emeryville

Oversight Board Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency ("Emeryville Oversight Board"), Pursuant To California Health And Safety Code Section 34179(a)(7). (Sheri Hartz / Lorryne Leong)

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

[Resolution](#)

[APPROVED Resolution No.17-19](#)

## PUBLIC COMMENT

1. Brian Donahue gave a brief history of CAMP.

Mayor Donahue nominated Chad Smalley as the appointee to CAMP.

**Moved by Council Member Martinez, seconded by Council Member Medina to approve the Resolution. The motion carried by the following vote:**

Enactment No: 17-19

## 13. COMMUNICATION AND REPORTS

### 13.1. Department Heads

13.1.1. [ID-2017-057](#) Planning Director's report on Planning Commission actions at the January 26, 2017 meeting:

(a) Sherwin Williams - Architectural Final Development Plan - A study session to solicit comments on the Final Development Plan (FDP) design concept for buildings in the Sherwin Williams Planned Unit Development site.

(b) Sherwin Williams - Public Park and Open Space Final Development Plan - A study session to solicit comments on the Final Development Plan (FDP) conceptual design programming of the public park and other public open spaces within the Sherwin Williams Planned Unit Development site.

(c) Ocean View Townhomes - A study session to review a proposal to demolish an existing single family home and replace it with a four-unit residential building at 1270 Ocean Avenue. \*

(d) Public Market Directional Master Sign Program - A study session to review a Master Sign Program covering Public Market Parcels A, B, C, D, G, the tower building and Christie Avenue Park.

(e) Short-Term Rental Ordinance -Consideration of amendments to

Title 9 of the Emeryville Municipal Code to add Article 22 on Short-term Rentals and to add provisions pertaining to Short-term Rentals to other sections. \*\*

\* Item will require City Council approval because it involves demolition of a residential unit.

\*\* First reading of ordinance by City Council scheduled for March 7, 2017.

The packet for the January 26, 2017 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

#### PUBLIC COMMENT

1. Brian Donahue spoke about one of the items in the Planning Director's report.

Director Bryant gave the report.

### **13.2. Council Members**

### **13.3. Council Members Reporting on Meetings Attended**

Council Member Martinez reported that she had attended the recent first meeting of the JPA for East Bay Clean Energy.

Vice Mayor Bauters reported that he and Martinez had attended the ABAG Special Assembly where the ABAG/MTC merger was discussed.

Council Member Medina reported on the recent Transportation Committee meeting where a "no right turn on red" signal was approved for the off ramp at Powell and Christie, and Director Kaufman stated that it would come forward to Council for final approval.

Mayor Donahue reported on an engineering report was done regarding making a better connection from the Bay Trail to Shellmound, and ultimately to the Bay Bridge, and that the study looked at adding bicycle/pedestrian paths and other options along Temescal Creek.

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

Council Member Martinez requested and received majority support for



an informational item regarding placement of a sugar sweetened beverage tax on the ballot in 2018, as a way of checking in with the current Council to gauge interest in proceeding. She also requested an informational item on rulemaking and implementation for the Fair Work Week to provide the Council with an update on the process.

Vice Mayor Bauters requested and received majority support for an item to discuss the Rules of Procedure for City Committees and Advisory Bodies, and was advised that staff already had this discussion on the schedule for March 21st. He also requested and received majority support that an item be added to the agenda for the next meeting regarding a revision to the Council Rules of Procedure.

## **15. ADJOURNMENT**

At 9:39 p.m., the regular meeting was adjourned and the Council moved back into Closed Session.

**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**