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## 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

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Tuesday, July 11, 2017

7:16 PM

Council Chambers

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

The meeting was called to order at 8:02 p.m.

**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 Patz, seconded by Vice Mayor Bauters, to approve the Final 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

#### 4. SPECIAL ORDERS OF THE DAY

No Special Orders were listed.

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

City Clerk Hartz reported to City Council on the vacancy and upcoming noticing for the Budget Advisory Committee.

#### 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

Council Member Medina announced the new bike sharing program in Emeryville.

Council Member Martinez announced an upcoming "dive"-in movie, "Moana", to be held at the ECCL Swim Center.

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

There were no public comments made.

## 8. CITY MANAGER'S REPORT

There was no report given.

## 9. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

**A motion was made by Vice Mayor Bauters, seconded by Council Member Patz, 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-2017-477](#)     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-2017-455](#)     Action Minutes of the June 13, 2017 City Council Special Meeting. (Sheri Hartz)

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

This Item was pulled for further discussion and consideration.

**A motion was made by Council Member Martinez, seconded by Council Member Medina, to approve the Minutes. The motion carried by the following vote:**

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

**Abstain:** 1 - Vice Mayor Bauters

**10.3.**     [ID-2017-456](#)     Action Minutes of the June 13, 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.**

- 10.4. [ID-2017-462](#) Action Minutes of the June 20, 2017 Emeryville City Council Special Meeting. (Sheri Hartz)

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

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

- 10.5. [ID-2017-458](#) Action Minutes of the June 20, 2017 City Council Special Study Session. (Sheri Hartz)

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

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

- 10.6. [ID-2017-465](#) Action Minutes of the June 20, 2017 Emeryville City Council Meeting. (Sheri Hartz)

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

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

- 10.7. [ID-2017-442](#) Project Funding Agreements With The Alameda County Transportation Commission (Charles S. Bryant / Chadrick Smalley / Amber Evans / Andrew Clough / Nancy Humphrey / Pedro Jimenez / Brad Helfenberger)

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

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

- 10.7.1. [ID-2017-443](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Project Funding Agreement With The Alameda County Transportation Commission For The South Bayfront Bicycle And Pedestrian Bridge

**Attachments:** [Resolution](#)

[Exhibit A - Funding Agreement](#)

[APPROVED Resolution No. 17-108](#)

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

Enactment No: 17-108

- 10.7.2. [ID-2017-444](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Project Funding Agreement With The Alameda County Transportation Commission For The Emery Go-Round General Benefit

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**Attachments:** [Resolution](#)  
[Exhibit A - Funding Agreement](#)  
[APPROVED Resolution No. 17-109](#)

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

Enactment No: 17-109

- 10.7.3.** [ID-2017-445](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Project Funding Agreement With The Alameda County Transportation Commission For The North Hollis Paid Parking and Transportation Demand Management Program

**Attachments:** [Resolution](#)  
[Exhibit A - Funding Agreement](#)  
[APPROVED Resolution No. 17-110](#)

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

Enactment No: 17-110

- 10.7.4.** [ID-2017-446](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Project Funding Agreement With The Alameda County Transportation Commission For The Bay Area Bike Share Expansion (Operated As FordGo Bike) Within Emeryville

**Attachments:** [Resolution](#)  
[Exhibit A - Funding Agreement](#)  
[APPROVED Resolution No. 17-111](#)

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

Enactment No: 17-111

- 10.7.5.** [ID-2017-447](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Project Funding Agreement With The Alameda County Transportation Commission For The 8-To-Go: A City Based Door-To-Door Paratransit Service

**Attachments:** [Resolution](#)  
[Exhibit A - Funding Agreement](#)  
[APPROVED Resolution No. 17-112](#)

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

Enactment No: 17-112

- 10.8.** [ID-2017-454](#) Resolution Of The City Council Of The City Of Emeryville Adopting

The 2017 Housing Affordability Table Pursuant To The Affordable Housing Program (Article 4 Of Chapter 5 Of The Emeryville Planning Regulations) (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

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

[Resolution](#)

[Exhibit A - 2017 Housing Affordability Table](#)

[Attachment 3 - State HCD Income Limits Release for 2017](#)

[APPROVED Resolution No. 17-113](#)

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

Enactment No: 17-113

- 10.9. [ID-2017-467](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement (PSA) With Corporate Child Care, Inc. DBA Aquatic Park School, For A Total Amount Not To Exceed Seventy Five Thousand Dollars (\$75,000). (Pedro Jimenez)

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

[Resolution](#)

[Contract](#)

[APPROVED Resolution No.17-114](#)

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

Enactment No: 17-114

- 10.10. [ID-2017-469](#) Second Reading Of An Ordinance Of The City Of Emeryville Repealing And Replacing Chapter 2 Of Title 4 Of The Emeryville Municipal Code, "Emergency Plans"; CEQA Determination: Exempt Pursuant To Section 15061(b)(3) Of The California CEQA Guidelines. (Andrea Viveshwara / Lori Elephant)

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

[Attachment: Ordinance](#)

[APPROVED Ordinance No. 17-008](#)

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

Enactment No: 17-008

- 10.11. [ID-2017-475](#) Approval Of Transportation Committee Recommendation For Six Bike Share Station Locations (CEQA Status: Exempt Pursuant to State CEQA Guidelines Section 15301(c)) (Charles S. Bryant / Navarre Oaks)

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

[Attachment 1 - Proposed Site Plans](#)

This Item was pulled by Council Member Martinez for further discussion and consideration.

Assistant Planner Oaks responded to Council Member questions.

**A motion was made by Council Member Medina, seconded by Mayor Donahue, to approve this Other Item with direction to staff to work with business owners to identify appropriate alternative locations. The motion carried by the following vote:**

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

- 10.12.**    [ID-2017-468](#)    Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement With Sally Swanson Architects, Inc. In An Amount Not To Exceed \$154,798.00 For The Performance Of An ADA Access Compliance Survey For City-Wide Public Right-Of-Way And Facilities, And To Develop An ADA Transition Plan (CIP Project 17475010). (Andrew Clough / Ryan O'Connell)

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

[Resolution](#)

[Professional Services Agreement \(Sally Swanson\)](#)

[Exhibit A - Proposal](#)

[APPROVED Resolution No. 17-115](#)

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

Enactment No: 17-115

- 10.13.**    [ID-2017-470](#)    Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Change Order No. 1 To The Professional Services Agreement With Biggs Cardosa Associates Inc. Granting A Time Extension To December 31, 2017 For The Design Update Of The South Bayfront Pedestrian Bicycle Bridge, CIP# 16475006 (Andrew Clough / Todd Teachout)

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

[Resolution](#)

[PSA Change Order 1](#)

[APPROVED Resolution No. 17-116](#)

This Item was pulled by Vice Mayor Bauters for further discussion and consideration.

Acting Public Works Director Clough and Interim Civil Engineer Todd Teachout responded to Council member questions.

**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: 17-116

- 10.14.**    [ID-2017-480](#)    Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Service Agreement With NBS Local Government Solutions In An Amount Not To Exceed \$73,000 To Research And Recommend Revenue Options (Susan Hsieh / Cindy Montero)

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

[Resolution](#)

[Professional Services Agreement](#)

[APPROVED Resolution No. 17-117](#)

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

Enactment No: 17-117

## **11. PUBLIC HEARINGS**

- 11.1.**    [ID-2017-449](#)    Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To AG-CCRP Public Market, L P For Construction Work On All Saturdays Between July 15, 2017 And October 28, 2017 At The Public Market For Streetscape Work (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Charles S. Bryant / Miroo Desai)

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

[Resolution](#)

[Exhibit A - Request Letter](#)

[Attachment 3 - Site Map](#)

Senior Planner Miroo Desai made the staff presentation and responded to Council Member questions. Tim Bacon, Public Marketplace representative, provided background information and responded to Council questions.

PUBLIC HEARING OPENED AT 8:26 p.m.

1. Rob Arias spoke in support of approving the waiver.

2. Resident spoke in opposition; wanted quiet weekends.
3. Andre Carpiaux spoke in favor of noise waiver.
4. Emme Apartment Homes Resident spoke in opposition to approval of noise waiver.
5. Emme Apartment Homes Resident spoke in opposition.
6. Emme Apartment Homes Resident Chris Mertens spoke in opposition.

PUBLIC HEARING CLOSED AT 8:34 p.m.

**A motion was made by Vice Mayor Bauters, seconded by Mayor Donahue, to continue this item to the special Council Meeting to be held on August 1, 2017. The motion carried by the following vote:**

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

**Noes:** 1 - Council Member Patz

**A motion was made by Vice Mayor Bauters, seconded by Council Member Medina, to reconsider the previous action on this item. The motion carried by the following vote:**

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

**A motion was made by Vice Mayor Bauters, seconded by Council Member Medina, to continue this item to the regular meeting on July 25, 2017. The motion carried by the following vote:**

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

**Noes:** 1 - Council Member Patz

## 12. ACTION ITEMS

- 12.1. [ID-2017-483](#) Budget Planning Discussion for FY 2017-18 and FY 2018-19 (Susan Hsieh / Cindy Montero)

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

City Manager Lehr introduced the item. Finance Manager Susan Hsieh gave the staff presentation and responded to Council questions.

### PUBLIC COMMENT

1. Miroo Desai, SEIU Chapter President, spoke regarding budget assumptions used.
2. Amber Evans, spoke regarding the budget proposals.



3. Samantha Golden spoke regarding the 10% increase assumed for ECDC tuition.
4. Adrian Robinson, Crime Analyst, spoke regarding her position being considered for reduction.
5. Bill Reuter, Chair of Budget Advisory Committee, acknowledged the difficult decisions to be made and had no recommendations.
6. Rob Arias spoke in support of Adrian Robinson keeping her position, and stated that he supported retaining ECDC.
7. Betsy Cooley spoke in support of Ms. Robinson's service.
8. Ruth Major spoke regarding the childcare center, stating that it should be supported by local corporations.

Direction was provided to staff; there was no action taken.

- 12.2.**     [ID-2017-450](#)     Small Business Joint Study Session Review (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

**Attachments:**   [Staff Report](#)  
                          [Attachment 1 - Presentation](#)  
                          [Attachment 2 - Handouts](#)  
                          [Attachment 3 - Meeting Notes](#)

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

#### PUBLIC COMMENT

1. Rob Arias commented that labor costs were the biggest impact on small businesses and needed to be addressed.
2. Ruth Major stated that it was not the minimum wage causing the problems.
3. Bobby Lee spoke regarding the parking issues in town and their impact on small business, and endorsed the idea of a City contact person being designated to assist small business owners.

There was no action taken.

- 12.3.**     [ID-2017-471](#)     Resolution Of The City Council Of The City Of Emeryville Appointing Council Members To Serve As Council Member Liaisons For Terms Ending December 31, 2017, And Amending The 2016-17 Local Roster Of Boards, Commissions And Committees Accordingly (Sheri Hartz)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Prior Resolution - April 18, 2017](#)  
[APPROVED Resolution No. 17-118](#)

The City Clerk gave a brief staff report and responded to Council Member questions.

**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: 17-118

- 12.4.** [ID-2017-391](#) Designation of Voting Delegates and Alternate(s) to the League of California Cities Annual Conference. (Sheri Hartz)

**Attachments:** [Staff Report](#)  
[Attachment 1](#)  
[Attachment 2](#)

There were no public comments made.

**A motion was made by Council Member Patz, seconded by Vice Mayor Bauters, to approve Council Member Medina as the voting delegate for the Annual Conference. The motion carried by the following vote:**

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

**A motion was made by Council Member Martinez, seconded by Vice Mayor Bauters, to continue the meeting past 11:30 p.m. The motion carried by the following vote:**

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

- 12.5.** [ID-2017-498](#) A Resolution Of The City Council Of The City Of Emeryville Opposing The Proposed Elimination Of Long-Distance Amtrak Passenger Train Service By The Federal Administration (Vice Mayor John Bauters / Sheri Hartz)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[APPROVED Resolution No. 17-119](#)

## PUBLIC COMMENT

1. Bobby Lee supported the item, but asked for number regarding the true economic impact of Amtrak.

**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: 17-119

## 13. COMMUNICATION AND REPORTS

### ***13.1. Department Heads***

Community Development Director Charles Bryant announced that he had received word that the representatives from the Public Market would not be available to attend a meeting on August 1st to speak about their continued item, and request that it be moved to the meeting of July 25, 2017. Council moved to reconsider the previous decision, and ultimately approved moving the continued item as requested.

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

Council Member Martinez reported that Mayor Donahue had attended the recent East Bay Clean Energy meeting on her behalf, and that a new CEO had been hired and an RFP for the call center and data management was forthcoming. She also reported that she and Nancy Humphrey had participated in the local development business plan focus group, where the intricacies of Emeryville were discussed, and its differences from other cities in terms of density, number of businesses and potential locations for rooftop solar installations.

Vice Mayor Bauters reported that he served on the ACTC's Projects and Planning Committee, and that, due to SB 1 funding, the Ashby Interchange project timeline was being accelerated.

Council Member Martinez added that stop Waste had done its annual adoption of fee collection for household hazardous waste, the amount of which fluctuated due to factors such as tip fees and efficiency improvements.

Council Member Patz reported on his attendance of the League's fiscal training.

## 14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

No future agenda items were requested.

## **15. ADJOURNMENT**

The meeting was adjourned at 11:32 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**