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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

Tuesday, April 17, 2018

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:18 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 Martinez, 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-2018-209](#) Proclamation: Earth Day 2018. (Nancy Humphrey)

Attachments: [Proclamation](#)

Soo-Rae Hong, Sierra Club, was present to accept the proclamation and make comments.

Nancy Humphrey, Environmental Program Analyst, announced the City's upcoming Earth Day clean-up events.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz gave a brief update of upcoming term expirations.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Patz reported on his attendance of the Housing Authority of Alameda County meeting, stating that, with the new Federal budget extension, the Authority was able to purchase land from CalTrans for low income housing near transit.

Mayor Bauters gave the AC Alert announcement on how to subscribe to the app.

7. CITY MANAGER'S REPORT

None

8. EX PARTE COMMUNICATIONS

Vice Mayor Medina reported having had contacts regarding Items 12.3 and 11.1. Council Members Martinez and Patz both reported contact with representatives from Motivate regarding Item 12.3 and on Item 12.1, with the Board of the Berkeley Film Festival. Council Member Donahue also communicated with Motivate representatives and, regarding Item 12.1, spoke with three applicants: Joey Enos, Nancy Karp and Dancers, and Archana Horstein, KALA, and reported that he was himself a member of the 45th St. Artists'Coop, which was an applicant. Mayor Bauters reported that he spoke with Jason Oberman of Motivate on 12.3, and with representatives from Berkeley Film Festival for Item 12.1.

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 Council Member Patz, seconded by Council Member Donahue, to approve the Consent Agenda, with Item 10.5 being pulled for separate discussion. 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-2018-214](#) Warrants. (Susan Hsieh)

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

A motion was made to approve this Other Item.

- 10.2.** [ID-2018-226](#) Action Minutes of the April 3, 2018, Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3.** [ID-2018-205](#) Action Minutes of the April 3, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2018-206](#) Action Minutes of the April 3, 2018 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2018-200](#) Resolution of the City Council of the City of Emeryville Setting the Administrative Fine Schedule for Administrative Citations Pursuant to Emeryville Municipal Code section 1-7.06. (Michael Guina / Andrea Visveshwara)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 18-39](#)

Item 10.5 was pulled from the Consent Agenda for separate consideration.

A motion was made by Council Member Donahue, 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: 18-39

- 10.6.** [ID-2018-212](#) Resolution Of The City Council Of The City Of Emeryville Approving The Proposed SB 1 Project List And Appropriation For Fiscal Year 2018-2019. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 18-40](#)

A motion was made to accept this Resolution.

Enactment No: 18-40

11. PUBLIC HEARINGS

- 11.1. [ID-2018-199](#) First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Sherwin Williams Planned Unit Development/ Preliminary Development Plan (PUD/PDP) To Allow The Removal Of Eleven Street Trees On The West Side Of Horton Street (CEQA Status: Final Environmental Impact Report Certified By Resolution No. 16-122). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Attachment 1 - Bonus Points Summary](#)
[Attachment 2 - City Arborist Report Sherwin Williams 03-05-18](#)
[Attachment 3 - Sherwin Williams Approved Landscape Plan](#)
[Attachment 4 - Ordinance No. 16-006 Approving Sherwin Williams PUD-PDP](#)
[Draft Ordinance](#)
[Exhibit A - Conditions of Approval](#)
[Exhibit B - Amended Landscape Plan](#)
[Late Correspondence \(April 13, 2018\)](#)

Mayor Bauters recused himself from participation in this item due to the proximity of his residence to the project location, and passed the gavel to Vice Mayor Medina, and left the dais.

Senior Planner Miroo Desai gave the staff presentation and responded to Council questions. Senior Civil Engineer Mike Roberts provided additional information and responded to questions.

PUBLIC HEARING OPEN: 7:59 p.m.

1. Tim Curran, Friends of Horton Street, stated that request for amendment is premature and that a design should be submitted by the developer to then be approved.
2. Brian Donahue stated that the staff was in favor of cutting down trees and had never saved any trees under the Urban Forestry ordinance, and asked why one public benefit should override another.

PUBLIC HEARING CLOSED: 8:06 p.m.

Kevin Ma, Lennar, responded to Council questions.

Assistant City Attorney Visveshwara explained the impact of Council delaying its decision.

Molly Batchelder, City Arborist, responded to further Council questions.

A motion was made by Council Member Donahue, seconded by Council Member Martinez, to continue this Ordinance to a future agenda. The motion carried by the following vote:

Ayes: 3 - Council Member Donahue, Council Member Martinez, and Council Member Patz

Noes: 1 - Vice Mayor Medina

Recused: 1 - Mayor Bauters

- 11.2. [ID-2018-192](#) Resolution Of The City Council Of The City Of Emeryville Establishing Updated Development Impact Fees For Fiscal Year 2018-2019. (Charles S. Bryant)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Development Impact Fees Fiscal Year 2018-19](#)

[APPROVED Resolution No. 18-41](#)

Director Bryant gave the staff presentation and responded to Council Member questions.

PUBLIC HEARING OPEN: 9:00 p.m.

There was no public testimony.

PUBLIC HEARING CLOSED: 9:00 p.m.

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: 18-41

12. ACTION ITEMS

- 12.1. [ID-2018-210](#) Resolution Of The City Council Of The City Of Emeryville Adopting The

Community Grant Sub Committee Recommendations To Select Kala Art Institute, 45th Street Artist's Cooperative, New Arts Foundation, WePerform.Org, Friends of Golden Gate Library, Emeryville Historical Society, Friends of ECDC, California Poets in the Schools, J-Sei, Inc., Emeryville Community Garden #2, And The Oakland Ballet Company As The Recipients For The Emeryville Community Grant Program. (Pedro Jimenez)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Kala Art Program Rec Center](#)

[45th street Coop -Youth art program](#)

[New Arts Foundation-Nancy Karp + Dancers](#)

[WePerform Org- Emery Summer Music](#)

[Friends of Golden Gate Library- Jazz on Sunday](#)

[Emeryville Historical Society- Asset Preservation](#)

[Friends of ECDC Tiny toes Dance class](#)

[CA poets in the Schools ECCL Poetry](#)

[J-sei a place of her own](#)

[Emeryville Community Garden project](#)

[Oakland Ballet Company- Discover dance in schools](#)

[Berkeley FILM Foundation](#)

[APPROVED Resolution No. 18-42](#)

The Council waived the staff presentation.

PUBLIC COMMENT

1. Judy Wetterer, Wareham, spoke in support of the Berkeley Film Foundation, which was not recommended for a grant award.
2. Graham Lustig, Oakland Ballet, spoke in support of the Ballet being awarded a grant.
3. Joey Enos, spoke on behalf of the Emeryville Historical Society, and requested a grant award to assist with digitizing the collection.
4. Don Hausler, Emeryville Historical Society, asked that the recommendation for grant funding be approved.
5. Rob Arias, also on behalf of the EHS, stated that Mr. Hausler had paid out of pocket for some of the group's activities, and also spoke in support of Tiny Toes.
6. Jill Schrocke, representing J-sei, requested the Council's support.
7. Rick Tejada-Flores spoke about the difficulties of funding films, and in support of Berkeley Film Foundation receiving a grant award.
8. Brendan DeFrisco, California Poets in the Schools, asked for Council's support.

9. Archana Horstein spoke in support of KALA Art Institute receiving a grant award.
10. Sharon Wilchar, 45th Street Artist's Cooperative, explained the work of the Co-op and asked for Council support of a grant award. She also spoke on behalf of Nancy Karp + Dancers.
11. Christina Berteau, community garden, stated appreciation for being considered for a grant award.
12. Andrew Ting, WePerform Org, asked for Council's approval of a grant award for their program.
13. Brian Donahue spoke in support of KALA receiving a grant award.

A motion was made by Council Member Patz, seconded by Mayor Bauters, to approve this Resolution, amended to remove the funding for the Emeryville Historical Society. 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: 18-42

A motion was made by Council Member Patz, seconded by Council Member Donahue, to approve awarding \$10,000 to the Berkeley Film Foundation. The motion carried by the following vote:

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

Noes: 1 - Council Member Martinez

Enactment No: 18-42

- 12.2.** [ID-2018-216](#) City Council Review Of Appeal Of Planning Commission Decision Approving Sprint Antennas On Water Tower At 1255 Powell Street (DR18-002) (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15303, 15311 And 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[Attachment 1 - Planning Commission Staff Report](#)

[Attachment 2 - Email Correspondence with the Public](#)

Council Member Martinez reported that her questions on this item had been answered and she no longer wished to appeal.

A motion was made by Council Member Martinez, seconded by Council Member Patz, to affirm the decision of the Planning Commission and dismiss this appeal. The motion carried by the following vote:

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

- 12.3. [ID-2018-201](#) Consideration of Electric Bicycle Share Services and Electric Scooters in Emeryville. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Coordination Agreement](#)
[Bay Area Dockless and E-Bike Systems](#)

Council waived the staff presentation and opened Public Comment. There was no testimony given.

Following Council discussion, it was agreed that the item should be sent to the Transportation Committee for further study, and Vice Mayor Medina indicated her desire that a data-gathering option be included in any future agreements the City undertakes on these modes of transportation.

- 12.4. [ID-2018-203](#) Council Goals Setting - FY2018-2019. (Carolyn Lehr / Rochelle Conner))

Attachments: [Staff Report](#)
[Council Goal and Priorities Timelines](#)

Council waived a staff presentation, and opened Public Comment. There were no comments made.

Council discussion ensued, and Mayor Bauters asked for a minor addition to the Emergency Preparedness goal, to include a city-wide drill in cooperation with the City of Berkeley, which Director Lopez stated was part of the current plan, and added that she would clarify the wording in the Goals.

The Mayor also spoke regarding the goal of potentially creating a Communications Director role, and having a discussion of this at the June 5th meeting. He stated that there was a need for it to drive economic development and to publicize City events.

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to approve the Council Goals, Priorities and Timelines, as amended. The motion carried by the following vote:

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

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

No requests were made for additional future agenda items.

15. ADJOURNMENT

The meeting adjourned at 10:07 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