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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

AMENDED

Tuesday, May 1, 2018

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 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 Mayor Bauters, seconded by Council Member Martinez, to approve the Final Agenda as amended to move Item 6 ahead of Item 4. 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-2018-198](#) Proclamation Recognizing May As Small Business Month In The City Of Emeryville. (Charles S. Bryant / Chadrick Smalley)

Attachments: [Proclamation](#)

Mayor Bauters read the proclamation aloud and then introduced Economic Development and Housing Manager Chad Smalley, who made brief remarks in honor of Emeryville's small business community.

- 4.3. [ID-2018-245](#) Proclamations: Small Business Month Honorees. (John J. Bauters)

The Mayor read aloud and presented proclamations to representatives of the following businesses in recognition of their contributions to the Emeryville economy: Arizimendi Bakery, CCD Innovation, suitX, Yuzu Ramen, and The Bank Club, in memory of Andreas Nikitaras.

- 4.4. [ID-2018-234](#) Proclamation: Recognizing The Week Of May 10 To May 20, 2018 As The 22nd Annual East Bay Affordable Housing Week "Building Communities, Building Power". (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Proclamation](#)

The Mayor read the proclamation and invited Anita Schools, resident leader from East Bay Housing Organizations (EBHO), who announced an upcoming kick-off event. Welton Jordan, Vice President of Real Estate Development for EAH Housing and also an EBHO member, thanked the Council for the recognition.

- 4.5. [ID-2018-257](#) Introduction of Alameda County Fire Department Chief David Yoder. (Carolyn Lehr)

City Manager Lehr introduced the new Fire Chief for Emeryville, Dave Yoder.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Sheri Hartz made an announcement about the upcoming annual recruitment for the City's community advisory bodies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Mayor Bauters gave a special report about the recent incident of racism that occurred in Emeryville. Council Member Patz reported that he had attended the recent HUD Conference in Washington, DC. Council Member Donahue reported in his capacity as a member of the committee working to save the Alta Bates emergency services for the community, stating that Assemblymember Thurmond's Bill 2874 had passed through the Health Committee, and would require that hospitals that are planned to be closed would need written consent from the Attorney General. Council Member Martinez, who sits on the Board of Directors of East Bay Community Energy, stated that they had recently added a 100 percent renewable option to begin in late 2018. She also reported on Stop Waste, and spoke about China's policies against mixed recycling, which were affecting American exports of recycled materials.

Mayor Bauters continued with his announcements, reporting on his attendance of a bright night event put on by Rising Sun Energy, the J-Sei Showers of Flowers event, the recent Earth Day Shoreline clean-up event that was a big success, and the STEM career awareness day hosted by Wareham. He announced the upcoming Bike to Work day, which would be followed by a dedication ceremony at Peladeau Park, at the new extension of the Greenway. He also announced the art center listening session and some upcoming small business events, and thanked EUSD for the reconciliation of unpaid PBID funding and their account being brought out of arrears. He closed by reporting that the City of Emeryville had been selected to receive funding in the amount of 70%, with the remainder coming from the County toward creating rail safety crossings and quiet zones.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Mayor Bauters, Vice Mayor Medina, and Council Members Martinez and Donahue all reported having had contact with Nathan Hong from AvalonBay regarding Item 11.1.

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

1. John Fricke spoke about traffic concerns in the Triangle neighborhood.
2. Miroo Desai, SEIU Chapter President, questioned the Council item from the prior meeting related to the Council Goal of adding the new position of PIO/Communications Coordinator, when they had recently gone through a difficult budget cycle that included cutting positions.
3. Brian Donahue supported the comments of prior speaker John Fricke, stating that he had recently witnessed the unsafe traffic situation.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Medina, seconded by Council Member Martinez, 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-2018-248](#) 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-2018-237](#) Action Minutes of the April 17, 2018, 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-2018-238](#) Action Minutes of the April 17, 2018 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2018-241](#) Action Minutes of the April 17, 2018 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2018-213](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Contract With The Safe Transportation Research And Education Center (SafeTREC) To Perform A Pedestrian And Bicycle Safety Evaluation At Selected Emeryville Intersections. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Professional Services Agreement](#)
[Proposal](#)
[APPROVED Resolution No. 18-43](#)

A motion was made to approve this Resolution.

Enactment No: 18-43

11. PUBLIC HEARINGS

- 11.1. [ID-2018-235](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To AvalonBay Communities For Construction Work On All Saturdays From May 5, 2018 To May 18,

2019 (Except May 26, 2018, November 24, 2018, And December 22, 2018) At The Marketplace Project (Parcel C-2 And Parcel D) Located At 6251 And 6301 Shellmound Street (APN: 49-1556-1; -2) (CEQA Status: Exempt Pursuant To Section 15061(b)(3). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Applicant Request Letter](#)
[Late Correspondence \(May 1, 2018\)](#)

Senior Planner Miroo Desai gave the staff report and responded to Council questions.

Nathan Hong, representing applicant AvalonBay, spoke in support of the waiver being approved.

PUBLIC HEARING OPEN: 8:32 p.m.

1. Brian Donahue spoke again regarding the ADA accessibility of the building. He also congratulated the staff on having recommended against granting the noise waiver.
2. An Emme Apartment resident expressed concern over Saturday work being approved at the project, citing privacy and noise issues.
3. Chris, Emme Apartments resident, spoke against the waiver being granted.
4. Anna, Emme resident, also spoke against the waiver being granted due to the extreme noise being produced.
5. Emily, Avenue 64 Apartments, spoke regarding the noise created by construction in addition to the noise already present with the freeway and railroad.
6. Lauren Munoz, Artistry resident, opposed the waiver, citing traffic obstruction along with the noise problem.
7. Janelle, Artistry, stated that a flyer that went out to residents from AvalonBay was unclear.
8. Peter, Bridgewater resident, opposed the waiver being approved, stating that weekends were the only time residents could relax due to existing weekday construction noise.

PUBLIC HEARING CLOSED: 8:46 PM

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to deny 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

12. ACTION ITEMS

- 12.1. [ID-2018-242](#) Resolution Of The City Council Of The City Of Emeryville Approving Façade Improvement Grant Awards And Authorizing The City Manager To Execute Façade Improvement Grant Contracts With The Grant Awardees. (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Façade Grant Applications Scoring Sheet](#)
[Exhibit B - Façade Improvement Grant Program Contract Template](#)
[APPROVED Resolution No. 18-44](#)

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

A motion was made by Council Member Patz, seconded by Council Member Martinez, 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: 18-44

- 12.2. [ID-2018-252](#) Direction On Investment Policy For The Pension Trust. (Susan Hsieh)

Resolution Of The City Council Of The City Of Emeryville Adopting The Public Agencies Post-Employment Benefits Trust Administered By Public Agency Retirement Services (PARS) For Pre-Funding Pension Liabilities (Program), Appointing the City Manager as the Plan's Administrator for the Program, and Authorizing the City Manager as the Plan Administrator for the Program to Execute the PARS Agreement And Other Administrative Documents And To Take Other Additional Actions

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Agreement for Administrative Services](#)
[Investment Portfolios](#)
[Draft Investment Guidelines Document](#)
[APPROVED Resolution No. 18-45](#)

Finance Manager Susan Hsieh gave the staff presentation and was

joined by Dennis Yu, PARS, and Randall Yurchak from HighMark to respond to Council questions.

A motion was made by Mayor Bauters, 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: 18-45

13. DEPARTMENT HEAD REPORTS

Acting Public Works Director reported on ADA access to the Civic Center, stating that the issue with the lower level doors had been resolved.

- 13.1. [ID-2018-236](#) Planning Director's report on Planning Commission actions at the April 26, 2018 meeting:

(a) Tanium Signs - Public hearing to consider approval of a Major Sign Permit for two high-rise identification signs at 2100 Powell Street.*

(b) AT&T Small Cell Wireless Facility, Adjacent to 1411 Powell Street - Public hearing to consider approval of a Major Conditional Use Permit and Design Review Permit for a proposed small cell wireless facility on an existing street light pole in the public right-of-way near the southeast corner of Powell and Peladeau Streets.*

(c) East Bay Therapeutics Cannabis Retail Dispensary - Public hearing to consider approval of a Major Conditional Use Permit to allow a Cannabis Sales use at 5745 Peladeau Street, including retail sale of cannabis products and on-site pick up and home delivery.*

(d) Parking Management Plan - Study session on Emeryville Parking Management Implementation Plan for on-street parking throughout the city, including parking meters (short-term, mid-term, and long-term) on many streets and parking permit areas for residents and employees.

* Item subject to "call for review" (i.e. appeal) by motion of the City Council pursuant to Section 9-7.1406 of the Planning Regulations.

The packet for the April 26, 2018 Planning Commission meeting can be viewed online at <<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>>

Director Bryant gave the report, and Council discussed whether or not to appeal the Tanium Major Sign Permit for two high-rise identification signs at 2100 Powell Street. At length, they decided to accept the Planning Commission's decision.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Martinez requested that traffic calming in the Emeryville Triangle be addressed either by the Public Works/Transportation Committee or by the City Council. She did not receive majority support to do so at this time.

15. ADJOURNMENT

The meeting adjourned at 9:44 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