



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

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, September 4, 2018

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:23. Mayor Bauters participated via teleconferencing from his location as noticed on the published meeting agenda.

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 Vice Mayor Medina, 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

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the upcoming deadline to apply for advisory body vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Vice Mayor Medina announced that she had attended the Biz Nexus hosted by the Economic Development Advisory Committee, and that it had been well attended and enjoyable.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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 Vice Mayor Medina, seconded by Council Member Donahue, 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-2018-481](#) 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-2018-468](#) Action Minutes of the July 24, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Draft Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2018-471](#) Action Minutes of the July 24, 2018 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Draft Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2018-472](#) Action Minutes of the August 3, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Draft Action Minutes](#)

A motion was made to approve the Minutes.

10.5. [ID-2018-473](#) Action Minutes of the August 3, 2018, Emeryville City Council /

Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Draft Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6.** [ID-2018-467](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2018 Amendment Of The City Of Emeryville Conflict Of Interest Code. (Sheri Hartz)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Appendix A](#)

[Appendix B](#)

[Appendix C](#)

[Form 804.pdf](#)

[APPROVED Resolution 18-116](#)

A motion was made to approve this Resolution.

Enactment No: 18-116

- 10.7.** [ID-2018-465](#) Resolution Of The City Council Of The City Of Emeryville Endorsing the Diesel Free By '33 Statement of Purpose. (Mayor Bauters)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution 18-117](#)

A motion was made to approve this Resolution.

Enactment No: 18-117

- 10.8.** [ID-2018-303](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Joint Exercise Of Powers Agreement (JPA) And All Other Implementing Agreements Of The Collection System Technical Advisory Committee (CSTAC). (Andrew Clough / Keely Nelson)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Joint Powers Agreement](#)

[Side Agreement](#)

[APPROVED Resolution 18-118](#)

A motion was made to approve this Resolution.

Enactment No: 18-118

- 10.9.** [ID-2018-474](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Emeryville Greenway (Powell To Stanford) Project, EPW 102-16, CIP No. 16475029, As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Andrew Clough / Michael Roberts)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution 18-119](#)

A motion was made to approve this Resolution.

Enactment No: 18-119

11. PUBLIC HEARINGS

There were no Public Hearings listed.

12. ACTION ITEMS

- 12.1.** [ID-2018-459](#) Resolution Of The City Council Of The City Of Emeryville Approving An Agreement Of Employment Between The Management Of Emeryville Services Authority (MESA) And Christine S. Daniel As City Manager And Authorizing The Chair Of The Board Of Directors To Execute Said First Amendment On Behalf Of MESA. (Lisa Lopez)
(In Conjunction with Management of Emeryville Services Authority Agenda Item 7.1)

Attachments: [Staff Report](#)

[Draft MESA Resolution](#)

[Draft City Council Resolution](#)

[Contract](#)

[APPROVED Resolution 18-120](#)

Director Lopez announced that this was the companion item to the previously considered MESA Board item, and no additional presentation was requested.

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve this Resolution, amended to reflect a September 24, 2018 start date for new City Manager Christine Daniel. 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: 18-120

- 12.2.** [ID-2018-461](#) Smoking Pollution Control Ordinance; (Michael Guina / Andrea

Visveshwara)

Attachments: [Staff Report](#)

Assistant City Attorney Andrea Visveshwara opened the item for Council discussion. Council Member Patz requested additional language be added to the ordinance.

PUBLIC COMMENT

1. Mary Eileen Farrell spoke in support of adopting the ordinance, stating that smoking was a major problem at her condominium complex.
2. Tamiko Johnson, Alameda County Public Health, asked for an explanation of the language and what it would mean to the ordinance.

12.2.1 [ID-2018-477](#)

Attachments: [Draft Ordinance](#)

A motion was made by Council Member Patz, seconded by Council Member Donahue, to amend the Ordinance language in a new first reading.

A substitute motion was made by Mayor Bauters, seconded by Council Member Martinez, to approve this Ordinance as presented, with no changes. The motion failed by the following vote:

Ayes: 2 - Mayor Bauters, and Council Member Martinez

Noes: 3 - Vice Mayor Medina, Council Member Donahue, and Council Member Patz

A vote was taken on the motion previously made by Council Member Patz to approve the first reading and introduction of this Ordinance as amended. The motion carried by the following vote:

Ayes: 3 - Vice Mayor Medina, Council Member Donahue, and Council Member Patz

Noes: 2 - Mayor Bauters, and Council Member Martinez

12.2.2 [ID-2018-476](#)

Attachments: [Draft Resolution](#)
[Proposed MOU](#)

No action was taken on the Resolution associated with this Item.

12.3. [ID-2018-455](#)

Consideration Of League Of California Cities Annual Conference Resolutions Packet (Sheri Hartz)

Attachments: [Staff Report](#)
[2018 Annual Conference Resolution Packet](#)

Vice Mayor Medina gave a brief introduction on the two League resolutions under consideration, and opened up the Council discussion.

A motion was made by Vice Mayor Medina, seconded by Council Member Patz, to approve opposition of Resolution #1 in the League of California Cities packet. The motion carried by the following vote:

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

[ID-2018-455](#) Consideration Of League Of California Cities Annual Conference Resolutions Packet (Sheri Hartz)

Attachments: [Staff Report](#)

[2018 Annual Conference Resolution Packet](#)

A motion was made by Vice Mayor Medina, seconded by Council Member Patz, to approve supporting Resolution #2 in concept, but opposing it as written and recommending lobbying for legislative change. 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

13.1. [ID-2018-458](#) Planning Director's report on Planning Commission actions at the August 23, 2018 meeting:

- (a) Swearing in of new Commissioners Jonathan Hidalgo and C. Tito Young.
- (b) Election of Officers.
- (c) 40th and San Pablo Bus Hub Draft Concept Options. Study session to comment on draft concept options for a re-design of 40th Street and part of San Pablo Avenue to improve conditions for bus riders, bicyclists, and pedestrians, while accommodating motor vehicles.*

* A City Council study session on this item is scheduled for Tuesday, October 16, 2018 beginning at 6:00 p.m.

The packet for the August 23, 2018 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Public Works Director Andrew Clough reminded the public about the upcoming paving project work and potential traffic impacts.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Donahue requested and received majority support to add an item to discuss growing trees on City-owned properties to capture greenhouse gas emissions. The matter was forwarded for discussion by the Sustainability Committee at an upcoming meeting.

Mayor Bauters requested and received majority support that an item to be added to a future agenda in late fall, for the Council to review the benefits of being a League of Cities member, and to discuss the role and nature of the League in relation to the City of Emeryville. He also requested that a resolution for United Against Hate be adopted at the Council's first October meeting, in advance of its weeklong November event .

Vice Mayor Medina requested and received support for the City to consider joining the City Possible program, and will send the information to staff so the discussion can be added to a future agenda.

15. ADJOURNMENT

The meeting was adjourned at 8:02 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, Secretary