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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, October 16, 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 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

There was no report given.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Mayor Bauters announced that the Oakland Ballet would be performing portions of their Luna Mexicana show live at the Senior Center, and will offer lessons and answer questions, and that the performance would also be offered at Emery Unified School.

7. CITY MANAGER'S REPORT

City Manager Daniel announced the City's upcoming Harvest Festival to be held at ECCL.

8. EX PARTE COMMUNICATIONS

Each of the Council Members reported having had public communication on Item 12.2. Additionally, Vice Mayor Medina reported contact on Items 10.4, 12.4, and 12.5. Councilmember Patz reported a contact regarding Item 10.4 and Mayor Bauters also had contact on Items 12.3 and 12.4.

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

1. Ron Silverman spoke regarding the upcoming Parking Management Plan to be discussed at the October 30, 2018 meeting.
2. Sharon Wilchar reported on the annual celebration of the arts exhibition and invited attendance.
3. Andre Carpiaux spoke about the treatment of homeless persons and announced that he intended to run for City Council as a write-in candidate.

10. CONSENT ITEMS

Mayor announced that he would recuse from 10.5 and 10.6 due to the proximity of his residence to the project.

Approval of the Consent Agenda

A motion was made by Mayor Bauters, seconded by Vice Mayor Medina, to approve Consent Agenda Items 10.1 through 10.4. The motion carried by the following vote:

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

10.1. [ID-2018-544](#) 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-2018-536](#) Action Minutes of the October 2, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2018-538](#) Action Minutes of the October 2, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2018-571](#) Resolution Of The City Council Of The City Of Emeryville Setting A Public Hearing Date Of November 13, 2018 For An Appeal Of The Planning Commission's September 27, 2018 Approval Of A Major Conditional Use Permit For A Temporary Surface Parking Lot On Marketplace Parcel B At 6000 Shellmound Street (APN: 49-1556-16) (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[ADOPTED Resolution No. 18-145](#)

A motion was made to approve this Resolution.

Enactment No: Reso 18-145

Approval of the Consent Agenda

A motion was made by Council Member Martinez, seconded by Council Member Patz, to approve Consent Agenda Items 10.5 and 10.6. The motion carried by the following vote:

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

Recused: 1 - Mayor Bauters

- 10.5.** [ID-2018-534](#) Resolution Of The City Council Of The City Of Emeryville Approving The Form Of The Affordable Housing Agreement Between SWACE LLC And The City Of Emeryville; And Authorizing The City Manager To Execute Multiple Agreements Based On The Form Agreement For The Incorporation Of 85 Below Market Rate Units In The Sherwin Williams Project, Including 35 Units For Moderate Income Households, 30 Units For Low Income Households, And 20 Units For Very Low Income Households, To Be Dispersed Throughout Lots 2-5 Created By Vesting Tentative Map 8357 Approved By The Emeryville Planning Commission By CPC Resolution No. SUBDIV16-002 On May 25, 2017 (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Form of Sherwin Williams Affordable Housing Agreement.pdf](#)

[ADOPTED Resolution No. 18-146](#)

A motion was made to approve this Resolution.

Enactment No: 18-146

- 10.6.** [ID-2018-543](#) Resolution of the City Council of the City of Emeryville Authorizing the City Manager to Execute the Sherwin Williams Operations and Maintenance Agreement And Obligation Regarding Master Association ("O&M Agreement"), and Authorizing the City Manager and the Public Works Director to Take Action as Contemplated by the O&M Agreement. (Andrew Clough / Michael Guina / Andrea Visveshwara)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[O and M Agreement](#)

[ADOPTED Resolution No. 18-147](#)

A motion was made to approve this Resolution.

Enactment No: Reso 18-147

11. PUBLIC HEARINGS

There were no Public Hearings listed.

12. ACTION ITEMS

- 12.1.** [ID-2018-540](#) Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of Art Work For The City's Annual Purchase Award Program Entitled "*Silhouette*" By Emeryville Artist Sara Paloma With Funding Of Up To \$9,400 From The Public Art Fund (Fund 243) For The Purchase And Installation Of The Art Work (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Attachment 1 - Artist Biographies](#)

[Attachment 2 - Art Work Images](#)

[ADOPTED Resolution No. 18-148](#)

Community and Economic Development Coordinator Amber Evans gave the staff report and responded to Council questions.

A motion was made by Council Member Donahue, seconded by Council Member Martinez, to approve this Resolution. The motion carried by the following vote:

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

Noes: 1 - Council Member Patz

Enactment No: Reso 18-148

- 12.2. [ID-2018-539](#) Consideration Of Park and Recreation Committee Recommendation For Request To Increase CIP Funding To Davenport Park Rehabilitation from \$25,000 Rehabilitation For Improvements to \$150,000 For A New Playground And Park Equipment, Fencing, Safety Fall Material and Site Preparation. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Davenport Park Proposals](#)
[Late Correspondence - Betsy Cooley](#)

Community Services Director Pedro Jimenez gave the staff report and responded to Council questions.

PUBLIC COMMENT

1. Mary Farrell spoke in support of the park improvements.
2. Patty Weber spoke on behalf of the Watergate families group, in support of the improvements being made to the park, stating it will benefit many families.
3. Becky Orby also spoke in support of improving the park, stating that a lot of families would benefit from having safe, outdoor space.

A motion was made by Council Member Patz, seconded by Council Member Martinez, to accept the Park and Recreation Committee Recommendation. 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-2018-533](#) Consideration of 40th and San Pablo Bus Hub Concept Options (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)
[Attachment 1 - Summary of Survey and Workshop Responses](#)
[Attachment 2 - Initial Range of Design Concepts Memorandum](#)

Associate Planner Diana Keena gave the staff report and introduced Thomas Kronemeyer, from CD+A and Rob Reese, Fehr and Peers, the City's consultants on the project along with Arup Engineering.

PUBLIC COMMENT

1. Mary Farrell stated that she had safety concerns related to seniors being able to cross the roadway as some of the options would widen it.

The Council gave direction to staff on the various options presented.

- 12.4. [ID-2018-557](#) Discussion of E-Scooter Regulations and Dockless Bike-Share

Bicycles. (Vice Mayor Medina)

Attachments: [Staff Report](#)

[Attachment A - E-Scooter Research/Summary](#)

[Attachment B - E- Scooter CA Laws](#)

Public Works Director Andrew Clough gave a brief presentation and responded to Council questions.

Megan Colford, speaking on behalf of Lime, stated that they supported usage based caps and consistent hardware, and already had conducted community outreach.

The Council discussed and gave direction to staff to return with more information at a future meeting.

- 12.5.** [ID-2018-541](#) Council Discussion On Whether To Take Future Action To Join The City Possible Network By Signing A Memorandum Of Understanding ("MOU") With Mastercard. (Vice Mayor Medina)

Attachments: [Staff Report](#)

[Invitation to Join City Possible](#)

[Draft MOU](#)

City Manager Daniel introduced the item before turning it over the Vice Mayor Medina, who had requested that it be agendaized. Eli Brill, Mastercard Enterprise Partner Relationship, gave a presentation on the program.

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve having staff return at a future meeting after having examined the proposal related to staff capacity and resources, and with a recommendation. 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

Council Member Martinez requested that the implications of Senate Bill 1383, which required that organics recycling be implemented in 2022, be brought forward in conjunction with the upcoming waste hauler contract in July of 2019.

Mayor Bauters requested that an item be scheduled for the Planning Commission to discuss a potential of revisiting the unit mix in the

Planning Guidelines for buildings of seven stories or more.

15. ADJOURNMENT

The meeting adjourned at 9:54 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