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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Mayor Ally Medina
Vice Mayor Christian R. Patz
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Dianne Martinez

Tuesday, January 15, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:41 p.m.

2. ROLL CALL

Present: 5 - Mayor Ally Medina
Vice Mayor Christian R. Patz
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Dianne Martinez

3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Patz, seconded by Council Member Bauters, to approve the Final Agenda, and moving Item 11.3 to the start of the Public Hearing calendar. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced upcoming agenda items related to the City's Community Advisory Bodies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez reported that, at its recent meeting, Stopwaste had gone through its priorities and was starting to talk about legislative solutions to the issue of meal kit packaging. Mayor Medina reported on her attendance of the Mayor Schaaf inaugural

celebration. Vice Mayor Patz reported on his attendance of the Housing Authority meeting, stating that a troubling trend was emerging regarding the federal government enacting a 10% reduction in housing vouchers, adding additional pressure to the system.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Council Member Martinez disclosed having met with Elizabeth Jewel and Darren Chan to discuss small cell towers. Council Member Bauters disclosed written communications received regarding Item 11.3, and additionally stated he had met with representatives of various companies to discuss Item 12.3. The remaining Council also disclosed the written communications on 11.3.

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 Bauters, seconded by Council Member Martinez, to approve the Consent Agenda, with Item 10.6 being pulled for separate consideration. The motion carried by the following vote:

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

10.1. [ID-2018-720](#) Warrants. (Susan Hsieh)

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

A motion was made to approve this Informational Item.

10.2. [ID-2018-700](#) Action Minutes of the December 10, 2018 Emeryville City Council Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2018-702](#) Action Minutes of the December 10, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2018-718](#) Action Minutes of the December 18, 2018, Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2018-719](#) Action Minutes of the December 18, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6.** [ID-2018-699](#) Consideration Of Transportation Committee Recommendation For Request For Approval Of Red Zone Across From 4045 Horton Street. (Andrew Clough / Daraja Wagner)

Attachments: [Staff Report](#)

[Exhibit A - Red Curb Request on Horton Street](#)

Council Member Bauters requested consideration to continue the item to February to ask staff to answer several questions and provide suitable alternatives to the current recommendation, unless staff was prepared to respond right away. Council Member Bauters listed his questions, and Public Works Director Clough stated he could answer some but not others. Council Member Bauters made a motion that the matter be discussed at an upcoming Transportation/Public Works committee meeting.

A motion was made by Council Member Bauters, seconded by Council Member Martinez, to continue this matter for consideration at the Transportation/Public Works Committee joint meeting. The motion carried by the following vote:

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

- 10.7.** [ID-2018-683](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment #1 To Contract #CSPP-8008 With The State Department Of Education, Office Of Child Development, For Fiscal Year 2018-2019 To Increase The Maximum Reimbursable Amount From \$170,230 To \$179,627; And Appropriate Said Funds When Received To Account 230-53600. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract Amendment 1: CSPP-8008-01](#)
[APPROVED Resolution CSPP-8008](#)
[APPROVED Resolution No. 19-01](#)

A motion was made to approve this Resolution.

Enactment No: Resolution 19-01

- 10.8.** [ID-2018-715](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager to Enter Into A Memorandum Of Understanding With The Emery Unified School District To Provide After School Education And Safety Programs Funded Through The California State Department Of Education, Proposition 49, For The Academic School Year 2018/2019 In The Amount Of Seventy Five Thousand Dollars (\$75,000), And For The Academic School Year 2019/2020 In The Amount Of Seventy Five Thousand Dollars (\$75,000). (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - Memorandum of Understanding](#)
[APPROVED Resolution No. 19-02](#)

A motion was made to approve this Resolution.

Enactment No: Resolution 19-02

- 10.9.** [ID-2018-698](#) Resolution Of The City Council Of The City Of Emeryville Ratifying the City Manager's Execution of a Memorandum of Understanding Between the City of Emeryville and First 5 of Alameda County to Implement the Quality Counts Program for the Emeryville Child Development Center. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[First 5 Memorandum of Understanding](#)
[APPROVED Resolution No. 19-03](#)

A motion was made to approve this Resolution.

Enactment No: Resolution 19-03

- 10.10.** [ID-2018-696](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Placeworks Inc. To Provide Assistance To The City's Affordable Homeownership And Rental Programs For A

Total Contract Amount Not-To-Exceed \$89,350 For The Period January 16, 2019 To June 30, 2019 And Appropriating \$30,000 From The Affordable Housing Fund (Fund 299) To The Fiscal Year 2018-19 Professional Services Budget (Account 299-80050). (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract with Placeworks Inc.](#)

[APPROVED Resolution No. 19-04](#)

A motion was made to approve this Resolution.

Enactment No: Resolution 19-04

11. PUBLIC HEARINGS

- 11.1. [ID-2018-705](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To The Public Market AG-CCRP L.P. For Calendar Year 2019. (Jennifer Tejada)

Attachments: [Staff Report](#)

[2019 Cabaret Permit Application \(Redacted\)](#)

[Draft Resolution](#)

[Exhibit A - Conditions of Approval](#)

[APPROVED Resolution No. 19-05](#)

The Council waived the staff presentation.

PUBLIC HEARING OPEN: 8:12 p.m.

There was no public testimony.

PUBLIC HEARING CLOSED: 8:12 p.m.

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

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

Enactment No: Resolution 19-05

- 11.2. [ID-2018-685](#) Resolution Of The City Council Of The City Of Emeryville Granting A One Year Extension Of The Approval Of A Conditional Use Permit And Design Review Permit For "Doyle Street Mews," Involving Demolition of Four Existing Legal Residential Units And Two Existing Illegal Residential Units And Their Replacement With Six New

Residential Units At 5876 And 5880 Doyle Street (APNs: 49-1330-12 And -13) (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15303(b) and 15061(b)(3)) (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Extension Request Letters](#)
[APPROVED Resolution No. 19-06](#)

Assistant Planner Navarre Oaks gave the staff presentation and responded to Council questions.

Applicant Dan Sang stated he was available for questions, and that he was requesting an extension.

PUBLIC HEARING OPEN: 8:17 p.m.

Andre Carpiaux spoke in opposition to the project, stating that there was no provision for recycling of the demolished materials.

PUBLIC HEARING CLOSED: 8:20 p.m.

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

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

Enactment No: Resolution 19-06

- 11.3.** [ID-2018-686](#) Wireless Telecommunications Facilities Regulations Amendments (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15311, 15303, and 15061(b)(3)) (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Late Correspondence - Verizon Wireless \(1\)](#)
[Late Correspondence - Miroo Desai](#)
[Late Correspondence - AT&T External Affairs](#)
[Late Correspondence - Verizon Wireless \(2\)](#)
[Late Correspondence - Michael Guina](#)

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

Assistant City Attorney Andrea Visveshwara provided additional clarification

PUBLIC HEARING OPEN: 7:51 p.m.

1. Paul Gimelberg, Verizon Wireless, stated that the new legislation does not apply to small cells.
2. Matt Yergovich, AT&T Mobility, stated that the matter should not be enacted today, and provided history on the September SEC order, stating that the new deadline was in April.
3. Gail Parrish, special telecommunications counsel, stated that only the aesthetic standards portion of the deadline had been changed.

PUBLIC HEARING CLOSED: 8:08 p.m.

- 11.3.1** [ID-2018-687](#) Urgency Ordinance Of The City Council Of The City Of Emeryville Amending Article 17 Of Chapter 5 Of The Planning Regulations And Other Associated Provisions Of The Planning Regulations To Make Approvals Of Wireless Communications Facilities Subject To The Zoning Compliance Review Process

Attachments: [Draft Urgency Ordinance](#)
[APPROVED Ordinance No. 19-001](#)

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to read the Urgency Ordinance by title only. The motion carried by the following vote:

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

Enactment No: Ordinance No. 19-001

A motion was made by Council Member Bauters, seconded by Council Member Martinez, to adopt this Urgency Ordinance as amended. The motion carried by the following vote:

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

Enactment No: Ordinance No. 19-001

- 11.3.2** [ID-2018-688](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Article 17 Of Chapter 5 Of The Planning Regulations And Other Associated Provisions Of The Planning Regulations To Make Approvals Of Wireless Communications Facilities Subject To The Zoning Compliance Review Process

Attachments: [Draft Ordinance](#)

A motion was made by Council Member Bauters, seconded by Council Member Martinez, to read the Ordinance by title only. The motion carried by the following vote:

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

A motion was made by Council Member Bauters, seconded by Council Member Martinez, to approve first reading and introduction of this Ordinance. The motion carried by the following vote:

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

- 11.3.3** [ID-2018-689](#) Resolution Of The City Council Of The City Of Emeryville Amending the City of Emeryville Master Fee Schedule For Fiscal Year 2018-2019 Effective On January 16, 2019

Attachments: [Draft Resolution](#)

[Exhibit A - Master Fee Schedule Amendment](#)

[APPROVED Resolution No. 19-07](#)

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

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

Enactment No: Resolution 19-07

12. ACTION ITEMS

- 12.1.** [ID-2019-001](#) South Bayfront Pedestrian-Bicycle Bridge and Horton Landing Park. (Michael A. Guina / Andrew Clough)

Attachments: [Staff Report](#)

Public Works Director Clough gave the staff presentation and responded to Council questions.

- 12.1.1** [ID-2018-706](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Execute, Enter Into And Implement The Pedestrian Overpass Crossing Agreement By And Between The City Of Emeryville And Union Pacific Railroad Company For The South Bayfront Pedestrian And Bicycle Bridge Project, EPW 17-112, Cip No. 16475006, Including Approval Of Compensation Of \$223,492 For The Permanent Aerial Easement And \$235,365 For Temporary License Area. (Andrew Clough)

Attachments: [Draft Resolution](#)

[Exhibit A - Agreement with Union Pacific Railroad Company with Exhibits](#)

[APPROVED Resolution No. 19-08](#)

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

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

Enactment No: Resolution 19-08

- 12.1.2** [ID-2018-707](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of The South Bayfront Pedestrian And Bicycle Bridge Project And Horton Landing Park Project, Project No. EPW 17-112, Incorporating CIP Nos. 16475006 And 17237003 And Authorizing The Public Works Director To Bid The Project To The List Of Pre-Qualified Contractors. (Andrew Clough)

Attachments: [Draft Resolution](#)

[Overview Plan South Bayfront Bridge](#)

[APPROVED Resolution No. 19-09](#)

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

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

Enactment No: Resolution 19-09

- 12.2.** [ID-2018-691](#) Request For Qualifications And Proposals (RFQ/P) For The Design And Development Of An Affordable Housing Project At 4300 San Pablo Avenue. (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)

Housing Coordinator Catherine Firpo gave the staff presentation and responded to Council questions. Council Member Bauters asked that issuing the RFP/RFQ be delayed to allow time to further research the concept of intergenerational housing, and received Council support to refer it to the Housing Committee and Commission on Aging.

- 12.3.** [ID-2018-722](#) Consideration of Amendments to Chapter 28 of Title 5 of the Emeryville Municipal Code, "Cannabis". (Michael A. Guina)

Attachments: [Staff Report](#)

City Attorney Guina stated that Council Member Bauters had requested the item for Council discussion.

PUBLIC COMMENT

Nasser Azimi, East Bay Therapeutics, spoke in favor of amending the Municipal Code as suggested.

Council discussion ensued, and direction was provided to bring the amendment back as an item on a future agenda.

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Martinez requested a review of the Development Bonus system to make sure it was in line with the Council's priorities. Council Member Bauters requested a review of parking minimums, and whether they should be eliminated for new development. Mayor Medina requested a future study session on parks and the City's progress on fulfilling the General Plan goals.

15. ADJOURNMENT

The meeting adjourned at 8:54 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