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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

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Tuesday, February 5, 2019

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 8:28 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 Council Member Bauters, seconded by Council Member Martinez, to approve the Final Agenda. 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

- 4.1. [ID-2018-695](#) Presentation: Alameda County Mosquito Abatement District Biannual Report.

Attachments: [Mosquito Abatement Presentation](#)

Ryan Clausnitzer, Mosquito Abatement District General Manager, gave the presentation and responded to Council Member questions.

#### 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced two unexpected vacancies on the Commission on Aging, and provided the timeline for applying and interviewing.

**6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING  
ATTENDANCE**

Council Member Martinez reported on the East Bay Community Energy meeting, where the PG&E bankruptcy filing was discussed, and it was reported that CCAs will not be included in the bankruptcy filing.

Council Member Bauters reported on the recent ACTC meeting, where members provided a first briefing on the San Pablo corridor redesign, for which the core funding will be provided by recently passed Regional Measure 3. He said there would be a number of public meetings, including one in Emeryville. He also reported that the Air District Board was looking into sponsoring legislation to fund clean air centers for vulnerable populations during wildfires, and to retrofit existing centers such as schools, senior centers.

**7. CITY MANAGER'S REPORT**

There was no report given.

**8. EX PARTE COMMUNICATIONS**

Council Member Bauters disclosed a communication with a representative from the Audubon Society regarding Item 12.1.

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

1. A speaker stated that, regarding the study session discussion, the Council was catering to a developer.

2. Betsy Cooley spoke regarding the study session topic, stating that there are currently many families living in her community of Watergate.

**10. CONSENT ITEMS**

***Approval of the Consent Agenda***

**A motion was made by Council Member Bauters, seconded by Council Member Donahue, to approve the Consent Agenda. 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-2019-029](#)** Warrants. (Susan Hsieh)

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

**A motion was made to accept this Informational Report.**

- 10.2. [ID-2019-026](#) Action Minutes of the January 15, 2019 Emeryville City Council/Successor Agency/MESA Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.3. [ID-2019-028](#) Action Minutes of the January 15, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.4. [ID-2019-031](#) Consideration of 2nd Quarter Fiscal Year 2018-19 Financial Update (Susan Hsieh)

Attachments: [Staff Report](#)

**A motion was made to accept this Informational Report.**

- 10.5. [ID-2019-014](#) Resolution Of The City Council Of The City of Emeryville To Approve The \$4,499.29 Grant Funds Awarded By The California Department Of Justice (DOJ) AB 3118 Sexual Assault Evidence Grant, For Overtime Related To Cataloging And Reporting Of Sexual Assault Evidence Kits To DOJ. (Capt. Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Grant Application](#)

[Award Letter](#)

[Memorandum of Understanding](#)

[APPROVED Resolution No. 19-11](#)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-11

- 10.6. [ID-2018-697](#) Resolution Of The City Council Of The City Of Emeryville Authoring The City Manager To Enter Into Merchant Processing Three Year Agreement With First Data Marketplace And Authorize.net In An Amount Not To Exceed \$60,000 Per Fiscal Year 2018-19, 2019-20, And 2020-2021 For Merchant Services For The Community Services Department. (Pedro Jimenez)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Agreement: First Data Marketplace](#)

[Agreement: Authorize.Net Gateway](#)

[APPROVED Resolution No. 19-12](#)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-12

- 10.7.**    [ID-2018-684](#)    Resolution Of The City Council Of The City Of Emeryville Amending Council Policy 001 For Naming/Dedication Of City Facilities. (Pedro Jimenez)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Proposed Amended Council Policy 001 \(Redlined Version\)](#)

[Proposed Amended Council Policy 001 \(Clean Version\)](#)

[APPROVED Resolution No. 19-13](#)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-13

- 10.8.**    [ID-2019-008](#)    Second 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 (Charles S. Bryant / Miroo Desai)

**Attachments:** [Staff Report](#)

[Staff Report from January 15, 2019 City Council Meeting](#)

[Draft Ordinance](#)

[APPROVED Ordinance No. 19-002](#)

**A motion was made to approve the second reading and adoption of the Ordinance.**

Enactment No: Ordinance No. 19-002

## **11. PUBLIC HEARINGS**

There were no Public Hearings listed.

## **12. ACTION ITEMS**

- 12.1.**    [ID-2018-692](#)    Direction On Development Of Bird-Safe Building Standards (Charles S. Bryant)

**Attachments:** [Staff Report](#)

Director Bryant gave a brief staff report and responded to Council Member questions. The City Council directed staff to bring the matter before the Planning Commission for its recommendation on options to proceed.

- 12.2.** [ID-2019-005](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedules Of The Public Works Committee And The Transportation Committee To Meet Jointly on The Second Thursday Of Every Month At 9:00 AM; And Amending The FY2018-19 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

**Attachments:** [Staff Report](#)[Draft Resolution](#)[Proposed Committee Changes](#)[APPROVED Resolution No. 19-14](#)

Staff presentation was waived.

**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 No. 19-14

- 12.3.** [ID-2019-012](#) Resolution Of The City Council Of The City Of Emeryville Amending The Membership Composition And The Regular Meeting Schedule Of The Housing Committee; And Amending The FY2018-19 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

**Attachments:** [Staff Report](#)[Draft Resolution](#)[Draft Roster](#)[APPROVED Resolution No. 19-15](#)

Staff presentation was waived.

**PUBLIC COMMENT**

Ryan Greenberg, Housing Committee member, spoke in favor of monthly meetings.

**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 No. 19-15

### 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2019-009](#) Planning Director's report on Planning Commission actions at the January 24, 2019 meeting:

- (a) Marketplace Redevelopment Project, "Parcel B". Consideration of a new Final Development Plan (FDP) for "Parcel B" of the Marketplace Redevelopment Project Planned Unit Development to replace the FDP that was approved by the Planning Commission on June 23, 2016. The previously approved FDP included 26,000 square feet of retail space and 300 parking spaces. The proposed FDP includes 14,000 square feet of retail space, 150,000 square feet of office/lab space, and 565 parking spaces.\*

\* 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 January 24, 2019 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

### 14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Mayor Medina requested and received majority support to add a review of upcoming legislation to the March 5th agenda.

### 15. ADJOURNMENT

The meeting adjourned at 9:05 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