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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, February 19, 2019

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 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 Vice Mayor Patz, 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

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

Council Member Martinez announced that Amazon's new delivery pouches were recyclable and added that the website recycleware.org provided information on how to recycle unusual items.

Vice Mayor Patz reported that the HACA meeting had been cancelled and stated that his thoughts were with Oakland teachers on their

impending strike.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Mayor Medina reported that she had met with representatives from Lime and Skip regarding e-scooters; Council Member Martinez stated she had received emails from those same companies; Council Member Donahue stated he had received a phone call from Lime; Council Member Bauters reported that he had received the emails that were already in the public record, and several from residents and HOAs on the parking item, and Vice Mayor Patz stated he had received the same contacts.

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

Andre Carpiaux spoke about the Closed Session topic, stating it should have been discussed in public, and commented on Item 12.3, stating that libraries were outdated and did not have enough resources for everyone's use.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Martinez, seconded by Vice Mayor Patz, to approve the Consent Agenda, with Item 10.3 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-2019-050](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

10.2. [ID-2019-040](#) Action Minutes of the January 29, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2018-690](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional

Services Contract With Urban Planning Partners, Inc. For A Total Amount Not To Exceed \$626,276 For Preparation Of An Environmental Impact Report For The Onni Christie Mixed-Use Project At 5801-5861 Christie Avenue. (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Attachment 1 - Statements of Qualifications](#)

[Draft Resolution](#)

[Professional Services Contract](#)

[APPROVED Resolution No. 19-16](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-16

- 10.5.** [ID-2019-036](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Contract Amendment To The Professional Services Agreement With Community Design + Architecture, For An Additional Amount Not To Exceed \$77,384 For The 40th And San Pablo Transit Hub Concept Design, For A Total Contract Amount Not To Exceed \$253,654 And Appropriating An Additional \$77,384 From the General Plan Maintenance Fund Balance (Fund 225) To Account 80050, Professional Services, In The Fund 225 General Plan Maintenance Budget. (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Contract Amendment](#)

[APPROVED Resolution No. 19-17](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-17

- 10.6.** [ID-2019-039](#) Resolution Of The City Council Of The City of Emeryville Appropriating Four Thousand Five Hundred Dollars (\$4,500) From The Measure BB Bicycle/Pedestrian Fund 264 For 2019 Bike To Work Day (BTWD) Activities And Purchases. (Andrew Clough / Marcy Greenhut)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 19-18](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-18

- 10.3. [ID-2019-044](#) Request For Approval Of Out of State Travel By A Council Member. (Sheri Hartz)

Attachments: [Staff Report](#)

This item was pulled for separate consideration.

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve this Other Item. 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. PUBLIC HEARINGS

- 11.1. [ID-2019-037](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To EAH Housing And J.H. Fitzmaurice, Inc. For Saturday Work From February 23, 2019 Through August 10, 2019 Between The Hours Of 9:00 A.M. And 5:00 P.M. For Work With Hand Tools And Mixers For Paint, Texture, And Stucco At 3706 San Pablo Avenue (APN: 49-951-8 and -9) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Applicant Request Letter](#)

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

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

The applicant team, comprised of Ethan Daniels, EAH Housing, and Kyan Hakimi and John Dominguez, J.H. Fitzmaurice, were also present for questions and to outline the reasons for the waiver request.

PUBLIC HEARING OPEN: 7:28 p.m.

1. Naomi Mazy, a nearby resident, spoke in opposition to the noise waiver being granted, and added that the fumes created by the project were a problem, not only the noise, and affected her health. She also provided a letter from her housemate, Thomas E. Smith, to enter into the record.

2. Bettie Marquis DeShay, a nearby resident, spoke in opposition to the noise waiver being granted, stating that an additional day per week of construction noise would be too much of a burden, and cited health concerns of her family members.

3. Andre Carpiaux stated that the claims of the speakers were exaggerated.

The applicant team noted that the project was registered LEED Platinum, and stated that no chemicals were being emitted. They offered to redirect construction vehicle traffic on Saturdays to mitigate any fumes generated by entering and leaving the site. Regarding the second speaker, it was stated that anyone with damages from the previous stucco applications would be reimbursed.

John Dominguez, the Project Superintendent, stated that there was no painting occurring at this time, and reiterated that they have an open door policy to accept complaints.

PUBLIC HEARING CLOSED: 7:38 p.m.

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve this Resolution as amended to redirect construction parking to W. McArthur during Saturday work, not allowing construction on Memorial Day, and to provide tarping during stucco applications. 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. 19-19

12. ACTION ITEMS

- 12.1. [ID-2019-038](#) Resolution Of The City Council Of The City Of Emeryville Adopting A Framework For Paid Parking In The North Hollis And Triangle Areas (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15301(c)). (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibits A and B](#)
[Late Correspondence - Ratcliff](#)
[Late Correspondence - Wareham](#)
[APPROVED Resolution No. 19-20](#)

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

PUBLIC COMMENT

1. Ron Silberman read aloud a letter from Townhouse Restaurant Manager Jeffrey Kroeber, which stated opposition to the meters planned near the business, citing the negative impact it would have on his workers. Mr. Silberman then gave his own remarks related to the east side of Doyle, asking from whom the request for meters had come.

2. Geoffrey Sears, President of Emeryville TMA, spoke in support of getting people out of cars and into transit, and stated that free parking does not help that effort. He added that the TMA would like all of Hollis to be parking-controlled, to make it a more efficient transit corridor.

3. Jennifer Kain, Wareham Development, spoke in favor of the addition of metered parking, stated that a hazardous condition exists with the current lack of enforcement, and requested that meters located under the Powell Street overpass be added to the plan.

4. Andre Carpiaux spoke about the lack of parking near the Senior Center, stating that something should be done to alleviate the shortage.

5. Nasser Azimi, East Bay Therapeutics, stated that his customers have difficulty parking near his business, and urged the implementation of metered parking.

A motion was made by Vice Mayor Patz, seconded by Council Member Martinez, to approve this Resolution as amended to reflect Council direction. 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. 19-20

- 12.2.** [ID-2018-694](#) Introduction And First Reading of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 13, "Dockless Shared Mobility Systems," to Title 4 Of The Emeryville Municipal Code To Establish Regulations And New Permits To Operate Dockless Shared Mobility Systems In The Public Right Of Way. (Nancy Humphrey / Andrew Clough)

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[Existing Coordination Agreement](#)

[Late Correspondence - Lime](#)

Environmental Supervisor Nancy Humphrey gave the staff presentation

and responded to Council Member questions.

PUBLIC COMMENT

1. Marlo Sandler, Bird, spoke in support of the ordinance, but expressed concerns about the indemnification language.
2. Sam Dreiman, Lime, spoke in support of the ordinance, but requested removal of the indemnification language as written.
3. Bobby Lee spoke in support of the ordinance, and offered suggested language additions/revisions.

Council discussion ensued, and staff was directed to make revisions and bring the ordinance back for a new first reading and introduction at the March 19, 2019 meeting.

- 12.3.** [ID-2018-673](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Pay Compensation To The City Of Oakland For The Provision Of Library Services In FY 2017-2018 For An Amount Of One Hundred Twenty Thousand Dollars (\$120,000). Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[City of Oakland Library Services Invoice](#)
[APPROVED Resolution No. 19-21](#)

City Manager Christine Daniel gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT

1. Betsy Cooley provided some history on the library and past discussions that were held.
2. Andre Carpiaux spoke in opposition to the concept of libraries in general, stating that they were outdated, and that the building could be used to house homeless people.

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

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

Noes: 1 - Council Member Bauters

Enactment No: Resolution No. 19-21

13. DEPARTMENT HEAD REPORTS

There were no reports given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

No future agenda items were requested.

15. ADJOURNMENT

The meeting adjourned at 10:04 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