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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

--AMENDED--

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Tuesday, April 2, 2019

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:17 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 Donahue, 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-2019-107](#) Proclamation Honoring And Commending Catherine Firpo Upon Her Retirement From The City Of Emeryville Community Development Department, Economic Development And Housing Division, After Eight Years of Continuous And Outstanding Service. (Charles S. Bryant / Chadrick Smalley)  
Mayor Medina read the proclamation aloud, presenting it to Ms. Firpo who made brief remarks of appreciation.

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

No announcements were made.

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

Mayor Medina reported on her attendance of the Economic Development Innovation Awards where Emeryville had two nominated companies.

**7. CITY MANAGER'S REPORT**

City Manager Daniel provided a reminder about the upcoming Caltrans McArthur Maze informational meeting to be held at ECCL on April 10th.

**8. EX PARTE COMMUNICATIONS**

Council Member Martinez reported having received late correspondence in the form of a joint letter from four scooter companies, stating it was also available in the public binder. Council Member Bauters reported having communicated with Townsend Public Affairs regarding Item 10.4.

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

1. Jordan Wax spoke regarding the City's logo, stating that it was based on a freeway interchange, and called for a new design.
2. Megan Colford, Lime, regarding Item 10.8, referred to the joint letter that had been received, and stated that the companies remained concerned about the indemnification language in the ordinance.
3. Andre Carpiaux spoke regarding funding that had been allotted to Fair Work Week, and asked whether there had been a positive outcome. He also objected to funding the Oakland Library Branch in Emeryville, and stated that the homeless needed money.

**10. CONSENT ITEMS**

***Approval of the Consent Agenda***

**A motion was made by Vice Mayor Patz, 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-2019-117](#)** Warrants. (Susan Hsieh)

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

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

- 10.2. [ID-2019-109](#) Action Minutes of the March 19, 2019 Emeryville City Council Special Meeting - Committee Reports. (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.3. [ID-2019-110](#) Action Minutes of the March 19, 2019 Emeryville City Council Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.4. [ID-2019-111](#) Action Minutes of the March 19, 2019 Emeryville City Council/MESA Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.5. [ID-2019-113](#) Action Minutes of the March 19, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

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

- 10.6. [ID-2019-144](#) Letter Of Support For The Emeryville Transportation Management Association's (ETMA) Application For A Conditional Use Permit For A Shuttle Yard Under The MacArthur Maze. (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Draft Letter](#)

**A motion was made to approve this Other Item.**

- 10.7. [ID-2019-114](#) Resolution Of The City Council Of The City Of Emeryville To Accept Funding From The Bay Area Air Quality Management District (BAAQMD) Commercial Lawn And Garden Exchange Program To Replace Gasoline-Burning Landscaping Tools With Equivalent Electric Tools At No Cost To The City And Appropriate Said Funding To Grant Fund 254. (Andrew Clough / Izabela Cirloganu)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Grant Agreement](#)  
[APPROVED Resolution No. 19-31](#)

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

Enactment No: Resolution No. 19-31

- 10.8.** [ID-2019-121](#) 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](#)  
[Proposed Draft Ordinance](#)  
[Late Correspondence - Bird, Lime, Lyft, and Spin](#)  
[APPROVED Ordinance No. 19-005](#)

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

Enactment No: Ordinance No. 19-005

## **11. PUBLIC HEARINGS**

- 11.1.** [ID-2019-097](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Rudy's Can't Fail Cafe For Calendar Year 2019. (Chief Tejada / Oliver Collins)

**Attachments:** [Staff Report](#)  
[Rudy's Can't Fail Café Application](#)  
[Calls For Service](#)  
[Draft Resolution](#)  
[Exhibit A: Conditions of Approval](#)  
[APPROVED Resolution No. 19-32](#)

Captain Oliver Collins gave the staff presentation and responded to Council questions.

Applicant Doug Smith, Rudy's Can't Fail Cafe Manager/Co Owner, stated his reasons for requesting the cabaret license.

PUBLIC HEARING OPENED: 7:38 P.M.

Benjamin Yee, Former owner and neighbor, spoke in favor of the

license being awarded.

PUBLIC HEARING CLOSED: 7:39 P.M.

**A motion was made by Council Member Martinez, seconded by Council Member Bauters, 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. 19-32

## 12. ACTION ITEMS

- 12.1. [ID-2019-106](#) Resolution Of The City Council Of The City Of Emeryville Appointing \_\_\_\_\_ And \_\_\_\_\_ As Residents To Serve On The Commission On Aging For Terms Commencing Immediately And Ending June 30, 2021; And Amending The FY2018-19 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorraine Leong)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Commission on Aging Roster](#)  
[Application: David Adams](#)  
[Application: Charles Jackson](#)  
[Application: Flayanna Rogers](#)  
[APPROVED Resolution No. 19-33](#)

There was no staff presentation.

Applicant David Adams was present and spoke about his interests and background.

**A motion was made by Council Member Bauters, seconded by Council Member Martinez, to approve the appointment of David Adams and Flayanna Rogers by 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. 19-33

- 12.2. [ID-2019-115](#) Presentation of Fiscal Years 2019-20 and 2020-21 General Fund Baseline Budget and Five-Year Preliminary Forecast. (Susan Hsieh)

Resolution Of The City Council Of The City Of Emeryville Amending The Budget For Fiscal Year 2018-19. (Susan Hsieh)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Fiscal Year 2018-19 General Fund Proposed Budget Adjustments](#)  
[Exhibit B - Fiscal Year 2018-19 Other Funds Proposed Budget Adjustments](#)  
[APPROVED Resolution No. 19-34](#)

Finance Manager Susan Hsieh gave the staff presentation and responded to Council questions.

#### PUBLIC COMMENT

1. Andre Carpiaux asked for a copy of the PowerPoint presentation.

**A motion was made by Council Member Bauters, 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 No. 19-34

**12.3.** [ID-2019-119](#) City Council 2019-2020 Goals and Priority Projects. (Christine Daniel)

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

City Manager Daniel gave the presentation and invited Council discussion and direction.

Vice Mayor Patz requested that Goal 10a. Build a Code Enforcement Program be extracted from Goal 10 and become the 11th Goal.

**A motion was made by Vice Mayor Patz, seconded by Council Member Bauters, to approve converting Goal 10a. to new Goal 11. 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

**12.4.** [ID-2019-120](#) Update on Assembly Bill 147 Use Taxes. (Susan Hsieh)

**Attachments:** [Staff Report](#)  
[Full Text: AB 147 Use Taxes](#)

Manager Hsieh provided an update on the Assembly Bill per Council Member Bauters' previous request.

#### 13. DEPARTMENT HEAD REPORTS

**13.1.** [ID-2019-108](#) Planning Director's report on Planning Commission actions at the

March 28, 2019 meeting:

- (a) Adeline Springs Extension Request. Consideration of a request for a one year extension of a Conditional Use Permit and Design Review permit that was approved by the Planning Commission on March 22, 2018 to demolish an existing 5,866 square foot building ("U.S. Spring") and construct a new, five story building that will accommodate 29 rental residential units and 4 to 6 live-work units on a 12,528 square foot parcel located at 3637 Adeline Street.\*
- (b) Planning Regulations Amendment to Allow Research and Development in the Mixed Use with Residential Zone. Consideration of a proposed Planning Regulations amendment to allow the Research and Development use type in the MUR Mixed Use with Residential zone with a conditional use permit. The application pertains to the Jelly Bean Square property at 6400 Hollis Street, but would apply citywide.\*\*

\* 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.

\*\* To be scheduled for consideration by the City Council at a future meeting.

The packet for the March 28, 2019 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Director Bryant gave the report on Planning Commission actions taken at its previous meeting.

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

There were no items requested.

#### **15. ADJOURNMENT**

The meeting adjourned at 8:25 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