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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, April 16, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:21 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 Donahue, 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

City Clerk Hartz announced that the recruitment for annual vacancies would be opening soon.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez announced changes in what will be accepted for recycling, noting that, for the time being, poly-coated paper milk containers are going into landfill. She recommended purchase of plastic or glass containers, both of which are recyclable. Vice Mayor Patz reported on his attendance of the HACA meeting,

stating that rents were going down based on recent surveys, in both Alameda and Contra Costa counties. Council Member Donahue reported on his attendance of the League of Women Voters special meeting where decarbonizing buildings was the topic.

Council Member Bauters thanked staff for their work in facilitating the recent Caltrans meeting for their work. He stated that the Caltrans proposal was inadequate and that the deadline for the City's response letter was April 24, 2019. Mayor Medina also expressed her thanks, and also mentioned that the Mayors' Conference was considering a bylaws change to determine whether a small city one-year term mayor should have equal standing as other mayors and therefore retain positions on regional boards after their mayorships end. She said that term limits of two full terms, plus the remainder of term if filling an unexpected vacancy, would also be considered.

7. CITY MANAGER'S REPORT

City Manager Daniel announced that it was National Public Safety Telecommunications Week, and acknowledged the good work of the City's dispatchers.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported that he had received the same messages and letters regarding Item 12.2 that had been posted for the record, and stated that he would be recusing himself from consideration of Item 12.3 due to the proximity of his residence to the project location. Council Member Martinez stated she had received the same previously-mentioned letters, had spoken with one member of the Committee, and, regarding Item 12.3, two representative from Lennar. Council Member Donahue disclosed receipt of the same letters regarding Item 12.2, speaking with one applicant, and meeting with Lennar reps. Vice Mayor Patz, along with receiving the same correspondence, also disclosed having had extensive communication with the Committee regarding Item 12.2. Mayor Medina reported contact on Items 11.1, 12.2 and 12.3.

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

1. Sharon Wilchar announced the upcoming Celebration of the Arts, and explained how to submit works for consideration.
2. Josephine Lee, Friends of Golden Gate Library, spoke in support of the Jazz on Sunday program receiving the recommended grant award.

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-2019-155](#) Warrants. (Susan Hsieh)

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

A motion was made to approve this Other Item.

10.2. [ID-2019-158](#) Action Minutes of the April 2, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2019-160](#) Action Minutes of the April 2, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2019-153](#) Resolution Of The City Council Of The City of Emeryville Authorizing Expenditure in Excess of \$45,000 for the Legal Services Provided by Jarvis Fay & Gibson, LLP. (Andrea Visveshwara / Michael Guina)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 19-35](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-35

10.5. [ID-2019-147](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids For The 40th Street/San Pablo Avenue Median Rehabilitation Project, Project No. EPW 105-18, CIP No. 16475033; CEQA Determination: Exempt Pursuant To 15301(c). (Andrew Clough / Michael Roberts)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Project Map](#)
[APPROVED Resolution No. 19-36](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-36

- 10.6.** [ID-2019-150](#) Resolution Of The City Council Of The City Of Emeryville Approving The Proposed SB 1 Project List And Appropriation For Fiscal Year 2019-2020. (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - 2019-2020 SB1 Project List](#)
[APPROVED Resolution No. 19-37](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-37

11. PUBLIC HEARINGS

- 11.1.** [ID-2019-148](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To King Crane Service For Work On Any Single Saturday From April 27, 2019 Through May 18, 2019 Between The Hours Of 9:00 A.M. And 9:00 P.M. For Two Cranes To Remove And Replace 18 Rooftop Air Handling Units At 1400 65th Street (APN: 49-1510-3-1) (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. 19-38](#)

The Council waived staff's presentation.

PUBLIC HEARING OPENED: 7:32 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 7:32 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 No. 19-38

- 11.2.** [ID-2019-146](#) Resolution Of The City Council Of The City Of Emeryville Establishing Updated Development Impact Fees For Fiscal Year 2019-2020. (Charles S. Bryant)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Development Impact Fees FY19-20](#)
[APPROVED Resolution No. 19-39](#)

The Council waived staff's presentation.

PUBLIC HEARING OPENED: 7:33 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 7:33 p.m.

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. 19-39

- 11.3.** [ID-2019-096](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2018-2019 Regarding Dockless Shared Mobility Systems. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - 2019 Costs for Dockless Shared Mobility](#)
[APPROVED Resolution No. 19-40](#)

The Council waived staff's presentation.

PUBLIC HEARING OPENED: 7:35 p.m.

Andre Carpiaux asked what the ceiling was for the annual fee.

PUBLIC HEARING CLOSED: 7:37 p.m.

A motion was made by Vice Mayor Patz, seconded by Mayor Medina,

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. 19-40

12. ACTION ITEMS

- 12.1. [ID-2019-145](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ And _____ As Residents To Serve On The Emeryville Transportation Management Association For Terms Commencing May 1, 2019, And Ending April 30, 2022; And Amending The 2019 City Roster Of County, Regional And Statewide Bodies Accordingly. (Sheri Hartz / Lorraine Leong)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Emeryville Transportation Management Association Roster](#)

[Applicant: Elizabeth Cooley](#)

[Applicant: Robert Lee](#)

[APPROVED Resolution No. 19-41](#)

A motion was made by Council Member Bauters, seconded by Vice Mayor Patz, to approve this Resolution appointing Betsy Cooley and Bobby Lee to the Emeryville Transportation Management Association. 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. 19-41

- 12.2. [ID-2019-151](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Community Grant Sub Committee Recommendations To Select Kala Art Institute, Lead Artist Praba Pilar, New Arts Foundation, Friends of Golden Gate Library, Emeryville Historical Society, California Poets in the Schools, Inc., Scientific Adventures for Girls, Head Over Heels Athletic for Art, Berkeley FILM Foundation, The Oakland Public Education Foundation, Same Boat Theater Collective And The Oakland Ballet Company As The Recipients For The Emeryville Community Grant Program. (Pedro Jimenez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Community Grants Applications 2019](#)
[Applicant Materials – Complete](#)
[Community Grant Applicants Spreadsheet](#)
[Late Correspondence - Friends of Emeryville Senior Center](#)
[Late Correspondence - Benjamin Yee](#)
[Late Correspondence - Mary Farrell](#)
[Late Correspondence - Marilyn Fulrath](#)
[Late Correspondence - Mark D. Zimmerman](#)
[Late Correspondence - Oakland Public Library - Golden Gate Branch Library](#)
[Late Correspondence - Dean Santner Design](#)
[Late Correspondence - Nora Davis](#)
[Late Correspondence - Ken Schmier](#)
[Late Correspondence - Iliana Morton](#)
[APPROVED Resolution No. 19-42](#)

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

1. Amanda Balmages, Friends of ECDC, spoke in support of a grant being awarded to plant edible gardens at the Center.
2. Vicky Sowell, addressed the prior speaker, stating that the garden would not have adequate light to grow vegetables, and therefore had not received a recommendation.
3. Betsy Cooley spoke in support of the Emeryville Historical Society (EHS) and Jazz in the Park.
4. Brennan DeFrisco, Poets in the Schools, expressed gratitude for the Committee's recommendation that they receive a grant award.
5. Praba Pilar thanked the Committee for its recommendation.
6. Jim Carl thanked the Committee for recommending the EHS for a grant award.
7. Archana Horsting thanked the Committee for supporting Kala ART Institute.
8. Ellen Koivisto, Same Boat Theater Collective, thanked the Committee for its recommendation.
9. Joey Enos spoke in support of EHS receiving a grant.
10. Courtenay Carr Heuer thanked the Committee for recommending Scientific Adventures for Girls for a grant award.
11. Janice Plotkin, Berkeley FILM Foundation, expressed gratitude for the Committee's recommendation.
12. Sue Mark, EHS, thanked the Committee for its recommendation.

13. Don Hauser, EHS, founder, spoke in support of receiving a grant award.

14. Nancy Smith, who stored the EHS photo collection at her home, spoke in support of the grant award.

15. Juan Lopez, Oakland Public Education Foundation, thanked the committee for recommending the grant award.

Motion by Vice Mayor Patz to approve the Resolution as recommended, except awarding no funding to the Emeryville Historical Society and instead award an additional \$1,996 to the Oakland Ballet Company, and \$5,000 additional to Scientific Adventures for Girls. This motion failed for lack of a second.

Motion by Mayor Medina, seconded by Council Member Martinez, to award grants as recommended in the Resolution, except funding Emeryville Historical Society at \$1,996 and funding Scientific Adventures for Girls an additional \$5,000, for a total award of \$10,000.

A substitute motion was made by Council Member Donahue to approve the Resolution as recommended except to awarding \$3,500 to Emeryville Historical Society, \$2,000 to the Oakland Ballet Company and an additional \$1,496 to the New Arts Foundation. This motion failed for lack of a second.

Enactment No: 19-42

- 12.3.** [ID-2019-161](#) Resolution of the City Council of the City of Emeryville Authorizing the City Manager to Execute a Parking and Construction License with LMV II Emeryville Holdings, LP for APN 049-1557-003. (Andrew Clough / Andrea Visveshwara)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Proposed Parking and Construction License](#)

[APPROVED Resolution No. 19-43](#)

Council Member Bauters recused himself from consideration of this Item due to the proximity of his residence to the project area.

Council waived staff's presentation.

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

Recused: 1 - Council Member Bauters

Enactment No: Resolution No. 19-43

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 8:20 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