



Emeryville City Hall
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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, September 17, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:23 p.m.

2. ROLL CALL

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

3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Patz, seconded by Council Member Bauters, to approve the Final Agenda. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2019-449](#) Presentation: East Bay Municipal Utility District (EBMUD) - Emeryville Update, and Public Safety Power Shut-off (PSPS) Preparations. (EBMUD Director Katz)
EBMUD Director Katz provided a District Update/District Impact presentation on EBMUD's work in the City and information on its Public Safety Power Shutoff preparations.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

Deputy City Clerk Pham announced vacancies on various committees and commissions, the application deadline, and that appointments will be held at a special meeting on November 19, 2019.

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

Council Member Bauters thanked the firefighters from Local 55, Captain Randall West, Decathlon, and Stanford Children's Health for their support of the 6th annual "Back-To-School Drive". He also provided information about the three upcoming events happening throughout the City for the public to participate in Climate Action Week.

Mayor Medina reported that she attended the Gilman Field JPA meeting in which they discussed forming a new JPA based on proportional usage.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Council Member Bauters reported having communicated with several members from the privacy advocacy community and Emeryville Police Officers Association with regards to Item 12.3.

Mayor Medina reported that she had several conversations with Brian Donahue on Item 11.1.

Vice Mayor Patz reported he had several email messages with regards to Item 12.3.

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

Andre Carpiaux suggested that EBMUD use stainless steel pipes instead of iron pipes.

10. CONSENT ITEMS

A motion was made by Council Member Bauters, seconded by Vice Mayor Patz, to approve the Consent Agenda. The motion carried by the following vote:

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

10.1. [ID-2019-447](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Information Report.

- 10.2. [ID-2019-452](#) Action Minutes of the September 3, 2019 Emeryville City Council / Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2019-440](#) Action Minutes of the September 3, 2019 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2019-439](#) Action Minutes of the September 3, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2019-433](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Grant Agreement With The City Of Oakland In The Amount Of \$50,000 Per Year For FY2019-2020 And FY2020-2021 For A Total Of \$100,000 For The 8 To Go Paratransit Shuttle. (Pedro Jimenez / Brad Helfenerger)

Attachments: [Staff Report](#)

[Oakland Resolution](#)

[Draft Resolution](#)

[Grant Agreement](#)

[APPROVED Resolution No. 19-132](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-132

- 10.6. [ID-2019-430](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The Project Funding Agreement With The Alameda County Transportation Commission In The Amount Of \$132,000 For The Purchase Of A New Wheelchair Accessible Bus For The Emeryville Senior Center Group Trips Program And Appropriate Said Funds To 261-91200. (Pedro Jimenez / Brad Helfenberger)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[ACTC Project Funding Agreement](#)

[APPROVED Resolution No. 19-133](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-133

- 10.7. [ID-2019-422](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Project Funding Agreement With The Alameda County Transportation Commission For The Emery Go-Round General Benefit For Fiscal Years 2019-20 And 2020-21 And Any Amendments To Effectuate Funding. (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Project Funding Agreement](#)
[APPROVED Resolution No. 19-134](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-134

- 10.8. [ID-2019-446](#) Consideration Of Whether To Direct Staff To Prepare Loan Documents And Associated Regulatory Documents For Acquisition Of 3600, 3610 and 3620 San Pablo Avenue. (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)

A motion was made to accept this Informational Report.

- 10.9. [ID-2019-444](#) Resolution Of The City Council Of The City Of Emeryville Rejecting All Bids For The Early Childhood Development Center Rehabilitation, CIP No. 16475013, And Authorizing The City Engineer To Advertise For Public Bids For The Child Development Center Roof Replacement Project; CEQA Determination: Exempt Pursuant To 15301(D). (Andrew Clough)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Bid Results](#)
[APPROVED Resolution No. 19-135](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-135

- 10.10. [ID-2019-445](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager Enter Into A License Agreement With The East Oakland Community Project (EOCP) For Real Property Located At 4300 San Pablo Avenue, For Use As A Temporary Emergency Family

Shelter For A Period Of Up To Twenty-Four Months; And To Sign All Relevant And Necessary Documents Pertaining To The License Agreement (CEQA Determination: Exempt Pursuant To California Government Code Section 8693.4(a)(4) And State CEQA Guidelines Sections 15269(c), 15301, 15303, 15332, And 15061(b)(3))
(Christine Daniel)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Attachment A - License Agreement](#)
[APPROVED Resolution No. 19-136](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-136

11. PUBLIC HEARINGS

- 11.1. [ID-2019-434](#) Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Sherwin Williams Planned Unit Development/ Preliminary Development Plan (PUD/PDP) To Allow The Removal Of Street Trees On The West Side Of Horton Street (CEQA Determination: Environmental Impact Report for Sherwin Williams Project PUD Certified By City Council on September 6, 2016).
(Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Attachment 1 - Approved Landscape Plan](#)
[Attachment 2 - Community Benefits Summary](#)
[Attachment 3 - City Arborist Reports](#)
[Attachment 4 - Conceptual Undergrounding Plan](#)
[Attachment 5 - Ordinance No. 16-006 \(without Exhibits\)](#)
[Draft Ordinance](#)
[Exhibit A - Conditions of Approval](#)
[Exhibit B - Amended Landscape Plan 9-17-19](#)

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

Community Development Director Bryant provided a presentation to the Council.

PUBLIC HEARING OPEN: 8:39 p.m.

A Speaker asked for points of clarification with regards to the Item.

PUBLIC HEARING CLOSED: 8:42 p.m.

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

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

Recused: 1 - Council Member Bauters

City Attorney Guina read aloud the ordinance by title only.

- 11.1. [ID-2019-434](#)** Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Sherwin Williams Planned Unit Development/ Preliminary Development Plan (PUD/PDP) To Allow The Removal Of Street Trees On The West Side Of Horton Street (CEQA Determination: Environmental Impact Report for Sherwin Williams Project PUD Certified By City Council on September 6, 2016). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Attachment 1 - Approved Landscape Plan](#)

[Attachment 2 - Community Benefits Summary](#)

[Attachment 3 - City Arborist Reports](#)

[Attachment 4 - Conceptual Undergrounding Plan](#)

[Attachment 5 - Ordinance No. 16-006 \(without Exhibits\)](#)

[Draft Ordinance](#)

[Exhibit A - Conditions of Approval](#)

[Exhibit B - Amended Landscape Plan 9-17-19](#)

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

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

Recused: 1 - Council Member Bauters

12. ACTION ITEMS

- 12.1. [ID-2019-426](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The Release Of A Request For Qualifications And Proposals For The Design And Development Of An Affordable Senior Or Intergenerational Rental Housing Development At 4300 San Pablo Avenue. (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Request for Qualifications/Proposals \(without attachments\)](#)
[APPROVED Resolution No. 19-137](#)

Community and Economic Development Coordinator Bernardo provided Council with a brief presentation about the item.

PUBLIC COMMENT

1. Bill Reuter, resident, commented that he was pleased that the City is leasing and not selling the land.
2. A speaker commented that she was appreciative of the intergenerational part within the development.

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

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

Enactment No: Resolution No. 19-137

- 12.2.** [ID-2019-437](#) Council Discussion On Whether To Form An Ad Hoc Committee Of The City Council To Discuss And Make Recommendations Regarding The City's Recognition Policy. (Sheri Hartz)

Attachments: [Staff Report](#)
[Council Policy #1: Naming Dedication of City Facilities](#)

City Manager Daniel provided a brief introduction about the Item. Vice Mayor Patz continued with a brief overview.

A motion was made by Council Member Martinez, seconded by Mayor Medina, to form an ad hoc committee comprised of Council Member Bauters and Vice Mayor Patz, for the purpose of discussing ways in which the City recognizes people. The motion carried by the following vote:

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

- 12.3.** [ID-2019-450](#) Council Discussion On Whether To Provide Direction To Staff To Bring Forward Council Action On The Use Of Facial Recognition Technology. (Sheri Hartz)

Attachments: [Staff Report](#)

Council Member Bauters provided a background overview about this Item.

PUBLIC COMMENT

1. Jason Kelly, Electronic Frontier Foundation, asked for Council support in discussion and prohibition of facial recognition technology.
2. Brian Hofer, Executive Director of Secure Justice, highlighted that the United Nations called for a moratorium on facial recognition technology and discussed the work of his organization.
3. Tim Kingston, criminal defense investigator, voiced his concern about facial recognition technology and its misidentification of women and people of color.
4. Salahi Bakri commented that the use of facial recognition technology reminded him of the film "Minority Report" and stated that the use of the technology would hurt democracy by eroding privacy.

Council directed staff to research a city-wide ban on acquisition and direct-use of facial recognition technology, a policy for data obtained by third parties, and to review ordinances from the cities of San Francisco, Oakland, and Berkeley.

13. DEPARTMENT HEAD REPORTS

City Manager Daniel provided a brief report on Public Works Department.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Martinez requested and received Council support for the Sustainability Committee to look into ways to incentivize multi-family homes to install EV chargers. She also requested a report regarding legislative matters. City Manager Daniel advised that a report would be given sometime in the fall.

Mayor Medina requested the discussion of a new Gilman Field JPA be agendaized. The City Council supported the request.

15. ADJOURNMENT

The meeting was adjourned at 9:31 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