



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608
(510) 596-4300 phone
(510) 450-7831 fax
www.emeryville.org

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, October 15, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:21 p.m.

2. ROLL CALL

Council Member Donahue participated in the meeting via teleconference from a noticed, publicly accessible location, as noted on the agenda.

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 Bauters, to approve the Final Agenda. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

[ID-2019-487](#) Presentation: Introduction of K-9 Officers
Chief Tejada administered the Oath of Office to the Emeryville Police Department's K-9 officers Miro, Sid and Baddy.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz announced the current recruitment underway to fill remaining unexpected vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez reported that the Governor had signed AB 1482 which would put in place the strongest statewide tenant protections in the nation and cap rent increases at 5% plus inflation for a particular segment of rental inventory.

Council Member Bauters announced that the Alameda County Healthy Homes JPA, of which Emeryville was a member, was awarded \$3.6 million from HUD for lead hazard mitigation and abatement programs, and that Emeryville had had no lead-based complaints since putting its program in place in 2017. He also announced, regarding AB 617, that West Oakland had been selected to participate in an Air District Clean Air Community Action Plan.

Vice Mayor Patz reported that, in his role on HACA, he also participated in the non-profit PATCH, and that the recent remodel of 50 affordable units in Union City had been challenged by the need to relocate senior residents during the project, and stated that this was a reminder to consider the needs of those living on fixed incomes. He also reported on his attendance, along with Council Member Martinez, of the recent Oktoberfest event at the Emeryville Senior Center.

Mayor Medina reported on her attendance of the recent Mayors' Conference, where she was nominated to serve as the alternate for the East Bay EDA.

Council Member Bauters reported out on AB 723, stating that the Governor had signed the bill which would authorize the City to collect sales tax.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Council Members Martinez and Donahue, along with Mayor Medina and Vice Mayor Patz, each reported having had contact with representatives from Waste Management regarding Item 12.2.

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

A speaker spoke regarding the noise ordinance waiver that was considered at the October 1, 2019 meeting.

10. CONSENT ITEMS***Approval of the Consent Agenda***

A motion was made by Council Member Martinez, seconded by Council Member Bauters, to approve the Consent Agenda, except for Item 10.7 which was considered separately. The motion carried by the following vote:

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

- 10.1.** [ID-2019-483](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

- 10.2.** [ID-2019-478](#) Action Minutes of the October 1, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3.** [ID-2019-479](#) Action Minutes of the October 1, 2019 Emeryville City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2019-481](#) Action Minutes of the October 1, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2019-489](#) Resolution Of The City Council Of The City Of Emeryville Approving A Memorandum Of Understanding Between the Management Of Emeryville Services Authority And The Service Employees International Union, Local 1021 (SEIU) With A Term Effective July 1, 2019 Through June 30, 2021. (George Ramirez, IEDA)

(In Conjunction with MESA Special Meeting Agenda Item 6.1)

Attachments: [Staff Report](#)
[Draft Resolution \(City Council\)](#)
[Final MOU with SEIU](#)
[APPROVED Resolution No. 19-143](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-143

- 10.6.** [ID-2019-476](#) Resolution Of The City Council Of The City of Emeryville Accepting The Highest And Best Use Of Curb Toolkit And Directing Staff To Consider The Toolkit When Reviewing Streetscape Projects And Conditions Of Approval Of Private Development Projects. (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)[Attachment 1 - Toolkit](#)[Attachment 2 - Flexible Curb](#)[Attachment 3 - Case Study Applying the Toolkit](#)[Draft Resolution](#)[APPROVED Resolution No. 19-144](#)

Enactment No: Resolution No. 19-144

- 10.7.** [ID-2019-486](#) 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 - Staff Report from September 17, 2019](#)[Proposed Ordinance](#)[Exhibit A - Conditions of Approval](#)[Exhibit B - Amended Landscape Plan 9-17-19](#)[APPROVED Ordinance No. 19-011](#)

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

A motion was made by Council Member Martinez, seconded by Mayor Medina, to approve the second reading and adoption of this Ordinance. The motion carried by the following vote:

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

Recused: 1 - Council Member Bauters

Enactment No: Ordinance No. 19-011

11. PUBLIC HEARINGS

There were no Action Items listed.

12. ACTION ITEMS

- 12.1.** [ID-2019-477](#) Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of Art Work For The City's Annual Purchase Award Program Entitled "Betty, Dave, Myra, and Ruth" By Emeryville Artist Susan Avila With Funding Of Up To \$8,600 From The Public Art Fund (Fund 243) For The Purchase And Installation Of The Art Work (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Attachment 1 - Art Work Images](#)

[Attachment 2 - Artist Biographies](#)

[Draft Resolution](#)

[APPROVED Resolution No. 19-145](#)

Community and Economic Development Coordinator Amber Evans opened the staff presentation and introduced Selection Panel Facilitator Regina Almaguer.

PUBLIC COMMENT

Andre Carpiaux commented that the art work was not a prudent expenditure.

A motion was made by Council Member Donahue, seconded by Council Member Bauters, to approve this Resolution, with the additional direction that the Public Art Committee consider whether to also purchase the other piece. The motion carried by the following vote:

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

Enactment No: Resolution No. 19-145

- 12.2.** [ID-2019-490](#) Consideration Of Terms Of A Proposed Franchise Agreement Extension With Waste Management Of Alameda County (WMAC) For Solid Waste Disposal Services For The Term Starting January 1, 2021. (Christine Daniel)

Attachments: [Staff Report](#)

Environmental Supervisor Nancy Humphrey gave the staff presentation and responded to Council Member questions.

Todd Neinhouse, Waste Management Senior District Manager, added a few clarifying comments regarding the plan for customer notification and responded to Council Member questions.

PUBLIC COMMENT

Andre Carpiaux inquired what the cost to the City would be.

A motion was made by Mayor Medina, seconded by Council Member Martinez, to prepare the contract pursuant to the staff recommendation and return with an item to the Council Meeting on December 3, 2019, to appear under the Action Items. The motion carried by the following vote:

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

- 12.3.** [ID-2019-485](#) Resolution Of The City Council Of The City Of Emeryville Amending The Membership Composition Of The Parks And Recreation Committee; And Amending The FY2019-20 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorrayne Leong)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Proposed Roster](#)
[APPROVED Resolution No. 19-146](#)

City Clerk Sheri Hartz gave a brief staff report and responded to Council Member questions.

A motion was made by Council Member Martinez, seconded by Vice Mayor Patz, to approve this Resolution, revised to state that being recommended by either the EUSD Board or the Commission on Aging would constitute an additional qualification for the applicant. The motion carried by the following vote:

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

Enactment No: Resolution No. 19-146

13. DEPARTMENT HEAD REPORTS

No reports were given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

There were no future agenda items requested.

15. ADJOURNMENT

At 8:42 p.m., the meeting was adjourned in honor of former Council Member and Mayor, Richard Kassiss.

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