



Emeryville City Hall
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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

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

-AMENDED-

Tuesday, March 3, 2020

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

3. APPROVAL OF FINAL AGENDA

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

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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the upcoming recruitment schedule for annual Committee/Commission appointments.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Bauters reported on his attendance of the Alameda County Transportation Commission meeting, stating that issues discussed included the potential SF/Oakland Bay Bridge bus-only lane, that 11 MTC projects had been approved to move forward, and that ACTC would be working with Assembly Member Bonta to put

funding into the projects, including bus only onramps and other enhancements.

Council Member Medina reported that she had attended the meeting of StopWaste in her capacity as alternate to that committee. Mayor Patz reported that he had attended the Alameda County Fire meeting as alternate, where the budget was discussed, as well as recruiting for a new Chief upon the retirement of current Chief Rocha. He added that he would be participating in a call with Alameda County Public Health related to COVID-19.

7. CITY MANAGER'S REPORT

City Manager Daniel reported that City staff would also be participating in the aforementioned call, and would be aligning efforts with the County, as well as staying in communication with EUSD to support directives they receive. She added that City staff were developing a plan for continuity of operations in the event of a quarantine.

8. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

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

1. Sharon Wilchar announced Youth Art Month, stating that this would be the 35th year of youth art being displayed at City Hall, and that the event was organized by the 45th Strett Artist's Co-op.

2. Tina Moses spoke about her concerns about the community and the lack of programs for children with mental health and substance abuse issues.

3. John Bauters, speaking as a member of the public and representing the Park Avenue residents, spoke regarding the Conditions of Approval that had been negotiated with Lennar, and their disregard for the COA related to hours of operation and creating construction noise in violation of the noise ordinance. He stated that the staff has not taken seriously their obligation for enforcement.

4. A speaker commented on the previous speaker's remarks, stating that it was not surprising and that Lennar was a disreputable developer, who was violating the law with regard to the handling of hazardous substances on the project site.

10. CONSENT ITEMS

Approval of the Consent Agenda

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

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

- 10.1. [ID-2020-065](#) Warrants. (Susan Heieh)

A motion was made to accept this Informational Report.

- 10.2. [ID-2020-068](#) Action Minutes of the February 18, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.3. [ID-2020-059](#) 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 The Construction Of The San Pablo Avenue Mid-Block Cross Walk Project, Project No. EPW 19-103 (CIP No. 18221006); CEQA Determination: Exempt Pursuant To 15301(c). (Christine Daniel / Ryan O'Connell)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-15

- 10.4. [ID-2020-056](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Hello Housing To Provide Assistance To The City's Affordable Homeownership And Rental Programs For A Term Of Three Years From March 9, 2020 To March 30, 2023 For A Total Contract Amount Not To Exceed \$606,240 And Authorizing the City Manager to Make Amendments to the Professional Services Contract (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 20-16

11. PUBLIC HEARINGS

12. ACTION ITEMS

- 12.1. [ID-2020-057](#) Resolution Of The City Council Of The City Of Emeryville Approving The *40th And San Pablo Bus Hub Project Draft Final Report* And Appendices, Embodying The Revised Conceptual Design With Changes As Directed By The City Council On July 9, 2019 (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15301(c) And 15061(b)(3)). (Charles S. Bryant / Diana Keena)

Associate Planner Diana Keena gave the staff presentation and responded to Council Member questions.

PUBLIC COMMENT:

1. Jordan Wax spoke regarding the lack of pedestrian wayfinding in Emeryville and suggested that it should be improved, perhaps using public art resources.

A motion was made by Council Member Bauters, seconded by Council Member Donahue, to approve this Resolution, as amended to include consideration of the recommendations of the Transportation Committee and also to consider diagonal movement of eastbound bicycle travel at intersection of 40th and Adeline Streets. The motion carried by the following vote:

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

Enactment No: Resolution No. 20-17

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2020-058](#) Planning Director's report on Planning Commission actions at the February 27, 2020 meeting:

- (a) Second Story Addition. Consideration of a Conditional Use Permit and Design Review application to add a second story to one existing unit at the front of a parcel with three units at 1025 47th Street.
- (b) Emery Go-Round Temporary Fleet Parking Conditional Use Permit Amendment. Consideration of an amendment to a Conditional Use Permit that was approved by the Planning Commission on March 15, 2018 to use approximately three-fourths of the "Rifkin Lot" at 4555 Horton Street to park Emery Go-Round buses and employee cars. The amendment is to extend the permitted occupancy of the site from two years to three years.
- (c) VersaGenix Cannabis Manufacturing and Distribution Facility II. Consideration of a Major Conditional Use Permit to allow a cannabis manufacturing and distribution facility in an existing building located at 1295 67th Street. The 6,719 square foot facility will formulate and manufacture cannabis-derived health supplements, cosmetics and other similar products.
- (d) Elimination of Minimum Parking Requirements. Consideration of amendments to the Planning Regulations to eliminate the

minimum parking requirements.

- (e) Accessory Dwelling Units Ordinance. Consideration of amendments to the Planning Regulations and Building Regulations related to Accessory Dwelling Units pursuant to recently enacted State laws.
- (f) General Plan Annual Progress Report. Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2019, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

The packet for the February 27, 2020 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Medina requested and received majority support to add a proclamation to the next meeting agenda to recognize Jayden Cummings for being the 13th Congressional District winner of the Congressional App Challenge. She also requested a study session on policy revisions that could positively impact small businesses and asked for a discussion on November ballot measures.

Vice Mayor Martinez requested and received support to add an agenda item within 60 days at a regular Council meeting regarding Conditions of Approval violations by Sherwin Williams.

Mayor Patz requested that an item be added to reschedule the November Council meetings to avoid Election Night.

15. ADJOURNMENT

The meeting adjourned at 8:07 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