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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

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

Tuesday, March 7, 2017

7:16 PM

Council Chambers

1. CALL TO ORDER AND COUNCIL MEMBER OATH AND SONG

The meeting was called to order at 7:27 p.m.

2. ROLL CALL

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

3. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Martinez, seconded by Council Member Medina, to approve the final agenda. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

4.1. [ID-2017-100](#) Proclaiming March as Youth Art Month in Emeryville (Sheri Hartz)

Sharon Wilchar was present to receive the proclamation.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz announced current and upcoming vacancies on the City's Community Advisory Committees.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

There were no announcements made.

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

1. Rob Arias spoke in support of the Halleck Beach Dog Park.
2. Ray Kid spoke in support of the dog park.
3. Cindy Warner also spoke in support of the dog park.
4. A community member spoke in support of the dog park.
5. Marilyn Boucher stated she understood why people were upset to have the dog park funding delayed.
6. Andre Carpiaux opposed the dog park, stating that funding should be spent on homeless services.
7. Michelle Shadows, Marina Harbor Master, announced the upcoming Day on the Bay event.

Following Public Comment, Vice Mayor Bauters addressed those who spoke in support of the dog park, stating that he would be starting a blog to share information and requested the Council's support in also hosting a town hall meeting on the topic.

8. CITY MANAGER'S REPORT

City Manager Lehr also reported on the Emeryville Day on the Bay event.

9. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

10. CONSENT ITEMS

- 10.1. [ID-2017-123](#) Warrants. (Susan Hsieh)

A motion was made to approve this item.

Approval of the Consent Agenda

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

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

- 10.2. [ID-2017-113](#) Action Minutes of the February 21, 2017 City Council Special Closed Session. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.3. [ID-2017-114](#) Action Minutes of the February 21, 2017 City Council Special Study Session. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.4. [ID-2017-115](#) Action Minutes of the February 21, 2017 City Council Special Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.5. [ID-2017-117](#) Action Minutes of the February 21, 2017 City Council Regular Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

11. PUBLIC HEARINGS

- 11.1. [ID-2017-109](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Article 21 To Chapter 5, And Amending Chapters 2, 3, 5, And 7, Of Title 9 Of The Emeryville Municipal Code Regarding Short-Term Rental Of All Or Part Of A Dwelling. CEQA Determination: Exempt Pursuant to Sections 15301 and 15061(b)(3) Of The State CEQA Guidelines (Charles S. Bryant / Diana Keena)

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

PUBLIC HEARING OPEN: 8:01 p.m.

1. Fran Quittel asked for clarification about some of the regulations and asked for some additions.
2. Mary Eileen Farrell spoke in support of regulating short term rentals.
3. Brian Cross spoke regarding potential unintended consequences of these regulations.
4. Michelle Shadows inquired whether she would be affected by the zoning change.

PUBLIC HEARING CLOSED: 8:11 p.m.

After Council deliberation, it was decided to revise the ordinance language and at 8:24 p.m., the item was continued to later in the meeting to allow staff time to make the changes.

At 9:24 p.m., staff displayed the proposed language revisions for Council approval.

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

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

A motion was made by Vice Mayor Bauters, seconded by Council Member Patz, to approve the first reading and introduction of the Ordinance as amended. The motion carried by the following vote:

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

12. ACTION ITEMS

12.1. [ID-2017-118](#) Presentation: Alameda County Healthy Homes Department. (Sheri Hartz)

Larry Brooks and Dale Hagen, Alameda County Healthy Homes, gave a presentation and responded to Council questions.

12.2. [ID-2017-126](#) Discussion Regarding Whether To Consider The Addition Of A Proposed Ordinance Related To Lead Safety (Vice Mayor John J. Bauters / Sheri Hartz)

Vice Mayor Bauters introduced this item for discussion and responded to Council Member questions.

PUBLIC COMMENT - None

Council directed staff to come back with draft ordinance at a future meeting.

12.3. [ID-2017-122](#) Resolution Of Intention To Approve An Amendment To The Contract Between The Board Of Administration California Public Employees' Retirement System And The City Council Of The City Of Emeryville. (Cynthia Kasten)

City Manager Lehr introduced the item and responded to Council questions.

PUBLIC COMMENT - None

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

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

Enactment No: 17-28

- 12.4. [ID-2017-095](#) Resolution Of The City Council Of The City of Emeryville Appropriating Four Thousand Dollars (\$4,000) From Measure BB Bicycle/Pedestrian Fund 240 For 2017 Bike To Work Day (BTWD) Activities And Purchases (Maurice Kaufman / Marcy Greenhut)

No staff presentation was requested.

PUBLIC COMMENT - None.

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

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

Enactment No: 17-29

- 12.5. [ID-2017-108](#) Fair Workweek Implementation Process Update (Charles S. Bryant / Chadrick Smalley)

Management Analyst April Shabazz gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

1. Jennifer Lin stated that she hoped the City would make use of the experience of others who have implemented such programs and continue to interact with workers.
2. Nicolas Gallant spoke in support of fair work week enforcement.
3. Rose spoke in strong support of fair work week enforcement.

13. COMMUNICATION AND REPORTS

13.1. Department Heads

- 13.1.1. [ID-2017-107](#) Planning Director's report on Planning Commission actions at the February 23, 2017 meeting:

- (a) General Plan Annual Progress Report - Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2016, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development. *
- (b) Cellular Facility on Existing Streetlight Pole - Consideration

of a Conditional Use Permit and Design Review application to install a new wireless telecommunication facility on an existing City streetlight pole in the Powell Street public right-of-way near the intersection of Christie Avenue, adjacent to 5795 Christie Avenue. **

- (c) PG&E Tree Removal - Consideration of a Tree Removal Permit to remove 30 street trees in the public right-of-way that are adjacent to natural gas transmission lines at various locations in the City. ***
- (d) Artistry Apartments Unit Addition - Consideration of a Conditional Use Permit and Design Review application to allow conversion of unused ground floor office and lounge areas to six new residential units in an existing 261-unit rental apartment building that was approved in 1991. **
- (e) 1256 64th Street Floor Area Increase - Consideration of a Conditional Use Permit and Design Review application to convert half of an existing interior two-car garage into habitable space, thereby adding square footage to an existing unit at 1256 64th Street. **

* Item is scheduled for consideration by the City Council on March 21, 2017.

** 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.

*** Item has been continued to a future meeting.

The packet for the February 23, 2017 Planning Commission meeting can be viewed online at

<http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Director Bryant gave his report. No action was taken by the City Council.

13.2. Council Members Reporting on Meetings Attended

Mayor Donahue stated he had served as alternate for Council Member Martinez at East Bay Community Choice Energy meeting and

reported that a request had been made for cities to consider allocating some capital toward making the switch from PG&E.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Patz reported that he had requested that the City Attorney add a Closed Session to an upcoming Council meeting.

Council Member Martinez requested that staff bring a monthly update to Council regarding progress on implementing the fair work week program.

15. ADJOURNMENT

The regular meeting adjourned at 9:32 p.m. and Council returned to Closed Session.

PASSED, Approved and Adopted

this ____ day of ____, 2017

Sheri Hartz, City Clerk/Secretary

DRAFT