



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:

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

Tuesday, December 19, 2017

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:59 p.m.

2. ROLL CALL

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

3. APPROVAL OF FINAL AGENDA

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

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

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz gave a brief report on current vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Donahue reported on a meeting he attended at the Oaks Club where the "Worst Boss of the Year" was awarded, and described the wage and health benefits that the employees received,

which he said were substandard.

Council Member Martinez reported on her attendance at the Shellmound Gateway lighting ceremony.

Vice Mayor Medina asked the public to give input to Caltrans on their bike plan, especially regarding on San Pablo, and provided the website where comments can be submitted.

Council Member Patz reported on his attendance of the art opening at the Senior Center.

Mayor Bauters reported on the Shellmound Gateway opening, and stated that he had also attended a CalPERS meeting, and the small business Jingle Mingle, and announced the upcoming toy drive.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Mayor Bauters reported on having spoken with representatives from Trader Vic's and residents at Watergate.

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

There were no comments made.

10. CONSENT ITEMS

Approval of the Consent Agenda

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

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

- 10.1. [ID-2017-768](#) Warrants. (Susan Hsieh)

A motion was made to accept this Informational Report.

- 10.2. [ID-2017-764](#) Action Minutes of the December 5, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.3. [ID-2017-765](#) Action Minutes of the December 5, 2017 Emeryville City Council Special Study Session. (Sheri Hartz)

A motion was made to approve the Minutes, as corrected.

-
- 10.4. [ID-2017-767](#) Action Minutes of the December 5, 2017 Emeryville City Council Meeting. (Sheri Hartz)
A motion was made to approve the Minutes.
- 10.5. [ID-2017-760](#) Action Minutes of the November 21, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)
A motion was made to approve the Minutes.
- 10.6. [ID-2017-761](#) Action Minutes of the November 21, 2017 Emeryville City Council Special Study Session. (Sheri Hartz)
A motion was made to approve the Minutes.
- 10.7. [ID-2017-762](#) Action Minutes of the November 21, 2017 Emeryville City Council Special Meeting. (Sheri Hartz)
A motion was made to approve the Minutes, as corrected.
- 10.8. [ID-2017-748](#) Resolution Of The City Council Of The City Of Emeryville Approving Wareham Development's Conceptual Design Of A Proposed Mid-Block Crosswalk On Horton Street Between 59th And 62nd Streets (Andrew Clough / Michael Roberts)
A motion was made to approve this Resolution.
Enactment No: 17-194
- 10.9. [ID-2017-749](#) Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (TMA) 2018 Operating Budget And Setting Compensation To The TMA To Operate The Emery Go Round Shuttle Service During The 2018 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Three Million Four Hundred Seventy Six Thousand Two Hundred And Forty Eight Dollars (\$3,476,248) And Authorize Payment From The Emeryville Property Based Business Improvement District (PBID) Fund 805. (Cindy Montero)
A motion was made to approve this Resolution.
Enactment No: 17-195
- 10.10. [ID-2017-752](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Project Charter With The Alameda County Transportation Commission (ACTC) , As The "Sponsoring Agency", And The California Department Of Transportation ("Caltrans"), Contra Costa Transportation Authority ("CCTA"), West Contra Costa Transportation Advisory Committee ("WCCTAC"), Alameda-Contra Costa Transit District ("AC

Transit”), Bay Area Rapid Transit District (“BART”), And The Cities Of Richmond, San Pablo, El Cerrito, Albany, Berkeley, And Oakland, (Collectively The “Partnering Agencies”) For The San Pablo Avenue Corridor Project (Charles S. Bryant / Chadrick Smalley / Amber Evans)

A motion was made to approve this Resolution.

Enactment No: 17-196

- 10.11. [ID-2017-753](#) Resolution Of The City Council Of The City Of Emeryville Appropriating The \$5,000 Stipend From The State Of California Arts Council Pilot Cultural District Program To The Fiscal Year 2017-2018 Budget (Fund 254 - Grant Funds) For Use For Rotten City-Emeryville Cultural Arts District Promotion And Administrative Costs (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

A motion was made to approve this Resolution.

Enactment No: 17-197

- 10.12. [ID-2017-770](#) Resolution of the City Council of the City of Emeryville Designating the City Manager or Designee to File Applications with the California Governor’s Office of Emergency Services to Obtain Federal Financial Assistance Under Public Law 93-288 (and Amendments) and/or State Assistance Under the California Disaster Assistance Act. (Jennifer Tejada)

A motion was made to approve this Resolution.

Enactment No: 17-198

11. PUBLIC HEARINGS

- 11.1. [ID-2017-755](#) Resolution Of The City Council Of The City Of Emeryville Granting An Annual Card Room License To The Oaks Card Club For The Calendar Year 2018. (Jennifer Tejada)

Chief Tejada made the staff presentation and responded to Council questions.

PUBLIC HEARING OPEN: 8:12 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 8:12 p.m.

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

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

Noes: 1 - Council Member Donahue

Enactment No: 17-199

11.2. [ID-2017-758](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Trader Vic's For Calendar Year 2018. (Jennifer Tejada)

Chief Tejada also gave this presentation and responded to Council questions.

PUBLIC HEARING OPEN: 8:18 P.M.

1. Fran Chiappetta spoke on behalf of herself and Joe Lutz, reading from a statement, stating that despite Trader Vic's efforts, there is still a noise issue during private parties.

2. Buzz Cardoza spoke in support of Trader Vic's efforts to prevent patrons from making noise at the entry, but stated that many of the lights are not working.

3. Andre Carpiaux spoke in support of the Trader Vic's operation, stating that the noise was not an issue for him.

4. Tracy Giles spoke in support of Trader Vic's, stating that she was informed when planning a recent event that there could be no music outside, in deference to the neighbors.

5. Craig Walker spoke in support of the efforts that Trader Vic's made to be considerate to the neighbors.

6. Tom Gibson spoke in support of Trader Vic's, stating that it is an institution.

PUBLIC HEARING CLOSED: 8:27 p.m.

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

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

Enactment No: 17-200

12. ACTION ITEMS

- 12.1. [ID-2017-496](#) Introduction and First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Public Safety Regulations In Title 4 Of The Emeryville Municipal Code Regarding Speed Limits (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)) (Andrew Clough / Ryan O'Connell)

Public Works Interim Director Clough gave the staff presentation and responded to Council questions.

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

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

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

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

13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2017-754](#) Planning Director's report on Planning Commission actions at the December 14, 2017 meeting:

- (a) Sherwin Williams - Public Park and Open Space Final Development Plan - Consideration of a Final Development Plan (FDP) for the public park and other public open spaces within the Sherwin Williams Planned Unit Development site, including removal of two Hackberry street trees on Sherwin Avenue.*
- (b) Ocean View Townhomes - A study session to review a Conditional Use Permit and Design Review proposal to demolish an existing single family home and replace it with a three-unit residential building at 1270 Ocean Avenue.
- (c) Update of City Noise Ordinance - A study session to solicit comments on the proposed update and amendment of the Noise Ordinance in Chapter 13 of Title 5 of the Emeryville Municipal Code and other related provisions of the Planning Regulations and General Plan. This ordinance applies citywide.

- * 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.

The packet for the December 14, 2017 Planning Commission meeting can be viewed online at

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

Note that there will also be a special meeting of the Planning Commission on Wednesday, December 20, 2017 beginning at 6:30 p.m. to consider approval of three applications for Cannabis Manufacturing uses.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Donahue requested an agenda item regarding the closure of Alta Bates Hospital, stating there was regional concern about this, and to support contributing to a study to look into health consequences of longer response times. His request received majority support.

Council Member Martinez would like support having initial conversations about becoming a Sister City.

15. ADJOURNMENT

The meeting was adjourned at 8:41 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