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## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Members:

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

#### AMENDED

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Tuesday, March 6, 2018

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting called to order at 7:19 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

- 4.1. [ID-2018-038](#) Presentation: Alameda County District Attorney's Office Programs and Services

District Attorney O'Malley gave the presentation and responded to Council questions.

#### PUBLIC COMMENT

Brian Donahue spoke on School District issues, claiming that they do not respond to public records act requests.

- 4.2. [ID-2018-134](#) Introduction of ECDC (Emeryville Child Development Center) Manager Quera Owens (Pedro Jimenez)  
Director Jimenez introduced Ms. Owens to the City Council.
- 4.3. [ID-2018-133](#) Proclaiming March as Youth Art Month in Emeryville. (Sheri Hartz)  
Sharon Wilchar was present to receive the proclamation and to report on the enrichment of art experiences for Emeryville youth.

## 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz made an announcement of upcoming appointments and vacancies.

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

Council Member Patz reported on his attendance of the Alameda County Housing Authority meeting, where he was invited to attend the upcoming trip to Washington, D.C. Vice Mayor Medina provided an update on the suit being brought against the State of California by the Attorney General related to its status as a Sanctuary State. Council Member Martinez reported on the recent activity of Stop Waste related to the ban on single-use plastic bags, and also alerted the public to community member vacancies on the East Bay Community Energy Community Advisory Committee and provided application information. Mayor Bauters provided information on the AC Alert system, and reported on his and the Vice Mayor's recent attendance at a meeting with AC Transit related to improvement of trans-bay routes and other infrastructure improvements for Emeryville.

## 7. CITY MANAGER'S REPORT

The City Manager introduced Director Jimenez, who reported on upcoming community events such as a Children's Rummage Sale, a community workshop to help guide improvements for Davenport Park, the Emeryville Day on the Bay, and the Spring Carnival Egg Hunt.

## 8. EX PARTE COMMUNICATIONS

Council Member Donahue reported that he met with the owner to the immediate north of the property being considered under Item 11.1, as well as with the owner of 1258 Ocean Avenue. Vice Mayor Medina and Council Member Patz reported having reviewed the email messages on various agenda items that had been made available to the public. Mayor Bauters reported having received those same emails, and having spoken to Bill Schraeder and John Scheuerman regarding Item 11.1, and Ali Eslami and Greg Harper about Item 11.2.

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

Brian Donahue reported on comments made in the E'Ville Eye.

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

A motion was made by Council Member Martinez, seconded by Council Member Donahue, 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-2018-128](#) Warrants. (Susan Hsieh)

**A motion was made to accept this Informational Report.**

- 10.2. [ID-2018-130](#) Action Minutes of the February 20, 2018 Emeryville City Council/Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

**A motion was made to approve the Minutes.**

- 10.3. [ID-2018-132](#) Action Minutes of the February 20, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)

**A motion was made to approve the Minutes.**

- 10.4. [ID-2018-121](#) Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Execute A Memorandum Of Understanding Between The Emeryville City Council And The Emeryville Police Officers' Association (EPOA) With A Term Effective July 1, 2017 Through June 30, 2019. (Lisa Lopez)

**A motion was made to approve this Resolution.**

Enactment No: 18-23

- 10.5. [ID-2018-136](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Calling A Special Election And Ordering The Submission Of A Proposition Incurring Bonded Debt For The Purpose Of Financing Affordable Housing Projects To The Qualified Voters Of The City Of Emeryville At The Special Municipal Election To Be Held On June 5, 2018. (Susan Hsieh / Michael Guina)

This item was pulled from the Consent Agenda for separate consideration.

## PUBLIC COMMENT

1. A resident spoke in opposition to the affordable housing bond measure being put on the June ballot, citing senior fixed incomes.
2. Ruth spoke in support of the affordable housing bond measure.
3. Joe Cohen proposed that the Council ask the Federal government outlaw assault weapons.
4. Parissa Peymani spoke regarding the recent shooting near her place of business and stated there is no Police presence in the area.
5. Brian Donahue agreed with the previous speaker about an assault weapon ban, and also spoke in support of the affordable housing bond.

**A motion was made by Mayor Bauters, seconded by Council Member Martinez, to approve the second reading and adoption 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

Enactment No: 18-002

## 11. PUBLIC HEARINGS

- 11.1. [ID-2018-116](#) A Resolution Of The City Council Of The City Of Emeryville Approving A General Plan Amendment To Revise The Location Of Shellmound Way Such That It Coincides With Its Current Location Approximately 250 Feet South Of What Is Shown On General Plan Figure 3-1, "Circulation", And Other Maps In The General Plan (CEQA Status: General Plan EIR Certified by City Council on October 13, 2009). (Charles S. Bryant / Miroo Desai)

Senior Planner Miroo Desai gave the staff presentation and responded to Council questions.

PUBLIC HEARING OPEN: 8:41 p.m.

Brian Donahue spoke in opposition to this amendment.

PUBLIC HEARING CLOSED: 8:44 p.m.

Council direction was given to continue the hearing to a future meeting, and to take the inclusion of a bike path to the proposed General Plan amendment back to the Planning Commission for a

recommendation.

- 11.2. [ID-2018-120](#) Resolution Of The City Council Of The City Of Emeryville Approving Modifications To The Conditions of Approval and Approved Plans Of A Conditional Use Permit To Add Square Footage, To Add Private Open Space In The Form Of Room Decks, And To Make Exterior Modifications To Two Previously Approved Residential Units At 1258 Ocean Avenue (APNs: 049-1489-18 And -19) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303 Which Applies To Construction Of Small, New Structures). (Charles S. Bryant / Navarre Oaks)

Assistant Planner Navarre Oaks gave the staff presentation and responded to Council questions.

The applicant's architect commented on the proposed changes.

The applicant, Ali Eslami, responded to questions from Council, and Greg Harper spoke on the applicant's behalf.

PUBLIC HEARING OPEN: 9:23 p.m.

1. Brian Donahue stated that the property was in the area of stability and that the project should not be approved.

2. Lee Steinmetz, neighbor of the project location, spoke in opposition to approval as he felt it was out of scale.

PUBLIC HEARING CLOSED: 9:28 p.m.

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

**Ayes:** 3 - Vice Mayor Medina, Council Member Donahue, and Council Member Martinez

**Noes:** 2 - Mayor Bauters, and Council Member Patz

Enactment No: 18-24

## 12. ACTION ITEMS

- 12.1. [ID-2018-122](#) Housing Committee's Annual Report On Committee Goals, Principles And Accomplishments For Year 2017; And Proposed Committee Priorities For Year 2018. (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Housing Committee Chair Tito Young gave the presentation to Council.

The City Council accepted the report.

- 12.2. [ID-2018-125](#) Bicycle/Pedestrian Advisory Committee's Annual Report On Committee Goals, Principles And Accomplishments For Year 2017; And Proposed Committee Priorities For Year 2018. (Andrew Clough / Nancy Humphrey / Marcy Greenhut)
- B/PAC Chair Miguel Guerrero gave the presentation and responded to Council questions.

#### PUBLIC COMMENT

Tito Young stated that we should learn about bike safety from the mistakes of our neighboring cities.

The City Council accepted the report.

- 12.3. [ID-2018-085](#) Parks and Recreation Committee Annual Report On Committee Goals, Principles And Accomplishments For Year 2017; And Proposed Committee Priorities For Year 2018. (Pedro Jimenez / Brad Helfenberger)
- Youth and Adult Services Manager Brad Helfenberger introduced Chair Barbara Inch, along with Co-Chair Jack Ghizzoni, who gave the presentation and responded to Council questions.

The City Council accepted the report.

- 12.4. [ID-2018-053](#) Resolution Of The City Council Of The City Of Emeryville Approving A Park And Recreation Facility Impact Fee Credit For The Sherwin Williams Mixed Use Project And Authorizing The City Manager To Execute A Park And Open Space Improvement Agreement With SWACE, LLC. (Charles S. Bryant / Miroo Desai / Andrea Visveshwara)

Mayor Bauters recused himself from participation in this item due to the proximity of his residence to the project location. He passed the gavel to Vice Mayor Medina who acted as the Presiding Officer.

Senior Planner Desai gave the staff report and responded to Council questions.

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

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

**Recused:** 1 - Mayor Bauters

Enactment No: 18-25

- 12.5.**     [ID-2018-145](#)     Resolution Of The City Council Of The City Of Emeryville Amending The Adopted Budget For The 2017-18 And 2018-19 Fiscal Years. (Susan Hsieh)

The Council declined presentation of a staff report.

**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: 18-26

- 12.6.**     [ID-2018-154](#)     Council Goal Setting - FY2018-2019. (Carolyn Lehr)  
(Continued from the February 6, 2018, City Council Regular Meeting)

City Manager Lehr introduced the item, and Mayor Bauters led a Council discussion wherein the top priority goals for projects were identified and prioritized.

**PUBLIC COMMENT**

Nasser Azimi supported the Council in establishing goals, stating that he would like to see a connection between the business community and the Council's goal.

Following Council's discussion, staff was directed to bring the item back for final action at the April 3, 2018 meeting.

### **13. DEPARTMENT HEAD REPORTS**

- 13.1.**     [ID-2018-086](#)     Planning Director's report on Planning Commission actions at the February 22, 2018 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 2017, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development. \*
- (b)     Sherwin Williams Architectural Final Development Plan - Public hearing to consider approval of the Final Development Plan for four new buildings in the Sherwin Williams Planned Unit

Development site. \*\*

- (c) Rochambeau Cannabis Retail Dispensary - Public hearing to consider approval of a Cannabis Sales use at 3996 San Pablo Avenue, Suite C4 and C5, including retail sale and on-site consumption of cannabis products (a tasting bar), on-site pick up, and home delivery. \*\*

\* Item requires City Council approval and is scheduled for City Council consideration on March 20, 2018.

\*\* 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 February 22, 2018 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

Mayor Bauters requested that an item be brought back on the March 20, 2018 agenda urging the United States Congress to enact a Revenue-Neutral Carbon Tax, and received majority support from the Council.

#### 15. ADJOURNMENT

The meeting adjourned at 11:18 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