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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

REVISED

Tuesday, March 21, 2017

7:16 PM

Council Chambers

1. CALL TO ORDER AND COUNCIL MEMBER OATH AND SONG

The meeting was called to order at 7:18 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 Medina, seconded by Council Member Patz, 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-2017-125](#) State of the City Address (Mayor Scott Donahue / Carolyn Lehr)

Mayor Donahue gave the State of the City Address.

- 4.2. [ID-2017-145](#) Proclamation Of The City Council Of The City Of Emeryville Declaring March 2017 as American Red Cross Month in the City of Emeryville. (Sheri Hartz)

Attachments: [Proclamation](#)

Sheri Aylesworth, Alameda County Leadership Council, was present to receive the proclamation.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz reported the current vacancies on the City's community advisory committees.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS

Vice Mayor Bauters reported that a community meeting regarding the proposed Halleck-Beach Dog Park would be held on Thursday, April 13th from 6:00 to 7:00 p.m. at City Hall; that the small business Joint Planning Commission/City Council study session would be held Tuesday, May 16th from 1:00 to 3:00 p.m. at City Hall; offered congratulations to Ripple Foods for receiving the East Bay Innovation award; announced that Scientific Adventures for Girls, funded by Wareham Development, which offers science learning opportunities for girls and is held at ECCL was taking enrollment for the next session; and concluded by virtually saying hello to Grayor and Declan, who were learning about government.

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

1. Andre Carpiaux discussed various topics.
2. Laura McCamy spoke regarding the Powell and Christie intersection, stating that additional studies aren't needed, but improvements need to be made quickly.

8. CITY MANAGER'S REPORT

There was no report given.

9. EX PARTE COMMUNICATIONS

Vice Mayor Bauters stated that he had met with representatives from Wareham Development on March 4th.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Patz, seconded by Vice Mayor Bauters, 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

- 10.1. [ID-2017-161](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this Informational Report.

- 10.2. [ID-2017-149](#) Action Minutes of the March 7, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2017-150](#) Action Minutes of the March 7, 2017 City Council Special Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2017-151](#) Action Minutes of the March 7, 2017 City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2017-152](#) Action Minutes of the March 7, 2017 Emeryville City Council Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6. [ID-2017-144](#) Resolution Of The City Council Of The City Of Emeryville Approving The 2016 General Plan Annual Progress Report And Authorizing Submittal To The Governor's Office Of Planning And Research And To The California Department Of Housing And Community Development (Charles S. Bryant / Diana Keena / Catherine Firpo)

Attachments: [Staff Report](#)
[Resolution](#)
[Residential Site Inventory Update](#)
[2016 General Plan Annual Progress Report](#)
[APPROVED Resolution No. 17-30](#)

A motion was made to approve this Resolution.

Enactment No: 17-30

- 10.7. [ID-2017-140](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Article 21 To Chapter 5, And Amending Chapters 2, 3 And 7, Of Title 9 Of The Emeryville Municipal Code Regarding Short-Term Rental Of All Or Part Of A Dwelling. CEQA Status: Exempt Pursuant To CEQA Guidelines 15301 And 15061(b)(3) (Charles S. Bryant / Diana Keena)

Attachments: [Staff Report](#)

[Attachment 1 - Staff Report from March 7, 2017](#)

[Ordinance](#)

[APPROVED Ordinance No. 17-001](#)

Council directed staff to amend the resolution due to a clerical error.

A motion was made to approve the second reading and adoption of this Ordinance as amended to correct typographical error.

Enactment No: 17-001

- 10.8. [ID-2017-094](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Public Works Director To Submit A Five Thousand Dollar (\$5,000) Funding Request To The California Department Of Resources Recycling And Recovery Beverage Container Recycling Grant Program (Cal Recycle) And Appropriate The Funds When Received To Fund 254 Project #01254105. (Maurice Kaufman / Marcy Greenhut)

Attachments: [Staff Report](#)

[Resolution](#)

[Program Guidelines](#)

[APPROVED Resolution No. 17-31](#)

A motion was made to approve this Resolution.

Enactment No: 17-31

- 10.9. [ID-2017-139](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Memorandum Of Understanding With The California Labor Commissioner's Office To Establish A Cooperative Partnership For Labor Standards Implementation And Enforcement (Charles S. Bryant / Chadrick Smalley / April Shabazz)

Attachments: [Staff Report](#)

[Resolution](#)

[Exhibit A - Memorandum of Understanding](#)

[APPROVED Resolution No. 17-32](#)

A motion was made to approve this Resolution.

Enactment No: 17-32

- 10.10.** [ID-2017-138](#) Resolution Of The City Council Of The City Of Emeryville Confirming Compliance With Assembly Bill 2135 Regarding Surplus Land And Affordable Housing (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Resolution](#)

[APPROVED Resolution No. 17-33](#)

A motion was made to approve this Resolution.

Enactment No: 17-33

- 10.11.** [ID-2017-135](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work And Authorizing The City Engineer To Advertise For Public Bids For The Construction Of The Video Detection Traffic Signal Enhancement, Project No. EPW 17-101, CIP No. 15475006; CEQA Determination: Exempt Pursuant To 15301(c). (Maurice Kaufman / Ryan O'Connell)

Attachments: [Staff Report](#)

[Resolution](#)

[Exhibit A - Project Overview Map](#)

[APPROVED Resolution No. 17-34](#)

A motion was made to approve this Resolution.

Enactment No: 17-34

- 10.12.** [ID-2017-111](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Filing Of An Application For Funding Assigned To The Metropolitan Transportation Commission (MTC) And Committing Any Necessary Matching Funds And Stating Assurance To Complete The Project. (Maurice Kaufman / Nancy Humphrey)

Attachments: [Staff Report](#)

[Resolution](#)

[Concept Plans](#)

[APPROVED Resolution No. 17-35](#)

A motion was made to approve this Resolution.

Enactment No: 17-35

11. PUBLIC HEARINGS

11.1. [ID-2017-141](#) Cannabis Regulations. (Andrea Visveshwara / Miroo Desai)

Attachments: [Staff Report](#)

[Attachment 1 - Feb. 7, 2017 Staff Report \(w/o attachments\)](#)

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

PUBLIC HEARING OPENED: 8:27 p.m.

1. Andre Carpiaux spoke in favor of the ordinance.
2. Michael Sautman spoke regarding buffer zones and commercial cultivation, and agreed with staff's recommendations.
3. Nassar Azimi spoke regarding incubation and stated that he would like to see multiple operating permits granted within one Conditional Use Permit.

PUBLIC HEARING CLOSED: 8:32 p.m.

11.1.1. [ID-2017-142](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code To Add Article 22 To Chapter 5 Concerning Standards For Cannabis-Related Activities And To Make Other Related Modifications To The Planning Regulations; CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15061(b)(3)

Attachments: [Attachment 2 - Proposed Ordinance](#)

[Attachment 3 - Map: Cannabis Manufacturing](#)

[Attachment 4 - Map: Cannabis Retail \(250 ft. Buffer\)](#)

[Attachment 5 - Map: Cannabis Retail \(600 ft. Buffer\)](#)

A motion was made by Council Member Martinez, seconded by Vice Mayor Bauters, 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 Council Member Martinez, seconded by Vice Mayor Bauters, to approve the first reading and introduction of this 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

11.1.2. [ID-2017-143](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing, Replacing, And Retitling Chapter 28

Of Title 5 Of The Emeryville Municipal Code, "Cannabis"; CEQA Determination: Exempt Pursuant To CEQA Guideline Section 15061(b)(3)

Attachments: [Attachment 6 - Proposed Ordinance](#)
[Attachment 7 - Comment Received](#)

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

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

- 11.2.** [ID-2017-156](#) Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2016-2017 Effective On March 24, 2017. (Maurice Kaufman / Susan Hsieh / Diana Keena)

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - Proposed Revisions](#)
[APPROVED Resolution No. 17-36](#)

Finance Manager Susan Hsieh gave the staff presentation and responded to Council questions.

PUBLIC HEARING OPENED: 8:48 p.m.

There being no public testimony on this item, the Public Hearing was closed at 8:48 p.m.

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: 17-36

12. ACTION ITEMS

- 12.1. [ID-2017-110](#) Resolution Of The City Council Of The City Of Emeryville Approving A Transportation Facility Impact Fee Credit Of \$500,000 To Wareham Property Group, On Behalf Of ES West Associates, LLC, For The EmeryStation West/Transit Center Project (Charles S. Bryant)

Attachments: [Staff Report](#)

[Resolution](#)

[Attachment 1 - Staff Report from January 17, 2017](#)

[Attachment 2 - Wareham Request Letter 03-01-17](#)

[Attachment 3 - Site Remediation Cost Summary 12-27-16](#)

[Attachment 4 - Legality of Application](#)

[Attachment 5 - Discussions with Wareham](#)

[Attachment 5, Exhibit A - Wareham Letter 9-26-16](#)

[Attachment 5, Exhibit B - Wareham Letter 10-10-16](#)

[Attachment 6 - History of Transit Center Project and Cost Increases](#)

[APPROVED Resolution No. 17-37](#)

Community Development Director Charles Bryant gave the staff report and responded to Council questions.

PUBLIC COMMENT

1. Dave Campbell, Bike East Bay, stated that the request should be denied and the money put to use on transportation projects.
2. Laura McCamy spoke in opposition to the fee credit being granted.
3. Ruth Major also spoke in opposition to the credit being granted.
4. Bill Reuter spoke regarding the fiscal state of the City, stating that the General Fund is under pressure and that the City should not pay this money if it was 5. not legally compelled to do so.
5. Judy Temal urged denial of the request.

Moved by Vice Mayor Bauters, seconded by Council Member Patz, to deny the request and not approve the Resolution.

Enactment No: 17-37

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

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

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

Enactment No: 17-37

- 12.2.** [ID-2017-146](#) Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapter 2 Of Title Four Of The Emeryville Municipal Code, "Emergency Plans"; CEQA Determination: Exempt Pursuant to Section 15061(b)(3) Of The California CEQA Guidelines. (Andrea Visveshwara / Lori Elefant)

Attachments: [Staff Report](#)

[Attachment - Proposed Ordinance](#)

Human Resources Analyst Lori Elefant gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

None.

A motion was made by Council Member Patz, seconded by Council Member Martinez, to continue this Ordinance to a future meeting. The motion carried by the following vote:

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

- 12.3.** [ID-2017-137](#) Resolution Of The City Council Of The City Of Emeryville Authorizing An Application For The California Arts Council's "California Cultural Districts Program" And Acknowledging City Arts District Partnerships (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

Attachments: [Staff Report](#)

[Resolution](#)

[APPROVED Resolution No. 17-38](#)

Community and Economic Development Coordinator Emi Theriault gave the staff report and responded to Council questions.

PUBLIC COMMENT

1. Sharon Wilchar spoke in support of pursuing the designation.

A motion was made by Mayor Donahue, seconded by Vice Mayor Bauters, to approve this Resolution 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

Enactment No: 17-38

- 12.4.** [ID-2017-159](#) Amending The Rules Of Procedure For City Council Committees And Community Advisory Committees, Revising The 2017 Local Roster Of

Boards, Commissions And Committees And Providing Direction On Related Committee Matters (Sheri Hartz)

Attachments: [Staff Report](#)
[Definitions/Descriptions Exhibit](#)
[Committee Questions](#)
[Committee Feedback Chart](#)

City Clerk Hartz gave a presentation and responded to Council questions.

PUBLIC COMMENT - None

- 12.4.1. [ID-2017-170](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedules Of The Budget Advisory Committee, The Budget And Governance Committee, The Public Art Committee, The Public Works Committee, The Sustainability Committee And The Transportation Committee; And Amending The Local Roster Of Boards, Commissions And Committees Accordingly.

Attachments: [Resolution](#)
[Proposed Roster Revisions in Redline Format](#)
[APPROVED Resolution No. 17-39](#)

A motion was made by Vice Mayor Bauters, seconded by Council Member Medina, to approve this Resolution 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

Enactment No: 17-39

- 12.4.2. [ID-2017-171](#) Resolution Of The City Council Of The City Of Emeryville Amending The Rules Of Procedure For Local Boards, Commissions And Committees Of The City Of Emeryville.

Attachments: [Resolution](#)
[Exh. A - Proposed Rules in Redline Format](#)
[Current Committee Rules of Procedure](#)
[APPROVED Resolution No. 17-40](#)

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: 17-40

13. COMMUNICATION AND REPORTS

13.1. Department Heads

No reports were given.

13.2. Council Members Reporting on Meetings Attended

Council Member Medina reported that she had attended the Gilman Playing Fields meeting where a request for funding had been made.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Vice Mayor Bauters requested that a resolution of support for Assembly Bill 1506 (Bloom/Chiu/Bonta) be added to a future agenda.

15. ADJOURNMENT

The meeting adjourned at 10:46 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**