



Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608

(510) 596-4300 phone  
(510) 450-7831 fax

[www.emeryville.org](http://www.emeryville.org)

## 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

#### AMENDED

---

Tuesday, April 4, 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 Martinez, seconded by Council Member Medina, to approve the Final Agenda as amended to hear Item 4.2 prior to Item 4.1. 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-2017-182](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming April 15, 2017 As World Art Day In The City Of Emeryville. (Sheri Hartz)

Attachments: [Proclamation](#)

Mayor Donahue read the proclamation aloud.

PUBLIC COMMENT

Sharon Wilchar spoke in support of World Arts Day being proclaimed.

- 4.2. [ID-2017-205](#) Commemorating The Ten-Year Anniversary Of The Former Woodfin Hotel ICE Raids, Honor The Workers And Their Community Allies Who Organized To Defend Immigrant Workers Rights. (Mayor Donahue)

Attachments: [Proclamation](#)

Mayor Donahue read the proclamation aloud and commented on the incident.

#### PUBLIC COMMENT

1. Maria Martinez spoke about the incident and thanked the Council for the commemoration.
2. Andre Carpiaux spoke regarding the Woodfin incident.
3. Brian Donahue spoke in support of the positive changes City government had made.

### 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 he would attend an upcoming SAE/Expressions College event, and announced the upcoming Halleck-Beach Dog Park meeting, the shoreline clean up event, and the small business forum on May 16th. He concluded by making a statement in support of the Americorps National Day of Service.

Council Member Martinez announced the upcoming spring carnival and egg hunt, and thanked Council Member Patz for challenging the Council to participate in the shortest triathlon.

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

1. Ruth Major announced the upcoming "Week of the Young Child".
2. Brian Donahue read from the City's website regarding crime statistic reporting, stating that it was racist.
3. Andre Carpiaux spoke regarding the fee credit that had been approved at the prior Council meeting.

### 8. CITY MANAGER'S REPORT

Community Services Director Jimenez announced the upcoming Community Expo.

### 9. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

A motion was made by Council Member Patz, 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

- 10.1. [ID-2017-193](#) Warrants. (Susan Hsieh)

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

A motion was made to accept this item.

- 10.2. [ID-2017-175](#) Action Minutes of the March 13, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3. [ID-2017-176](#) Action Minutes of the March 13, 2017 Emeryville City Council Special Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4. [ID-2017-179](#) Action Minutes of the March 21, 2017 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5. [ID-2017-178](#) Action Minutes of the March 21, 2017 Emeryville City Council Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6. [ID-2017-165](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Third Amendment To The Professional Services Agreement For Audit Services With

Lance, Soll & Lunghard, LLP, Increasing The Services Agreement Amount By \$123,663 To An Amount Not To Exceed \$881,718 For The Fiscal Year 2016-2017 Audit. (Susan Hsieh)

**Attachments:** [Staff Report](#)

[Resolution](#)

[Agreement](#)

[APPROVED Resolution No. 17-42](#)

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

Enactment No: 17-42

- 10.7.**     [ID-2017-184](#)     Cannabis Regulations. (Andrea Visveshwara / Miroo Desai)

**Attachments:** [Staff Report](#)

[Attachment 1 - March 21, 2017 Staff Report \(w/o attachments\)](#)

**A motion was made to approve this Other Item.**

- 10.7.1.**   [ID-2017-185](#)   Second 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](#)

[APPROVED Ordinance No. 17-002](#)

**A motion was made to approve the second reading and adoption of this Ordinance.**

Enactment No: 17-002

- 10.7.2.**   [ID-2017-186](#)   Second 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 3 - Proposed Ordinance](#)

[APPROVED Ordinance No. 17-003](#)

**A motion was made to approve the second reading and adoption of this Ordinance.**

Enactment No: 17-003

- 10.8.**     [ID-2017-181](#)     Resolution Of The City Council Of The City Of Emeryville

Supporting SB 687 (Skinner) - Attorney General Authority On Hospital Closures. (Sheri Hartz)

**Attachments:** [Staff Report](#)

[Draft Resolution](#)

[Text of SB 687](#)

[SB 687 Summary Sheet](#)

[APPROVED Resolution No. 17-43](#)

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

Enactment No: 17-43

- 10.9.**     [ID-2017-207](#)     Resolution Of The City Council Of The City Of Emeryville Authorizing The Mayor To Sign A Letter Opposing SB 649, Wireless Telecommunications Facilities And Proposed Amendments To Install Small Cells By Right. (Mayor Donahue)

**Attachments:** [Staff Report](#)

[Resolution](#)

[Letter of Opposition for SB 649](#)

[APPROVED Resolution No. 17-44](#)

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

Enactment No: 17-44

## **11. PUBLIC HEARINGS**

No Public Hearings were scheduled.

## **12. ACTION ITEMS**

- 12.1.**     [ID-2017-166](#)     Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Authorizing An Amendment To The Contract Between The City Of Emeryville And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) With Respect To Public Safety Employees (Cynthia Kasten / Michael Guina)

**Attachments:** [Staff Report](#)

[Ordinance](#)

[Amended Agreement](#)

PUBLIC COMMENT - None

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

- 12.2.**     [ID-2017-173](#)     Resolution Of The City Council Of The City Of Emeryville Adopting The Community Grant Sub Committee Recommendations To Select Kala Art Institute, 45th Street Artist's Cooperative, Teresa Kalnoskas, The Oakland Public Education Foundation, New Arts Foundation And The Berkeley Film Foundation As The Recipients For The Emeryville Community Grant Program ( Pedro Jimenez / Cindy Montero)

**Attachments:** [Staff Report](#)

[Resolution](#)

[Community Grant Application- Kala Art Institute - Emeryville Rec](#)

[Community Grant Application- 45th Street Artist's Cooperative](#)

[Community Grant Application- Teresa Kalnoskas](#)

[Community Grant Application- The Oakland Public Education Foundation](#)

[Community Grant Application- New Arts Foundation-Nancy Karp + Dancers](#)

[Community Grant Application- Berkeley Film Foundation](#)

[APPROVED Resolution No. 17-45](#)

Director Jimenez gave a brief report and responded to Council questions.

#### PUBLIC COMMENT

1. Abby Ginsburg, President of the Berkeley Film Foundation, expressed thanks for the grant.
2. Sharon Wilchar spoke in appreciation on behalf of the 45th Street Artist's Cooperative for the grant received.
3. Nancy Carvin expressed appreciation for her program being brought back.
4. Don Lowry thanked the Council for the grant award and introduced mosaic artist Juan Lopez who will create a mosaic at ECCL.

**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: 17-45

## 13. COMMUNICATION AND REPORTS

### 13.1. Department Heads

13.1.1. [ID-2017-157](#) Planning Director's report on Planning Commission actions at the March 23, 2017 meeting:

(a) 6701 Shellmound Residential Project ("Nady Site") Extension Request - Consideration of a request for a two-year extension of a Conditional Use Permit and Design Review for a 186-unit residential development on a 2.27-acre site located at 6701 Shellmound Street that was approved by the Planning Commission on March 24, 2016. The project includes a Tree Removal Permit for removal of two street trees. \*

(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) Public Market Directional Sign Program - Consideration of a Major Sign Permit for directional signage throughout the Public Market site, specifically along Shellmound Street and 63rd Street. \*

(e) Accessory Dwelling Units Ordinance - Consideration of amendments to Article 14 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to make state-mandated changes related to Accessory Dwelling Units, formerly known as Secondary Residential Units. \*\*

(f) Pedestrian and Bicycle Plan Addendum - Consideration of a resolution reaffirming the 2012 Pedestrian and Bicycle Plan and approving a Focused Update Addendum on Implementation Status. This five-year implementation update and plan reaffirmation is required for projects in the plan to be eligible for state funding. \*\*

(g) Development Impact Fee Amendment - Consideration of an

amendment to Section 9-5.1907(b) of Article 19 of Chapter 5 of the Planning Regulations at Title 9 of the Emeryville Municipal Code to specify that development impact fees applicable to former uses shall be subtracted from fees for new uses, whether or not they were actually paid. \*\*

\* 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 is scheduled for consideration by the City Council on May 2, 2017.

The packet for the March 23, 2017 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Planning Director Bryant gave the report, noting that, Items (a), (b) and (d) had been continued and that, under Item (c), the number of trees to be removed had been changed from 30 to 9.

### ***13.2. Council Members Reporting on Meetings Attended***

There were no reports given.

## **14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

Vice Mayor Bauters requested and received approval to add an item to the May 2, 2017 agenda in support of Assembly Bill 1316 (Quirk/Garcia), Childhood Lead Poisoning Prevention.

## **15. ADJOURNMENT**

The meeting adjourned at 8:10 p.m. and Council reconvened in Closed Session.

**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**