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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

Tuesday, July 24, 2018

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting called to order at 7:16 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 Donahue, 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-2018-444](#) Introduction: Accounting Supervisor Gilbert Punsalan. (Susan Hsieh)
Finance Manager Hsieh introduced Mr. Punsalan, who made brief comments.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the recruitment for applicants to fill unexpected vacancies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Vice Mayor Medina reported on the special B/PAC tour/meeting that had been held, stating that it was well-attended and thanking staff for

organizing it. Council Member Martinez reported on her attendance at the recent East Bay Community Energy meeting. Mayor Bauters provided a recap and pictures of the recent dive-in movie, held at the ECCL pool and announced the timeline for the art center blue ribbon panel's activities.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Council Member Martinez stated she had communicated with Tony Garcia, East Bay Therapeutics, regarding Item 12.1, and had received email from Eric Maki regarding 12.2. Vice Mayor Medina stated she had communicated on 12.2 with residents of the Doyle/Hollis neighborhood. Council Member Patz reported that he had received emails from residents regarding the parking management matter. Mayor Bauters, regarding 12.1, stated he had conversed with Sean Luse, Rochambeau, and Nasser Azimi, East Bay Therapeutics, and had an email from Jennifer and Chelsey of Kikoko. He added that he had held a town hall meeting regarding Item 12.2, and had met with Alameda County Fire regarding Item 12.3.

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

1. Andre Carpiaux spoke regarding Item 10.9, objecting on the grounds that it proposed the use of outdated technology.
2. Eric Bruchia, 1320 67th Street, thanked the Police and Fire Department for their quick response to the recent auto accident at his business location, stating that their assistance was much appreciated.
3. A speaker displayed a document he had received in response to a Public Records request, objecting to the redaction of the City's response.
4. A speaker asked about the intersection of Powell and Doyle, and stated that vehicles don't stop at the crosswalk there.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Medina, seconded by Council Member Patz, 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-2018-437](#) 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-2018-432](#) Action Minutes of the July 10, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3.** [ID-2018-433](#) Action Minutes of the July 10, 2018, Emeryville City Council Special Meeting - Mayor's State of the City Address. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2018-434](#) Action Minutes of the July 10, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2018-436](#) Action Minutes of the July 10, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.6.** [ID-2018-447](#) Action Minutes of the July 18, 2018, Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.7.** [ID-2018-427](#) Resolution Of The City Council Of The City Of Emeryville Resolution Calling On The United States Congress To Award Chinese American World War II Veterans With The Congressional Gold Medal. (Mayor Bauters)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[APPROVED Resolution No. 18-108](#)

This item was pulled from the Consent Agenda for separate consideration, so that Mayor Bauters could present the resolution to the requestor, Sue Chan and her mother, Helen Wong Lee.

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

Enactment No: 18-108

- 10.8. [ID-2018-428](#)** Resolution Of The City Council Of The City Of Emeryville In Support Of Schools And Local Communities Funding Act. (Vice Mayor Medina)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 18-109](#)

A motion was made to approve this Resolution.

Enactment No: 18-109

- 10.9. [ID-2018-304](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 3 To The Professional Services Agreement With Biggs Cardosa Associates Inc., To Increase The Compensation Amount by \$848,400, For A Total Amount Not To Exceed \$1,249,140, For Design Services Related To The South Bayfront Pedestrian Bicycle Bridge, CIP# 16475006 And Horton Landing Park Expansion, CIP# 17237003. (Andrew Clough / Todd Teachout))

Attachments: [Staff Report](#)

[Initial Agreement with Exhibits](#)

[Amendment No. 1](#)

[Amendment No. 2](#)

[Draft Resolution](#)

[Amendment No. 3](#)

[Scope of Work](#)

[APPROVED Resolution No. 18-110](#)

A motion was made to approve this Resolution.

Enactment No: 18-110

- 10.10. [ID-2018-331](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Amendment No. 2 To Professional Services Agreement With EKI Environment & Water,

Inc., Increasing The Compensation By \$80,000, For A Total Compensation Amount Not To Exceed \$142,000 For Environmental Services For The South Bayfront Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006). (Andrew Clough / Todd Teachout))

Attachments: [Staff Report](#)

[Initial Agreement with Exhibits](#)

[Amendment No. 1](#)

[Draft Resolution](#)

[Amendment No. 2](#)

[Scope of Work](#)

[APPROVED Resolution No. 18-111](#)

A motion was made to approve this Resolution.

Enactment No: 18-111

10.11. [ID-2018-422](#)

Second Reading of An Ordinance Of The City Council Of The City Of Emeryville Repealing And Replacing Chapter 29 of Title 5 Of The Emeryville Municipal Code, "Smoking Pollution Control"; CEQA Determination: Exempt Pursuant to Section 15061(b)(3) Of the California CEQA Guidelines. (Michael Guina)

Resolution Of The City Council Of The City Of Emeryville Authorizing the City Manager to Execute A Memorandum Of Understanding Between The City of Emeryville And The County Of Alameda Public Health Department Regarding Provision of Education and Outreach for City's Smoking Pollution Control Ordinance

Attachments: [Staff Report](#)

[Draft Ordinance](#)

[Draft Resolution](#)

[MOU](#)

This item was pulled for separate consideration by Council Member Patz.

PUBLIC COMMENT

1. Ron Freund commented on Council Member Patz's motion to strike Section 5-29.09, stating that he would like to see the ordinance go into effect with no delay.

2. Tamika Johnson asked that Council insure that no multi-unit housing be connected to a smoking lounge.

A motion was made by Council Member Patz, seconded by Vice Mayor Medina, to approve the second reading of the ordinance with Section 5-29.09 stricken from the language.

A substitute motion was made by Mayor Bauters, seconded by Council Member Martinez, to re-introduce Section 5-29.09 into the ordinance, thereby prohibiting smoking lounges. The substitute motion failed on the following vote:

Ayes: 2 - Mayor Bauters, and Council Member Martinez

Noes: 3 - Vice Mayor Medina, Council Member Donahue, and Council Member Patz

The vote was taken on the original motion, and passed on a 3-2 vote, thereby necessitating a new second reading of the Ordinance, to be scheduled at the next regular City Council meeting on August 3, 2018. The motion carried by the following vote:

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

Noes: 2 - Mayor Bauters, and Council Member Martinez

11. PUBLIC HEARINGS

- 11.1. [ID-2018-424](#) Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review Permit For "Ocean View Townhomes", Involving The Demolition Of An Existing Single Family Home And Its Replacement With A Three-Unit Residential Building At 1270 Ocean Avenue (APN49-1469-10) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15303(b) and 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)

Attachments: [Staff Report](#)

[Attachment 1 - Applicant Narrative Letter](#)

[Attachment 2 - Correspondence from Neighbors](#)

[Attachment 3 - Arborist Report](#)

[Draft Resolution](#)

[Exhibit A - Conditions of Approval and Attachments](#)

[Project Plans](#)

[APPROVED Resolution No. 18-112](#)

Assistant Planner Navarre Oaks gave the staff report and introduced the applicant, Kristin Personett, Indigo Design Group, who made comments and responded to Council questions.

PUBLIC HEARING OPEN: 8:19 p.m.

1. A speaker objected to the project on the grounds that it was in the area of stability and stated that the City did not need more density.

PUBLIC HEARING CLOSED: 8:23 p.m.

A motion was made by Council Member Donahue, 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 Donahue, and Council Member Martinez

Noes: 1 - Council Member Patz

Enactment No: 18-112

12. ACTION ITEMS

- 12.1.** [ID-2018-448](#) Resolution Of The City Council Of The City Of Emeryville Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Approve A Business License Tax On Cannabis Businesses At The General Municipal Election To Be Held On Tuesday, November 6, 2018; Requesting Consolidation By The Alameda County Board Of Supervisors Of The Election Regarding Said Measure With The General Election To Be Held On The Same Date And That Alameda County Provide Election Services With Full Reimbursement By The City Of Emeryville; Setting City Council Priority For Filing Written Argument; Directing The City Attorney To Prepare An Impartial Analysis; Authorizing The Filing Of Rebuttal Argument; CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A to Resolution.Option 1](#)

[Exhibit A to Resolution.Option 2](#)

[Exhibit A to Resolution.Option 3](#)

[APPROVED Resolution No. 18-113](#)

Finance Manager Susan Hsieh opened the item before introducing City Attorney Guina, who continued with the presentation.

PUBLIC COMMENT

1. Ron Freund spoke in support of taxing and regulation of cannabis, but was concerned that it granted wide discretion to Council.
2. A speaker commented that he had not been allowed to finish his sentence in the previous speaker session. He also stated that the business tax cap should be rescinded, and that overtaxing cannabis

will drive users to the black market.

3. Chelsey Miles, Kikoko, stated it was too soon to start taxing the cannabis industry at this time, and that the revenue estimates used in the report were too high.

A motion was made by Council Member Martinez, 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: 18-113

Mayor Bauters and Vice Mayor Medina were authorized by the Council to serve on an ad-hoc committee for the purpose of drafting an argument in favor of the ballot measure for approval of the entire Council at the August 3, 2018 Council meeting.

12.2. [ID-2018-423](#)

Resolution Of The City Council Of The City Of Emeryville Adopting The Emeryville Parking Management Plan (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15301(c) Which Applies To Operation And Minor Alteration Of Existing Streets, Sidewalks, And Similar Facilities). (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Attachment 1 - Recommended Permit Areas](#)

[Attachment 2 - Recommended Phases](#)

[Attachment 3 - Financial Analysis](#)

[Draft Resolution](#)

[Exhibit A - Parking Management Plan](#)

[Late Correspondence \(Betsy Cooley\)](#)

[Late Correspondence \(Anonymous\)](#)

[Late Correspondence \(Louise Engel, A.I.C.P.\)](#)

[Late Correspondence \(Eric Maki\)](#)

Economic Development and Housing Coordinator Amber Evans gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

1. Chris Jasinski spoke regarding the use of License Plate Readers, stating they are intrusive, and wondered whether the Police would be enforcing the parking meter usage.

2. Tracy Rosenberg, a privacy advocate, stated that the use of License Plate Readers was controversial, and that the City had a policy about their use, which was meant to be for criminal activity. She added that

the retention of the data for one year was overkill for parking infractions, and stated that the roll out should occur in stressed parking areas only.

3. George Martin stated that existing parking laws should be enforced before approving the proposed parking plan.

4. Kate Lucchese spoke regarding her Ocean Avenue neighborhood, where she is the only residential property among other uses, and asked whether they could receive special consideration by being issued resident stickers.

5. Madelyn Covey spoke in opposition to metered parking in her neighborhood, which was mostly commercial, where there were six adults residing in her unit who each have cars.

6. Jordan Pelot also stated that the proposed plan would negatively impact his neighborhood parking situation.

7. Jack Ghizzoni spoke on behalf of the Park Avenue Resident's Committee, stating that they were supportive of the expansion in the revised plan.

8. Hava Glick-Landes stated there was currently no parking problem on her block, but that the proposed plan would create one, and that the permit should relate to number of residents, rather than being issued per dwelling.

9. Melissa Ma, 65th Street resident, stated that the main concern was for mixed-use streets if they are metered as currently drafted in the plan.

10. Ruth Major asked what the range would be for low-income rates.

11. Tom Modic objected to commercial permits being allowed in residential neighborhoods, and suggested a placard to allow permit to be shared.

12. Garrett McKinney, representing Emeryville Marina, stated that the parking lot there was shared with the City and proposed cutting it in half to improve monitoring.

13. Ken Bukowski stated objections to the proposed plan, and said that developers should be accountable for parking at their locations.

A motion was made by Mayor Bauters, seconded by Council Member Martinez, to continue this matter to the September 17, 2018 Council 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

12.3. [ID-2018-445](#) City Council Update Police Administration Building, 2449 Powell Street (James N. Holgersson)

Attachments: [Staff Report](#)

Interim City Manager James Holgersson made the staff presentation for this informational item.

PUBLIC COMMENT

1. A speaker asked why an improvement would be made if the building was currently fine, and stated that the egress was not up to code.

- 12.4.** [ID-2018-426](#) Designation Of Voting Delegate And Alternate(s) To The League Of California Cities Annual Conference. (Sheri Hartz)

Attachments: [Staff Report](#)

[Attachment 1](#)

[Attachment 2](#)

A motion was made by Mayor Bauters, seconded by Council Member Patz, to nominate Vice Mayor Medina to represent the Council as its Voting Delegate at the League of California Cities 2018 Annual Conference. 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**14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

Council Member Martinez asked that consideration of the League of California Cities resolutions be placed on the agenda for September 4, 2018. Council Member Donahue requested and received majority support for a ceremonial item recognizing local biotech firms for their work be added to a future meeting agenda.

15. ADJOURNMENT

The meeting adjourned at 11:09 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