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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

Tuesday, October 2, 2018

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:32 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 Martinez, seconded by Council Member Patz, 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-2018-527](#) Introduction: New City Manager, Christine Daniel. (Lisa M. Lopez)
Mayor Bauters welcomed the new City Manager, Christine Daniel, and she made brief remarks of appreciation for the opportunity.

4.2. [ID-2018-528](#) Presentation: Recognition of Long Term City Employees. (Chief Tejada/Lisa M. Lopez)
The Mayor presented the honorees with certificates of recognition for their service to the City. Present to receive for 20 years or more of service were Valencia Miles, Sergeant Richard Lee, Officer Jason Krinsky, and Sergeant Robert Alton. Sergeant Kevin Goodman received recognition for 25 years of service, and Dutchess Booze for

30 years. Not able to attend but also recognized were Sergeant Mike Lee, Officer Eric While and Eileen Birkeland.

4.3. [ID-2018-529](#) Proclamation: Domestic Violence Awareness Month. (Chief Tejada)

Attachments: [Proclamation](#)

The Mayor read the proclamation aloud, and presented it to Vivian Irving, from A Safe Place, who then made brief comments of appreciation.

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

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

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

There was no report.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez announced that on November 1, 2018, EBCE, Alameda County's new electricity provider, would begin enrolling residential customers, that an opt-up option would be available to go to 100% renewable energy, and explained the sign up process. She also announced that Stop Waste, Alameda County's Waste Management Authority, supported AB 1884 which banned providing single use plastic straws except on request and would increase awareness about the impacts of single use plastics in general.

Mayor Bauters thanked those involved in putting on and participating in the recent Emergency Preparedness event. He also announced the upcoming Manufacturing Day, the opening of the 32nd Celebration of the Arts and the upcoming candidate forum. He announced that Rebuilding Together, an East Bay non-profit, offered free healthy home repairs to income-qualified seniors. He concluded with a personal statement, stating that October 11 was National Coming Out day, gave statistics on the experiences of LGBT youth and encouraged supporting them by getting educated on providing a safe space, recommending the website www.glisten.org for more information.

7. CITY MANAGER'S REPORT

City Manager Daniel announced the upcoming Oktoberfest that would be held at the Senior Center.

8. EX PARTE COMMUNICATIONS

Council Members Martinez and Patz, as well as Vice Mayor Medina and Mayor Bauters, reported having had contact with representatives from Renew Financial in regard to Item 12.1 on the agenda.

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

Sharon Wilchar announced the upcoming Celebration of the Arts event.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Medina, seconded by Council Member Martinez, 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-2018-530](#) Warrants. (Susan Hsieh)

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

A motion was made to approve this Other Item.

10.2. [ID-2018-514](#) Action Minutes of the September 17, 2018 Emeryville City Council Study Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2018-517](#) Action Minutes of the September 17, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.4. [ID-2018-504](#) Resolution Of The City Council To Accept A Grant In The Amount Of \$6,000 From The Target Corporation To The Emeryville Police Department To Subsidize Training In Resiliency And Wellbeing For Department Employees. (Jennifer Tejada / Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Target Resiliency Training Grant Application](#)
[ADOPTED Resolution 18-140](#)

A motion was made to approve this Resolution.

Enactment No: 18-140

- 10.5.** [ID-2018-522](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Contract Number 900162 With The Alameda County Area Agency On Aging For Senior Center Programs For Fiscal Year 2018-2019 In The Amount Of \$25,000; And Appropriate Said Funds When Received To Account Number 5460-51100. (Pedro Jimenez / Brad Helfenberger)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Contract](#)

[ADOPTED Resolution 18-141](#)

A motion was made to approve this Resolution.

Enactment No: 18-141

- 10.6.** [ID-2018-532](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-7.601 "Declaration of Policy"; CEQA Determination: Exempt Pursuant To Section 15061(B)(3) Of The California CEQA Guidelines (Lisa Lopez)

Attachments: [Staff Report](#)

[Proposed Ordinance](#)

[ADOPTED Ordinance 18-004](#)

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

Enactment No: Ord No. 18-004

- 10.7.** [ID-2018-513](#) Resolution Of The City Council Of The City Of Emeryville Declaring The Week of November 11 Through 17, 2018 As United Against Hate Week In The City Of Emeryville. (Mayor John J. Bauters)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Informational Flyer](#)

[ADOPTED Resolution 18-142](#)

A motion was made to approve this Resolution.

Enactment No: 18-142

11. PUBLIC HEARINGS

- 11.1. [ID-2018-509](#) 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 2019. (Oliver Collins)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - Conditions of Approval](#)
[Cabaret License Application](#)
[Annual Permit Review Report](#)
[ADOPTED Resolution 18-143](#)

The Council waived the staff presentation.

PUBLIC HEARING OPEN: 8:06 p.m.

There was no testimony given.

PUBLIC HEARING CLOSED: 8:06 p.m.

A motion was made by Vice Mayor Medina, seconded by Council Member Patz, 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: 18-143

12. ACTION ITEMS

- 12.1. [ID-2018-511](#) Resolution Of The City Council Of The City Of Emeryville Amending Resolution Number 17-26, Limiting The Authorization For The Inclusion Of Properties Within The Territory Of The City In The California Statewide Communities Development Authority (CSCDA) Open PACE Programs; Authorizing CSCDA To Accept Applications, Conduct Contractual Assessment Proceedings And Levy Contractual Assessments Only From Commercial Property Owners Within The Territory Of The City; And Withdrawing Authorization For CSCDA To Provide PACE Services To Residential Properties. (Andrew Clough / Nancy Humphrey)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Resolution No. 17-26](#)
[ADOPTED Resolution 18-144](#)

Nancy Humphrey, Environmental Supervisor, gave the staff report and responded to Council Member questions.

PUBLIC COMMENT

1. Cliff Staton, Executive Vice President of Renew Financial, urged rejection of staff recommendation stating that PACE should be retained in Emeryville.

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 - Mayor Bauters, Vice Mayor Medina, Council Member Martinez, and Council Member Patz

Noes: 1 - Council Member Donahue

Enactment No: 18-144

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2018-512](#) Planning Director's report on Planning Commission actions at the September 27, 2018 meeting:

- (a) Marketplace Parcel B Temporary Parking Lot. Consideration of Conditional Use Permit for a temporary surface parking lot at 6000 Shellmound Street with about 200 spaces to support existing uses at the Marketplace Planned Unit Development site until a new garage building is constructed.*
- (b) East Bay Therapeutics Cannabis Retail Dispensary Amendment. Consideration of an amendment to a Conditional Use Permit to allow on-site consumption of cannabis at an existing cannabis retail dispensary at 5745 Peladeau Street that was approved by the Planning Commission on April 26, 2018.*
- (c) San Pablo Avenue General Plan and Planning Regulations Amendment. Consideration of a General Plan Amendment and Planning Regulations Amendment to increase the maximum development potential that could occur within an area of approximately 2.5 acres fronting the east side of San Pablo Avenue from 40th Street to approximately 170 feet south of 45th Street by increasing the allowable floor area ratio (FAR), building height, and residential density.**

* 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.

** Tentatively scheduled for consideration by the City Council on

October 30, 2018.

The packet for the September 27, 2018 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Director Bryant gave the report and advised the Council that it was within their purview to appeal either of the items listed under (a) or (b).

A motion was made by Mayor Bauters, seconded by Vice Mayor Medina, to approve appealing the item listed under 13.1.(a), Marketplace Parcel B Temporary Parking Lot. The motion carried by the following vote:

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

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Mayor Bauters requested and received majority support to bring forward a brief presentation by students on the best ways to provide health information to those doing cannabis home grows to the November 13, 2018 meeting.

The Mayor also requested and received support for the Planning Commission to study bird-friendly design guidelines in Emeryville in the next 6-12 months.

15. ADJOURNMENT

The meeting adjourned at 8:52 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