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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 30, 2018

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:17 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 Donahue, 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-2018-589](#) Swearing-In of new Police Sergeant Pablo Rojas. (Chief Tejada)
Chief Tejada administered the Oath to new Police Sergeant Rojas who then made brief remarks of appreciation.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the upcoming inaugural Giving Thanks event, being held to show appreciation to the City's committee and commissions members, and encouraged attendance.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez reported on her attendance of the Stop

Waste/Energy Council meeting, where the topic of electrification, or fuel substitution from gas to electric, was discussed, and also pursuit of a number of initiatives to reduce GHG emissions.

Mayor Bauters reported on recent City sponsored events, such as BizNexus and the Harvest Festival, and thanked staff for their work on these. He concluded by reading aloud a prepared statement regarding the current political climate in our nation.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Council Member Martinez reported contact with Betsy Cooley regarding Item 12.3, as well as the emails that had been added to the record. She also reported contact with Shaun Luze regarding Item 12.1. Vice Mayor Medina and Council Member Patz both reported having spoken with George Martin and Ron Silberman regarding Item 12.3. Mayor Bauters reported having received an email from Andre Carpiaux, many communications related to Item 12.1 from the various local cannabis businesses, and, on Item 12.3, communications with 40 residents and 20 businesses.

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

Andre Carpiaux said that he had been moved by the Mayor's statement, and stated that he was excluded from protections due to his citizenship status.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Donahue, 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-2018-594](#) 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-2018-584](#) Action Minutes of the October 16, 2018 Emeryville City Council / City of Emeryville as Successor Agency to the Emeryville

Redevelopment Agency Special Closed Session. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.3.** [ID-2018-585](#) Action Minutes of the October 16, 2018 Emeryville City Council Special Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2018-587](#) Action Minutes of the October 16, 2018 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.5.** [ID-2018-550](#) Annual Development Impact Fee Report - Fiscal Year 2017-2018 (Charles S. Bryant)

Attachments: [Staff Report](#)

[Attachment 1 - Public Facilities Funded by Development Impact Fees](#)

[Attachment 2 - Impact Fees Revenues, Expenditures, and Fund Balances - FY17-18](#)

[Attachment 3 - Impact Fee Projects from FY 17-21 CIP](#)

[Attachment 4 - City of Emeryville Development Impact Fees FY17-18](#)

A motion was made to accept this Informational Report.

- 10.6.** [ID-2018-552](#) Resolution Of The City Council Of The City Of Emeryville Approving Artists Priscilla Birge, Rosa Cruglez, Ana Lisa Hedstrom, Ann Holsberry, Packard Jennings and Yuzo Nakano, And Alternate Artists Stephen Skaar and Claudia Tennyson For The Bus Shelter Temporary Art Program - Phase V And Authorizing The City Manager To Execute Agreements With The Approved Artists For Final Design Of The Art Works In Amounts Not To Exceed \$4,000 For Each Artist (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Attachment - Art Work Imagery by Proposed Artists](#)

[APPROVED Resolution No. 18-149](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 18-149

- 10.7.** [ID-2018-573](#) Consideration Of Transportation Committee Recommendation For Requests For Loading Zones At East Bay Therapeutics, Blue Zone At Emeryville Senior Center, And Red Curb Tips On Driveways Of 1058 43rd Street And 1032 47th Street. (Andrew Clough / Keely Nelson)

Attachments: [Staff Report](#)

[Attachment 1 – 5745 Peladeau Street](#)

[Attachment 2 – 4321 Salem Street](#)

[Attachment 3 – 1058 43rd Street](#)

[Attachment 4 – 1032 47th Street](#)

A motion was made to approve this Other Item.

- 10.8.** [ID-2018-578](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Master Funding Agreement With Metropolitan Transportation Commission (MTC); And Resolution Of The City Council Of The City of Emeryville Authorizing the City Manager To Execute A Funding Agreement For Innovative Deployments To Enhance Arterials (IDEA) Category 2 Project, A Supplement 1 To The Master Funding Agreement With MTC, And For All Other Agreements Necessary To Implement The IDEA Project (Andrew Clough / Ryan O'Connell)

Attachments: [Staff Report](#)

[Exhibit A - Funding Agreement Summary](#)

[Exhibit B - MTC Master Funding Agreement](#)

[Exhibit C - MTC Funding Agreement for IDEA Category 2 Project](#)

[Exhibit D - Supplement 1 to Master Funding Agreement](#)

A motion was made to approve this Item.

- 10.8.1** [ID-2018-607](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Master Funding Agreement With Metropolitan Transportation Commission (MTC) (Andrew Clough / Ryan O'Connell)

Attachments: [Draft Resolution - MTC Master Agreement](#)

[APPROVED Resolution No. 18-150](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 18-150

- 10.8.2** [ID-2018-608](#) Resolution Of The City Council Of The City of Emeryville Authorizing the City Manager To Execute A Funding Agreement For Innovative Deployments To Enhance Arterials (IDEA) Category 2 Project, A Supplement 1 To The Master Funding Agreement

With MTC, And For All Other Agreements Necessary To Implement The IDEA Project (Andrew Clough / Ryan O'Connell)

Attachments: [Draft Resolution - IDEA Signature Authority](#)

[APPROVED Resolution No. 18-151](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 18-151

- 10.9.** [ID-2018-598](#) Authorization By The City Council Of The City Of Emeryville For The Mayor To Issue A City Proclamation At A Special Event. (Sheri Hartz)

Attachments: [Staff Report](#)

A motion was made to approve this Other Item.

- 10.10.** [ID-2018-592](#) Resolution Of The City Council Of the City Of Emeryville Authorizing the City Manager To Accept A Grant From The U.S. Department Of Justice, Office Of The Attorney General, Bureau Of Justice Assistance (BJA) Program, In The Amount Of \$67,500 To Upgrade The Police Body Worn Camera System ("Grant"), Execute The Funding Agreement For The Grant And The Grant Funds To Be Added To Fund Account 254-Grant Project Number 19254011 - Body Worn Camera. (Captain Oliver Collins)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Grant Application](#)

[Grant Terms and Conditions](#)

[APPROVED Resolution No. 18-152](#)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 18-152

11. PUBLIC HEARINGS

- 11.1.** [ID-2018-546](#) San Pablo Avenue General Plan and Planning Regulations Amendments (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Attachment 1 - Subject Parcels](#)

[Attachment 2 - General Plan EIR Addendum](#)

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

PUBLIC HEARING OPEN: 7:47 p.m.

1. Joshua Davis, organizer for East Bay for Everyone, advocated for more affordable and senior housing at this location, and support approval of the item.
2. Jordan Wax, resident nearby, expressed support for this and any amendment to add density to this walkable neighborhood.

PUBLIC HEARING CLOSED: 7:49 p.m.

11.1.1 [ID-2018-547](#)

A Resolution Of The City Council Of The City Of Emeryville Amending The General Plan 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 Modifying Figure 2-3: Maximum Floor Area Ratios, Figure 2-4: Maximum Building Heights, And Figure 2-6: Maximum Residential Densities (APNs: 49-1026-2 (Partial), -22 (Partial), -23, -24 (Partial), -26-2 (Partial); 49-1079-13 (Partial), 14-1, 17-1, 19-4 (Partial); 49-1555-11 Through 19; -65, -66, and -67 (Partial)) (CEQA Determination: Addendum To 2009 General Plan EIR Prepared)

Attachments: [Draft Resolution](#)

[Exhibit A: General Plan Figure 2-3: Maximum Floor Area Ratios](#)

[Exhibit B: General Plan Figure 2-4: Maximum Building Heights](#)

[Exhibit C: General Plan Figure 2-6: Maximum Residential Densities](#)

[APPROVED Resolution No. 18-153](#)

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: Resolution No. 18-153

11.1.2 [ID-2018-548](#)

Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations To Ensure Consistency With The General Plan By Updating Figure 9-4.201(a): Maximum Floor Areas Ratios, Figure 9-4.202(a): Maximum Building Heights, And Figure 9-4.203(a): Maximum Residential Densities To Reflect Updated General Plan Figures 2-3, 2-4, And 2-6, Respectively (CEQA Determination: Addendum To 2009 General Plan EIR Prepared)

Attachments: [Draft Ordinance](#)

[Exhibit A of Draft Ordinance](#)

[Exhibit B of Draft Ordinance](#)

[Exhibit C of Draft Ordinance](#)

A motion was made by Council Member Martinez, seconded by Vice Mayor Medina, to read the Ordinance by title only. The motion carried by the following vote:

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

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

12. ACTION ITEMS

- 12.1.** [ID-2018-549](#) Resolution Of The City Council Of The City Of Emeryville Establishing Initial Tax Rates For A Cannabis Business License Tax, Contingent Upon Measure S Taking Effect Following The November 6, 2018 General Election (Charles S. Bryant / Chadrick Smalley)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 18-154](#)

Economic Development and Housing Manager Chadrick Smalley gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

1. Nasser Azimi, East Bay Therapeutics, spoke in support of the tax measure as proposed, and addressed the senior and veteran discounts his company already offered.

A motion was made by Mayor Bauters, seconded by Council Member Martinez, to approve this Resolution as amended. 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: Resolution No. 18-154

- 12.2.** [ID-2018-590](#) Resolution Of Intention To Approve An Amendment To Contract Between The Board Of Administration California Public Employees' Retirement System And The City Council Of The City Of Emeryville.

(Lisa Lopez)

Attachments: [Staff Report](#)
[Resolution of Intention](#)
[Exhibit A - Contract Amendment](#)
[Certification of Governing Body's Action](#)
[Certification of Compliance with Government Code Section 7507](#)
[Certification of Compliance with Government Code Section 20516](#)
[Certification of Employee Election](#)
[APPROVED Resolution No. 18-155](#)

The Council waived the staff presentation.

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: Resolution No. 18-155

- 12.3.** [ID-2018-551](#) 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 - July 24, 2018 City Council Staff Report](#)
[Attachment 2 - Residential and Business Permit Areas](#)
[Attachment 3 - Full Implementation Map](#)
[Attachment 4 - Emeryville Automated License Plate Reader Policy](#)
[Draft Resolution](#)
[Exhibit A - Draft Final Parking Management Plan, October 12, 2018](#)
[Late Correspondence - Parking Management Questions](#)
[12.3 - 02 - Late Correspondence - Val Cipollone](#)

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

PUBLIC COMMENT

1. Jeff Krober, Townhouse Bar & Grill, spoke regarding the designation of his business location, stating that the Plan would cause problems for his business.
2. Michelle Bergtraum, owner of Emeryville small business, spoke on

- behalf of small businesses in opposition of the proposed Plan.
3. Ron Silberman spoke in opposition to the proposed Plan, stating that it was too complicated, and that there were inconsistencies in the information provided.
 4. Josh Tillberg spoke in opposition to the Plan where metered parking was placed directly adjacent to permit parking.
 5. Chris Jacinski encouraged strong consideration of privacy concerns related to use of license plate readers for parking management.
 6. George Martin stated his concerns about 67th Street and the designations shown on the map related to long and mid-term parking, asking whether it could be permitted instead, and said he preferred kiosks to meters.
 7. Sharon Wilchar spoke regarding residential parking along 45th Street, and pointed out that there were inaccuracies in the map designations.
 8. Andre Carpiaux spoke regarding the need for more parking in the City.
 9. Nasser Azimi stated that short term parking availability was critical to his business, and spoke in support of parking management.

Council discussion ensued, and direction was given on questions posed by staff. No action was taken at this meeting, and the item will come back for further discussion and possible action at a future meeting.

- 12.4.** [ID-2018-582](#) Resolution Of The City Council Of The City Of Emeryville Declaring A Shelter Crisis Pursuant To SB 850 (Chapter 48, Statutes Of 2018 And Government Code § 8698.2) And Authorizing Participation In The Homeless Emergency Aid Program (HEAP) (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[APPROVED Resolution No. 18-156](#)

Council waived the staff presentation.

A motion was made by Mayor Bauters, 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: Resolution No. 18-156

- 12.5.** [ID-2018-579](#) Resolution Of The City Council Of The City Of Emeryville Approving And Consenting To An Amended And Restated Agreement Of Employment Between The Management Of Emeryville Services

Authority And Christine Daniel As City Manager For A Three Year Period Commencing November 1, 2018, And Terminating October 31, 2021. (Lisa Lopez)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Contract](#)
[APPROVED Resolution No. 18-157](#)

Council waived the staff presentation.

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: Resolution No. 18-157

- 12.6.** [ID-2018-597](#) Council Discussion On The City's Membership In The League Of California Cities. (Mayor Bauters)

Attachments: [Staff Report](#)
[Attachment: Member v. Non-Member Costs](#)

Mayor Bauters stated that the Council had concerns with many of the League's positions, and Council agreed that Emeryville would retain its membership but would remain independent of the League related to its policy positions.

13. DEPARTMENT HEAD REPORTS

- 13.1.** [ID-2018-553](#) Planning Director's report on Planning Commission actions at the October 25, 2018 meeting:

- (a) Rochambeau Cannabis Retail Dispensary Amendment. Consideration of an amendment to a conditional use permit to add 2,210 square feet of existing space to an existing cannabis retail dispensary at 3996 San Pablo Avenue that was approved by the Planning Commission on February 22, 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 October 25, 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

Council Member Martinez requested a future item to declare a climate emergency, and a resolution to go fossil-free. It was determined that she and Council Member Donahue would form an ad-hoc committee on this topic and report back to the entire Council.

15. ADJOURNMENT

Council Member Martinez adjourned the meeting in memory of Judi Oser, Emeryville resident and long time member of the Commission on Aging.

The meeting adjourned at 10:37 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