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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

Friday, August 3, 2018

3:00 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 3:00 p.m.

2. ROLL CALL

Present: 4 - Mayor John J. Bauters
Vice Mayor Ally Medina
Council Member Scott Donahue
Council Member Christian R. Patz

Absent: 1 - Council Member Dianne Martinez

3. APPROVAL OF FINAL AGENDA

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve the Final Agenda. The motion carried by the following vote:

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Patz

Absent: 1 - Council Member Martinez

4. SPECIAL ORDERS OF THE DAY

- 4.1. [ID-2018-450](#) Swearing-In of new Police Sergeant Michael Lee (Chief Tejada)
Chief Tejada conducted the swearing in ceremony for Sergeant Michael Lee, following which his wife pinned on his badge and he made brief remarks of appreciation.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced the current recruitment for applicants to fill unexpected vacancies on the City's community advisory bodies.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Patz reported on his attendance of the Alameda County Housing Committee meeting, stating that the annual scholarship awards had been conducted, and \$15,000 awarded to recipients along with an additional \$2,500 in memory of a member who had recently passed away.

Mayor Bauters reported on having attended the Alameda County Healthy Homes Board meeting, thanked City staff for conducting repair, renovation and painting trainings in support of the lead safety ordinance, and stated that most local officials had received the training. He stated that ACTC had approved its mid-cycle budget adjustments, and that, on top of the City having received the 70% State Transportation Commission grant for railroad crossing safety improvements, the County had committed to funding the remaining 30%, which amounted to \$1.8 M in funding for the rail safety initiative. He concluded by reporting on his attendance at the recent Air Quality District Board meeting, stating that air pollution abatement was being prioritized and that West Oakland would be the first in the region to be assisted through the program. He also reported having taken a tour of the Chevron refinery.

7. CITY MANAGER'S REPORT

Interim City Manager James Holgersson read aloud a letter that had been received from Jeanette Fritzky, Council Member from the Town of Moraga.

8. EX PARTE COMMUNICATIONS

The Council Members all reported having received various emails regarding Item 12.1.

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

There were no comments made.

10. CONSENT ITEMS

There were no Consent Items listed.

11. PUBLIC HEARINGS

11.1. [ID-2018-442](#)

Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2018-19 Property and Business Improvement District (PBID) Annual Assessment Levy For The Respective Parcels Within The Improvement District With An Increase Of 3% On All Parcels And Approving The Preliminary Budget Submitted By The Emeryville Transportation Management Association (TMA) For Service Year

2019. (Susan Hsieh)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[TMA 2019 Preliminary Budget](#)
[TMA 2017 Audit Report](#)
[TMA 2014-2018 Ridership Report](#)
[Fiscal Year 2018-19 Preliminary Assessment Levy](#)
[APPROVED Resolution 18-114](#)

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

PUBLIC HEARING OPEN: 3:24 p.m.

No public testimony was given.

PUBLIC HEARING CLOSED: 3:24 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: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Patz

Absent: 1 - Council Member Martinez

Enactment No: 18-114

12. ACTION ITEMS

- 12.1.** [ID-2018-451](#) 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 / Andrea Visveshwara)

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](#)
[Memorandum of Understanding](#)
[APPROVED Resolution 18-115](#)

City Attorney Guina made brief opening comments and then the Mayor called for public comment.

PUBLIC COMMENT

1. Liz Williams, Americans for Nonsmokers' Rights, opposed change to the ordinance, stating that workers have a right to breathe smokefree air.
2. Serena Chen made general comments in opposition to the effects of second hand smoke.
3. Amanda Gutzwiller, American Lung Association, stated that the Association supported policies that controlled secondhand smoke, and opposed the change to the ordinance to exempt smoking lounges from restriction.
4. Tamiko Johnson, Alameda County Public Health Department, echoed comments from colleagues, and stated she was concerned about allowing smoking lounges.

Council discussion ensued, wherein Mayor Bauters asked Council to reconsider its prior decision to exempt smoking lounges. Council Member Donahue raised the issue of health concerns for employees at any potential smoking lounges. Council Member Patz reiterated his support of exempting smoking lounges from restriction and gave his reasoning. Vice Mayor Medina suggested that an ad hoc committee be formed to look at the issues of workers' health and a requirement that smoking lounges, if allowed, be stand alone with no connection to housing or other uses.

A motion was made by Vice Mayor Medina, seconded by Mayor Bauters, to read the originally submitted Ordinance by title only. The motion carried by the following vote:

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

Noes: 1 - Council Member Patz

Absent: 1 - Council Member Martinez

Enactment No: 18-115

A motion was made by Vice Mayor Medina, seconded by Council Member Donahue, to approve the first reading and introduction of the Ordinance, re-inserting Section 5-29.09 to prohibit smoking

lounges under the Smoking Pollution Control Chapter of the Emeryville Municipal Code. The motion carried by the following vote:

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

Noes: 1 - Council Member Patz

Absent: 1 - Council Member Martinez

Enactment No: 18-115

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Patz

Absent: 1 - Council Member Martinez

Enactment No: 18-115

- 12.2. [ID-2018-452](#)** Consideration Of City Council Ballot Argument In Favor Of Cannabis Business License Tax Measure For November 6, 2018 Election. (James N. Holgersson / Michael Guina / Sheri Hartz)

Attachments: [Staff Report](#)

[Sample Primary Argument Submission Form](#)

[Draft Primary Argument in Favor](#)

There was no presentation requested and no Council discussion on this item.

PUBLIC COMMENT

1. Serena Chen spoke in support of the ballot measure, stating that some of the funds should be allocated toward education and prevention.

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

Ayes: 4 - Mayor Bauters, Vice Mayor Medina, Council Member Donahue, and Council Member Patz

Absent: 1 - Council Member Martinez

13. DEPARTMENT HEAD REPORTS

No reports were given.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Donahue asked that the City honor the innovation side of its image, such as holding a celebration at City Hall. The Council approved that he and Mayor Bauters would look at ways to accomplish this.

Mayor Bauters requested and received support for a statement of purpose resolution on becoming carbon free by 2033 to be added to the September 4, 2018 agenda.

15. ADJOURNMENT

The meeting adjourned at 4:05 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