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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Dianne Martinez Mayor
Scott Donahue Vice Mayor
Jac Asher Council Member
Ruth Atkin Council Member
Nora Davis Council Member

Tuesday, December 6, 2016

7:16 PM

Council Chambers

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:18 p.m.

The Mayor asked those in attendance to observe a moment of silence for the victims of the recent Oakland fire in lieu of reciting the Pledge of Allegiance.

2. ROLL CALL

Present: 4 - Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member Ruth Atkin
Council Member Jac Asher
Absent: 1 - Council Member Nora Davis

3. SPECIAL ORDERS OF THE DAY

There were no Special Orders.

4. PUBLIC COMMENTS

There were no Public Comments at this time.

5. CITY MANAGER'S REPORT

There was no report given.

6. EX PARTE COMMUNICATIONS

Vice Mayor Donahue reported having met with representatives from Trader Vic's and from the Watergate community. Mayor Martinez added that she had met with those same individuals. Council Member Atkin stated she had met with Jason Overman, Trader Vic's

representative.

7. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Atkin, seconded by Council Member Asher, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Atkin, and Council Member Asher

Absent: 1 - Council Member Davis

- 7.1. [ID-2016-746](#) Warrants. (Susan Hsieh)
- 7.2. [ID-2016-724](#) Action Minutes of the November 15, 2016 City Council Special Study Session. (Sheri Hartz)
A motion was made to approve the Minutes.
- 7.3. [ID-2016-725](#) Action Minutes of the November 15, 2016 City Council Special Study Session. (Sheri Hartz)
A motion was made to approve the Minutes.
- 7.4. [ID-2016-727](#) Action Minutes of the November 15, 2016 Emeryville City Council Meeting. (Sheri Hartz)
A motion was made to approve the Minutes.
- 7.5. [ID-2016-720](#) Resolution Of The City Council Of The City Of Emeryville Amending Resolution No. 16-151 To Modify The Term Expiration Dates For Committee Members Yvonne Behrens And Joyce Jacobson Of The Commission On Aging To June 30, 2020, And Amending The FY2016-17 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorryne Leong)
A motion was made to approve this Resolution.
Enactment No: 16-168
- 7.6. [ID-2016-721](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Agreement With Michael Baker International To Provide Assistance To The City's Affordable Homeownership Programs For A Total Contract Amount Not To Exceed \$185,000 For The Period January 1, 2017 To June 30, 2018 (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

A motion was made to approve this Resolution.

Enactment No: 16-169

- 7.7. [ID-2016-717](#) Resolution Of The City Council Of The City Of Emeryville Approving A Management Agreement With The Emeryville Transportation Management Association (TMA) To Operate The Emery Go Round Shuttle For A Period Of Fourteen Years Using Funds From The Emeryville Property And Business Improvement District (PBID) With Specific Budget To Be Set Annually In Accordance With The Adopted PBID Management Plan. (Cindy Montero / Michael Guina)

A motion was made to approve this Resolution.

Enactment No: 16-170

- 7.8. [ID-2016-722](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 40 To Title 5 Of The Emeryville Municipal Code, "Residential Landlord and Tenant Relations" (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

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

Enactment No: 16-011

- 7.9. [ID-2016-692](#) Resolution Of The City Council Of The City Of Emeryville Appropriating \$100,000 From The Affordable Housing Fund (Fund 299) To Professional Services For Fiscal Year 2016-17 (Account Number 299-80050) For Implementation Of The Eviction And Harassment Protection Ordinance (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

A motion was made to approve this Resolution.

Enactment No: 16-171

- 7.10. [ID-2016-751](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-2.201 Of Article 2 Of Chapter 2 Of Title 2 Of The Emeryville Municipal Code Regarding An Increase In City Council Member Salaries (Sheri Hartz)

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

Enactment No: 16-012

- 7.11. [ID-2016-743](#) Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedule Of The Bicycle/Pedestrian Advisory Committee To The First Monday Of

Every Month, Except The Months Of August And December, And Amending The FY2016-2017 Local Roster Of Boards, Commissions And Committees Accordingly. (Sheri Hartz / Lorryne Leong)

A motion was made to approve this Resolution.

Enactment No: 16-172

- 7.12. [ID-2016-728](#) City Council Authorization Of The Redesignation Of The Accounting Technician Position To Payroll Technician And The Finance Supervisor Position To Accounting Manager. (Susan Hsieh)

A motion was made to accept this Informational Report.

- 7.12.1. [ID-2016-729](#) Resolution Of The City Council Of The City Of Emeryville Authorizing An Amendment To The Staffing Summary For Fiscal Years 2016-17 and 2017-18 To Redesignate One Of The Three Accounting Technician Positions To A Payroll Technician Classification

A motion was made to approve this Resolution.

Enactment No: 16-173

- 7.12.2. [ID-2016-730](#) Resolution Of The City Council Of The City Of Emeryville Authorizing An Amendment To The Staffing Summary For Fiscal Years 2016-17 and 2017-18 To Redesignate The Finance Supervisor Position To An Accounting Manager Classification

A motion was made to approve this Resolution.

Enactment No: 16-174

- 7.13. [ID-2016-752](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Card Room Permit To Oaks Card Club. (Jennifer Tejada)

A motion was made to approve this Resolution.

Enactment No: 16-175

8. PUBLIC HEARINGS

- 8.1. [ID-2016-749](#) 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. (Jennifer Tejada)

Chief Tejada gave the staff presentation and responded to questions.

The Public Hearing opened at 7:29 p.m.

Fran Chiapetta spoke as a member of the team who worked with Trader Vic's on the permit conditions.

Rhett Rosen, Trader Vic's Executive Vice President and the applicant, made a presentation.

The following members of the public spoke in favor of approval:

1. Lon Eiseman
2. Eric Sylvester
3. Angela Haller
4. Brian Carver
5. Otto
6. Rick Rasay
7. Linda Martinson
8. Dennis Nester
9. Chuck Wainwright
10. Sidney Bird
11. Dick Inita
12. John McDonald
13. Ken Bukowski
14. Jacques Lacey
15. Andre Carpiaux

The Public Hearing was closed at 7:53 p.m.

A motion was made by Council Member Asher, seconded by Council Member Atkin, to approve this Resolution. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Atkin, and Council Member Asher

Absent: 1 - Council Member Davis

Enactment No: 16-176

9. ACTION ITEMS

- 9.1. [ID-2016-745](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Annual Audit Report, Which Includes The Audited Basic Financial Statements And Auditor's Opinion, For The City Of Emeryville For The Fiscal Year Ending June 30, 2016 (Susan Hsieh)

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

A motion was made by Council Member Atkin, seconded by Council Member Asher, to approve this Resolution. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Atkin, and Council Member Asher

Absent: 1 - Council Member Davis

Enactment No: 16-177

- 9.2.** [ID-2016-742](#) Resolution Of The City Council Of The City Of Emeryville Denying Catherine Lennon Lozick's Appeal Of The City's Notice Of July 26, 2016, Identifying Catherine Lennon Lozick As A Responsible Party For The Investigation And Clean Up Of A Release Of Hazardous Materials On, Under, Or From Blighted Property Located At 5679 Horton Street Which Is Located Within A Blighted Area Bounded By Powell Street To The North, Shellmound Street To The West, Christie Avenue, Stanford Avenue And The Emeryville Greenway To The South And East Due To The Presence Of Hazardous Materials (Michael Guina)

City Attorney Michael Guina read a statement into the record.

A motion was made by Council Member Asher, seconded by Council Member Atkin, to approve this Resolution. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Atkin, and Council Member Asher

Absent: 1 - Council Member Davis

Enactment No: 16-178

10. COMMUNICATION AND REPORTS

10.1. Department Heads

- 10.1.1.** [ID-2016-718](#) Informational Item Regarding A Community Grant Program (Cindy Montero / Pedro Jimenez)

Community Services Director Pedro Jimenez opened the item. The report was accepted by Council.

10.2. Council Members

10.3. Council Members Reporting on Meetings Attended

12. ADJOURNMENT

The meeting adjourned at 8:07 p.m.