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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

#### AMENDED AGENDA

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Tuesday, September 20, 2016

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:23 p.m.

#### 2. ROLL CALL

**Present:** 5 - Mayor Dianne Martinez  
Vice Mayor Scott Donahue  
Council Member Jac Asher  
Council Member Ruth Atkin  
Council Member Nora Davis

#### 3. SPECIAL ORDERS OF THE DAY

- 3.1. [ID-2016-580](#) Proclamation Of The City Council Of The City Of Emeryville Proclaiming The Month Of October, 2016 as "Domestic Violence Awareness Month" in the City of Emeryville. (Mayor Dianne Martinez / Jennifer Tejada)

Chief Tejada introduced Vivian Irving, A Safe Place, who was present to receive the proclamation.

#### 4. PUBLIC COMMENTS

Andre Carpiaux spoke on various matters.

#### 5. CITY MANAGER'S REPORT

There was no report given.

#### 6. EX PARTE COMMUNICATIONS

No ex parte communications were reported.

## 7. CONSENT ITEMS

### *Approval of the Consent Agenda*

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

**Ayes:** 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

- 7.1. [ID-2016-566](#) Warrants. (Susan Hsieh)

**A motion was made to accept this Informational Report.**

- 7.2. [ID-2016-543](#) Action Minutes of the August 16, 2016 Emeryville City Council / Management of Emeryville Services Authority Special Closed Session Meeting. (Sheri Hartz)

**A motion was made to approve this Minutes.**

- 7.3. [ID-2016-572](#) Action Minutes of the September 6, 2016 Emeryville City Council Special Closed Session Meeting. (Sheri Hartz)

**A motion was made to approve this Minutes.**

- 7.4. [ID-2016-569](#) Action Minutes of the September 6, 2016 Emeryville City Council Special Meeting. (Sheri Hartz)

**A motion was made to approve this Minutes.**

- 7.5. [ID-2016-570](#) Action Minutes of the September 6, 2016 Emeryville City Council Special Study Session Meeting. (Sheri Hartz)

**A motion was made to approve this Minutes.**

- 7.6. [ID-2016-568](#) Action Minutes of the September 6, 2016 Emeryville City Council Regular Meeting. (Sheri Hartz)

**A motion was made to approve this Minutes.**

- 7.7. [ID-2016-547](#) Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Article 6 Of Chapter 4 Of Title 9 Of The Emeryville Municipal Code Regarding Water Efficient And Bay Friendly Landscaping; CEQA DETERMINATION: Exempt Pursuant to CEQA Guidelines 15307 and 15061(b)(3) (Charles S. Bryant / Diana Keena)

**A motion was made to approve this Ordinance.**

Enactment No: 16-005

- 7.8. [ID-2016-556](#) Resolution Of The City Council Of The City Of Emeryville Accepting Weavings And Waterways, A Mural By Kelly Ording On The South And West Wall Of The Teen Center At The Emeryville Center Of Community Life, As Complete (Charles S. Bryant / Chadrick Smalley / Amber Evans)

**A motion was made to approve this Resolution.**

Enactment No: 16-127

- 7.9. [ID-2016-548](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With Alameda County For The Reallocation Of Unexpended Community Development Block Grant Funds From Fiscal Year 2013-14 In An Amount Of \$54,094.68 For Expenditure In Fiscal Year 2016-17 For The Funding Of Improvements To An Existing Affordable Rental Housing Project (Charles S. Bryant / Chadrick Smalley / Catherine Firpo)

**A motion was made to approve this Resolution.**

Enactment No: 16-128

- 7.10. [ID-2016-557](#) Amendment to City Council Committee Terms (Sheri Hartz)

**A motion was made to approve this Other Item.**

Enactment No: 16-005

- 7.11. [ID-2016-559](#) Matrix HG, Heating, Ventilation, Air Conditioning Maintenance Contract. (Richard Cunningham / Maurice Kaufman)

**A motion was made to approve this Other Item.**

- 7.11.1. [ID-2016-560](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Maintenance Contract With Matrix HG, Inc. Increasing The Contract Amount By \$23,000 To An Amount Not To Exceed \$67,948 For Routine HVAC Maintenance Of City Owned Buildings for Fiscal Year 2015-16.

**A motion was made to approve this Resolution.**

Enactment No: 16-129

- 7.11.2. [ID-2016-561](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Maintenance Contract With Matrix HG, Inc. In An Amount Not To Exceed \$83,812 For Routine HVAC Maintenance Of City Owned Buildings For Fiscal Year 2016-17.

**A motion was made to approve this Resolution.**

Enactment No: 16-130

- 7.12. [ID-2016-555](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Professional Services Agreement (PSA) With Corporate Child Care, Inc., DBA Aquatic Park School, To Increase The Total Compensation by \$105,000 For A Total Amount Not To Exceed One Hundred And Fifty Thousand Dollars (\$150,000). (Cindy Montero / Pedro Jimenez).

**A motion was made to approve this Resolution.**

Enactment No: 16-131

## 8. PUBLIC HEARINGS

- 8.1. [ID-2016-563](#) Resolution Of The City Council Of The City Of Emeryville Approving An Amendment To The Conditions Of Approval Of A Conditional Use Permit To Add Square Footage To Two Previously Approved New Residential Units At 5532 Doyle Street (APN: 49-1313-22); CEQA Determination: Exempt Pursuant to Sections 15302 and 15061(b)(3) of CEQA Guidelines (Charles S. Bryant / Sara Billing)

Planner Sara Billing gave the staff presentation.

Alex Bertrand, Applicant/Architect also provided information.

The public hearing opened at 7:39 p.m. There was no public testimony.

The public hearing closed at 7:40 p.m.

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

**Ayes:** 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Enactment No: 16-132

## 9. ACTION ITEMS

- 9.1. [ID-2016-558](#) Minimum Wage Annual Review Status Report (Charles S. Bryant / Chadrick Smalley / April Shabazz)

Economic Development and Housing Manager Chad Smalley gave the staff report. There was no action taken.

- 9.2. [ID-2016-550](#) Resolution Of The City Council Of The City Of Emeryville Declaring

The City's Intention To Increase The Sewer User Fee And Establish Procedures For Accepting Protests Pursuant To Article XIID, Section 6(a) Of The California Constitution Regarding Property-Related Fees And Charges. (Maurice Kaufman / Keely Nelson)

Public Works Director Maurice Kaufman opened the item and introduced Alison Lechowicz with Bartle Wells Associates who gave the presentation.

#### PUBLIC COMMENTS

Andre Carpiaux spoke on the matter.

Bill Reuter, Resident and Chair of Budget Advisory Committee, spoke in favor of approval.

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

**Ayes:** 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Enactment No: 16-133

- 9.3.**     [ID-2016-564](#) Introduction and First Reading of an Ordinance of the City Council of the City of Emeryville Adding Sections 08 through 10 of Chapter 2 of Title 1, Adding Chapter 7 of Title 1 of the Emeryville Municipal Code, "Administrative Citations and Summary Abatement" and Amending Section 5.37-07 of the Emeryville Municipal Code; CEQA Determination: Exempt Pursuant to Sections 15061(b)(3) and 15378(a). (Michael Guina / Andrea Visveshwara)

#### PUBLIC COMMENT

None

**A motion was made by Council Member Atkin, seconded by Council Member Asher, to read by title only this Ordinance. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

**A motion was made by Council Member Davis, seconded by Vice Mayor Donahue, to approve the first reading of the Ordinance. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

- 9.4.**     [ID-2016-551](#) Shellmound District Public Art Plan And Revised Shellmound/Powell

Street Bridge Public Art Installation (Charles S. Bryant / Chadrick Smalley / Amber Evans)

Community Development Coordinator Amber Evans gave the staff report. There was no action taken.

- 9.4.1. [ID-2016-552](#) Resolution Of The City Council Of The City Of Emeryville Accepting The Revised Proposal From R&R Studios For The Shellmound/Powell Street Bridge Public Art Installation And Authorizing The City Manager To Enter Into A First Amendment To The Agreement With R&R Studios Revising The Scope Of Work And Schedule For The Shellmound/Powell Street Bridge Public Art Project

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

**Ayes:** 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Enactment No: 16-134

- 9.4.2. [ID-2016-553](#) Resolution Of The City Council Of The City Of Emeryville Adopting The Shellmound District Public Art Plan

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

**Ayes:** 5 - Mayor Martinez, Vice Mayor Donahue, Council Member Asher, Council Member Atkin, and Council Member Davis

Enactment No: 16-135

- 9.5. [ID-2016-549](#) Consideration of League of California Cities Annual Conference Resolutions Packet (Sheri Hartz)

Council gave direction to the voting delegate, Mayor Martinez, to support the League of California Cities resolution.

## 10. COMMUNICATION AND REPORTS

### 10.1. Department Heads

- 10.1.1. [ID-2016-562](#) Emeryville Police Department 2nd Quarter Report. (Jennifer Tejada)

Chief Tejada gave the second quarter report and welcomed K-9 Officer Vigo back to active duty following his recovery from injuries sustained in the line of duty.

### 10.2. Council Members

There were no reports given.

**10.3. Council Members Reporting on Meetings Attended**

Council Member Asher reported that she was not currently available to attend the Housing Commission meetings but stated that she would stay apprised of Commission activities.

Vice Mayor Donahue reported that there had been less West Nile virus reported this season.

**11. COMMUNITY ADVISORY BODY VACANCIES**

**12. ADJOURNMENT**

9:11

**PASSED, Approved and Adopted**

**this \_\_\_\_ day of \_\_\_\_, 2016**

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**Sheri Hartz, City Clerk/Secretary**