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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Mayor Ally Medina
Vice Mayor Christian R. Patz
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Dianne Martinez

Tuesday, July 23, 2019

7:16 PM

Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:16 p.m.

2. ROLL CALL

Present: 5 - Mayor Ally Medina
Vice Mayor Christian R. Patz
Council Member John J. Bauters
Council Member Scott Donahue
Council Member Dianne Martinez

3. APPROVAL OF FINAL AGENDA

A motion was made by Mayor Medina, seconded by Council Member Bauters, to approve the Final Agenda, reordering the Action Item agenda so that Item 12.4 was heard immediately after Item 12.1. The motion carried by the following vote:

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

4. SPECIAL ORDERS OF THE DAY

4.1. [ID-2019-366](#) Introduction Of New Community And Economic Development Coordinator II Valerie Bernardo. (Charles S. Bryant / Chadrick Smalley)
Economic Development and Housing Manager Chad Smalley introduced Ms. Bernardo.

4.2. [ID-2019-369](#) Introduction of Accounting Technician Andrea Arriaga. (Susan Hsieh)
Finance Manager Susan Hsieh introduced Ms. Arriaga.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that the recruitment to fill unexpected vacancies would end on August 12, 2019, with appointments to be made at the Council's September 3, 2019 meeting.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez thanked Community Services for hosting the dive-in movie presentation of Lilo and Stitch, which was fun and well-attended.

7. CITY MANAGER'S REPORT

City Manager Daniel announced that the Council's next meeting would occur on September 3, 2019, and encouraged everyone to come out for the Rotten City Block Party on August 24th.

8. EX PARTE COMMUNICATIONS

Council Member Martinez and Mayor Medina both reported having met with representatives from SEIU 1021 and the Labor Council regarding Item 12.1. Council Member Bauters reported the same contacts on Item 12.1 and added that he had also met with several workers and restaurant owners. Regarding Item 11.2, he stated he had met with Roni Hattrum, Betsy Cooley, Bobby Lee and Geoff Sears, of the ETMA Board. Council Member Donahue stated he had also spoken with labor representatives regarding Item 12.1.

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

A speaker spoke regarding regulations he felt were being repealed to benefit development and played a recording from 2015.

Andre Carpiaux spoke regarding the Onni project.

10. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Council Member Bauters, seconded by Vice Mayor Patz, to approve the Consent Agenda. The motion carried by the following vote:

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

10.1. [ID-2019-364](#) Warrants. (Susan Hsieh)

A motion was made to accept this Informational Report.

10.2. [ID-2019-374](#) Action Minutes of the July 9, 2019 Emeryville City Council /

Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.3. [ID-2019-379](#) Action Minutes of the July 9, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

A motion was made to approve the Minutes.

- 10.4. [ID-2019-359](#) Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Execute A Five Year Agreement With Axon For the Supply, Training, and Maintenance Of A Body Worn Camera System And Cloud Storage Solution, In An Amount Not To Exceed \$200,000. (Jennifer Tejada / Oliver Collins)

A motion was made to approve this Resolution.

Enactment No: Resolution No 19-103

- 10.5. [ID-2019-324](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement With KBA Docusys To Extend The Lease Of Twelve Kyocera Multi-Function Printing Devices, Including All Service And Support For An Additional Twenty Four Months In The Amount \$6,281 Per Month Or \$150,744 Over The Course Of The Lease; And To Sign All Relevant And Necessary Documents Pertaining To The Execution Of The Lease. (Michael Parenti)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-104

- 10.6. [ID-2019-332](#) Resolution Of The City Council Of The City Of Emeryville Resolution Of The City Council Of Emeryville Authorizing The City Manager To Issue A Purchase Order To Lehr In The Amount Of \$84,486.58 For The Purchase Of Eighteen New Computers And Accessories To Replace The Existing Computers In The Police Department's Vehicle Fleet. (Michael Parenti)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-105

- 10.7. [ID-2019-321](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Amend The Master Agreement With CentralSquare Technologies To Include The Purchase, Implementation, Training And Support For The Community Development Software Application For An Amount Not To Exceed \$98,050.00 And Appropriating Said Funds (\$98,050.00) From The Unappropriated Fund Balance of The Community Development

Technology Fund 268 To The Fund's Budget Line Item 82205.
(Michael Parenti)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-106

- 10.8.** [ID-2019-357](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The First Amendment To The '8 To Go' Paratransit Shuttle Service Agreement With The Emeryville Transportation Management Association In The Amount Of \$204,300. (Pedro Jimenez / Brad Helfenberger)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-107

- 10.9.** [ID-2019-341](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Agreement By And Between The County Of Alameda And The City Of Emeryville For The Purpose Of Carrying Out The Community Development Block Grant Program For Fiscal Year 2019-20. (Charles S. Bryant / Chadrick Smalley)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-108

- 10.10.** [ID-2019-342](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With Urban Planning Partners, Inc. For A Total Amount Not To Exceed \$302,871 For Preparation Of California Environmental Quality Act (CEQA) Compliant Environmental Analysis For The 58Fifty Shellmound Residential Project Located At 5850 Shellmound Way. (Charles S. Bryant / Miroo Desai)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-109

- 10.11.** [ID-2019-352](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Year Professional Services Contract In The Amount Of \$240,000 With Iteris, Inc. For On-Call Traffic Engineering Consultant Services For Fiscal Years 2019/20, 2020/21, And 2021/22, And Authorizing The City Manager To Execute Up To Two (2) Additional One-year Extensions Not To Exceed A Five Percent Cost of Living Adjustment Each Year, Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total

Contract Value Not To Exceed \$400,000. (Andrew Clough / Ryan O'Connell)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-110

- 10.12.** [ID-2019-351](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids For The Construction Of A Bay Friendly Landscape At City Hall, Project No. EPW - 19113, CIP No.18254016; CEQA Determination: Exempt Pursuant To 15301(h). (Andrew Clough / Izabela Cirloganu)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-111

- 10.13.** [ID-2019-356](#) Resolution Of The City Council Of The City Of Emeryville Accepting The 2017/2018 Street Rehabilitation and Preventive Maintenance Project, Phase 1, EPW 17-104 (CIP No. 17240005), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk. (Andrew Clough / Ryan O'Connell)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-112

- 10.14.** [ID-2019-354](#) Resolution Of The City Council Of The City Of Emeryville Approving The Scope Of Work For And Authorizing The City Engineer To Advertise For Public Bids The Construction Of The Annual Street Rehabilitation And Preventive Maintenance Project Fiscal Year 2019/2020, Project No. EPW 19-101 (CIP No. 17240005); Approving The Closure To Vehicles On Doyle Street From 61st Street To 62nd Street; CEQA Determination: Exempt Pursuant To 15301(c). (Andrew Clough / Ryan O'Connell)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-113

- 10.15.** [ID-2019-316](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Year Maintenance Contract With Universal Building Services And Supply (UBS) Company Inc. In The Amount Of \$761,274 For Janitorial Services At Various City Buildings And Parks For Fiscal Years 2019/20, 2020/21, 2021/22 And Authorizing The City Manager To Execute Up To Two (2) Additional One-year Extensions Not To Exceed \$271,725 The First Year, And \$281,235 The Second Year Contingent Upon The City Council

Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$1,314,233. (Andrew Clough / Daraja Wagner)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-114

- 10.16. [ID-2019-289](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Three (3) Year Maintenance Contract In The Amount Of \$270,139 With Matrix HG Inc. For HVAC Maintenance At Various City Owned Buildings For Fiscal Years 2019/20, 2020/21, And 2021/22 And Authorizing The City Manager To Execute Up To Two (2) Additional One Year Extensions Not To Exceed \$96,422 The First Year And \$99,797 The Second Year, Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$466,358. (Andrew Clough / Daraja Wagner)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-115

- 10.17. [ID-2019-253](#)** Resolution Of The City Council Of The City Of Emeryville Establishing Green Mondays Regarding Plant-Based Menus To Reduce Greenhouse Gas Emissions. (Andrew Clough / Nancy Humphrey)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-116

- 10.18. [ID-2019-358](#)** Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Easement Agreement With LBA RIV-Company XII, LLC To Construct, Operate, And Maintain A Stormwater Treatment Facility Relating To Improvements To The Property At 3100 San Pablo Avenue. (Andrew Clough)

A motion was made to approve this Resolution.

Enactment No: Resolution No. 19-117

- 10.19. [ID-2019-325](#)** Second Reading Of Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations To Modify The Tower Separation Requirements In Article 2 Of Chapter 4 Of Title 9 Of The Emeryville Municipal Code (CEQA Status: General Plan EIR Certified By City Council On October 13, 2009). (Charles S. Bryant)

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

Enactment No: Ordinance No. 19-009

11. PUBLIC HEARINGS

- 11.1. [ID-2019-343](#) Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To EAH Housing And J.H. Fitzmaurice, Inc. For Saturday And Sunday Work From August 14, 2019 Through October 30, 2019 Between The Hours Of 9:00 A.M. And 5:00 P.M. For Interior Work Including Drywall, Taping, Texturing, Painting And Finishes; Courtyard Work Including Lath, Stucco, Paint, Waterproofing And Pavers; And Exterior Work Including Painting And Thin Brick Installation At 3706 San Pablo Avenue (APN: 49-951-8 and -9) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant / Navarre Oaks)
Assistant Planner Navarre Oaks gave the staff presentation and responded to Council questions.

PUBLIC HEARING OPEN: 7:31 p.m.

A speaker spoke in opposition to the noise ordinance waiver being granted.

PUBLIC HEARING CLOSED: 7:33 p.m.

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

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

Enactment No: Resolution No. 19-118

- 11.2. [ID-2019-371](#) PBID Assessment Levy And ETMA Budget: (Susan Hsieh)
Finance Manager Susan Hsieh introduced the item and then turned it over to Roni Hattrup, ETMA Executive Director, who continued with the presentation.

PUBLIC HEARING OPEN: 7:44 p.m.

1. Betsy Cooley spoke in support of the proposed increase.
2. Bobby Lee also spoke in support, citing the increasing costs of running the service.

PUBLIC HEARING CLOSED: 7:46 p.m.

- 11.2.1 [ID-2019-373](#) Resolution Of The City Council Of The City Of Emeryville Establishing The Fiscal Year 2019-20 Property And Business Improvement District

("PBID") Annual Assessment Levy For The Respective Parcels Within The Improvement District With An Increase Of 5% On All Parcels, And Approving The Preliminary Budget Submitted By The Emeryville Transportation Management Association ("ETMA") For Service Year 2020

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

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

Enactment No: Resolution No. 19-119

12. ACTION ITEMS

- 12.1. [ID-2019-370](#)** Council Action To Either Repeal Ordinance No. 19-007 In Its Entirety Or Place A Measure On The Ballot For The November 2020 Election: (Sheri Hartz)
City Manager Daniel gave the staff report and responded to Council questions.

PUBLIC COMMENT

1. Douglas Smith, Rudy's Can't Fail Cafe, spoke in favor of assistance to small businesses, and thanked the Council for taking their concerns seriously.
2. Ruth Major spoke in favor of the ordinance being rescinded, and stated that there should be assistance to small businesses.
3. Betsy Cooley stated that the referendum was supported by large labor groups, and that the situation was more nuanced than was presented in their materials.
4. Judith Epstein spoke in support of rescinding the ordinance.
5. A speaker spoke in support of rescinding the ordinance.
6. Marilyn Boucher spoke in opposition to rescinding the carve out for small independent restaurants.

- 12.1.1 [ID-2019-367](#)** An Ordinance Of The City Council Of The City Of Emeryville Repealing Ordinance No. 19-007 Regarding Amendments To Chapter 37 Of Title 5 Of The City Of Emeryville Municipal Code, "Minimum Wage, Paid Sick Leave, And Other Employment Standards"; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Sections 15324 And 15061(b)(3). (Sheri Hartz)

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

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

A motion was made by Council Member Bauters, seconded by Council Member Martinez, to approve the first reading and introduction of this Ordinance. The Council also gave direction to staff to form a working group to research potential methods to assist workers and small businesses succeed. The motion carried by the following vote:

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

- OR -

- 12.1.2** [ID-2019-368](#) Resolution Of The City Council Of The City Of Emeryville Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Vote On A Referendum Submitted Against Ordinance No. 19-007, An Amendment To Chapter 37 Of Title 5 Of The Emeryville Municipal Code, "Minimum Wage, Paid Sick Leave, and Other Employment Standards". (Sheri Hartz)
No action was taken on this item as the alternate action listed under Item 12.1.1 was taken.

- 12.4.** [ID-2019-345](#) Consideration Of Transportation Committee Recommendation For Requests For A Loading Zone At 1309 61st Street And An Extension Of The Red Zone On 65th Street South Of Shellmound Street. (Andrew Clough / Elizabeth Lee)

Public Works Director Andrew Clough gave the staff presentation and responded to Council questions.

A motion was made by Mayor Medina, seconded by Vice Mayor Patz, to approve this Informational Report. The motion carried by the following vote:

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

- 12.2.** [ID-2019-360](#) Banking And Armored Car Services: (Susan Hsieh)

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

- 12.2.1** [ID-2019-361](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into Agreements With Mechanics Bank For General Banking Services Not To Exceed \$13,000 Per Year.

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

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

Enactment No: Resolution No. 19-120

- 12.2.2** [ID-2019-362](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Service Agreement With Loomis Armored US, LLC, For Armored Car Services Not To Exceed \$6,000 Per Year.

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

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

Enactment No: Resolution No. 19-121

- 12.3.** [ID-2019-353](#) Information Report: Climate Action Plan Update. (Andrew Clough / Nancy Humphrey)

Environmental Programs Supervisor Nancy Humphrey gave the staff presentation and responded to Council questions.

PUBLIC COMMENT

A speaker spoke regarding solar cells that were planned to be on the roof when ECCL was approved.

- 12.5.** [ID-2019-299](#) Designation Of Voting Delegate And Alternate(s) To The League Of California Cities Annual Conference. (Sheri Hartz / Thai Nam Pham)

A motion was made by Vice Mayor Patz, seconded by Mayor Medina, to nominate Council Member Martinez to attend the Annual Conference as Emeryville's voting delegate. The motion carried by the following vote:

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

13. DEPARTMENT HEAD REPORTS

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Council Member Martinez requested that the City consider changing its approved cannabis delivery hours to match state regulations.

Council Member Bauters asked that a discussion be held on prohibiting the use of facial recognition technology by City employees.

Vice Mayor Patz said that he would like to examine how the City approaches naming City facilities in honor of people, and, at a September meeting, to consider forming an ad hoc committee with Council Member Bauters to discuss the matter further. He also requested an update from staff on current grant prioritization and potential overlap, to occur at an October meeting; and an update on the scooter ordinance.

15. ADJOURNMENT

The meeting adjourned at 9:05 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**

DRAFT